

# City Council Proceedings

1296

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

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Special City Council Meeting  
Monday, April 20, 2020

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

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

Planning/Community Development Director Ken Ondich presented to the Council the Second Reading and Adoption of Ordinance No. 311 Amending the City's Zoning Ordinance, specific to densities in the RH High Density Residential Zoning District.

A summary of the proposed changes included: an increase density in the RH District from 22 units per acre to 32 units per acre; decrease sq. ft. per lot, per unit from 2,000 sq. ft to 1,300 sq. ft.; decrease open space per unit from 400 sq. ft. to 300 sq. ft.; and add building design requirements for buildings with 5 or more units. Ryan wanted to go on record stating he did not approve the proposed amendments regarding the subjectivity of the building's design requirements and is worried this could change the small-town atmosphere of New Prague going forward.

After discussion, it was moved by Seiler and seconded by Nickolay to approve the *ADOPTION OF ORDINANCE NO. 311 AMENDING SECTIONS 607 THROUGH 608 AND ALSO ADDING SECTION 744 OF THE CITY OF NEW PRAGUE ZONING ORDINANCE RELATING TO RH HIGH DENSITY RESIDENTIAL DENSITY AND BUILDING APPEARANCE STANDARDS*. Voting aye were Nickolay, Bass, Seiler and Wolf. Voting nay was Ryan. Motion carried. (4-1)

City Administrator Mike Johnson presented to the Council the Second Reading and Adoption of Ordinance No. 312 and asked for their review and approval or the adoption of the proposed ordinance. Ordinance No. 312 has been prepared by the City Attorney's Office which would authorize the Veteran's Memorial to be placed in Memorial Park. Ordinance No. 312 identifies that the City has been approached by the American Legion Post 45 (Legion) to use a portion of Memorial Park for a Veteran's Memorial. The Legion would be responsible for any costs or expenses related to the Veteran's Memorial and the City would not.

After discussion, it was moved by Nickolay and seconded by Seiler to approve the *ADOPTION OF ORDINANCE NO. 312 AUTHORIZING VETERAN'S MEMORIAL PURSUANT TO MINNESOTA STATUTES, Section 416.01*. All voted in favor, motion carried. (5-0)

Regarding the TH #19 / Main Street Reconstruction Project, City Engineer Chris Cavett presented and asked the Council for their approval of a resolution and two agreements.

The resolution was regarding accepting the bids for the 2020 Street and Utility Improvement Project for the TH #19/Main Street Reconstruction Project. At 10:00 a.m., Thursday April 2, 2020, two bids were received. The

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lowest bid received was from S.M. Hentges & Sons, Inc. from Jordan, MN for a total bid of \$12,499,000. The second bid received was from Geislinger & Sons from Watkins, MN for a total bid of \$13,400,139. The Engineer's Estimate was \$10,076,048.

The low bidder's estimate was \$2.4M or 24.0% above the engineer's estimate. The engineer's estimate was prepared during the fall of 2019 based on adjusted 2019 construction pricing. Cavett stated there have been a number of recent projects bid this winter and the results of those projects were similar, (few bidders and high bids). Based on the recent trend on other similar projects, it generally appears that the bids were on par with other similar 2020 projects. A comparison of the bid to the engineer's estimate as it relates to the various funding sources, shows SP4003-24 (State portion of the project) approximately \$1.7M over the 2019 engineers estimate. The City of New Prague's non-participating work (sanitary sewer, water main and landscaping work) amounted to approximately \$890K over the 2019 engineer's estimate. The estimated cost for the bids portion of the lighting system (conduit, wire, foundations, etc.), actually came in \$241K under the 2019 engineer's estimate. The items that were consistently higher for both bidders from the 2019 engineer's estimate were removals, excavation, aggregate and concrete pay items. General comments from area contractors were that there is a substantial amount of work out there, as well as work backlogs from last year as a result of the wet 2019 construction season. Contractors can be selective.

The cost and funding of this project based on the low bidder's pricing was shared and reviewed which illustrated the estimate funding from the various funding sources. The "Total Construction Cost" included the contractor's bid amount of \$12.5M plus \$0.8M of force account lighting work = \$13.3M. The Total Estimated Project Cost" included the construction cost + administrative, fiscal, legal and engineering costs. The total estimated project cost as administered by the City is estimated a \$15.2M. (This does not include MnDOT's own internal engineering and overhead costs which are in essence a part of the project cost as well, but are not included here).

MnDOT District 7 (Mankato) and MnDOT State Aid for Local Transportation are in concurrence of awarding the bid to the lowest bidder, S.M. Hentges & Sons, Inc. They are a local contractor and have done satisfactory work with SEH, the City and MnDOT in the past.

After discussion, it was moved by Seiler and seconded by Bass to approve *RESOLUTION #20-04-20-01 ACCEPTING BIDS FOR 2020 STREET AND UTILITY IMPROVEMENT PROJECT FOR TH #19 / MAIN STREET RECONSTRUCTION PROJECT contingent upon approval being obtained from the MnDOT Office of Civil Rights and award to S.M. Hentges & Sons, Inc.* All voted in favor, motion carried. (5-0)

City Engineer Cavett continued with the approval of a Professional Service Agreement for Construction Administration. The City of New Prague and Minnesota Department of Transportation (MnDOT) have entered into a Cooperative Construction Agreement (CCA) for the reconstruction of Trunk Highway 19 (Main Street) through downtown New Prague. The CCA (MnDOT Contract No. 103574) was approved by the City Council at the March 2, 2020,

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City Council meeting and since the April 2, 2020, bid opening, the CCA has been executed by MnDOT based on the contractor's bid pricing. The CCA outlines MnDOT's fiduciary obligations to the City as the lead agency as well as the City's obligation to MnDOT as owner of the trunk highway corridor. While MnDOT will be providing their own staff to inspect the storm sewer and roadway improvements, the City is designated the lead agency and charged with administering the construction contract. The CCA provides \$362,200 to be paid to the City for the State's share of cost for construction administration, project liaison, construction staking, and record drawings to be included under the City's construction engineering contract.

With the Main Street project moving into the construction phase, Short Elliott Hendrickson Inc. (SEH) is honored to partner with the City and MnDOT on this project and to have the opportunity to submit this proposal for professional services for construction and post-construction phases of the project. The Summary of Construction Engineering tasks were reviewed. Council had extensive discussion on what it would take begin on the business section of Main Street being they are closed already due to the Corona Virus vs starting at the West and East ends of Main Street. City Engineer Cavett explained that the bids were received with the plan of working on the East and West ends of town this year and the Business District area of Main Street in 2021. Cavett indicated he would share the Council's suggestions with S.M. Hentges & Sons, Inc. and see if this is a viable option and will follow up with the Council and City Staff on this.

After discussion, it was moved by Nickolay and seconded by Bass to approve the *PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION ADMINISTRATION for the TH#19/Main Street Reconstruction Project*. All voted in favor, motion carried. (5-0)

City Engineer Cavett continued to the second agreement for approval which included the approval of a Material Testing Services Agreement. There were two proposals submitted for construction testing for the Main Street Project which included Braun Intertec (Braun) and American Engineering Testing (AET). The testing services are limited to the water main and sanitary sewer construction (trench excavation and trench compaction) as MnDOT will be conducting all their own material testing related to the storm sewer, roadway and sidewalk construction. Both proposals are very similar in scope and estimated costs. SEH has worked with both firms. Braun has worked on nearly every city project since 2005. Braun's estimated cost for the compaction testing services is estimated at \$36,000 (with the concrete testing option excluded). AET provided an estimate range of \$29,421 to \$38,101. In essence, both cost estimates are effectively the same. Staff and SEH recommended awarding the testing services contract to Braun Intertec based on the City's past experience working with their firm.

It was moved by Seiler, seconded by Nickolay to approve and award the *MATERIAL TESTING SERVICES AGREEMENT TO BRAUN INTERTEC FOR THE AMOUNT OF \$36,000.00*. All voted in favor, motion carried. (5-0)

Police Chief Jim Gareis asked the Council for their approval on the appointment of Ms. Chantel Nelson as a Police Clerk-Typist in the Police

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Department. Ms. Nelson will back fill for Ms. Jessica Thorp's position who recently was promoted to the Police Record's Technician position and will replace Judy Ceplecha who will retire on May 29, 2020 after working 40+ years for the City of New Prague. Chief Gareis provided background information on Ms. Nelson with the recommendation to hire Chantel Nelson for the position at Step 4 of the structured pay schedule on grade 4 at \$24.30 per hour. She would also receive 112 hours of vacation (Step 3) in the New Prague Employee Handbook with a proposed start date of May 4, 2020. It was moved by Bass, seconded by Ryan to appoint Chantel M. Nelson to the Police Clerk-Typist position as recommended. All voted in favor, motion carried. (5-0)

City Administrator Johnson informed the City Council that 7 applications had been received for various open Board and Commission seats which are due to expire May 31, 2020. Mayor Nickolay suggested to City Administrator Johnson that due to the COVID-19 Pandemic to ask the 6 board members/commissioners with expired terms as of May 31, 2020 to consider staying on one extra year vs. interviewing new candidates to fill these seats during this time. Barb Ulschmid will contact the candidates and follow up with the Councilmembers. Nickolay motioned and seconded by Seiler to extend the Board and Commission terms for a maximum of one year to get through this pandemic situation. The staggered terms would continue so there wouldn't be multiple terms expiring within each board/commission. All voted in favor, motion carried. (5-0)

Also on the note of Board terms, City Administrator Johnson mentioned ED Board member Nick Slavik has moved outside of City limits. As a result, Board member Slavik will need to tender his resignation from the board being he is no longer a resident of the City. The language the Council previously adopted in the City Code requires residence within City limits by all Board & Commission members.

Emergency Management Director (EMD) Jim Gareis provided the Council with an update. Each department continues to work with their employees. To date there are no COVID related illness. With the Governor's extension of the stay at home order back on April 8<sup>th</sup>, that is in effect through May 4<sup>th</sup>. Golf Course opened as of Saturday, April 18<sup>th</sup> and is working with Kurt Ruehling to get up and running and assure a COVID safe environment. Police and Fire departments are good with PPE needs. Department Heads (Patty Solheid, Bruce Reimers and Glen Sticha) provided a general overview/update on their processes and procedures currently set up within their departments. Shared safety protocols for all staff to maintain a healthy workforce/safe environment so they are able to maintain the workforce and provide for the services that are necessary (cleaning procedures, shift updates).

Ken Ondich - Provided an update on the technology network changeover that will take place on May 5<sup>th</sup>. Hy-Vee will pick up their permit for renovation tomorrow. A lot of residents building decks and calling in for permits.

Mike Johnson - Part of the Governor's decision is to allow restaurants to sell alcohol (6 pack or bottle of wine) with takeout meals. Council has the choice to prohibit this choice or to follow the state's direction. Wolf asked the Chief's opinion on this issue, and Chief Gareis had no problem

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with this being these places already have a liquor license in place, Council OK with as well. Also, with the authorization to open the Golf Course on Saturday, the COVID CDC guidelines have been put in place and will limit as much as physical contact as possible. Instituted all the elements to comply with the Governor's order. Saturday and Sunday had around 400 rounds of golf and \$35,000 in revenue, a successful start to the season.

Chuck Nickolay - Commended Kurt Ruehling and Jeff Pint on a successful opening weekend at the Golf Course.

Shawn Ryan - Had a Baker Tilly and Parks questions for Patty Solheid.

After discussion, it was moved by Nickolay, seconded by Seiler to approve the Consent Agenda.

#### CONSENT AGENDA:

- A. April 6, 2020 Regular City Council Meeting Minutes
- B. Claims for Payment -April 20, 2020
- C. First Quarter Finance Report (January-March 2020) -  
Finance Director Patty Solheid

All voted in favor. Motion carried (5-0).

#### Miscellaneous Items:

Patrick Fisher - Asked Police Chief Gareis for the latest updates pertaining to the Governor's direction on how local businesses are able to use their Liquor Licenses during this COVID-19 pandemic.

Mike Johnson - Shared details of a Star Tribune article on City Council meetings via phone or online during this pandemic. Commended Jim Gareis and Ken Ondich for successfully setting up all the board and commission meetings online via GoToMeeting. Also, provided an update from Terri Heaton, Principal from Baker Tilly regarding the bonding process to finance the Mair Street project. About a 2-month process to call for the sale, award the sale and close the sale. Will have to put together timing wise to ensure the City has cash on hand to pay the bills.

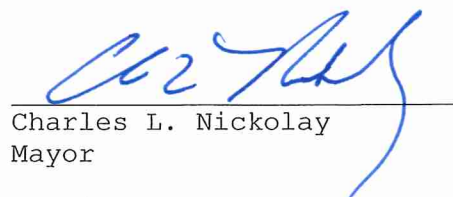
Shawn Ryan - Asked to add to next meeting's agenda the opportunity to discuss extending the hours of operation for Golf Carts/Recreation Vehicles and extend past sunset if the carts have the proper lighting.

Following discussion, it was moved by Nickolay, seconded Seiler to adjourn the meeting at approximately 7:31 p.m. All voted in favor of the motion. Motion carried, 5-0. Stay safe everyone!

ATTEST:



Michael J. Johnson  
City Administrator



Charles L. Nickolay  
Mayor

