

# City Council Proceedings

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

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City Council Meeting  
Monday, September 19, 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, Robin Pikal, Bruce Reimers, and Matt Rynda

Others: Chris Knutson, City Engineer

Mayor Jirik asked if there were any additions/updates to the Council Agenda. There being none, motion by Ryan, seconded by Wolf 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 by Seiler, seconded by Bass to approve the

CONSENT AGENDA as follows:

- A. Regular City Council Meeting Minutes for September 6, 2022 and Special City Council Meeting Minutes for September 12, 2022 (Budget Meeting #2)
  - B. Claims for Payment: **\$67,304.49** (September 19, 2022)
  - C. General Fund Finance Report
  - D. Call for Public Hearing on the Issuance of an On-Sale Intoxicating Liquor License and Sunday Liquor License for Chalk It Up, LLC dba Chalk It Up at 114 W. Main Street, New Prague
- All voted in favor. Motion carried (5-0).

TH19 / MAIN STREET RECONSTRUCTION - City Engineer Chris Knutson provided a general project update. Concrete repairs are complete, and no other work remains. One contractor claim remains before the project can be closed out; this is a MnDOT funded item. Public Works Director Matt Rynda will do a final walk through of Main Street to assure all repairs are completed.

COLUMBUS AVENUE (CSAH 15) 2022 CIP - City Engineer Knutson shared that this project is substantially complete and only some punch-list repairs remain for this year. The projected final construction costs are to be at or below the Contract Cost of \$2,400,570. With associated engineering, testing, and easement costs included, the overall project cost is projected at \$2,787,490. Scott County, the City, and benefitting properties will be contributing to the funding of this project. The next step in the public improvement process (under MnStat 429) is to prepare the assessment roll and order the public assessment hearing (scheduled for Monday, October 17, 2022 at 6:00 p.m. Total assessment amount is declared to be \$774,792.50.

After discussion, motion by Bass, seconded by Wolf to approve RESOLUTION #22-09-19-01 - 2022 STREET AND UTILITY IMPROVEMENT PROJECT DECLARING COST TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR HEARING ON PROPOSED ASSESSMENT. All voted in favor. Motion carried (5-0).

The next action will be to hold an Assessment Hearing at the next City Council Meeting. Motion by Seiler, seconded Bass to hold the Public Hearing on October 17<sup>th</sup>, 2022 at 6:00 p.m. at the New Prague City Hall where the Council will consider and possible adopt, the proposed

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includes improvements on Columbus Avenue N (CSAH 15) from Main Street (TH19) to 12<sup>th</sup> Street NE. All voted in favor. Motion carried (5-0).

2023 STREET & UTILITY IMPROVEMENT PROJECT (2023 CIP) - City Engineer Knutson provided a project update. Additional detail will be provided in the Feasibility Report (presented at the October 3<sup>rd</sup> City Council meeting). A neighborhood meeting was held on September 14, 2022 and had a great turnout where 16 residents signed the attendance roster.

HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) at 10<sup>th</sup> Ave SE to 1<sup>st</sup> St SE with the Rectangular Rapid Flashing Beacon (RRFB). City Engineer Knutson provided a project update.

#### ORDINANCES FOR INTRODUCTION/FIRST READING:

Ordinance #331- Planning/Community Development Director Ken Ondich presented an introduction/first reading on the proposed Ordinance No. 331 creating new Chapter 121 to the City Code relating to the THC Products. At the August 1, 2022 City Council meeting, an emergency interim ordinance (moratorium) was approved for a one-year time-period to further study the effect of the state's new law regarding THC products. City Staff has worked with the City Attorney's office to develop this ordinance which is heavily based on the City's existing tobacco ordinance. While no specific amendment is proposed to the City's zoning ordinance as a result of this new licensing ordinance, City Attorney Riggs recommended the ordinance be routed to the Planning Commission for a public hearing (would occur on October 26, 2022). Pending the outcome of the public hearing, this ordinance would be back to City Council for a second reading and adoption potentially on November 7<sup>th</sup>. Motion by Ryan, second by Seiler to approve THE FIRST READING OF ORDINANCE #331 AMENDING TITLE XI OF THE NEW PRAGUE CITY CODE BY CREATING A NEW CHAPTER 121 AS TO TETRAHYDROCANNABINOL PRODUCTS. All voted in favor. Motion carried (5-0).

#### ORDINANCES FOR ADOPTION/SECOND READING:

Ordinance #328 - Planning/Community Development Director Ondich explained that amending Ordinance No. 328 was introduced at the September 6, 2022 City Council meeting which allows 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. This amendment is the companion to the City Code amendment that was approved by the City Council in August. Motion by Seiler, seconded by Jirik to approve the SECOND READING/ADOPTION 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 Ondich shared that amending Ordinance No. 329 was introduced at the September 6, 2022 City Council meeting amending Chapter 51 titled WATERWORKS and Chapter 52 titled SEWERS of the New Prague City Code. No changes have been made since the First Reading. 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. Other related

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ordinances that necessitated amendments included Chapter 51.02 for Water Conservation as well as Chapter 52.40 for Building Sewers and Connections. Motion by Bass, second by Ryan to approve the SECOND READING/ADOPTION OF ORDINANCE #329 AMENDING SECTIONS 51.01 AND 51.02 OF CHAPTER 51 TITLED WATERWORKS AND 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 amending Ordinance No. 330 was introduced at the September 6, 2022 City Council meeting and no changes have been made since the First Reading. Motion by Bass, seconded by Jirik to approve the SECOND READING/ADOPTION 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:

City Administrator Tetzlaff provided the City Council with a brief overview of the 2022 proposed property tax levy. Each year, the Council is required to set its proposed property tax levy and certify that levy to the county auditor (Minn Stat. 275.065.1). To this point, the City Council has convened to discuss the proposed budget for 2022, directly linked to the proposed tax levy. Staff recommended the approval of a resolution setting the 2022 Proposed Property Tax Levy at \$4,894,107 and scheduling the public hearing for December 5, 2022 to set the 2022 Final Tax Levy.

At the first meeting on August 29, 2022, the staff shared a first draft of the general fund budget that would increase the property tax levy by \$72,000, or 1.56%. Discussion took place including that the Police vehicles should be paid for by the levy not the ARPA Fund being this is an almost annual occurrence (increased levy to almost \$129,000). The second meeting took place on September 12, 2022 and after discussion, Council asked Staff to bring back a Preliminary-Not to Exceed Levy implementing the changes discussed. The Council voted 5-0 to approve the proposed property tax levy of \$4,894,107, which is an increase of \$233,229, or 5.00% over 2022's property tax levy. This is not the final approval of the tax levy but rather the maximum levy and can not be exceeded on December 5<sup>th</sup> when the final property tax levy is set.

It was moved by Jirik, seconded by to approve RESOLUTION #22-09-19-02 ADOPTING 2022 PROPERTY TAX LEVY FOR TAXES PAYABLE IN 2023 and noting it is a "Preliminary" Tax Levy. All voted in favor. Motion carried (5-0).

#### GENERAL BUSINESS:

REVIEW AND APPROVAL OF EMERALD ASH BORER MANAGEMENT PLAN FOR GRANT - Director Ondich provided background details sharing the City was awarded a Minnesota DNR Protect Community Forest by Managing Ash grant earlier this year in the amount of \$60,800. The grant will fund tree removal, purchasing 75 new trees, planting supplies, truck water tank, auger, constructing a gravel bed for the new trees to await planting, completing

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a public tree inventory and finally the development of an Emerald Ash Borer (EAB) Management Plan. Staff has worked together with the Dept of Agriculture and other communities in putting together this plan. The purpose of this plan is to mitigate the disruption EAB causes to the City. Plan also includes educating the public, enforcement of the tree ordinance, allowing treatment of the trees, re-use of ash tree wood (mulch), monitoring the spread, replacing ash trees on public property that have been removed and advertising tree sales. After discussion, Motion by Bass, seconded by Wolf to approve the *EMERALD ASH BORER MANAGEMENT PLAN*. All voted in favor. Motion carried (5-0).

PAPERLESS CITY COUNCIL POLICY - City Administrator Tetzlaff revisited this policy with Council which was reviewed at the September 6<sup>th</sup> City Council meeting. One of the questions from the Council at the previous meeting was whether digital notes taken at a meeting would need to be saved and available for the public if asked for? City Attorney Scott Riggs confirmed that yes, the Council's digital notes would need to be saved. As a result, a shared drive has been set up for each councilmember. Some concerns were shared about going to paperless packets, but Council agreed to give it a try. After discussion, motion by Ryan, seconded by Jirik to approve the *PAPERLESS CITY COUNCIL POLICY*. All voted in favor. Motion carried (5-0).

## MISCELLANEOUS:

1. Meeting Minutes - Informational only - Park and EDA
2. Rynda - 1. Shared his appreciation to all Staff who helped make Dožínky a successful and safe event. 2. Talked about the Painting of Plows event that took place where St. Wenceslaus Students used their artistic skills to paint the blades of the City's snow trucks. The public schools were unable to participate this year. Director Rynda will incorporate plow safety into this opportunity as well.
3. Gareis - Also brought up Dožínky weekend and how well the weekend went. The Police Department was down 14 calls from last year.
4. Reimers - Provided an update on meeting with Wholesale Power Supplier regarding the volatility of electric rates. More details coming soon.
5. Pikal - Has been reviewing credit card options for Rebate programs. U.S. Bank, where the City credit cards are currently through offered 1.35% back on purchases quarterly. No additional fees involved.
6. Bass - Two follow up questions addressed: 1. Trailer parked on Pershing. Police to check this out. 2. Asked on status of purchasing new chairs for the Police dept. Police Chief Gareis will look into this.
7. Ryan - Shared items on behalf of the New Prague Orioles: 1. Would like to have a strong beer liquor license and wondering what their options are being they would only use this license for about half of the year. Administrator Tetzlaff to check into. 2. As a fundraising opportunity for the NP Orioles, could they carry the liquor liability for Dožínky weekend and sell beer at the softball fields at Memorial Park? Use a Temp Liquor Permit? Police Chief Gareis agreed this could work.
8. Jirik - Attended Mala Strana's 50<sup>th</sup> Anniversary and said they had a nice turnout.

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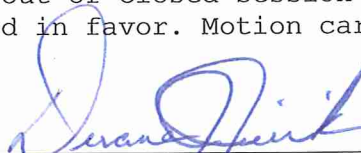
At 6:58 p.m., the regular meeting ended and moved into a Closed Session.


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

Motion by Seiler, seconded by Bass to go into a Closed Session at approximately 7:02 p.m. pursuant to Minnesota Statutes Section 13.D.05, to hold a closed meeting to discuss the asking price for real or personal property to be sold by the government entity. All voted in favor. Motion carried (5-0).

Motion by Bass, seconded by Seiler to come out of Closed Session and adjourn at approximately 7:28 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

  
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Duane J. Jirik  
Mayor

  
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Joshua M. Tetzlaff  
City Administrator

