

# 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 5, 2017

Mayor Nickolay called the meeting to order at approximately 6:02 p.m. with the following members present: Nickolay, Ryan, Bruzek, Jirik, and Tuma

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

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

Public Works Director Sticha introduced new Street Maintenance Worker Philip Tisdell to the Council. Mayor Nickolay welcomed Mr. Tisdell.

Planning/Community Development Director Ondich reviewed the request for Variance #V2-2017 from the fence regulations in the RH High Density Residential Zoning District to allow a 6' tall fence to be located up to the property line along 7<sup>th</sup> Ave SE at 716 E Main Street. At the Planning Commission meeting on May 24, 2017 the applicant Joel Wollin, proposed to install a 6' tall shadowbox type privacy fence with climbing vines planted adjacent to it along his property line. The fence will provide privacy from the adjacent strip mall as well as from vehicles and foot traffic passing by which has affected Mr. & Mrs. Wollin's use and enjoyment of their backyard. The zoning ordinance only allows 4' tall fences with 30' of a property line along a roadway. If the zoning ordinance were followed, the 6' fence would start nearly ½ way into the backyard area which would not provide much of a usable area in the backyard. The Planning Commission recommended that the City Council approve the request for Variance #V2-2017 to allow a 6' tall shadowbox type fence in the RH High Density Residential Zoning District with the six findings listed in the Resolution.

Councilmember Ryan asked if conditions could be put on a Variance to which Planning/Community Development Director Ondich stated that this is not a conditional use permit which state law prohibits any conditions to be added to a variance. In this case it is not the use in question but it is the height and distance from the right-of-way.

Planning Director Ondich stated that the Planning Commission plans on re-addressing the fence questions in general as it relates to corner lots and privacy fences at a later date.

Public comments from Gordon Carlson, Mary Jo Becker, and Vern Oraskovich residents of the townhome building to the south felt

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the fence would box in the view of the townhomes who face the alley and Mr. Wollin's backyard and are worried it could affect the value of their property should they decide to sell.

Mr. Carlson would like the City to come up with some kind of rules or regulations regarding the position of campers on where they can be placed, parked and stored in regards to their property and adjacent to neighbor's property.

With no further discussion it was moved by Ryan and seconded by Tuma to approve RESOLUTION #17-06-05-01 RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE (#V2-2017) FROM THE FENCE REGULATIONS IN THE RH HIGH DENSITY RESIDENTIAL ZONING DISTRICT AT 716 E. MAIN STREET AS PROPOSED BY JOEL WOLLIN, NEW PRAGUE MINNESOTA. All voted in favor of the motion. (5-0)

Bryce Bachman, Aquatics Center Manager, presented to Council a power point presentation and overview providing information on the status of the indoor aquatics center as well as discuss the proposed budget. Bachman said the information was presented to The Joint Powers Board and School Board, both groups approved the indoor aquatic center budget as presented. Bachman stated the opening of the aquatic center is scheduled for July 1, 2017.

Staff recommends approval of the indoor aquatic center budget.

It was moved by Nickolay second by Bruzek to approve aquatic centers budget as presented. All voted in favor of the motion (5-0)

Planning/Community Development Director Ondich reviewed the Second Amendment to the Developer's Agreement for Eastland (Witt Properties).

The Developer's Agreement would allow a single family home building permit for Lot 3, block 1, with conditions.

It was moved by Bruzek second by Ryan to approve the Second Amendment to Developer's Agreement for Eastland. All voted in favor of the motion (5-0)

Public Works Director Sticha informed the Council that the City of New Prague and MNDOT will have an Open House on June 7, 2017 at City Hall regarding the 2020 Reconstruction Project for Main Street (Highway #19), which is intended to give residents and the public an opportunity to meet with project staff (from MNDOT, the SEH Engineers, and City Staff), learn about the

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project's purpose and need, and provide insight into the future vision of downtown Main Street. The project will include reconstruction of underground utilities (sanitary sewer, water main, and storm water) as well as reconstruction of the roadway, including curb & gutter, sidewalks, landscaping and street lighting. The proposed project is Main Street (Highway #19), from Highway 21 on the West to 7<sup>th</sup> Avenue SE on the East. No action is needed by City Council.

City Administrator Johnson reviewed the response from Scott County CDA on a request to initiate a study on the need for additional 55+ housing in New Prague that would be similar to the Philipp Square Apartments Housing Project that was a joint project between the Scott County CDA and the City of New Prague.

Planning/Community Development Director Ondich presented Council with a map showing possible housing locations for the 55+ housing study. The sites by Millpond and Philipps Square are not large and might be difficult for a project, particularly providing for parking. There are two sites in the Raven Stream area, one owned by LDS Church and one owned by JRD Holdings LLC. Currently sites are limited at this time due to land use and existing zoning. Not listed is the former AMPI site owned by the City.

City Administrator Johnson asked the Council if there is still an interest in pursuing this issue further with the Scott County CDA or turn the matter over to the EDA or possibly having a joint meeting with City Council and EDA.

Mayor Nickolay would like to have a workshop with the Scott County CDA to present to the Council and EDA a presentation of what is 55+ Housing, how they have done project such as this, how they have partnered with other cities in the county, how to facilitate a project like this etc.

Police Chief Gareis recommended to the City Council the appointment of Mr. Neil Flum to the Police Officer position with an effective starting date of June 19, 2017.

It was moved by Ryan and seconded by Nickolay to appoint Neil Flum to the Police Officer position with an effective date of June 19, 2017 and that the starting salary be at Step 1 of Schedule "A" in 2017 Wage Agreement with LELS (Police Union) at \$27.43 per hour. All voted in favor of the motion. (5-0)

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Mayor Nickolay stated that at the last meeting Council members were to come up with names of city residents to nominate for the City's Charter Commission.

There are 3 open positions on the Charter Commission. Council members will contact the people they feel may be good candidates and see if they have interest in being a member of the Charter Commission and let City Administrator Johnson know who is interested in these positions. The Charter Commission is required to have an annual meeting whether they have business or not. If the community or the committee have an issue or an item that comes up during the year they may have a couple of additional meetings.

Recommendations to the District Court Judge will be made at the next City Council meeting.

City Administrator Johnson stated that at the last Council meeting a question was asked whether there should be a Council meeting on July 5, 2017 as adopted in December '2016, due to July 4, 2017 being on a Tuesday and possibly allowing a longer weekend for everyone. Several options were provided, after review and discussion it was recommended to keep the Council meeting on July 5, 2017 as scheduled.

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

- A. May 1, 2017 & May 15, 2017 Regular Meeting Minutes, and May 31, 2017 Special Meeting Minutes
- B. Claims for Payment
- C. Minnesota Lawful Gambling LG220 Application for Exempt Permit for Church of St. Wenceslaus on August 13, 2017
- D. Severance Payment (Retirement) Benefit for Dean Duban
- E. Approve Request for Assistance by New Prague Police Department to hold a Final Leg Torch Run for the Special Olympics Minnesota on June 20, 2017

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

Barb Weckman Brekke, Scott County Commissioner for District 1, introduced herself to Council and informed the Council she is available to talk about any issues or county matters that may arise.

Public Works Director Sticha reminded Council that the seal coating project starts June 6, 2017 and all residents affected have been notified by door hangers or in person and the "No Parking" signs have been posted.

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Planning/Community Development Director Ondich updated the Council that there are 17 open cases on lawn mowing/weed issues.

City Administrator Johnson updated the Council that the Moody's Investors Service has affirmed the City's Aa3 Go rating. A copy is in the packet for review.

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. Mr. Appelbaum requested that the final approval be moved to the next Council meeting on June 19, 2017 due to some site development issues encountered with some geo-technical reports, water table issues and additional site development costs.

Council member Jirik inquired about the status of the Memorial Baseball overage and the additional Funding of \$120,000 as recommended in Option #5 of the Funding Alternatives.

City Administrator Johnson replied that Finance Director Solheid has talked to the Auditors, at this time we are waiting for confirmation from Auditors regarding Option #5 of the Funding Alternatives.

Council member Jirik asked for an update on the cabin in Memorial Park. Planning/Community Development Director Ondich replied that the exterior restoration has been completed except for painting, there is some general cleaning and white washing to be done inside the cabin, there is also some work to be done on the accessory building for the cabin. All work performed has been voluntary on the new accessory building.

Council member Jirik asked about the status of the Council goals from a comprehensive meeting about two years ago. She noted it is important for the Staff and Council to be on the same page and requested a review. Mayor Nickolay responded to having a ½ hour workshop before one of the City Council meetings to review.

Council member Jenna Tuma announced to the Mayor and Council that she will be resigning from her position as Councilmember and tonight would be her last meeting, and stated that "it has been a pleasure to be on the City Council and I have always enjoyed my time as a Council member".

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Mayor Nickolay presented Jenna Tuma a plaque with a "key to the city", for her time as a Council member and that she has been a valuable member to the Council, always well informed and not afraid to offer a different opinion or view, served the citizens of New Prague very well and has done an excellent job and wished her well.

City Administrator Johnson informed Council that since Council member Tuma is resigning the Council will have to declare a vacancy on the Council seat at its Monday, June 19, 2017 meeting and noted that the Council can appoint an "interim" Council member to service until someone is elected. In the packet is a memo from City Attorney, Scott Riggs outlining the steps to be taken to fill the vacancy. If the Council so chooses, Scott Riggs would be available for the meeting to address any legal questions and he would be a good resource for any questions or concerns on the Senior Living T.I.F. discussion.

It was moved by Nickolay and seconded by Tuma to adjourn the meeting at approximately 8:19 p.m. All voted in favor of the motion. (5-0)

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Charles L. Nickolay, Mayor

ATTEST:

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Michael J. Johnson  
City Administrator