

# 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, June 19, 2017

Mayor Nickolay called the meeting to order at approximately 6:00 p.m. with the following members present: Nickolay, Bruzek, and Jirik

Absent: Ryan

Staff Present: Mike Johnson, Ken Ondich, and Deb Wegner

Others Present: City Attorney Scott Riggs, Film director Michael Vincent

It was moved by Bruzek, seconded by Jirik to approve the Agenda. All voted in favor of the motion except Ryan who was absent.  
(3-0)

City Administrator Johnson presented a Resolution Declaring a Vacancy to Exist in the Office of the City Council. Councilmember Jenna Tuma announced her resignation from the City Council effective June 14, 2017 resulting in more than two years remaining in her term (January 1, 2017 to December 31, 2020). He stated the City Council can make an "Interim Appointment" to the Council seat, but will be required to hold a special election to formally fill the vacancy.

City Attorney Riggs reviewed the process and procedure with the Council related to declaring the vacancy and appointing an individual to an "Interim" Councilmember position. He stated the City must hold a special election to fill the vacant seat and that the special election can be held at or before the November 6, 2018 regular city election. He stated that upon completion of the special election, the new Councilmember-elect will immediately fill the vacancy until the term expires on December 31, 2020.

It was moved by Jirik to approve RESOLUTION NO. 17-06-19-01 RESOLUTION DECLARING A VACANCY TO EXIST IN THE OFFICE OF THE CITY COUNCIL and seconded by Bruzek. All voted in favor of the motion except Ryan who was absent. (3-0)

After further discussion it was the consensus of the Council to take applications for the vacant Council position and select an individual to be appointed. A motion was made by Mayor Nickolay to put a two week Council vacancy ad in the New Prague Times & Extra with applications due on July 6, 2017 with interviews of applicants with City Council to be held on Thursday, July 13, 2017. It was noted that the selected applicant will be appointed by the City Council to the "Interim" Councilmember

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vacancy on July 17, 2017 and will serve in that capacity until a "Special Election" for the vacancy can be held in November of 2018, seconded by Bruzek. All voted in favor of the motion except Ryan who was absent.

(3-0)

Mayor Nickolay reviewed the resolution approving the recommendations for appointment to the City's Charter Commission and noted there are 3 open seats on the Charter Commission.

A motion was made by Bruzek to approve RESOLUTION NO.17-06-19-02 RESOLUTION APPROVING CITY COUNCIL RECOMMENDATION FOR CITY CHARTER COMMISSION APPOINTMENTS, with the following recommendations Bernie Wehseler & Chuck Nickolay to serve the January 1, 2016 - December 31, 2019 terms, and Duane Jirk to serve the January 1, 2014 - December 31, 2017 term, and to submit recommendations to the District Court, seconded by Mayor Nickolay. All voted in favor of the motion except Ryan who was absent. (3-0)

City Administrator Johnson reviewed the proposed lease agreement with the School District. He stated that it is a 7 year lease covering the calendar year of July 1, 2016 to June 30, 2022 and that the annual lease amount is \$15,000 per year, for a total calendar lease of \$105,000 over the term of the lease. He stated the school needs a final lease by June 21<sup>st</sup> so that the school board can take action at their June 26, 2017 meeting. He noted that if approved the first payment to the City should be made at the end of June 2017.

It was moved by Nickolay to approve RESOLUTION NO. 17-06-19-03 RESOLUTION APPROVING A LEASE WITH INDEPENDENT SCHOOL DISTRICT #721 FOR USE OF THE CITY'S BASEBALL FACILITIES, seconded by Jirik. All voted in favor of the motion all except Ryan who was absent. (3-0)

The American Legion Post 45 is sponsoring the Fireworks Display on July 3, 2017. Paul Busch spoke on the behalf of the American Legion stating that Jeff Belzer is paying for the fireworks expenses while the American Legion will take care of all miscellaneous expenses such as insurance, mosquito control, etc. Mr. Busch stated that a fireworks fund has been set up at State Bank, or donations can be mailed to the American Legion at 300 Lexington Ave S and that any donations that remain will be available for fireworks displays for the following years.

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Mayor Nickolay thanked Mr. Busch and the American Legion Post for their efforts and all the American Legion has done for the community.

A motion was made by Nickolay and seconded by Jirik to approve request to hold fireworks display on July 3, 2017 by the American Legion club with the following conditions: Certificate of Insurance; and a letter of approval from the School District. All voted in favor of the motion except Ryan who was absent.  
(3-0)

Planning/Community Development Director Ondich reviewed with the Council the purpose of the Limited Use Agreement with Slam City Corporation. He stated that at the May 1, 2017 City Council meeting, a policy was adopted by the City Council that provided for application and fees for filming motion pictures within the City. He stated Slam City has reviewed the agreement and is requesting a waiver of the \$1,000 application fee and up to \$5,000 in police resource fees and in exchange the City would have use of film footage that could be used on the city website or as possible promotional materials.

Film director, Michael Vincent, reviewed with Council the filming process, where filming would take place, hours of operation covering approximately a two week time period in August 2017, with some aerial footage using drones. He explained that they were looking for a small town vibe, with a lively, health community feel which New Prague has. He noted that the feature film has a Karate Kid coming of age theme.

After further discussion it was moved by Nickolay to approve the Limited Use Agreement with Slam City Films and to waive the \$1,000 application fee noting that the production of the film would boost the local economy during it's production time period, and to waive the first \$5,000 for costs incurred by the City for services provided, seconded by Jirik. All voted in favor of the motion except Ryan who was absent. (3-0)

Planning/Community Development Director Ondich reviewed the purpose of the zoning ordinance regarding Exterior Storage in residential districts after a variance request was reviewed that lead to discussions on the storage of recreational vehicles such as boats, RV etc. He stated that the ordinance was adopted in 2015 to encourage individuals to store their recreational vehicles in backyard areas.

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After further discussion it was recommended at this time that no changes/revisions are needed with regards to the storage of recreational vehicles or recreational equipment.

It was moved by Bruzek to take no further action regarding the Existing Zoning Ordinance language for Exterior Storage in Residential Districts, and seconded by Jirik. All voted in favor except Ryan who was absent. (3-0)

Planning/Community Development Director Ondich informed the Council that the City received notice that Kwik Trip is asking for approval of an additional 58 day extension for filing the Plat of New Prague Kwik Trip Addition and because the current 90 day time period ends on July 3, 2017.

Kwik Trip had some contamination issues on the site slowing down the process.

A motion was made by Jirik to approve a 90 day extension for filing the plat of New Prague Kwik Trip Addition, seconded by Bruzek. All voted in favor except Ryan who was absent. (3-0)

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

- A. June 5, 2017 Regular Meeting Minutes
- B. Claims for Payment
- C. Authorization for City Administrator Mike Johnson to Attend 2017 ICMA Conference

All voted in favor of the motion except for Ryan who was absent. (3-0)

Patrick Fisher informed Council that the 1923 Old High School had been torn down.

City Administrator Johnson informed the Council that the New Prague HRA was due to take action on the contract for Private Development with New Prague Senior Living Associates I, LLC with the developer Mark Appelbaum. He noted, however, due to some site development issues encountered with some geo-technical reports, and water table issues that they requested that a Special HRA meeting be set for Monday, June 26, 2017 at 6 pm.

Council member Jirik asked when the next stake holder meeting regarding the Main St. project would take place. Per Ondich it is Tuesday, June 20, 2017 from 3 to 5 pm.

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Mayor Nickolay informed Council members and City staff that he will represent the Council on the Golf Board and that Amy Jirik would represent the Council on the Planning Commission.

It was moved by Nickolay and seconded by Bruzek to adjourn the meeting at 7:18 p.m. All voted in favor of the motion except Ryan who was absent. (3-0)

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Charles L. Nickolay, Mayor

ATTEST:

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Michael J. Johnson  
City Administrator