

City Council Proceedings

1227

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



City Council Meeting
Monday, November 4, 2019

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

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

Others Present: Annette Larson, Scott Edgeworth, Tara Helm and Bill Hammes, Scott County Towards Zero Deaths Coalition

It was moved by Ryan, seconded by Nickolay to approve the Agenda. All voted in favor, motion carried. (5-0)

Police Chief Jim Gareis introduced 4 individuals who presented on behalf of the Scott County Towards Zero Deaths (TZD) Coalition. Presenters included Annette Larson, Director for the Southern Minnesota; Scott Edgeworth and Tara Helm, Directors for the Metro Area; and Bill Hammes, Law Enforcement Liaison. An overview of the program was provided along with its mission and how everyone can work together to create safe roads in Scott County. Goal is to have zero fatalities on the road. TZD's program team has identified several major focus areas to reduce traffic injuries and fatalities. A combination of strategies from different focus areas (Education, Emergency Medical & Trauma Services, Enforcement, and Engineering) are often most effective for solving a particular problem. Councilmember Seiler volunteered to serve on this committee on behalf of the New Prague City Council. This was an informational program and no action was required by Council.

In Fire Chief Jeremy Tikalsky's absence, City Administrator Mike Johnson recommended the appointment of Ryan Jabas as a New Prague Volunteer Firefighter effective November 5, 2019. This replacement was due to the retirement of Steve Kartak. The number of New Prague Firemen will now be at the authorized staffing level of 30 volunteers.

It was moved by Nickolay, seconded by Bass to appoint Ryan Jabas as a New Prague Volunteer Fireman effective November 5, 2019. All voted in favor, motion carried. (5-0)

Planning/Community Development Director Ken Ondich presented and reviewed RESOLUTION #19-11-04-01 APPROVING CONDITIONAL USE PERMIT #C2-2019 TO ALLOW MOTOR VEHICLE SALES ON AN EXISTING PROPERTY AT 1401 E. MAIN STREET, SUITE 2 IN THE B-2 COMMUNITY COMMERCIAL ZONING DISTRICT, AS PROPOSED BY MN AUTO DEPOT, LLC. During the presentation Ondich summarized that at the Planning Commission meeting on October 23, 2019 the request for Conditional Use Permit #C2-2019 would allow motor vehicle sales on an existing property at 1401 E. Main Street in the B-2 Community Commercial Zoning District.

Mr. Ondich shared that at the Public Hearing, the property owner, Tom Shimota of B&T Investments, LLC, provided comment regarding his concern about a condition that would require the parking spaces in front of the NAPA store to be striped. He stated that many of the NAPA customers drive large vehicles and trucks which do not fit into normal parking

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City of New Prague

}

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stalls and also noted that large vehicles often circulate through the site and having cars parked in certain areas may affect their ability to do so in the future. The Planning Commission discussed his request to waive the striping requirement and ultimately recommended that spaces should be striped along the building as well as the 5 spaces to be used for vehicle sales display. The unanimous recommendation for approval followed the seven findings in the staff report but amended the original 9 listed conditions in the staff report regarding the striping of the parking spaces.

After discussion, it was moved by Seiler, seconded by Ryan to approve *RESOLUTION #19-11-04-01 APPROVING CONDITIONAL USE PERMIT #C2-2019 TO ALLOW MOTOR VEHICLE SALES ON AN EXISTING PROPERTY AT 1401 E. MAIN STREET, SUITE 2 IN THE B-2 COMMUNITY COMMERCIAL ZONING DISTRICT, AS PROPOSED BY MN AUTO DEPOT, LLC.* All voted in favor, motion carried. (5-0)

Planning/Community Development Director Ondich provided another follow up from the October 23, 2019 Planning Commission meeting where the Commission reviewed the Preliminary and Final Plat of Tupy Acres, 2nd Addition which contains one lot and one outlot on 41.24 acres of land. It was noted that the plat is located outside of City Limits. The City has enacted a 2-mile extraterritorial subdivision review area into LeSueur County for the purpose of reviewing plats in this area to ensure they do not negatively affect the City's future growth in terms of roadway corridors and future utility extensions. The plat needed to be increased to 5 acres in order to be able to get permission to have outbuildings. LeSueur County retains all zoning and permitting authority other than the review of subdivisions. The required public hearing was held at the October 23rd Planning Commission meeting and no public comments were received.

The Planning Commission unanimously recommended (4-0) that the City Council approve the Preliminary and Final Plat of Tupy Acres 2nd Addition with the one finding and six conditions listed within the Staff approved resolution.

It was moved by Ryan, seconded by Bass to approve *RESOLUTION #19-11-04-02 GRANTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT OF TUPY ACRES 2ND ADDITION CONSISTING OF ONE LOT AND ONE OUTLOT ON 41.24 ACRES.* All voted in favor, motion carried. (5-0)

Director Ondich provided a follow up to the City Council discussion that took place on October 21, 2019 regarding data collected from April through September 2019 and the consensus of the City Council was to form a Task Force regarding development of a rental dwelling inspection ordinance.

Staff recommended a smaller group than was used in 2007 when the rental registration program discussion was taking place and had nine members. The task force at that time included three Council Members and six community members with additional staff support. Staff would suggest this current task force to include: (1) City Council Member, (2) Landlords, (2) Tenants, and (2) At Large Community Members.

City Council Proceedings

1229

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

}

City Council Meeting
Monday, November 4, 2019

An ad will be posted in the City paper, posted on the City's website and Facebook page. Staff recommended that interested persons submit a letter of interest so that the City Council can review and select members for the Task Force. The Task Force would be supported by City Staff Members as needed (Ken Ondich, Chad Lunder, Jim Gareis, and the City Attorney). The goal is to get a group set up by the end of this year. The Council was supportive of the proposed process and timeline.

It was moved by Ryan, seconded by Seiler to approve the following consent agenda items:

- A. City Council Regular Meeting Minutes from October 21, 2019 and Special Meeting Minutes from October 14, 21, and 28, 2019.
 - B. Claims for Payment
- All voted in favor, motion carried. (5-0)

Miscellaneous Items:

Steve Duban (Slick) - Owner of Flipside asked the Council to consider a change to City Ordinance 110.15 (G2 & G3), which would allow the on-sale of intoxicating liquor/3.2% malt liquor to begin on Sundays at 8:00 a.m. vs. 10:00 a.m. defined by State Statute M.S. Chapter 340A. Council suggested to change the ordinance to state, "follow the State Statute" so the Ordinance doesn't have to change every time the State Statute changes. City Administrator Mike Johnson advised the Council that basically it would take modification of the City Ordinance by the City Attorney and two readings. City Administrator Johnson will contact the City Attorney to get the ordinance changed to 8:00 a.m. On-Sale Liquor Sundays. Introduce at the first meeting in December and adopt at the second meeting of December. Could implement by the first of the year. Council was in agreement.

Joe Lambrecht - A Landlord in New Prague who wanted to revisit some information regarding the data collected from April through September 2019 and the development of a rental dwelling inspection ordinance. Mr. Lambrecht reiterated that there were only 3 rental/tenant complaints in those six months. Doesn't understand why a task force needs to be set up if there really isn't the need?

Gary Whiteis - Resident at 1406 9th Street SE. Had concerns about the Mayor's article in the last Utilities bill and the proposed property tax increase. Concerned about the continuous increase to his taxes and "administrative" fees. Mayor Nickolay recommended attending the Truth in Taxation meeting on December 2nd when the Council goes through their final budget. Can see the expenses involved with a growing City. This is the last meeting before the final budget approval at the last meeting in December. Why are the Commercial property taxes going down? Councilmember Wolf provided reasoning for tax calculations.

Mike Johnson - A reminder of Budget #3 Workshop on November 13th at 5:30 p.m. Open to the public.

City Council Proceedings

1230

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

}

City Council Meeting
Monday, November 4, 2019

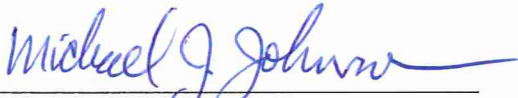
Rik Seiler - Board & Commissions vacancies clarification by Mayor Nickolay indicating the terms of service are from 6-1 to 5-31 of each year. Also, some questions regarding signage for businesses on Main Street during the 2020 road construction project. Administrator Johnson indicated MnDOT will provide the signage, construction details will be on their state-wide construction site. EDA/Chamber will take care of the marketing/social media side of things.

Bruce Wolf - Will the 2020 Main Street Project timeline be posted somewhere in the near future? Being proactive with communications to avoid confusion is crucial.

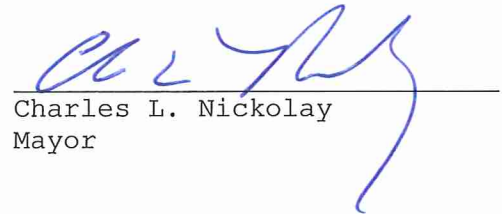
Chuck Nickolay - 1. Inquired about the Facilities Study. City Administrator Johnson mentioned it would be ready to go around the 1st of the year. 2. Athletic Fields Study - In process; Mr. Johnson hopes to have more details to the Council by the 1st of the year as well.

It was moved by Nickolay and seconded by Ryan to adjourn the meeting at approximately 7:03 p.m. All voted in favor of the motion. Motion passed. (5-0)

ATTEST:



Michael J. Johnson
City Administrator


Charles L. Nickolay
Mayor