

# 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, November 15, 2021

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

Absent: Mayor Jirik

Staff Present at Meeting: Joshua Tetzlaff, Jim Gareis, Ken Ondich, Matt Rynda, and Barb Ulschmid (On-Line)

Others Present: City Engineer Chris Cavett, City Attorney Scott Riggs (On-Line), The Rusty Spoke Owner Pauline Baldazo

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

Acting Mayor Wolf asked if there were any questions on the Consent Agenda. Question addressed on Accounts Payable Report. After discussion, motion by Seiler, seconded by Bass to approve the CONSENT AGENDA as follows:

- A. November 1, 2021 City Council Meeting Minutes and Closed Labor Negotiations Meeting Minutes
  - B. Claims for Payment - November 15, 2021 in the amount of \$1,050,084.27.
  - C. Adopt 2022 City Calendar
- All voted in favor. Motion carried (4-0).

TH#19/MAIN STREET RECONSTRUCTION PROJECT (2020-2021) UPDATE: City Engineer Chris Cavett asked for approval of a resolution including Change Order #26 for \$4,113.78 - required to compensate the contractor and their subcontractor for the additional cost associated with a city requesting change to the mounting of the pedestrian crossing flasher system. The original plan called for one of the two signs at each crossing to be mounted on a street light pole and the other mounted on its own base and pole. Upon further consideration of all the things that will be on the light poles, it was decided that it was in the City's best interest to have the second crossing sign mounted on its own base and pole for each crossing location and not on a light pole. The change order is for the addition of two bases and poles, (one for each crossing location). The funding of this item falls under the local city's share of the Federal Aid/State Aid funding.

After discussion, it was moved by Seiler, seconded by Ryan to approve *RESOLUTION #21-11-15-01 TH 19/MAIN STREET (2020-2021 CIP) RECONSTRUCTION PROJECT DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT CHANGE ORDER NO. 26*. All voted in favor. Motion carried (4-0).

CSAH 15/COLUMBUS AVENUE N. IMPROVEMENT (2022 CIP) PROJECT UPDATE: City Engineer Chris Cavett asked for approval of a resolution containing a receiving report and the call for a public hearing. The Feasibility Report is complete and has been prepared in accordance with MN Statute 429. This report outlines the scope of the project, the probable costs,

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the funding options, and the potential assessment amounts to the benefiting properties. The Public Hearing is proposed to be held on Monday, December 6, 2021 which has been published in the New Prague Times, and mailed to the affected property owners. A neighborhood meeting was held on November 3, 2021. There were 9 of approximately 32 separate property owners, (28%) who attended this meeting.

The proposed scope of the project includes: 1. Columbus Ave N (Main St to 4<sup>th</sup> St NE) - complete reconstruction of the underground utilities including sanitary sewer, water main, both water and sewer services to the right-of-way, and storm sewer. 2. Columbus Ave N (4<sup>th</sup> St NE to 12<sup>th</sup> St NE) - Full-depth reclamation/pavement replacement, drainage structure replacement or rehabilitation, and storm sewer pipe replacement at certain locations. Misc. curb and sidewalk replacement and pedestrian walk ramp replacement to bring non-compliant pedestrian ramps into compliance with ADA standards. Road construction is scheduled to begin and end during Summer 2022.

After discussion, motion by Bass, seconded by Seiler to approve *RESOLUTION #21-11-15-02 RECEIVING REPORT AND CALLING HEARING ON CSAH 15/COLUMBUS AVENUE N. IMPROVEMENT (2022 CIP)*. All voted in favor. Motion carried (4-0).

RESOLUTION: Planning/Community Development Director asked for the approval of a resolution ordering the abatement of a hazardous building owned by Michael Weinandt. Director Ondich explained that City Staff have been working with the owner and tenants of 703 2<sup>nd</sup> Street NE on a solution to correct the significant health and safety concerns at the dwelling. The residential rental home has been posted as an unsafe uninhabitable building since October 29, 2021 following an inspection by Building Official Chad Lunder on 10-28-21 along with Sergeant Applen and Detective Spicer.

Due to the extreme nature of the conditions of this home involving cockroach infestation, inoperable heating system and excessive amounts of refuse, along with little improvement in the conditions of the property. The City Attorney's Office drafted a resolution deeming the building hazardous which authorizes staff to move forward with serving a lawsuit (the abatement order) in order to reach a resolution of the building's concerns by either correction of the items outlined in the order or by demolition of the building per MN Statutes, sections 463.16 and 463.17. City Attorney Scott Riggs explained that upon approval of the resolution, the owner must be served in person to the adult tenants of the home and the property owner by a process server. Once the order has been confirmed as served to all parties, the offending parties have twenty days to respond if they so choose and thirty days total to abate the issues. Councilmembers noted a few updates to the resolution.

After discussion, motion by Seiler, seconded by Ryan to approve *"AMENDED" RESOLUTION #21-11-15-03 ORDERING THE ABATEMENT OF HAZARDOUS PROPERTY AND BUILDING LOCATED AT 703 2<sup>ND</sup> STREET NE*. All voted in favor. Motion carried (4-0).

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GENERAL BUSINESS: A. Joint Powers Agreement for Prosecution Services - City Administrator Tetzlaff explained that in 2011, the City entered into a Joint Powers Agreement for prosecution services with Belle Plaine, Jordan, Elko-New Market, Savage, Prior Lake, and Shakopee. This was done under MN Statute 471,59 which allows for joint exercise of powers between governments. Since that time, prosecution services have been shared between these Cities. This is an update to the agreement, which adds Credit River as a member, bringing the total to eight.

After discussion, motion by Bass, seconded by Ryan to authorize the execution of the updated *JOINT POWERS AGREEMENT FOR PROSECUTION SERVICES - ADDING CREDIT RIVER AS A MEMBER*. All voted in favor. Motion carried (4-0).

B. Don't Be Lion LLC dba The Rusty Spoke Liquor License Update - City Administrator Tetzlaff explained that he and Police Chief Gareis had met with City Attorney Riggs to inquire about required timelines from the State in properly handling this liquor license request. No timeline on this investigation as long as progress continues. Police Chief Gareis has been in communications with the owner, Pauline Baldazo. Council asked that Staff fully understand what the requirements are, will continue to work with City Attorney Riggs to make sure no steps are missed. Chief Gareis explained that it is in the City's best interest to do all this background work upfront before issuing a liquor license. Will continue to finish up the background check to assure there are no disqualifiers in the liquor license statute regarding the issuance of a liquor license. City Attorney Riggs reinforced that the City is proceeding as they need to and the Chief needs this time to adequately conduct the background check. This item will be revisited at an upcoming Council meeting.

C. Review and Approval of Updated New Prague Business Subsidy Policy - This policy guides city officials as they work with businesses and possible subsidies for those businesses. The last time the policy was amended was in 2012. Most of the changes involve language clean up, as well as the addition of an exemption in Exhibit B and a requirement in Exhibit C. The EDA held a public hearing regarding this subsidy on November 10, 2021. There were no comments on the policy given and EDA unanimously voted to approve the policy.

After discussion, motion by Seiler, seconded by Bass on the *APPROVAL OF THE NEW PRAGUE EDA BUSINESS SUBSIDY POLICY*. All voted in favor. Motion carried (4-0).

D. 2020 Mighty Ducks Grant Acceptance - Administrator Tetzlaff shared that in 2020, the State of MN started offering grants to ice arenas across the state in an attempt to get them to stop using a refrigerant known as R-22. This refrigerant has been linked to lower air quality and a potential health hazard. Through the Mighty Ducks Grant Program, the New Prague Area Community Center, with approval from the City Council on May 17, 2021, applied for and was awarded a grant of \$17,500. This amount did not cover the full cost of replacing the refrigerant system was \$37,864, NPACC paid the

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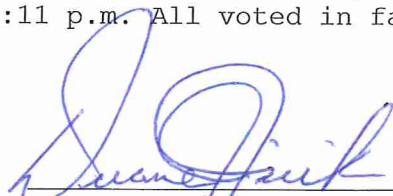
remaining \$20,364. This is now before the Council because the NPACC is not able to accept the grant funds. Under the terms of the grant, the City must be the ones to accept the funds. This would not cost the City anything as all the work has been completed and paid for by the NPACC. This grant would be passed on to the NPACC once the City has received the funds.

Motion by Bass, seconded by Ryan to approve the ACCEPTANCE OF THE 2020 JAMES METZEN MIGHTY DUCKS GRANT PROGRAM AWARDING OF \$17,500 AND AUTHORIZING BRUCE WOLF AS ACTING MAYOR AND JOSHUA TETZLAFF AS CITY ADMINISTRATOR TO SIGN FOR THE AWARD. All voted in favor. Motion carried (4-0).


MISCELLANEOUS:

1. Meeting Minutes approved (Park & EDA).
2. Jim Gareis - Provided an update on the Police Officer interviews and shared they will be making an offer soon. This hire would bring the department to a full staff. Would like to bring on one more officer in 2022 in preparation for the Police Chief's retirement. Also, talked about the scheduling and rotating of the police officers' schedules.
3. Maggie Bass - With the abatement issue at 703 2<sup>nd</sup> St NE, along with other properties, recommended Council and Staff resurrect the rental ordinance (which was in process in 2020 but got tabled with COVID). Would enable the City to move forward and do more with these rental properties. Ondich suggested doing an overview again and get Administrator Tetzlaff in the loop. Staff agreed to provide a summary at the December 20<sup>th</sup> City Council meeting.
4. Rik Seiler - KCHK is having a Senior Fair on Wed., Nov. 17/9-Noon at the Park Ballroom. A lot of vendors and very informative.

There being no additional business, motion by Ryan, seconded by Seiler to adjourn the meeting at approximately 7:11 p.m. All voted in favor. Motion carried (4-0).

  
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Duane J. Jirik  
Mayor

ATTEST:

  
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Joshua M. Tetzlaff  
City Administrator