

City Council Proceedings

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

} City Council Meeting
Monday, October 4, 2021

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

Absent: Councilmember Wolf

Staff Present at Meeting: Joshua Tetzlaff, Jim Gareis, Ken Ondich, and Bruce Reimers

Others Present: City Engineer Chris Cavett, Fire Chief Steve Rynda, Linda Dvorak, Commander of Post 45 American Legion

Others Present Online: Emily Anderson, Non-Smoker's MN Association

Mayor Jirik asked if there were any additions to the Council agenda? There being none, motion by Seiler, seconded by Ryan to approve the Agenda. All voted in favor. Motion carried (4-0).

Mayor Jirik asked if there were any questions on the Consent Agenda. There being none, motion by Bass, seconded by Seiler to approve the CONSENT AGENDA as follows:

- A. September 20, 2021 City Council Meeting Minutes
- B. Claims for Payment - October 4, 2021
- C. Approve LG220 MN Lawful Gambling Applications for Exempt Permit for the Church of St. Wenceslaus, 215 Main Street E:
 1. Sweepstakes Raffle Event on February 2, 2022
 2. Pot-O-Gold Raffle Event on June 10, 2022
- D. Delta Dental Contract Renewal for 2022

After discussion, all voted in favor. Motion carried (4-0).

TH#19/MAIN STREET RECONSTRUCTION PROJECT (2020-2021)UPDATE: City Engineer Chris Cavett explained that there was a clerical error discovered in the reported amount to be assessed in the 9/20/2021 Resolution #21-09-20-03, assessment roll and in the published and mailed Notices of Public Hearing on Proposed Assessment. Under the advisement of the City Attorney, it was recommended that the previous resolution be amended and corrected notices were to be mailed and published with the Assessment Hearing still to be held on Monday, October 18, 2021 at 6:00 pm. City Engineer Cavett noted that the individual assessment amounts were correct, and the error was the bottom-line subtotal and total which were missing a cell reference in the spreadsheet and resulted in an incorrect bottom-lined total in the assessment roll. The corrected amount declared to be assessed was \$1,734,588.55 (not the \$1,710,588.55 previously reported).

After discussion, it was moved by Seiler, seconded by Ryan to approve amended *RESOLUTION #21-10-04-01 DECLARING COST TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR HEARING ON PROPOSED ASSESSMENT*. All voted in favor. Motion carried (4-0).

PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA: Mayor Jirik explained that the next agenda item involved a group of citizens from Le Sueur County who would like to share their concerns on Election Integrity. Those representing this agenda item were unable to

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participate in the meeting when it was their time to present and therefore the Mayor tabled this agenda item for another meeting. On behalf of the American Legion, Linda Dvorak, Commander of Post 45, New Prague recognized how tough it has been for the past couple of years for law enforcement agencies, not only in Minnesota but throughout the country. Back in July at the Department Convention a resolution was unanimously passed to support our law enforcement agencies. Commander Dvorak read the resolution and presented along with fellow American Legion members to Police Chief Gareis and thanked him and the police force for their service to our community.

PUBLIC HEARINGS: Mayor Jirik opened a public hearing at 6:14 pm to gather public input and approval of a Tobacco-Free Parks Policy. Present on-line to speak included: Emily Anderson from 4136 Columbus, Minneapolis. Ms. Anderson presented as Director of Policy of the Non-Smokers MN Association - a non-profit association dedicated to healthier parks and provide strong support for a no tobacco policy for MN parks. Seiler and Ryan shared their disapproval of this policy. On behalf of the Park Board, Bass shared that the Park Board was in favor of this Tobacco-Free Parks Policy. With no further public comment, motion by Bass, seconded by Ryan to close the Public Hearing at 6:20 pm and open discussion to staff. Jirik, Bass and Ryan were in favor of closing the public hearing, Seiler opposed. Motion carried (3-1).

Planning/Community Development Director Ken Ondich explained that at the September 7, 2021 City Council Meeting, a Tobacco-Free Park Policy was introduced, and the City Council voted to call for a public hearing to occur at the October 4, 2021 City Council meeting to gather more input on the policy including from the ballfield users and the community as a whole. Advertisement for the public hearing was published in the NP Times, social media and sent directly to ball teams in the New Prague community. The Council also clarified that the Golf Club is not included under the policy. Staff further modified the policy to note that tobacco use in vehicles would also not be prohibited under the policy to be more in line with other adopted policies in the area. Discussion took place on how enforcement of the policy would occur since a policy, unlike an ordinance, does not have citations as an enforcement tool. Also, mentioned Scott County and Savage have tobacco free policies and City of Shakopee passed a Tobacco Free Ordinance in July 2020.

After discussion, motion by Bass, seconded by Jirik to approve the TOBACCO FREE PARKS POLICY. Bass voted in favor, Jirik, Ryan and Seiler opposed. Motion failed (1-3).

Planning/Community Development Director Ondich explained the second public hearing is for the consideration and adoption of an ordinance for partial vacation of a drainage and utility easement for Kyle and Emmalee Kuehner at 511 Cottonwood Lane. The vacation would reduce the size of an existing drainage and utility easement, as a result of a land exchange agreement the City entered into with the applicants which provides for adequate property and remaining easement area to maintain

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the drainage ditch and pond with the proposed vacation being approved. At the September 20, 2021 City Council meeting, a public hearing was scheduled and the ordinance was introduced. Since that time, the public notice was published in the New Prague Times and notices were mailed directly to utility companies so they could provide comments.

At 6:29 pm Mayor Jirik opened the public hearing and asked for public comments/concerns. There being none, motion by Seiler to close the public hearing, seconded by Ryan. All voted in favor. Motion carried (4-0).

Motion by Seiler, seconded by Ryan to approve *ORDINANCE #324 VACATING A PORTION OF A CERTAIN DRAINAGE AND UTILITY EASEMENT IN THE PLAT OF HIGHVIEW SEVENTH ADDITION*. All voted in favor. Motion carried (4-0).

ORDINANCE FOR INTRODUCTION: Police Chief Jim Gareis provided details on the introduction of an ordinance relating to parking regulations for semitruck parking. Police Chief Gareis explained that at the September 20th City Council meeting, staff had prepared an amendment to Chapter 72 of the City Code relating to Parking Regulations for semi-truck parking on public streets/roadway and would only allow parking when the truck is actively being loaded or unloaded.

Concerns had been shared by residents and business owners that some city streets had become semi-truck parking destinations which had caused some traffic/safety concerns and general aesthetic concerns in commercial areas of the City where this type of parking is currently allowed by City Code. Part of the reason this is occurring more frequently as of late is because the City-owned former creamery property downtown had historically been used for overnight truck parking for the former mill and other truck drivers in the area. This site is now being used as a construction staging area for the TH#19 Road Reconstruction project since spring of 2020. After completion of this project, this area will no longer allow parking for trucks. However, a private truck parking area has recently opened on TH21 and is now available for semi-trucks to park.

Director Ondich explained that Mn Statute 415.19 requires 10 days' notice to the public before the City Council can take a final vote on this amending ordinance. Upon approval of the ordinance's first reading, the notice would be posted at the City Hall and on the City's website.

After discussion, it was moved by Bass, seconded by Ryan to approve the *FIRST READING OF ORDINANCE #325 AMENDING SECTION 72.03 OF CHAPTER 72 TITLED PARKING REGULATIONS OF THE NEW PRAGUE CITY CODE*. All voted in favor. Motion carried (4-0).

RESOLUTIONS: Planning/Community Development Director Ken Ondich presented the City Council with Resolutions approving the Certification of Unpaid Service Charges for Mowing and Property Maintenance Nuisance

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Violations on both occupied and unoccupied homes and past due Municipal Utility bills to the Property Tax Roll.

The amounts being certified for collection to the two counties (Le Sueur and Scott) per state law are required to be certified to the County Auditors by October 15, 2021. These amounts collected are from September 15, 2020 to September 14, 2021.

Currently, the amount to be certified for mowing and property maintenance is \$1,448.49 (includes 1 outstanding mowing charge, plus administrative fees). After discussion, it was moved by Seiler and seconded by Bass to approve *RESOLUTION #21-10-04-02 APPROVING CERTIFICATION OF MOWING AND PROPERTY MAINTENANCE CHARGES TO PROPERTY TAX ROLL*. By roll call vote, all voted in favor. Motion carried (4-0).

The amount to be certified for unpaid delinquent municipal utility bills is \$4,289.45 (includes 10 outstanding utility charges plus administrative fees, does not include the electric charges). Most are rental properties. Landlords have been notified in addition to letters that went out to the tenants. This year has had considerably less delinquent bills than 2020 which was very high due to the COVID pandemic. Utilities General Manager Reimers will follow up with Ryan and Jirik on discussion about charges to a landlord for tenant's electric charges. It was moved by Ryan and seconded by Seiler to approve *RESOLUTION #21-10-04-03 APPROVING CERTIFICATION OF MUNICIPAL UTILITY BILLING CHARGES TO PROPERTY TAX ROLL*. By roll call vote, all voted in favor. Motion carried (4-0).

GENERAL BUSINESS: Planning/Community Development Director Ken Ondich provided background details from the July 19, 2021 City Council meeting where some staff and residents of Praha Village were in attendance to discuss the need for an improved crosswalk at 1st Street SE across 10th Ave SE for safety reasons. At this meeting, City staff were approved to study the crosswalk area and provide recommendations at a future council meeting. Since that meeting, staff completed traffic counts on 10th Ave SE from August 27th to September 13th and met with City Engineer Chris Cavett and Traffic Engineer Heather Kienitz of SEH to review the traffic counts as well as general conditions in the area which ended up also including 3rd St SE / 10th Ave SE crossings based on pedestrian crossings occurring in larger frequency with higher vehicle speeds.

SEH's recommendations included: 1. Crossing at 1st St SE/10th Ave SE should be improved with continental stripes (zebra stripes) and signage. A Rapid Flashing Beacon (RFB) System can be added in the future dependent upon funding (estimated at \$9,000 per crossing). 2. Crossing at 3rd St SE/10th Ave SE should be improved with continental strips (zebra stripes) and signage only.

The cost for striping and signs would cost about \$405 total and could be installed by the Street Department staff within the next two weeks, if approved. No budget amendment would be necessary. Staff will look into funding opportunities for an RFB system for the 1st St SE crossing but believe the striping and signage will improve the safety of the crossing in the interim.

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Motion by Seiler, seconded by Bass to approve the \$405 PURCHASE AND INSTALLATION OF NEW STRIPING AND PEDESTRIAN CROSSING SIGNAGE FOR THE CROSSINGS OF 1ST ST SE AND 3RD ST SE WITH 10TH AVE SE, TO BE COMPLETED BY THE STREET DEPARTMENT STAFF. All voted in favor. Motion carried (4-0).

Fire Chief Steve Rynda asked the Council and Staff to consider a pension benefit increase this year to the New Prague Fire Relief's Pension Plan. Mr. Rynda would like to begin the conversations and how to proceed forward on this topic. Recommended the Mayor, City Administrator and Fire Relief Boardmembers meet on a separate date and bring back to Council for consideration/approval at a future Council meeting. Discussed dates and times to meet and scheduled for October 20, 2021 at 6 p.m. at the Fire Station.

City Administrator Joshua Tetzlaff worked with Council on setting up two special meetings. One to discuss the Police Union Contract (Closed Meeting) and the second meeting to revisit the City's Budget (Open to Public). Discussed dates/times and set for October 25, 2021 after the Assessment Hearing.

MISCELLANEOUS: City Administrator Tetzlaff shared details on a petition he had received from a group asking for a Post Office in New Prague. Discussion took place between Councilmembers and Staff.

City Administrator Tetzlaff informed the Council he received a notice on September 24, 2021 that the City would be receiving \$14,022 from the COVID Response and Relief Supplemental Appropriations Act and he had until September 30, 2021 to decide how that money was going to be used. Met with Staff and asked for ideas. Public Works Director suggested an UTV to be used for watering and maintaining main street, staff agreed. UTV quoted at \$12,990 and there was one Kubota left in stock for a grand total of \$13,605 with accessories. No other departments had other suggestions.

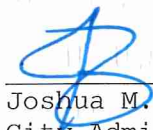
Motion by Ryan, seconded by Bass to approve the PURCHASE of a KUBOTA UTV AND ACCESSORIES FOR A TOTAL OF \$13,605 USING THE FUNDS FROM THE COVID RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT. All voted in favor. Motion carried (4-0).

There being no additional business, motion by Seiler, seconded by Bass to adjourn the meeting at approximately 7:13 p.m. All voted in favor. Motion carried (4-0).

ATTEST:



Duane J. Jirik
Mayor



Joshua M. Tetzlaff
City Administrator

