

City Council Proceedings

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

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Special City Council Meeting
Monday, September 8, 2020

Conducted via GoToMeeting due to the COVID-19 Pandemic which is preventing attendance at the regular meeting location.

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

Absent: Bass

Staff Present Online: Mike Johnson, Ken Ondich, Jim Gareis, Glen Sticha, and Barb Ulschmid

Others Present Online: City Engineer Chris Cavett, Paul Busch, Marvin Deutsch, Jacob Drentlaw, Troy Kuphal, Jim Connelly, DaleLyn Means, David Hauer,

Motion by Ryan, seconded by Nickolay to approve the Agenda. By roll call vote, all voted in favor. Motion carried (4-0).

City Engineer Chris Cavett provided an update to the City Council on the TH#19/Main Street Reconstruction Project (2020 CIP). Mr. Cavett also explained the need to modify the existing contract by adding an additional \$36,492.67 via Change Order Nos. 2-5 and a resolution. The revised contract amount would be \$12,541,292.67. Change Order #2 for \$9,658.00 will provide additional vibration monitoring in the area of 4 buildings at the west end of the project where significant soil correction and utility work is proposed. Change Order #3 for \$10,407.04 is for additional erosion control items which were not included in the original contract as bid. Change Order #4 for \$3,607.63 will provide pricing for 6" Sanitary Sewer service pipe and fittings which were not included in the original unit price bidding. Change Order #5 for \$12,820.00 will provide pricing for item 2451.507 Coarse Aggregate Bedding (CU YD) which was not included in the original bid. This work has already been approved by the project team (MnDOT, Construction Engineer and City Staff), and now needs the Council's approval.

After discussion, motion by Seiler, seconded by Wolf to approve *RESOLUTION #20-09-08-01 APPROVING TH#19/MAIN STREET 2020 CIP RECONSTRUCTION PROJECT DIRECTING MODIFCATION OF EXISTING CONSTRUCTION CONTRACT CHANGE ORDER NOS. 2-5*. By roll call vote, all voted in favor. Motion carried (4-0).

Planning/Community Development Director Ken Ondich presented the details of the final design specifications for the Veterans Memorial with American Legion Post 45. The City has received and reviewed the final design specifications and plans for the new veteran's memorial to be located in Memorial Park. The City had entered into a Limited Use Agreement on May 4, 2020 to use a 60' x 74' space in the park for the memorial. One of the requirements of the agreement was that the Legion agreed to provide the City with final design specifications of the Memorial prior to installation, which would be required to be reviewed and approved by the Council. City Staff (Planning, Building, Public Works, Utilities and Engineering) have reviewed the plans and recommend the Council formally approve the final design specifications which include: 1. City Staff move the tree indicated on the plan "to be removed" no later than September 24th; 2. The memorial project may install a water service line to a field hydrant with the 2021

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Main Street Reconstruction project, but a final decision has not yet been made; 3. The City Engineer recommends the last panel of the sidewalk from the memorial towards Main Street not be installed until the reconstruction work in front of the Memorial is completed. Members of the New Prague Veterans Memorial Committee, Paul Busch and DaleLyn Means were online to provide additional detail and also thanked the City and Council for their support through the process in making this Veterans Memorial a reality.

After discussion, motion by Nickolay, seconded by Seiler to approve the *FINAL DESIGN SPECIFICATIONS FOR VERERANS MEMORIAL WITH AMERICIAN LEGION POST 45*. By roll call vote, all voted in favor. Motion carried (4-0).

Planning/Community Development Director Ken Ondich introduced a proposal from K.A. Witt for a picnic shelter project in Heritage Park. The project list for this shelter would be paid for from the Park Equipment Fund. Proposals were solicited for a 28' x 40' picnic shelter to be constructed at Heritage Park (this is larger than the similarly designed shelter at Settler's Park which is 16' x 26'). The Park Board had budgeted \$60,000 from the Park Equipment Fund for this project, but determined early on that an engineered plan update would be needed along with a bid form in order to put the project out to bid that was not originally anticipated for project costs.

Two proposals were received from K.A. Witt Construction for \$55,522 and from KDB Contracting, LLC for \$76,196. The quote from K.A. Witt met all the specifications and is the low proposal so staff recommended they be selected as the contractor for the picnic shelter. Staff also suggested amending the project to include some additional concrete work to better tie into the adjacent basketball court and playground area (rather than leave some un-cemented areas in-between) for the amount of \$2,639.00 for a total bid amount from Witt of \$58,161. Additional costs of \$12,101 is also needed for project completion which includes electrical services, dirt work, silt fence and paint/stain for a project grand total of \$72,101. The additional \$12,101 will be covered by the Park Equipment Fund. This project would begin this fall and be completed by April 2021.

After discussion, motion by Wolf, seconded by Ryan to approve *K.A. WITT'S PROPOSAL OF \$58,161 (WHICH INCLUDES THE ADDED CONCRETE) AND TO AMEND THE PROJECT BUDGET TO \$72,1010 TO COVER ALL OTHER COSTS TO BE PAID OUT OF THE PARK EQUIPMENT FUND*. By roll call vote, all voted in favor. Motion carried (4-0).

Planning/Community Development Director Ken Ondich requested approval of a resolution covering a variance request presented at the August 26, 2020 Planning Commission meeting where it was unanimously approved. The applicant David Hauer, 109 Columbus Ave. N., is proposing to construct a new detached garage to replace three existing accessory structures (which all sit at 0' from the lot line). The proposed garage would be located at 1' to the lot line in order to line up with the existing driveway, avoid the removal of a significant tree located in the backyard and to allow room for a second vehicle to access the new garage. It was noted at the meeting that the narrow width of the lot and placement of the home dictated the location of the garage to stay along the side lot line and that the garage would be

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fireproofed per building code to be allowed to 1' from the side lot line. There were no public comments received on this agenda item. David Hauer thanked Mr. Ondich and the Council for their time and assistance with this project.

Motion by Ryan, seconded by Seiler to approve *RESOLUTION 20-09-08-02 VARIANCE (#V6-2020) FROM THE ACCESSORY STRUCTURE SETBACKS IN THE RL-70 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO ALLOW A DETACHED GARAGE TO BE LOCATED 1' TO THE SIDE LOT LINE INSTEAD OF 6', LOCATED AT 109 COLUMBUS AVE. N., AS PROPOSED BY DAVID HAUER, NEW PRAGUE, MINNESOTA.* By roll call vote, all voted in favor. Motion carried (4-0).

Planning/Community Development Director Ondich requested approval of a resolution covering a variance request presented at the August 26, 2020 Planning Commission meeting where it was unanimously approved. The applicants Troy & Jill Kuphal are proposing to construct a 13' x 20' home addition to the west side of their home that would not meet the minimum 30' front yard setback. It was noted that the addition to the home would not be any closer to the front property line than the existing home (constructed in 1938) which is located at 28'7" from the property line along 3rd Street NW and would therefore require a variance of 1'5". There were no public comments received on this agenda item.

After discussion, motion by Ryan, seconded by Nickolay to approve *RESOLUTION 20-09-08-03 VARIANCE (#V7-2020) FOR REDUCTION FROM THE REQUIRED 30' FRONT YARD SETBACK TO 28'7" TO ALLOW FOR THE CONSTRUCTION OF AN ADDITION AT 4040 1ST AVE. NW, NEW PRAGUE, MINNESOTA.* By roll call vote, all voted in favor. Motion carried (4-0).

Planning/Community Development Director Ondich also presented a Planning Commission Summary and recommendation on the approval of a resolution approving an Amendment to the City's Comprehensive Plan Future Land Use Plan Map to re-guide property to the RH High Density Residential Zoning District, New Prague for Marvin Deutsch in the plat of Deutschland First Addition. At the August 26, 2020 Planning Commission Meeting, a public hearing was held for a proposed Comprehensive Plan Amendment and for the rezoning of property owned by Marvin Deutsch in the plat of Deutschland First Addition. The only comment received during the public hearing was from the applicant who noted that commercial uses on the main floor were not viable and noted that the expansion project of the New Prague Commons Strip Mall to the east was put on hold which he believed further supported the lack of need for more commercial space on the site while the need for apartments still remained.

The applicant initiated the process of the Comprehensive Plan Amendment and Rezoning in order to best utilize the property as an apartment building with RH High Density Residential Zoning. It was discussed at the meeting that the property is currently zoned B-2 Community Commercial and that apartments were a conditional use if that zoning were to remain, but it would require a commercial use on the main floor and that the site was severely hindered in possible commercial uses due to deed restrictions placed on the site when Walgreens was constructed that still remain today. The best use of the site was discussed as an apartment building with underground/first floor parking.

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The Planning Commission recommended the City Council amend the Comprehensive Plan and rezone the property as described.

After discussion, motion by Nickolay, seconded by Seiler to approve *RESOLUTION #20-09-08-04 APPROVING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP TO RE-GUIDE PROPERTY TO THE RH HIGH DENSITY RESIDENTIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA*. By roll call vote, all voted in favor. Motion carried (4-0).

After discussion, motion by Nickolay, seconded by Ryan to *INTRODUCE ORDINANCE #319 REZONING PROPERTY TO THE RH HIGH DENSITY RESIDENTIAL ZONING DISTRICT IN THE PLAT OF DEUTSCHLAND FIRST ADDITION, AS PROPOSED BY MARVIN DEUTSCH, NEW PRAGUE, MINNESOTA*. By roll call vote, all voted in favor. Motion carried (4-0).

Mr. Ondich also presented a Variance Request from Mr. Deutsch who is preparing the property to construct an apartment building of up to 43 units on the 1.35-acre lot. The unique shape and layout of the lot along two public right of ways and existing accesses from the Walgreens property necessitates the consideration of a variance from 30' to 10' to the north property line and variance from 30' to 27'7" to property line along 1st Street SE.

The applicant, Mr. Deutsch noted at the Planning Commission meeting that they had developed many layouts for the site, but the one developed and being presented allowed for the best flow to and from the lot with the existing accesses to the Walgreen's property and that the use of the lot without the variances is greatly restricted. The site would meet the parking requirements with approximately 20 extra parking spaces.

After discussion, motion by Seiler, seconded by Nickolay to approve *RESOLUTION #20-09-08-05 VARIANCE (#V8-2020) TO ALLOW A VARIANCE FROM THE SETBACKS OF THE RH HIGH DENSITY RESIDENTIAL ZONING DISTRICT TO REDUCE THE REAR YARD SETBACK ALONG THE NORTH LOT LINE FROM 30' TO 10' AND TO REDUCE THE FRONT YARD SETBACK TO 1ST STREET SE FROM 30' TO 27'7" TO ALLOW FOR THE CONSTRUCTION OF A 43 UNIT APARTMENT BUILDING, NEW PRAGUE, MINNESOTA*. By roll call vote, all voted in favor. Motion carried (4-0).

City Administrator Mike Johnson provided an update on the EDA Small Business Recovery Fund Program. On Monday, August 31, 2020 at noon was the deadline for applications for the EDA Small Business Recovery Fund Program. City Staff has been working with Lee Hall, CEO of NextStage, to determine the status/ranking and eligibility of the business applications. There was a total of 39 applications that were officially received for this program. It was determined that 4 of those applications were ineligible because they were located outside of the city limits, business was within their home/not a commercial property, or was an agricultural property located outside the city. Ended up with 35 eligible properties. Created a numbering system and went through a lottery selection. Top 27 were selected for review and confirmation of eligibility for funding. The remaining 8 would go on a wait list. With a funding allocation of \$200,000, and a maximum grant of up to \$7,500 per business, the EDA will be able to fund about 26-27 of the business applicants. Also grant opportunities for small business owners

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through Scott and Le Sueur counties. One grant per business owner. There is no required action needed from the Council on this agenda item and is provided as an informational item only.

Emergency Management Director (EMD) Jim Gareis provided the Council with a COVID-19 order update. Not a lot of changes. Continue to assess as to when the City Hall will open to the public, looking at next week or later this month. All customers are currently serviced via phone or computers. However, have some customers that need to be met in the entry way. Looking at the numbers and Scott County is trending down the last couple weeks. Rice and Le Sueur Counties are showing an increase. Will continue to monitor the numbers. Continue to make sure there is enough PPE and follow the COVID protocols. Staff are staying healthy and other COVID details were discussed.

- Ken Ondich provided an update on where we are at with being able to offer in person meetings again. In the process of gathering quotes for AV equipment to run the Council meetings and allow a remote connection in. Board and Commission meetings will continue to be remote for the month of September. Mr. Ondich explained the current high demand of AV equipment has caused great delays in the whole process. Hope to have additional updates at the next Council meeting.
- Mayor Nickolay brought up on the use of CARE'S Act money and the tracking of receipts for documentation. City Administrator Johnson said the staff is working on that and hope to have an outline for the Council at the September 21st meeting.

City Administrator Mike Johnson explained that in order to adopt the PAY 2021 Preliminary Property Tax Levy for Budget Year 2021 by September 30, 2020, the Council would need to meet and discuss the Preliminary 2021 Draft Budget. The Council and staff decided to meet on Monday, September 14, 2020 at 5:30 p.m.

Regarding Claims for Payment, Ryan inquired about the annual membership fee line item for the League of MN Cities. Mr. Johnson said this is generally paid after the first of the year. Will check with staff on this but believes it should be paid after the first of the year and should be removed on this month's report. No increase in this fee from last year and the only factor that affects this fee is a change in population.

After discussion, it was moved by Nickolay, seconded by Ryan to approve the Consent Agenda with the removal of the League of MN Cities line item within the Accounts Payable report and as follows.

CONSENT AGENDA:

- A. August 17, 2020 Special City Council Meeting Minutes
 - B. Claims for Payment - September 8, 2020
 - C. Call for Public Hearing on the Issuance of a 3.2% Off-Sale Malt Liquor License for Kwik Trip, Inc., dba as Kwik Trip #1090
- By roll call vote, all voted in favor. Motion carried (4-0).

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Miscellaneous Items:

Jim Gareis - Continue to work with Brooke Sticha for Nožinky festivities taking place the week of September 14th.

Bruce Wolf - 1. Inquired about the status of 1st St. SE, Beckius property. Ken Ondich said it's not actively marketed. 2. Regarding the Deutschland property, had discussion about all the deed restrictions within that property. 3. Suggested adding recycling containers at the New Prague Golf Course. Mayor Nickolay will address with the Golf Board and Kurt Ruehling.

Shawn Ryan - Asked if there are any caretakers at the Mill to maintain the vacant property? Mr. Ondich said the Mill has caretakers present through the remainder of this year. However, will also address these concerns with Randy Kubes, Realtor.

Rik Seiler - Concerned about the safety of pedestrians at 1st Avenue and 2nd Street NW. Chief Gareis said they are doing extra patrolling in this area. Mayor Nickolay - Inquired about the Census, will it be delayed? Ondich is waiting to hear more on this topic and will follow up.

There being no additional business, motion by Nickolay, seconded by Ryan to adjourn the meeting at approximately 7:48 p.m. All voted in favor of the motion. Motion carried (4-0).

ATTEST:



Michael J. Johnson
City Administrator



Charles L. Nickolay
Mayor