

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, December 21, 2020

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

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

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

Others Present Online: City Engineer Chris Cavett, City Attorney Scott Riggs, Chamber Director Brooke Sticha and Business Owners - Rich Novak and Steve Duban

Motion by Seiler, seconded by Nickolay to approve the Agenda. By roll call vote, all voted in favor. Motion carried (5-0)

City Engineer Chris Cavett explained to the Council that the 2019 Street and Utility Improvement Project is complete and ready to be closed out. This was a very large cooperative project with Scott County as it included 1.5 miles of pavement replacement on old County Road 37, as well as a significant number of local streets. The proposed final application for payment includes nine additional change orders (6-14) which are recommended for approval. A large number of the change orders are due mostly to breaking out and describing different work and/or to group the work by different funding sources. Two of the change orders also include deductions (a subsequent reduction in the contract). Many of these change orders include Scott County cost contribution, for which the County has already approved the work. Change Order Nos. 1-5 were previously approved in 2019.

Mr. Cavett said last year at this time, they were expecting a couple significant change orders and that they were still in negotiation with the contractor on some final work items and some final pay quantities. These change orders would be coming to the Council at the end of the project for various reasons; most notably due to negotiating pricing on work late last season, followed by COVID and 2020 construction season disruptions this spring and summer, and the contractor's project manager leaving their company this past summer. SEH has worked with the contractor owner and Scott County to get this large cooperative project finalized with all parties.

The total sum of change orders 6-14 is \$169,039.34 which results in a revised contract amount (or contract limit) of \$3,451,222.47. Note, this revised contract amount is different than the total amount earned and payable to the contractor which is \$3,444,446.57.

After discussion, SEH and Staff recommended the City Council to approve the following two resolutions:

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RESOLUTION #20-12-21-01 DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT (CHANGE ORDER NOS. 6-14), in the total amount of \$169,039.34, increasing the contract to \$3,451,222.47. It was moved by Ryan, seconded by Seiler to approve Resolution#20-12-21-01. By roll call, all voted in favor of the motion. Motion carried, 5-0.

RESOLUTION #20-12-21-02 ACCEPTING WORK and authorize the final payment of \$121,242.07 with the release of all retainage to GMH Asphaltting Corporation for the 2019 Street and Utility Improvement subject to the submittal of all the contractors required paperwork. It was moved by Nickolay, seconded by Bass to approve Resolution #20-12-21-02. By roll call, all voted in favor of the motion. Motion carried, 5-0.

Business owners Richard Novak of 'Czech'ers Sports Bar at 125 Main Street East, New Prague and Steve Duban of FlipSide Pub & Grill at 329 Main Street West, New Prague inquired about what the City's stance would be should the small businesses/bars/restaurants defy the Governor's orders and reopen within the City of New Prague.

Mr. Duban shared that he's been in business for 18 years and never guessed it would be the government that would take his business down, not sure if he will be able to open in 2021? All the states around MN are open so surrounding states are taking business away from MN business owners, very frustrating! Asked the Council and Staff what the City can do to provide assistance and asked to consider reducing their 2021 City Liquor License fees.

Mr. Novak shared his frustrations with Staff and Councilmembers also. Indicated that the State is asking for payment on license fees due by the end of the year when his business has been shut down and not allowed to open/operate his business ('Czech'ers Sports Bar). Plus, the state refuses to reduce the fee. He has looked into additional grant money assistance but was refused because he already received grant money.

City Attorney Scott Riggs mentioned he will look further into additional grant money for small businesses. He also talked about the consequences should a business chose not to follow the Governor's orders (fines, license suspension).

City Administrator Johnson shared the City's obligation and legal responsibility to follow the Governor's orders, can't pick and chose which ones to follow.

Police Chief Gareis on behalf of the New Prague Police Department explained that the local police department's role is to address a complaint and educate those violating the executive order. Should

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that person/establishment continue to violate an order, it will be forwarded to the state to address.

The Council all acknowledged Mr. Novak's and Mr. Duban's frustrations and concerns, they want to help but must follow the Governor's orders as well. All councilmembers agreed to include the topic of reducing their City Liquor License fees on the next Council meeting's agenda.

This was an informational agenda item and no vote was needed at this time.

Planning/Community Development Director Ken Ondich asked for the approval of a resolution amending the application of the City's subdivision regulations to areas within Lanesburgh township. Mr. Ondich explained that the Planning Commission meeting was scheduled for December 16, 2020 to discuss the proposed amendment to the application of the City's subdivision regulations to areas within Lanesburgh Township. The meeting did not occur due to a lack of a quorum. However, it is not a requirement by state law for the Planning Commission to review the proposed amendment and it was only planned for their review as an informational item. For this reason, even without their review and recommendation, staff had forwarded the item to Council for review.

The reason this amendment is being considered at this time is due to the City of Heidelberg enacting it's own subdivision regulations to within 2 miles of their city limits because state statutes provides for when cities are less than 4 miles apart (New Prague and Heidelberg are about 2.7 miles apart at the closest point) each city controls the area equal distance from its boundaries (if they have each enacted application of their subdivision regulations out to two miles). Due to the way our current resolution is written that extends our subdivision regulations, this is not a straightforward application of the law as our resolution called out specific sections where our subdivision regulations apply, rather than a blanket 2 mile limit, calling into question where each city would control to. To remedy this issue, City Attorney Scott Riggs suggested amending our resolution to read that our subdivision regulations would apply a full 2 miles from our city limits and that each time the city annexes property, the application would automatically extend out two miles from that point.

After discussion, it was moved by Seiler, seconded by Wolf to approve *RESOLUTION #20-12-21-03 EXTENDING THE APPLICATION OF THE CITY OF NEW PRAGUE'S SUBDIVISION REGULATIONS TO AREAS WITHIN LANESBURGH TOWNSHIP*. By roll call, all voted in favor of the motion. Motion carried, 5-0. No further discussion.

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Police Chief Jim Gareis presented per direction by City Council to pursue pricing for the installation of squad car camera placements in the City's 4 squad cars. Upon looking at options, it was determined that the relationship already established with Axon, would provide the best results to integrate both body-worn cameras and fleet cameras.

Pricing was solicited from Axon Enterprise for the installation and lease of the necessary equipment. This lease agreement includes a first-year price of \$18,308.00. This includes the actual lease amount of \$6,192.00 plus the purchase amount of \$9,716.00 for purchased equipment (Cradle point cellular router and antennas - four of each) and \$2,400.00 for installation and training. For years two through five the lease amount is \$6,192.00. The total for the 5-year lease is \$43,076.00. At the end of the five-year lease with the Technology Assurance Plan, all cameras would be refreshed with the latest version of the new cameras. At that time would determine whether to enter into another lease agreement.

City Administrator Mike Johnson addressed some of the Council's questions and explained that the lease would start at the first of the year in 2021, installation would take place in later March 2021. Year one (1) funds of \$18,308.00 are coming from the fund balance of the former CARES Act Funds, but years 2-5 lease/expenses would need to come from and be included within the police budget.

After discussion, it was moved by Seiler, seconded by Ryan to approve *ENTERING INTO THE FIVE-YEAR LEASE AGREEMENT WITH AXON ENTERPRISES, INC. TO SUPPLY SQUAD CAR CAMERA TECHNOLOGY FOR THE CITY OF NEW PRAGUE FOR A TOTAL OF \$43,076.00.* By roll call, all voted in favor of the motion. Motion carried, 5-0.

Finance Director Patty Solheid recommended the adoption of the proposed 2021 Total Budget (All Funds) totaling \$33,547,799 and the City's proposed 2021-2030 Capital Improvement Plan (CIP).

The Budget includes summaries of the General Fund, the Proprietary Fund's (Water, Wastewater and Electric), the Non-Major Proprietary Funds (Ambulance, EDA, EDA Industrial Park, Golf, and Storm Water), the Special Revenue, Capital Project and Debt Service Funds.

It was moved by Nickolay, seconded by Bass to approve *RESOLUTION #20-12-21-04 ADOPTING CITY BUDGET FOR 2021 AND CAPITAL IMPROVEMENT PLAN (CIP) FOR 2021-2030.* By roll call, all voted in favor of the motion. Motion carried, 5-0.

City Administrator Johnson presented the 2020 Property Tax Levy, Payable in 2021 for the Council's approval.

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The proposed Property Tax Levy comprised of the following components: General Fund Levy, \$3,354,390 (77%), Debt Service Levy, \$950,000 (22%) and EDA Levy, \$50,000 (1%). The City's total property tax levy, Payable in 2021 for all purposes is \$4,354,390, an increase of \$50,857 or (1.2%) over the 2020 Payable Property Tax Levy. The changes within the overall tax levy for 2021 were summarized and reviewed.

After discussion, it was moved by Nickolay, seconded by Ryan to approve *RESOLUTION #20-12-21-05 APPROVING 2020 PROPERTY TAX LEVY, PAYABLE IN 2021*. By roll call, all voted in favor of the motion. Motion carried, 5-0.

City Administrator Johnson presented for the Council's review the Staff recommendation that the Council consider adopting the proposed employee Compensation Pay Plan for 2021.

It was moved by Seiler, seconded by Nickolay to approve the *COMPENSATION PAY PLAN FOR 2021* as presented. By roll call vote, all voted in favor. Motion carried (5-0).

Mayor Nickolay provided the Council with a formal summary of the 2020 City Administrator Evaluation and reported that the City Council had conducted the evaluation of Mr. Johnson on December 7, 2020. It was a unanimous decision by the Council that City Administrator Johnson had done an excellent job for the City of New Prague in 2020, receiving a rating of 4.41 out of 5 which translated to Exceptional - Generally Exceeds Expectations and highest score received so far. Mayor Nickolay stated, "City Administrator Johnson has done an excellent job during these difficult times." He was commended for making sure the residents and city staff of New Prague are protected and safe. Congratulated City Administrator Johnson on another positive evaluation and thanked him on behalf of the Council and citizens of New Prague for all his hard work. Also thanked Mr. Johnson for his guidance through his ten years as Mayor.

Motion by Nickolay, seconded by Wolf to approve City Administrator Mike Johnson's Performance Evaluation Summary and approve a compensation adjustment for 2021 at the City's COLA amount of 2.75%. By roll call vote, all voted in favor. Motion carried (5-0).

After discussion, it was moved by Seiler, seconded by Bass to approve the Consent Agenda as follows:

- A. December 7, 2020 Special City Council Meeting Minutes and December 7, 2020 Special Closed City Council Meeting Minutes
- B. Claims for Payment
- C. 2021 Tobacco Licenses
- D. 2021 Commercial Refuse Hauler/Recyclable Collector Licenses

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- E. Mayoral Appointments to Boards/Commissions beginning January 5, 2021-City Administrator Johnson
- F. Approval of Southwest Metro Drug Task Force (SWMDTF) Joint Powers Agreement - Police Chief Gareis
- G. Declaration of Surplus Property in Police Department - Police Chief Gareis
- H. Approval of Federal Awards Administration Policies and Procedures - Finance Director Patty Solheid
- I. Approval of *RESOLUTION #20-12-21-06 DESIGNATING POLLING PLACE FOR 2021 ELECTIONS* - Planning/Community Development Director Ken Ondich

By roll call vote, all voted in favor. Motion carried (5-0).

Miscellaneous Items:

Ken Ondich - Mentioned the sale of the Mill to the new owners (also owners of Hotel Broz) for \$200,000. Future uses are unknown at this time.

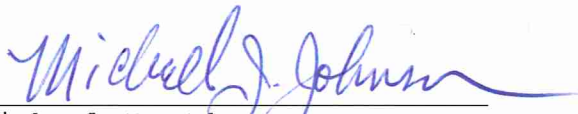
Scott Riggs - Thanked everyone for their patience on the Mr. Novak matter and congratulations to the Mayor for his 10 years of service to the City.

Bruce Wolf - Suggested scheduling the EDA presentation at an upcoming City Council meeting. Commended Mayor Nickolay for his involvement with EDA and the City's economic development.

In honor of Mayor Charles L. Nickolay's final Council meeting, Mayor Nickolay's family presented Mayor Nickolay with a framed resolution recognizing Mr. Nickolay for his ten years of being an outstanding Mayor for the City of New Prague. Councilmember Maggie Bass read the resolution out loud as family, staff and councilmembers listened on-line. After congratulations to the Mayor by all present online, *RESOLUTION #20-12-21-07 RECOGNIZING MAYOR CHARLES L. NICKOLAY* was moved for approval by Ryan, seconded by Seiler. By roll call vote, all voted in favor. Motion carried (5-0). Mayor Nickolay was also given a plaque and key to the City recognizing his 10 years of service as Mayor (2011-2020).

There being no additional business, motion by Nickolay, seconded by Seiler to adjourn the meeting at approximately 8:04 p.m. All voted in favor of the motion. Motion carried (5-0).

ATTEST:



Michael J. Johnson
City Administrator



Charles L. Nickolay
Mayor