

City Council Proceedings

1614

State of Minnesota

Counties of Scott & Le Sueur

City of New Prague

City Council Meeting

Monday, September 6, 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, Bruce Reimers, Matt Rynda, and Barb Ulschmid

Others: Chris Knutson, City Engineer (On-line), Alan Herman, SmartLink

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

Mayor Jirik asked if there were any comments on the Consent Agenda. There being none, motion and approval by Council to approve the Consent Agenda.

CONSENT AGENDA as follows:

- A. August 15, 2022 Regular and Special City Council Meeting Minutes, and August 29, 2022 Special City Council Meeting Minutes
- B. Claims for Payment: **\$1,534,967.42** (September 6, 2022)
- C. Premise Permits for Giesenbräu Bier Co.:
 1. ALS Fundraiser, "Hops for Hope" on September 10, 2022
 2. Oktoberfest Celebration from September 30, 2022 through Sunday, October 2, 2022

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

TH19 / MAIN STREET RECONSTRUCTION - Public Works Director Matt Rynda provided a project update and details pertaining to the modification of the Construction Contract within Change Order (CO) No. 30 which included an increase to the contract of \$19,040.32. The revised contract amount would now total \$13,262,616.61. The purpose of CO No. 30 is to replace six concrete panels within the Main Street pavement west of the railroad which cracked in 2021. These panels were installed in late 2020 and the cause appears to be from the settlement of the subgrade below the pavement that occurred after placement of the concrete. Initial testing showed that compaction requirements were achieved. The specific cause of the concrete panel failure cannot be determined as either a Contractor installation issue or MnDOT provided pavement design issue. As a result, MnDOT and S.M. Hentges have negotiated a cost share of the repair costs. The cost of this Change Order is estimated and will be determined by actual field measurements. Payment for this additional work shall be by MnDOT with no City cost contribution. Negotiation for this repair has been ongoing for much of the last year.

Motion by Bass, seconded by Seiler to approve RESOLUTION #22-09-06-01 TH #19 / MAIN STREET 2020 CIP RECONSTRUCTION PROJECT DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT CHANGE ORDER NO. 30. All voted in favor. Motion carried (5-0).

Director Rynda provided an update on TH19/Main Street which will be closing on September 12th, starting on 7th Ave NE - all the way to Hwy 21. There is a bunch of warranty work that needs to be taken care of and was decided the best way to take care of all these items is to close down before Dožinky so there aren't two separate closures. The warranty work will be completed Monday and Tuesday with a 3-4 day cure time. Which is

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why Main Street will stay closed until Sunday morning. reopening on Sunday, September 18th. The roundabouts at Columbus Avenue and 1st Avenue will stay open during this time. Communications on this were advertised through street signs, NP Times, NP Chamber (contacting business owners), City's website and social media.

COLUMBUS AVENUE (CSAH 15) 2022 CIP - Public Works Director Rynda provided a project update and shared that the project is about 99% completed and is open to traffic. Items left to complete include: the striping of the roads, sign installation, and hydroseeding. There will be a second layer of pavement and striping to be applied next year (around June). A punch list is being compiled for minor items to be addressed by the Contractor. Council commended those involved with the project. Council and Director Rynda talked about the status of painting the streets crosswalks and arrows.

2023 STREET & UTILITY IMPROVEMENT PROJECT (2023 CIP) - City Engineer Chris Knutson explained that the Feasibility Report ordered by Council at the May 16th Council meeting had a project scope. Since that time there has been a change to the project limits which include: Removal of First St SE from Lexington Ave S to 7th St SE and add in First Street NE from Lexington Ave N to Sunset Ave. Previously the west block of 1st Street was not included in this project. The reasoning for this change is that First St SE is a State Aid system and inclusion with the 2023 Project would require all project improvements to follow requirements of MnDOT State Aid if that funding was used. This could potentially delay bidding of the project due to review time and increase costs during construction. As improvements identified for 2024 will include other streets on the State Aid system, it was determined that inclusion on the future project would be more cost effective. This would extend the improvements one block further west to offset the change in project size between the two proposed projects.

Motion by Bass, seconded by Seiler to approve RESOLUTION #22-09-06-02 2023 STREET AND UTILITY IMPROVEMENT PROJECT ORDERING PREPARATION OF REPORT ON IMPROVEMENT. All voted in favor. Motion carried (5-0).

10TH AVENUE SE - 1ST STREET SE PROJECT (Between Hy-Vee and Praha Village) - Planning/Community Development Director Ken Ondich provided a general update that the City's application was successful and 90% of the estimated \$65,000 improvement was awarded to the City as a grant through the program for an intersection safety improvement project at 10th Ave SE / 1st St SE. Due to the City receiving \$58,500 in Highway Safety Improvement Program (HSIP) Funds, the City's share of the project is a local 10% match of \$6,500. The project is small in scope, but heavy on MnDOT requirements and the amount of engineering fees to construction fees are high in proportion but Staff feel this safety improvement is important. Bidding is expected to occur summer of 2023 with completion occurring by the end of 2023. After discussion, motion by Seiler, seconded by Ryan to approve the AGREEMENT WITH SEH INC. FOR DESIGN AND BIDDING SERVICES FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AT 10TH AVE SE / 1ST ST SE AS HOURLY NOT TO EXCEED THE AMOUNT OF \$18,300. All voted in favor. Motion carried (5-0).

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PUBLIC HEARING - Mayor Jirik opened the public hearing at 6:20 pertaining to the Franchise Agreement with CenterPoint Energy. A request by the Council about a year ago to City Administrator Tetzlaff to review and update the City's CenterPoint Energy franchise agreement. CenterPoint services all residents of New Prague. Administrator Tetzlaff worked with the City's Attorney and Director Ondich on this and referred to a model ordinance through CenterPoint Energy and another model through the League of Minnesota Cities. This agreement went back and forth with CenterPoint Energy to ensure that the City would be protected for allowing CenterPoint Energy to distribute natural gas within City limits. City Administrator shared main highlights within this agreement. Also, this agreement would need a first and second reading. After discussion, motion by Ryan, seconded by Wolf to close the Public Hearing at 6:24 p.m. All voted in favor. Motion carried (5-0).

ORDINANCES FOR INTRODUCTION/FIRST READING:

Ordinance #328 - Planning/Community Development Director Ken Ondich presented an introduction/first reading of amending Ordinance No. 328 which was approved by the City Council on August 15, 2022 that allowed for up to two City Council members to be appointed to the Planning Commission during times when citizen applicants are not available to fill the seats on the Planning Commission. The Planning Commission held the required public hearing on the zoning ordinance amendment on August 24, 2022 and received no public comments and forwarded the zoning ordinance amendment to the City Council with a recommendation for approval. While the Zoning Ordinance does currently provide language to allow for two City Council Members on the Planning Commission, it is not consistent with the City Code amendment and therefore changes were proposed. Per MN Statute 415.19, Staff recommended the approval of the first reading. A second reading, before adoption and publication of the ordinance amendment would also be required at the September 19th City Council meeting. Motion by Bass, seconded by Seiler to approve the *INTRODUCTION OF ORDINANCE #328 AMENDING SECTION 503 OF THE ZONING ORDINANCE TITLED PLANNING COMMISSION RELATING TO CITY COUNCIL MEMBERS SERVING ON THE PLANNING COMMISSION*. All voted in favor. Motion carried (5-0).

Ordinance #329 - Planning/Community Development Director Ken Ondich and Utilities General Manager Bruce Reimers presented to the Council an introduction/first reading of Ordinance No. 329 amending Chapter 51 titled WATERWORKS and Chapter 52 titled SEWERS of the New Prague City Code. Beginning this past winter, the New Prague Utilities Commission (NPUC) determined they wanted to amend City Code Section 51.01 to change the ownership of water service lines so that owners were only responsible from their water meters out to the curb stop. City Staff and City Attorney drafted the ordinance amendment indicating when NPUC will complete repairs and other housekeeping related amendments. Other related ordinances that necessitated amendments included Chapter 51.02 for Water Conservation as well as Chapter 52.40 for Building Sewers and Connections. Per MN Statute 415.19, staff recommended the approval of the first reading. A second reading before adoption and publication of the ordinance amendment would also be required at the September 19th City Council meeting. Motion by Bass, second by Ryan to approve the *INTRODUCTION OF ORDINANCE #329 AMENDING SECTIONS 51.01 AND 51.02 OF CHAPTER 51 TITLED WATERWORKS AND*

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AMENDING SECTION 52.04 OF CHAPTER 52 TITLED SEWERS OF THE NEW PRAGUE CITY CODE. All voted in favor. Motion carried (5-0).

Ordinance #330 - City Administrator Tetzlaff explained that this Ordinance is for the approval of the CenterPoint Energy Franchise Agreement as discussed in the Public Hearing earlier this evening. Motion by Ryan, seconded by Seiler to approve the *INTRODUCTION OF ORDINANCE #330 GRANTING TO CENTERPOINT ENERGY RESOURCES GROUP, DBA CENTERPOINT ENERGY MINNESOTA GAS, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, TRANSPORTATION, DISTRIBUTION, MANUFACTURE, AND SALE OF GAS ENERGY FOR PUBLIC AND PRIVATE USE AND TO USE THE PUBLIC GROUND OF THE CITY OF NEW PRAGUE, MINNESOTA, FOR SUCH PURPOSE; AND, PRESCRIBING CERTAIN TERMS AND CONDITIONS THEREOF.* All voted in favor. Motion carried (5-0).

RESOLUTION:

Planning/Community Development Director Ondich presented a request for approval for a variance request heard at the August 24th Planning Commission meeting. The applicant, Matt Mushitz, requested to reduce the 30' setback requirement to 10' for an accessory structure at 1003 9th St Ct SE. The variance requested would move the existing shed outside the drainage and utility easement, prevent trespassing, and allow the applicant to have the shed remain along the northern property line. No comments were received from the public regarding this request. The Planning Commission approved the variance request with a unanimous vote (3-0) based on the seven findings listed in the staff report and within the resolution. After discussion, motion by Bass, seconded by Seiler to approve RESOLUTION #22-09-06-03 APPROVING VARIANCE #V6-2022 FOR THE REDUCTION FROM THE REQUIRED 30' FRONT YARD SETBACK TO 10' TO ALLOW AN ACCESSORY STRUCTURE LOCATED AT 1003 9TH ST CT SE, AS PROPOSED BY MATT MUSHITZ, NEW PRAGUE, MN. All voted in favor. Motion carried (5-0).

GENERAL BUSINESS:

SMART LINK PRESENTATION - Allan Herman with SmartLink Mobility Management presented transportation options for the City of New Prague.

PAPERLESS CITY COUNCIL POLICY - City Administrator Tetzlaff shared one of the goals in the 2022 Visioning Document was to begin transitioning City Council materials to a paperless system. Also explained that the first step in the process is moving to a PDF style packet, prepared by staff and distributed via PDF to the Councilmembers and others as put together within a policy. The policy lays out that starting with the December 5, 2022 City Council meeting, all packets will be distributed in digital, PDF format to City Councilmembers. The reason or the delay in implementing this process is to allow staff the ability to research, and acquire, PDF editing software. Discussion took place on how to make a copy of Councilmember's notes if asked for by the public, and how to make notes on their computers, and software. City Administrator Tetzlaff said he would bring back answers to the next Council meeting on September 19th.

ENCROACHMENT AGREEMENT WITH CHART, INC. - Planning/Community Development Director Ken Ondich explained that back in 2018, Chart Inc. was approved for a Conditional Use Permit (CUP) #C1-2018 to allow exterior storage on their property located at 1302 1st Ave NW which lies east of a future

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extension of 1st Ave NW, north of Philipps Creek. The CUP required that any mass grading of the site triggered the need for full engineered grading plans to be submitted for review. During the submittal and review period recently, Chart asked about the possibility of utilizing the unimproved 1st Ave NW ROW for additional storage. Staff and the City Attorney drafted an Encroachment Agreement to allow the temporary encroachment on the public right of way until 1st Ave NW road and utilities are extended north of the creek and past property. This agreement will provide the necessary indemnification and insurance requirements so there's no liability to the City for the use of the unimproved road's right of way. Electric service and lease charges were items of discussion. Motion by Ryan, seconded by Bass to approve the *ENCROACHMENT AGREEMENT WITH CHART INC AT 1203 1ST AVE NW*. All voted in favor. Motion carried (5-0).

UPDATED AMBULANCE SERVICE AGREEMENT - City Administrator Tetzlaff shared that at the August 15, 2022 City Council meeting the Ambulance Service Agreement was discussed. At the time, the City Council asked that a couple changes be made to the agreement. Changes included: 1. Removal of the Leasing section. Currently, North Memorial doesn't have any intention of leasing after April 30, 2023. 2. Add reporting of the breakdown between amount of ALS service provided vs the BLS service. Talked through the changes made throughout the agreement. North Memorial has seen these changes and agrees with them. Some main topics of discussion included: defining "the station" within the agreement. Also, where would the ambulance be located should they chose not to rent a space within New Prague? Also, questions as to why North Memorial isn't trying to negotiate with the City on the lease rates? Council requested Staff to update the Agreement with the help of the City Attorney and bring back to the September 19, 2020 City Council meeting.

ASSESSMENT POLICY UPDATE - City Administrator Tetzlaff explained that earlier this year (6/22), the City Council passed a new Assessment Policy that took the practices that were currently in place and codified them. Recently, staff had an inquiry from a local business owner that was looking at selling their building along Main Street and wanted to pass the assessment on to the new owner. In the past, assessments were allowed to be passed from one property owner to another should the property change ownership. Because of this, Staff reached out to City Attorney Scott Riggs and asked that should a piece of property change ownership, that property should have to pay off its assessment in full. It was his opinion that should a new property owner challenge the assessment payments, there isn't a mechanism for forcing the assessment payment since the assessment process was handled under the previous landowner. Staff's opinion was that the best chance for a city to collect an assessment is with the sale of the property when the landowner has the funds available for pay-off. After discussion, motion by Ryan, seconded by Bass to approve the *SPECIAL ASSESSMENT POLICY FOR ALL ASSESSMENTS ON RECORD AS OF TODAY, SEPTEMBER 6, 2022*. All voted in favor. Motion carried (5-0).

RECOMMEND POLICE OFFICER FOR HIRE - Police Chief Jim Gareis asked for the appointment of Nicholas Folkerts to the police officer position. Mr. Folkerts currently resides in the City of New Prague with his family. Previously served in the US Army specializing in Intelligence before

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receiving his law enforcement certificate from Hennepin Technical College and attended the MN State Patrol LETO Academy. Successfully passed the MN Police Officer Standards Training test and is now eligible to be a licensed police officer. A conditional offer has been accepted and will begin as of September 19, 2022 at Step 1 of the 2022 LELS Labor Agreement and include vacation time based on successful completion of all elements of his conditional offer(physical, psych eval and drug test). Motion by Seiler, seconded by Wolf. All voted in favor. Motion carried (5-0).

SCHEDULE BUDGET MEETING #2 - City Administrator Tetzlaff and Councilmembers reviewed their calendars and scheduled a Special City Council Budget Meeting #2 for Monday, September 12th at 5:30 p.m. in the City Hall Council Chambers. Preliminary Levy needs to be set by September 30, 2022.

MISCELLANEOUS:

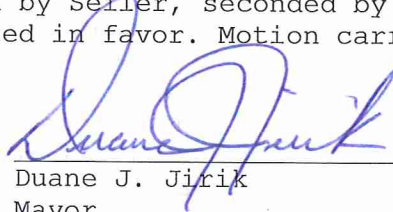
1. Meeting Minutes - Informational only - Park, Golf, Planning, and Utility
2. Tetzlaff - The Community Center would like to extend an invitation to the Councilmembers for a tour of their facility to show the internal improvements recently completed. Suggested to schedule after a shorter Council meeting in October, Council agreed.
3. Ondich - There are FEMA Flood Maps for the City of New Prague. Also, Le Sueur County is hosting a couple informational meetings held on Wed., Sept 21st at the Government Center in Le Center for a Public Open House for any resident from 5-7 p.m. and any interested Elected Officials can go between 3-4 p.m.
4. Gareis - An officer had a background check and may be leaving shortly. Still have other applicants to fill that position if necessary. Announced his retirement with his final day being December 31, 2022. Staff and Council extended their congratulations.
5. Wolf - Inquired about the Community Center mortgage. City Administrator Tetzlaff said that City Attorney Riggs sent a letter to the Community Center and a conference call is scheduled for tomorrow to discuss the contents of the letter involving City Attorney Riggs, City Administrator Tetzlaff, and First Bank and Trust.

There being no additional business, motion by Seiler, seconded by Wolf to adjourn at approximately 7:57 p.m. All voted in favor. Motion carried (5-0).

ATTEST:



Joshua M. Tetzlaff
City Administrator



Duane J. Jirik
Mayor