

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



City Council Meeting
Monday, February 6, 2017

Mayor Nickolay called the Special Meeting to order at 5:30 p.m. with the following members present: Nickolay, Bruzek, Jirik, Ryan, Tuma

Staff Present: Mike Johnson and Glen Sticha

The Council reviewed the background and application materials for the 19 applicants who applied for the Stakeholder Advisory Committee for the MnDot Highway #19 Project.

After considerable discussion, the Council took turns selecting individuals to serve on the Committee. At the conclusion of the selections, 15 individuals were selected to serve on the Committee and they included: Maggie Bass, Dirk Berger, Mark Bartusek, Dennis Dvorak, Michael Fullerton, Robert Gillman, Lori Hodapp, Debbie Kalousek, Melissa Kreuser, Randy Kubes, Patricia Peterson, Meghan Sweetland, Alan Washa, Kay Wilcox, and Mark Zimitsch.

City Administrator Johnson indicated that letters would be sent to those who were selected and those who were not thanking them for applying to serve on the Committee.

Mayor Nickolay indicated that he would recommend to the City Council the 15 individuals that were selected at the regular City Council meeting.

It was the consensus of the City Council to adjourn the special meeting at 6:05 P.M.

Mayor Nickolay called the regular meeting to order at 6:08 P.M. with the following members present: Nickolay, Bruzek, Jirik, Ryan, Tuma

Staff Present: Mike Johnson, Ken Ondich, Jim Gareis, Glen Sticha, Bruce Reimers and Mary Jo Hruby

Mayor Nickolay amended the Agenda by moving Agenda Item #4 *Appointment of Volunteer Fire Fighters* to Agenda Item #1A.

It was moved by Ryan and seconded by Tuma to approve the amended Agenda. All voted in favor of the motion. (5-0)

Public Works Director Sticha introduced new Waste Water Operator Adam Jirak to the Council. Mr. Jirak started working for the City on January 30th, 2017. Mayor Nickolay welcomed Mr. Jirak.

Fire Chief Jeremy Tikalsky recommended the appointment of Tim Dvorak, Ryan Schmitz, Jeff Steinhoff and Eric Steinhoff as New Prague Volunteer Firefighters effective February 7, 2017. With these appointments, the number of New Prague Firemen would meet the authorized staffing level of 30 volunteers plus one in anticipation of an additional forth coming retirement from the Department in 2017.

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It was moved by Nickolay and seconded by Jirak to approve the appointment of Tim Dvorak, Ryan Schmitz, Jeff Steinhoff and Eric Steinhoff as New Prague Volunteer Firefighters. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed the Ordinance for vacation of a portion of a sanitary sewer easement located in Lucas Addition, as proposed by Lucas Properties - New Prague, LLC the owner of Scott Equipment which is located at 604 4th Ave. NW. They have submitted a building permit for a small addition onto the SE corner of their existing building. This proposed small addition would encroach slightly into an existing sanitary sewer easement that lies on the property. The City is being asked to vacate a small portion of the existing sanitary sewer easement in order to allow the addition to be constructed. The actual area of the easement that would be vacated is very small (between 2.0' and 2.2' wide and less than 49' long) and would not reduce the easement to less than 10' from the building to the sanitary sewer line which is ample easement area for future repairs of the sanitary sewer line should they be needed.

Mayor Nickolay opened the Public Hearing at 6:16 P.M. for the vacation of a portion of a sanitary sewer easement located in Lucas Addition.

With no public comment, it was moved by Nickolay and seconded by Bruzek to close the Public Hearing at 6:16 P.M. All voted in favor of the motion. (5-0)

It was moved by Nickolay and seconded by Tuma to adopt ORDINANCE #294 AN ORDINANCE VACATING A PORTION OF A SANITARY SEWER EASEMENT LOCATED IN LUCAS ADDITION. All voted in favor of the motion. (5-0)

Mr. Rich Lucas gave a brief overview of what's happening at Scott Equipment. This expansion will allow them to add two more fabrication areas.

The Council had lengthy discussion on the "Draft" Ordinance Creating New Chapter 94 as the Predatory Offender Residency Regulations.

It was moved by Ryan and seconded by Jirik to approve the Introduction and 1st Reading of Ordinance Creating New Chapter 94 as to Predatory Offender Residency Regulations as written subject to the revisions of 1500' setback to not include licensed day cares and any other technical language changes that tie into that throughout the rest of the Ordinance. All voted in favor of the motion except Bruzek voted against. (4-1)

Mayor Nickolay announced that the City Council met in special session before the regular meeting to review and discuss the applicants list for appointment to the Highway 19 Project Stakeholder Advisory Committee. Mayor Nickolay recommended the following appointments: Maggie Bass, Dirk Berger, Mark Bartusek, Dennis Dvorak, Michael Fullerton, Robert Gilman, Lori Hodapp, Debbie Kalousek, Melissa Kreuser, Randy Kubes, Patricia Peterson, Meghan Sweetland, Alan Washa, Kay Wilcox, and Mark Zimitsch.

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It was moved by Bruzek and seconded by Ryan to approve the Mayor's recommendations to the Highway 19 Project Stakeholder Advisory Committee. All voted in favor of the motion. (5-0)

General Manager Reimers informed the Council that the Federal Emergency Management Agency (FEMA) will no longer reimburse cost arising from a City or Municipal Utility assisting another City/Utility unless there is a prior written agreement between the damaged party and the assisting party. Mr. Reimers presented a Resolution which authorizes participation in the MMUA Mutual Aid Program, directs execution of the Mutual Aid Agreement, and establishes authority for setting rates for reimbursement. The Mutual Aid Agreement does not obligate the City/Utility to provide mutual aid; it merely allows for receipt of FEMA reimbursement funds.

It was moved by Jirik and seconded by Bruzek to approve RESOLUTION #17-02-06-01 RESOLUTION APPROVING MUTUAL AID AGREEMENT WITH MINNESOTA MUNICIPAL UTILITIES ASSOCIATION (MMUA). All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed with the Council that at the August 24, 2016 Planning Commission meeting a rear setback variance was reviewed by the Planning Commission for a building addition in the I-1 Light Industrial Zoning District. Following this meeting, staff conducted research among area Cities to see if New Prague's rear yard industrial setback was in line with other Cities or if it was larger than other Cities. It was found that New Prague's rear yard industrial setback was greater than other area Cities and that the building and fire codes ultimately determine appropriate setbacks for fire safety purposes and whether buildings were sprinkled or not had the biggest effect on setbacks and that lessening such a large setback could be reduced to make more efficient use of industrial land. The Planning Commission held a Public Hearing on January 25, 2017 to have an Ordinance Amendment to lessen the rear setback from 40' to 25' with an increased setback to 50' when abutting a residential zoning district and recommended it be forwarded to the City Council for consideration.

It was moved by Nickolay and seconded by Jirik to approve Introduction and 1st Reading of ORDINANCE #296 An Ordinance Amending Section 611 of the City of New Prague Zoning Ordinance Relating to Light Industrial District Rear Setbacks. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed the annual commercial building audit and vacant lot inventory for 2017. Mr. Ondich summarized the changes that have occurred in the last year. There have been 10 new business openings in New Prague and the immediate area, by either new business start-ups or businesses moving into New Prague; there have been 24 business closings/changes. (Closings means actual business closings or moving out of New Prague and changes means changes in ownership, name changes, change in business location within the City, changes in services, or expansions). There are 42 vacancies of various commercial spaces/lots

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(increased from previous year only due to adding lots in the Industrial Park to the inventory). Some notable new businesses include: The Refinery, Salon Paws, Lady A's Cupcakes, Jeff Belzers, Thrivent Financial, Atticus and Atalia, and Paul Hanzel Homes/Dynamic Woodworks.

Planning/Community Development Director Ondich informed the Council the City received an application for a Housing TIF District from New Prague Senior Living Associates I, LLC with the Makado Group, LLC as a managing member. The Housing TIF District application indicates a project with a total value of just over \$19,000,000 on the 3.83 acre parcel of land directly south of the State Bank of New Prague. The development proposal would include a 125,000 sq. ft. senior housing building containing 90 units with a hard surface façade, underground parking and surface parking lots. In order to process the Housing TIF application, staff relies on the City's financial consultant Springsted. Springsted has provided a contract for review of the Housing TIF application. The City has received a check for \$15,000 to cover the review by Springsted, legal review by Kennedy and Graven, as well as the City's application fee so there is no cost to the City for the review as it is developer paid.

It was moved by Nickolay and seconded by Jirik to approve the contract with Springsted dated February 6, 2017 to review Housing TIF application documents. All voted in favor of the motion. (5-0)

Consensus of the Council is to set a work session for Monday, February 13th at 6:00 P.M. to discuss Tax Increment Financing in General as well as the specific Housing TIF District that has been applied for.

Public Works Director Sticha reviewed the two proposals received for a 10 ft. Fairway Roller for the Parks Department. The only manufacturer that meets all of the specifications that were requested was Smithco, sold by Turfwerks, the unit is 10 feet wide, can be pulled by anything with a 2 inch ball, has water tank to change the down pressure of the roller and will roll 12 acres per hour. This would be a new piece of equipment used at all the ball fields and the new soccer fields at Settlers Park to help keep the fields smooth and prevent disease. The Golf Course expressed an interest in using it on the fairways periodically if it is available. Staff recommends to purchase the Smithco Fairway Ultra-10-SC from Turfwerks for \$11,650.32.

It was moved by Tuma and seconded by Jirik to approve purchase of 10' Fairway Roller from Turfwerks in the amount of \$11,650.32. All voted in favor of the motion. (5-0)

Public Works Director Sticha informed the Council that MNDOT has recently completed an engineering and traffic investigation on MN Trunk Highway 21 within MnDOT's Metro District to determine reasonable and safe speed limits. The investigation indicates two locations within the City of New Prague for changes. The first is the existing 55 mph speed limit between a point approximately 200 feet north of the intersection with CSAH 37 to a point approximately 1810 feet north of

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CSAH 37 is recommended to decrease to 50 mph. The second is the existing 55 mph speed limit between a point approximately 1810 north of CSAH 37 and the border with Helena Township is recommended to increase to 60 mph.

It was moved by Nickolay and seconded by Ryan to approve the following consent agenda items:

- A. Approve January 17, 2017 Meeting Minutes
- B. Approve Claims for Payment
- C. Approve Pre-Audit 2016 Financial Reports as of 12/31/16
- D. Approval of Minnesota Lawful Gambling LG230 Application to conduct off site gambling for New Prague Firemen's Relief Association on February 24, 2017 at the Knights of Columbus Hall
- E. Approval of St. Wenceslaus School Temporary On-Sale Liquor License at the Parish Activities Center, St. Wenceslaus Church, 227 Main St. E. on April 1, 2017

All voted in favor of the motion. (5-0)

Police Chief Gareis requested the reallocation of Capital Improvement Funds. Upon reevaluation of this year's designated CIP funds, it was determined that the need for a new squad car was not necessary due to the management of the fleet. It is believed that by simply pushing the replacement schedule out a year further that the scheduled rotation would serve the citizens of New Prague. Also in the Capital Improvement Plan for 2017 there were four 800 portable radios scheduled for the Police Department. It was discussed by Staff of creating a cache of radios for emergency management purposes. While getting quotes for the four 800 radios to be ordered for 2017, he learned that the cost of the radios would be going up greatly once the 2017 contract is in place. The reallocation of funds for the purchase of a squad car, to purchasing eight more portable radios this year, will benefit the City in two ways. First of all, the purchase price is lower now allowing the City to save money for the purchase of the radios, Secondly, by purchasing the radios now, it will allow for immediate repurposing to the Utilities. The repurposing would serve emergency management in the event the radios are needed and would serve for better communication for utility departments.

Consensus of the Council is to put the reallocation of 2017 CIP Funds for Police Department on the February 13, 2017 Special Meeting Agenda.

Utilities General Manager Reimers informed the Council that the SHERCO Three Generating Plant will be down for annual repairs and will be available for tours sometime in late March. Anyone interested in taking a tour of the facility can contact Bruce.

Planning/Community Development Director Ondich reported that FEMA is working on an update of the FEMA flood map data for Le Sueur County.

City Council Proceedings

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It was moved by Nickolay and seconded by Bruzek to adjourn the meeting at 8:17 P.M. All voted in favor of the motion. (5-0)

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson
City Administrator