

City Council Proceedings

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State of Minnesota
Counties of Scott & Le Sueur
City of New Prague

} City Council Meeting
Monday, August 1, 2022

Mayor Duane Jirik called the meeting to order at approximately 6:00 p.m. with the following members present: Jirik, Bass, Ryan, Seiler, and Wolf.

Staff Present at Meeting: Josh Tetzlaff, Ken Ondich, Jim Gareis, and Matt Rynda

Others: Chris Knutson, City Engineer and Police Officer Todd Bristol

Mayor Jirik administered the Oath to Police Officer Todd Bristol as the Council and Staff looked on.

Mayor Jirik asked if there were any additions/updates to the Council Agenda. There being none, motion by Seiler, seconded by Ryan to approve the Agenda. All voted in favor. Motion carried (5-0).

Mayor Jirik asked if there were any comments on the Consent Agenda. Motion by Ryan and seconded by Bass. Wolf commented on the July 5, 2022 Council Meeting minutes regarding Granting the Appeal of Violation and asked for additional details in the upcoming minutes on the action taken for this agenda item.

CONSENT AGENDA as follows:

- A. July 18, 2022 City Council Meeting Minutes
- B. Claims for Payment: **\$364,181.49** (August 1, 2022)
- C. Release of Deferred Assessment Payoff Certificate

All voted in favor. Motion carried (5-0).

2023 STREET & UTILITY IMPROVEMENT PROJECT (2023 CIP)- City Engineer Chris Knutson asked for approval of the Geotechnical (Soil Boring) Evaluation Contract. Requests for proposals were sent to Braun Intertec and to American Engineering Testing (AET). The proposal included the completion of six soil borings in the Project Area along with the borings results. The report would also include recommendations for pavement improvements and associated information that would impact utility construction. Only Braun Intertec provided a proposal to complete this work at a lump sum cost of \$5,895. AET elected to not submit a proposal. Braun Intertec has provided soil boring construction materials testing services on nearly every city project since 2005 with good results.

Motion by Bass, seconded by Wolf to *APPROVE BRAUN INTERTEC'S GEOTECHNICAL EVALUATION CONTRACT FOR \$5,895 ON BEHALF OF THE CITY OF NEW PRAGUE*. All voted in favor. Motion carried (5-0).

COLUMBUS AVENUE (CSAH 15) 2022 CIP - City Engineer Knutson provided a project update and shared that the utility work is close to completion and most of the work remaining is about putting the street back together and concrete work. Still plan to hit the Substantial Completion Date of August 25th and focus on the project north of 7th Street to assure this area is completed before the start of the schoolyear.

ORDINANCE FOR INTRODUCTION - ORDINANCE #326 - Planning/Community Development Director Ken Ondich presented to the Council an introduction/first reading of amending Ordinance No. 326 relating to the

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and City Attorney Riggs have prepared amendments to both Chapter 30.04 of the City Code and Section 503 of the Zoning Ordinance to provide for the ability to appoint up to two members of the City Council to the Planning Commission during times when citizen applicants are not available to fill the seats on the Planning Commission. When citizen applicants become available during times in which two council members have been appointed, the most recently appointed council member will relinquish their seat. While the Zoning Ordinance does currently provide language to allow two City Council Members on the Planning Commission, it is not consistent with the City Code and therefore changes were proposed to both the City Code and Zoning Ordinance to be consistent. Per Mn Statute and the City's Zoning Ordinance, the Zoning Ordinance Amendment requires the Planning Commission meeting to have a Public Hearing which will take place on August 24th and will come back to Council in September for second reading/adoption.

Motion by Seiler, seconded by Ryan to approve the *INTRODUCTION OF ORDINANCE #326 AMENDING CHAPTER 30.04 OF THE CITY CODE RELATING TO CITY COUNCIL MEMBERS SERVING ON THE PLANNING COMMISSION*. Also, date change noted. All voted in favor. Motion carried (5-0).

RESOLUTION:

Planning/Community Development Director Ondich presented a Resolution request required to approve the amended Limited Use Permit(LUP) with MnDOT for the West TH19 Trail. Ondich explained that back in 2012, the City was awarded grant funds from MnDOT to install bituminous trail from Philipps Park west along TH19 to Raven Stream Village development on the west side of town. As part of the grant, the city was required to enter into a Limited Use Agreement(LUA) for a 10-year period which required that the city would maintain the trail (including repairs and snow removal). The original agreement expires on 8-6-2022. The City intends to keep this trail for the long term and therefore is required to enter into another LUA for another 10 years (until 8-6-32). If the City were to not enter into a new agreement, the City would be required to remove the trail and all improvements from MnDOT's right of way.

Motion by Ryan, seconded by Wolf to *APPROVE RESOLUTION #22-08-01-01 APPROVING LIMITED USE PERMIT WITH MNDOT FOR WEST TH19 TRAIL*. All voted in favor. Motion carried (5-0).

GENERAL BUSINESS:

POTENTIAL SMARTLINK PRESENTATION - City Administrator Tetzlaff explained that in an effort to have more contact with the Cities, the County would like to reach out to speak about various programs they have that residents of New Prague can participate in. One of these programs is the SmartLink Mobility Management transportation program. Alan Herrmann, a Supervisor for SmartLink Mobility Management would like to come to a City Council meeting in the next few weeks to discuss SmartLink and how New Prague residents could utilize this program. Council agreed to the SmartLink presentation. Administrator Tetzlaff to schedule for an upcoming meeting.

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THC RELATED INFORMATION - ORDINANCE #327 - City Administrator Tetzlaff explained that at the previous meeting, the City Council briefly discussed the recent statute change that allowed for the sale and ingesting of THC products. The Council had asked Staff to put some information together for a more in-depth discussion about whether the City would like to place a moratorium on the sale of THC products, whether the City would like to license the ability to sell, and what possible regulations would need to be put in place? The State approved but provided no guidance to the Cities. City Staff provided a summary of information compiling information from the City's Attorney, the League of MN Cities, and details found on other cities websites. After reading through all the information, Staff suggested the best course of action at this time would be to place a twelve-month moratorium via emergency interim ordinance on the sale of THC products in New Prague to allow staff further time to research whether or not there should be licensing of this product and what the City's regulations would look like. Discussion took place on why the need for regulations. Could this be tied in with a Tobacco License? Why a 12-month moratorium?

After discussion, motion by Wolf, seconded by Seiler to approve *ORDINANCE NO. 327 - AN EMERGENCY INTERIM ORDINANCE PROHIBITING THE ESTABLISHMENT OF NEW USED OR THE EXPANSION OF EXISTING USES RELATED TO SALES, TESTING, MANUFACTURING, AND DISTRIBUTION OF THC PRODUCTS INCLUDING A MORATORIUM OF UP TO ONE YEAR*. Bass, Jirik, Wolf and Seiler voted in favor. Ryan opposed. Motion carried (4-1).

ESTABLISH SPECIAL CITY COUNCIL MEETING DATE FOR PLANNING COMMISSION INTERVIEW - Scheduled for Monday, August 15, 2022 prior to the City Council meeting.

SET 2023 BUDGET MEETING WORKSHOP DATE/TIME - Scheduled for Monday, August 29, 2022 at 5:30 p.m.

REQUEST FROM PARK BOARD TO AMEND THE PARK EQUIPMENT FUND BUDGET TO PARTIALLY FUND OUTDOOR PERFORMANCE FACILITY FEASIBILITY STUDY - Director Ondich explained that at the July 19, 2022 Park Board Meeting, the Park Board approved a motion relating to partially funding the cost of a feasibility study to be completed by the Outdoor Performance Facility Group. This Feasibility Study would ensure the site will be in the public's best interest in the long-term including consideration of the City. On behalf of the Outdoor Performance Facility Group, Den Gardner and Steve Frost attended the meeting to provide an update to the Park Board about the progress being made since they last attended the 1/11/22 Park Board Meeting. The New Prague Rotary is acting as the fiscal agent until they can get their 501C3 status and already have a \$100,000 pledge towards the project. Staff asked Council to take formal action on the Park Board's request to contribute \$5,000 towards a feasibility study for an Outdoor Performance Facility to be paid from the City's Park Equipment Fund.

After discussion, motion by Bass, seconded by Seiler to APPROVE THE \$5,000 EXPENDITURE TOWARD THE COST OF AN OUTDOOR PERFORMANCE FACILITY FEASIBILITY STUDY. HOWEVER, IF THE FEASIBILITY STUDY COMES BACK AND IT DOESN'T INVOLVE

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A CITY PROPERTY, THE \$5,000 WILL NEED TO BE REIMBURSED BACK TO THE PARK'S EQUIPMENT FUND. All voted in favor. Motion carried (5-0).

AUTHORIZE CONSTRUCTION OF BULLPEN AT MEMORIAL PARK BASEBALL STADIUM - Director Ondich shared that at the July 19, 2022 Park Board Meeting, the Park Board approved the users of the Memorial Park Baseball Stadium to construct a bullpen along the left field fence in the former location of the outdoor pool. Nick Schoenecker was present to represent the group and noted that they would fully fund and construct the bullpen. The Park Board did not see any issue with the use of the area, even if a splash pad were to be considered on the northern portion of the former outdoor pool property. This area would be fenced in and locked. Discussion took place on the liability of this area. After discussion, motion by Ryan, seconded by Bass to *AUTHORIZE THE MEMORIAL PARK BASEBALL STADIUM USERS GROUP TO UTILIZE AN AREA OF APPROXIMATELY 12'X70' IN SIZE TO CONSTRUCT A BULLPEN ALONG THE LEFT FIELD FENCE IN THE FORMER OUTDOOR POOL LOCATION.* All voted in favor. Motion carried (5-0).

ICE MACHINE PURCHASE AT NEW PRAGUE GOLF CLUB - City Administrator Tetzlaff presented a request for approval for the purchase of an ice machine for the New Prague Golf Club. One of the two ice machines has become inoperable and is in need of replacement. The new machine would be utilized out in the snack bar during the warm months and then moved into the clubhouse for storage over the winter. At the June 28, 2022 Golf Board meeting, the new ice machine was approved and recommended City Council's approval. The cost of the new machine would be covered by the New Prague Golf Club. Motion by Bass, seconded by Wolf to *APPROVE THE PURCHASE OF A NEW ICE MACHINE AT THE COST OF \$3,400 FOR THE NEW PRAGUE GOLF CLUB.* All voted in favor. Motion carried (5-0).

MISCELLANEOUS:

1. Meeting Minutes - Informational only - Golf, Park, and Utilities - Update noted for Park Board minutes (Bass was present).
2. Wolf - A. Motioned to grant the *APPEAL OF NOTICE OF VIOLATION AT 1214 OLIVIA ST. S.E.*, seconded by Seiler. All voted in favor. Motion carried (5-0). B. Had a question about the former AMPI site. C. Asked Administrator Tetzlaff about if there is a receivable for the deferred assessment when the street by Chart was completed. Staff will check into this matter.
3. Seiler - Provided an update on the construction taking place at the Ice Arena. Stated many volunteers are needed to complete a major portion of the project by Friday morning. Driveway will be completed by Friday. Working with a tight schedule but plan to have all completed by October 1st. Also, mentioned he is having email issues.
4. Ryan - A. Asked to be able to view the monitor in front of the Councilmembers so he can see who is watching the meeting remote. Some internet issues at this meeting and CTS is monitoring.
5. Tetzlaff - A. Announced that the Filing "Affidavits of Candidacy" for elective offices begins Tuesday, August 2nd and ends two weeks later on Tuesday, August 16th. The "elective offices" that will be open for filing include a two-year term for Mayor and two, four-year terms for Councilmember. B. The Word software Councilmembers currently have on their laptops is different than what Staff has and has been causing

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At 7:22 p.m., the regular meeting ended and moved into a Closed Session.

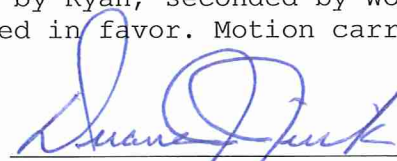
Closed Meeting Attendees: Mayor Jirik, Councilmembers: Bass, Ryan, Seiler, Wolf, and City Administrator Tetzlaff.

Motion by Mayor Jirik, seconded by Seiler to go into a Closed Session at approximately 7:24 p.m. pursuant to Minnesota Statutes Section 13.D.04, subdivision 2 to hold a closed meeting to evaluate the one year performance of an individual subject to the City Council's authority, Joshua M. Tetzlaff, City Administrator, conducted pursuant to section 13D.05, subdivision 3(a). All voted in favor. Motion carried (5-0).

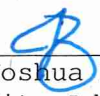
Motion by Bass, seconded by Ryan to come out of Closed Session at 8:32 p.m. All voted in favor. Motion carried (5-0).

There being no additional business, motion by Ryan, seconded by Wolf to adjourn at approximately 8:33 p.m. All voted in favor. Motion carried (5-0).

ATTEST:



Duane J. Jirik
Mayor



Joshua M. Tetzlaff
City Administrator

