

# City Council Proceedings

1607

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

} City Council Meeting  
Monday, August 15, 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, Matt Rynda, and Barb Ulschmid

Others: Xac Dinsmore and Dan Lindley with CTS

Mayor Jirik asked if there were any additions/updates to the Council Agenda. There being none, motion by Seiler, seconded by Bass 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 Wolf and seconded by Seiler. Rynda requested to add a Change Order including the addition of a manhole at Columbus and Second Street.

CONSENT AGENDA as follows:

- A. August 1, 2022 City Council Meeting Minutes
- B. Claims for Payment: **\$787,259.13** (August 1, 2022)
- C. Homecoming Parade Permit for New Prague School District #721 on September 30, 2022.

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

Shawn Ryan joined the meeting at 6:06 p.m.

COLUMBUS AVENUE (CSAH 15) 2022 CIP - City Engineer Chris 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 the concrete work. Still plan to hit the Substantial Completion Date of August 25<sup>th</sup> and focus on the project north of 7<sup>th</sup> Street to assure this area is completed before the start of the school year.

TH19 / MAIN STREET RECONSTRUCTION - City Engineer Knutson provided details pertaining to the modification of the Construction Contract within Change Order (CO) No. 29 which included an increase to the contract of \$2,750. The revised contract amount would now total \$13,243,576.29. The purpose of CO #29 is to reimburse the contractor for extra turf establishment work needed which was outside the original scope of the project and for which there were no respective pay items for the work needed. There were 5 locations in the residential easterly end of the project that had steep slopes disturbed during construction. Establishing turf on those slopes was not effective due to drainage from the properties washing out the mulch and seed placed there last fall. Due to the nature of the conditions, extra measures were needed, and the nature of the work was outside the scope of the work as bid. The contractor placed a new layer of topsoil, seed, and covered the area with a heavier-duty erosion control blanket.

Motion by Ryan, seconded by Seiler to approve RESOLUTION #22-08-15-01 TH #19 / MAIN STREET 2020 CIP RECONSTRUCTION PROJECT DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT CHANGE ORDER NO. 29. All voted in favor. Motion carried (5-0).

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PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA - Jerry Minar is staying at a rental property at 311 2<sup>nd</sup> St NW while their home at 213 1<sup>st</sup> St SE is being remodeled. Their rental property is located by a gravel road and is very dusty and asked if something could be done about the excessive amount of dust due to the dry season. Public Works Director Matt Rynda said they would look into adding calcium chloride on the road to control the dust issues.

ORDINANCE FOR ADOPTION - Planning/Community Development Director presented the Second Reading and Adoption of the amending Ordinance #326 that was introduced, and first reading was held at the August 1, 2022 City Council meeting. Staff had 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.

The companion amendment to the Zoning Ordinance will be reviewed by the Planning Commission with a public hearing at their August 24, 2022 meeting before coming before the City Council in September.

After discussion, motion by Seiler, seconded by Bass to approve the *SECOND READING AND ADOPTION OF ORDINANCE #326 AMENDING SECTION 30.04 OF CHAPTER 30 TITLED BAORDS, DEPARTMENTS AND COMMISIONS OF THE NEW PRAGUE CITY CODE*. All voted in favor. Motion carried (5-0).

## RESOLUTIONS:

Planning/Community Development Director Ken Ondich presented a Resolution requesting preliminary and final plat approval of New Prague Commons Third Addition consisting of 2 lots on 2.169 acres in the B-2 Community Commercial Zoning District. The property being platted currently exists as Outlot A of New Prague Commons Second Addition. This property was not platted into lots and blocks until now as there had not been development interest previously. The Planning Commission heard the preliminary and final plat request at their August 3<sup>rd</sup> meeting. During the required public hearing, there were no comments received. The Planning Commission recommended approval with a unanimous vote (3-0) based on the findings listed in the staff report.

After discussion, motion by Bass, seconded by Wolf to approve RESOLUTION #22-08-15-02 APPROVING OF THE PRELIMINARY AND FINAL PLAT OF NEW PRAGUE COMMONS THIRD ADDITION CONSISTING OF TWO LOTS ON 2.169 ACRES, NEW PRAGUE, MN. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ondich presented a Resolution requesting a variance for a reduction from the required 30' front yard setback to 28'9" to allow a porch extension from the existing porch at 903 1<sup>st</sup> Ave SE. The property being platted exists as Lot 3, Block 2, Rolling Hills #2. The Planning Commission heard the variance request at their August 3<sup>rd</sup> meeting. The applicant, Duane Simon, had requested to reduce the 30' setback requirement for a 28'9" setback to extend an existing porch located at 903 1<sup>st</sup> Ave SE. This variance would allow the porch to extend outward by 3', therefore, allowing more space for outdoor



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furniture, providing an opportunity to enhance the appearance of the front property, and reducing the likelihood of people slipping off the porch's edge. The Planning Commission heard the variance request at their August 3<sup>rd</sup> meeting. During the required public hearing, there were no comments received. The Planning Commission recommended approval with a unanimous vote (3-0) based on the six findings listed in the staff report.

After discussion, motion by Ryan, seconded by Bass to approve RESOLUTION #22-08-15-03 APPROVING VARIANCE #V5-2022 FOR THE REDUCTION FROM THE REQUIRED 30' FRONT YARD SETBACK TO 28'9" TO ALLOW A PORCH EXTENSION FROM THE EXISTING PORCH LOCATED AT 903 1<sup>ST</sup> AVE SE, AS PROPOSED BY DUANE SIMON, NEW PRAGUE, MN. All voted in favor. Motion carried (5-0).

GENERAL BUSINESS:

COMPUTER TECHNOLOGY SOLUTIONS VULNERABILITY ASSESSMENT SUMMARY - Xac Dinsmore and Dan Lindley with CTS presented their Vulnerability Assessment Summary related to the completed IT Risk Assessment. Back in March 2022, TrueNorth Consulting Group was hired to complete an IT Risk Assessment and completed the assessment in May. Since May, CTS had reviewed the assessment which included four major components: 1. Administrative Controls (people, processes, and policies); 2. Physical Controls (cameras, locks, 20 physical locations); 3. Internal Technical Controls (behind the firewall); 4. External Technical Controls (outward facing to the internet). CTS met with Staff on July 19, 2022 to discuss the presentation of the results to Council. CTS provided a summary document with recommendations relating to the four major components. While some of the components could be addressed under the City's VIP Services Agreement with CTS (internal and external vulnerability), others are policy or building security related and beyond the current agreement with CTS. Much discussion took place between CTS, Council and Staff. Council asked CTS for a Management document for their review listing the various projects and their completion dates so Council can track the progress.

AMBULANCE SERVICE AGREEMENT WITH NORTH MEMORIAL HEALTHCARE (NMHC) - City Administrator Tetzlaff presented the NMHC Ambulance Service Agreement which is similar in content to the existing agreement, outside of updating dates and contact information. This agreement would be a five-year (60 month) lease, running from May 1, 2023 to April 30, 2028. Administrator Tetzlaff explained that this is a different agreement than the Lease Agreement for the Ambulance Facility, which the City has been informed NMHC Ambulance Service isn't interested in pursuing at this time due to an increase in the lease fee which is now at Market Rate. Due to uncertainty on if they will ask to sign a short-term lease, the lease language has been left in the service agreement should NMHC decide to lease from the City. The Operation of Ambulance Service was explained where one crew will be at the station available for immediate deployment 24 hours per day and the second crew will be at the station available for immediate deployment 12 hours per day and on an on-call basis to back up the primary unit 12-hours per day.

After much discussion, Council asked that the lease language be removed from the contract and that a breakdown of ALS vs BLS coverage be provided

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each year. City Administrator Tetzlaff will provide to the Council a red-lined copy of the changes along with an updated agreement.

COMMUNITY CENTER MORTGAGE DISCUSSION - City Administrator Tetzlaff explained that recently, the New Prague Area Community Center Association (NPACCA) applied for and was granted a mortgage by First Bank & Trust for about \$1,000,000 for improvements to the Community Center arena, including a new floor, dehumidification system, and scoreboard among other things. First Bank & Trust approved the loan, however, Scott County did not initially record the mortgage because the City was the landowner and the City had not signed the mortgage. However, after reconsideration, Scott County agreed to record the mortgage. Eric Krogman, President of First Bank & Trust asked if someone from the City would be willing to sign for the mortgage. City Attorney Riggs recommended that the City should not sign for the mortgage because it would be authorizing a financial transaction that he believed the City isn't allowed to enter into. After discussion, Council wanted no ties with a private organization's mortgage. Council asked that City Attorney Riggs create a response letter to NPACCA. Motion by Seiler, seconded by Bass *TO DECLINE THE 2022 COMMUNITY CENTER MORTGAGE APPLICATION*. All voted in favor. Motion carried (5-0).

HABITAT FOR HUMANITY PERMIT FEES REDUCTION REQUEST - Planning/Community Development Director Ken Ondich explained that the Habitat for Humanity is building their eighth home in New Prague and located at 505 2<sup>nd</sup> Avenue NW. The previous seven homes the Council had approved the 50% reduction of the building permit, plan review fees, park fees, and water/sewer connection fees. A 50% reduction in these fees would be a savings of \$5,921.34 to Habitat for Humanity. Motion by Jirik, seconded by Bass to *APPROVE THE 50% REDUCTION FEE FOR BUILDING PERMIT, PLAN REVIEW FEE, PARK FEE, WATER CONNECTION FEE, AND SEWER CONNECTION FEE FOR THE NEW HABITAT FOR HUMANITY HOME TO BE CONSTRUCTED AT 505 2<sup>ND</sup> AVE NW*. All voted in favor. Motion carried (5-0).

OUTSIDE MUSIC AT 1319 WOODFIRE TAVERN FOR DOZINKY WEEKEND - Police Chief Jim Gareis shared that 1319 Woodfire Tavern had requested a Patio/Premise extension to their liquor license for Dožinky Weekend (September 16, 2022 to September 18, 2022, 1:00 p.m.). Serving of alcoholic beverages in non-glass sealed containers would be allowed by employees in the fenced in area. All other serving the alcohol will be contained within the building. Mona Schultz of 1319 also requested to play music outside in their fenced in area for Saturday night, September 17, 2022. Through the Premise Permit, the Zoning of outdoor music for private and residential areas is played until 10 p.m. but they also asked if they could play music later. After discussion, motion by Seiler, seconded by Wolf to *APPROVE THE TEMPORARY PATIO EXTENSION AND OUTDOOR MUSIC TO BE PLAYED UNTIL 10:00 P.M.* All voted in favor. Motion carried (5-0).

AUGUST 1, 2022 CLOSED MEETING SUMMARY regarding City Administrator Tetzlaff's one year anniversary/evaluation. Mayor Jirik provided a summary of the evaluation and as a result of the satisfactory evaluation, a step increase from Step 2 (making \$130,083.20) to Step 3 (\$133, 660.80) was proposed. Motion by Ryan, seconded by Bass on the *APPROVAL OF CITY ADMINISTRATOR TETZLAFF'S STEP INCREASE TO STEP 3*. All voted in favor. Motion carried (5-0).

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NEWLY APPOINTED PLANNING COMMISSIONERS - Motion by Seiler, seconded by Ryan to APPROVE JASON BENTSON AND BRANDON PIKE TO THE PLANNING COMMISSION EFFECTIVE IMMEDIATELY. Bass recused herself from the vote being she wasn't at the interviews. Jirik, Ryan, Seiler and Wolf all voted in favor. Motion carried (4-0).

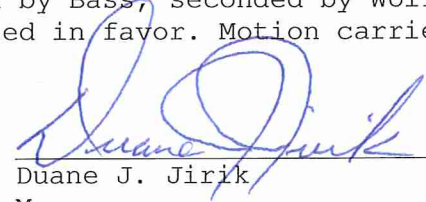
MISCELLANEOUS:

1. Meeting Minutes - Informational only - EDA
2. Scott County Housing Needs Assessment Summary - Ondich explained that they did share this with all the local developers/builders. Talked about the demand for housing and rental properties. Have some of the most affordable housing in the County for single family homes. Very important document. Scott County is finishing up their Commercial and Industrial Study and will share with Council once completed and received.
3. Gareis - Have two Police Officer interviews on Thursday.
4. Ondich - Provided an update on the selling of Edibles/THC in the City of New Prague. Will be meeting with City Attorney Riggs on Wednesday regarding setting up a license process for this, separate from Tobacco. Staff is exploring options and will provide licensing updates at an upcoming meeting.
5. Tetzlaff - Attended the SCALE meeting and discussed the Edibles/THC topic as well. Also reminded Council of their first Budget meeting on Monday, August 29<sup>th</sup> at 5:30 p.m. Budget meeting materials will be sent to Council for review by the end of this week.
6. Ryan - Suggested edibles/THC should be sold in an established business in town and to not allow stands to sell at events.
7. Wolf - Had additional questions for Director Ondich pertaining to the Maxfield Study/Scott County Assessment Summary. Ondich to follow up on. Also, inquired on status of Rental Ordinance Committee.
8. Rynda - Answered Seiler's questions regarding the Columbus Ave project.

There being no additional business, motion by Bass, seconded by Wolf to adjourn at approximately 8:10 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

  
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Joshua M. Tetzlaff  
City Administrator

  
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Duane J. Jirik  
Mayor

