

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



City Council Meeting
Monday, June 6, 2016

Mayor Nickolay called the meeting to order at 6:00 P.M. with the following members present: Nickolay, Bruzek, Jirik, Ryan, Tuma

Staff Present: Mike Johnson, Ken Ondich, Glen Sticha, Mary Jo Hruby

City Engineer Chris Cavett was also present.

It was moved by Nickolay and seconded by Jirik to approve the Agenda. All voted in favor of the motion except Bruzek who was absent. (4-0)

**Council Member Bruzek arrived at 6:02 P.M.*

City Administrator Johnson informed the Council that the EDA held a Public Hearing on June 6, 2016 at 7:30 A.M. and adopted an EDA Resolution approving Sale of Land and Purchase and Development Agreement between the Authority and PH Properties LLC. The property is Lot 2, Block 2, New Prague Business Park 11th Addition. The lot is 1.97 acres in size and proposed to be purchased for \$120,000. The purchaser of the property is PH Properties LLC and their Chief Manager is Paul A. Hanzel. Mr. Hanzel is currently the owner of Paul Hanzel Homes/Dynamic Woodworks. Mr. Hanzel is proposing to build a 10,944 square foot building that will be used for his construction company, cabinet shop and storage facility.

It was moved by Nickolay and seconded by Bruzek to approve RESOLUTION #16-06-06-01 RESOLUTION APPROVING CERTAIN ACTIONS BY THE NEW PRAGUE ECONOMIC DEVELOPMENT AUTHORITY. All voted in favor of the motion. (5-0)

Le Sueur Mayor Bob Broeder (President of the CGMC) and Bradley Peterson, Senior Attorney/Lobbyist with the Flaherty & Hood, P.A. law firm presented an overview of the Coalition of Greater Minnesota Cities. They reviewed the various services that the CGMC provides to its member Cities and the benefits of membership in the CGMC. The fees for the first year (2017) is \$2,979.00 and \$11,917.00 after that.

Planning/Community Development Director Ondich informed the Council that on May 25, 2016 the Planning Commission held a Public Hearing for a proposed Comprehensive Plan Amendment and for the rezoning of certain properties owned by Witt Properties in the Eastland Plat located directly south of Coborns. This request follows a similar request reviewed by the Planning Commission during the month of March which was denied by the City Council in April. Witt Properties initiated the process of the Comprehensive Plan Amendment and Rezoning. The changes would remove some land from B-2 Community Commercial Zoning to RM Medium Density Residential as well as some single family lots to RM Medium Density to account for 2 to 3 unit "executive" townhomes. The development would be approved in the future through a Planned Unit Development review which requires another Public Hearing with the Planning Commission followed by another review by the City Council. It was noted that Witt Properties had removed the triplex building from the concept plan adjacent to the single family home and would only construct twin homes in that area and that they

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also provided for a berm and evergreen trees to be planted to screen the townhomes from the single family area. The Planning Commission recommended 4-1 that the City Council amend the Comprehensive Plan and rezone the property as described.

Resident Todd Anderson, 503 Prague Ct. SE, asked that single family lots behind him stay zoned for single family homes. He stated he is not against rezoning commercial to build townhomes. That will give Witt Properties 15 units. Let's see how the 15 units sell first before rezoning the single family lots.

Pam and Dan O'Brien, 805 Lexington Ave. N., stated they want to downsize but there is nothing available. There is a great need for a townhouse association development.

Pat Remfert, 602 Bavaria Lane, stated when he was on the Planning Commission in 2005 the focus was on single family homes. As time goes on things change. He supports the change. He also stated that there is evidence in Heritage Trail that single family homes get along with townhouses.

Jason Witt, Witt Properties, stated these townhouses would be similar or higher quality than that in Heritage Village. He noted that there is a need for these kind of townhomes in the City of New Prague. He stated that they are willing to come up with the landscaping that is wanted.

Scott Nelson, 605 Chalupsky Ave. SE, stated he encourages looking into having Alton Avenue being opened up so vehicles on 3rd Street SE and 5th Street SE can exit to the east.

It was moved by Jirik and seconded by Tuma to approve RESOLUTION #16-06-06-02 RESOLUTION APPROVING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE PLAN MAP TO RE-GUIDE PROPERTIES TO THE RM MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA.

Upon roll call the following vote was recorded:

	<u>Ayes</u>	<u>Nays</u>
Nickolay	<u>x</u>	_____
Bruzek	<u>x</u>	_____
Jirik	<u>x</u>	_____
Ryan	<u>x</u>	_____
Tuma	<u>x</u>	_____

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

It was moved by Nickolay and seconded Bruzek to approve the introduction of ORDINANCE #290 AN ORDINANCE REZONING CERTAIN PROPERTIES TO THE RM MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, AS PROPOSED BY WITT PROPERTIES, NEW PRAGUE, MINNESOTA. All voted in favor of the motion (5-0)

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City Engineer Chris Cavett and Chris Bowers from MnDOT reviewed the proposed 2020 TH19/Main Street improvements. The proposed street and utility improvement will be a joint effort by the City of New Prague and the Minnesota Department of Transportation. In June, 2015, the City Council approved a City initiated Resolution in support of the project as well as in leading the project in partnership with MnDOT. In March 2016, the City of New Prague was notified of an award of \$1.5M in federal transportation funding for roadway eligible City costs. Over the last few months, City, MnDOT and SEH staff have been in discussion regarding the proposed scope of work and division of duties and responsibilities. These responsibilities are outlined in the Memorandum of Understanding. The Memorandum of Understanding does not bind the City to anything financially at this point, rather it provides MnDOT with an agreement of the City's intent regarding the project. MnDOT will then prepare a Joint Powers Agreement which will define task and fiduciary responsibilities for the services defined in the proposed scope of work.

It is moved by Ryan and seconded by Bruzek to approve the Memorandum of Understanding between Minnesota Department of Transportation and City of New Prague for Trunk Highway 19 New Prague Reconstruction Project. All voted in favor of the motion. (5-0)

It was moved by Nickolay and seconded by Jirik to approve Scope of Work and Deliverables Preliminary Engineering for Reconstruction of TH 19 (Main Street) in New Prague, MN (SP4003-24). All voted in favor of the motion. (5-0)

City Engineer Cavett informed the Council that the Minnesota Department of Transportation has approved highway safety improvement funding for safety improvements east of New Prague on Hwy. 19 at the intersection of Le Sueur Co. #89 and Scott Co. #3 by adding turn lanes. Initial plans were to consider some kind of roundabout. District 7 realized that it is difficult to make that happen at this time. They are looking at a plan for late summer 2017 for construction of left turn lanes to accommodate that area

Mayor Nickolay moved Agenda Item #8 Information about the Le Sueur County Drug Task Force next on the Agenda.

Le Sueur County Sheriff Tietz informed the Council about the Le Sueur County Drug Task Force. With drug crime on the rise, Chief Brett Mason and Sheriff Dave Tietz began to examine the options of developing a funding source for some sort of drug task force. They determined that by joining with the Rice County Task Force, it would allow for an additional \$100,000 in a state grant, as it would change Rice Counties Task Force into a multi-jurisdictional Task Force. They continued to develop a plan of having member Cities from Le Sueur County also participate by contributing funds towards the task for the cost of an addition deputy's wage, fringe, vehicle and the yearly \$4500 task force fee into consideration. The yearly compensation for the City of New Prague is \$5,000. Le Sueur County is looking for a

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verbal commitment to this partnership at this time as the grant process begins in June for the fiscal year beginning January 1, 2017.

It was moved by Nickolay and seconded by Ryan to support participation in the Le Sueur County Drug Task Force. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich informed the Council that City Staff has been working on the field repurposing project for Settlers Park for the past year. The repurposing project would re-grade the ballfields at Settlers Park to not only provide for three 10 and under youth soccer field areas but also to correct drainage issues with the southern field. The bids solicited last year were over budget for the 2015 budget. Quotes were then solicited earlier this year. Both quotes were over the budget. At the April 4, 2016 City Council meeting, the project was awarded and the budget for the project was increased via a budget amendment resolution but due to "deficiencies" with the formal contracting requirements of Minnesota Statute, the award was rescinded and all bids were rejected. The project was once again solicited for quotes. One quote was received from K.A. Witt Construction, Inc. in the amount of \$78,000.

It was moved by Bruzek and seconded by Ryan to award Settlers Park Repurposing Project to K.A. Witt Construction, Inc. in the amount of \$78,000. All voted in favor of the motion. (5-0)

City Administrator Johnson reviewed the Public Safety Information Systems and Radio System Agreement with Minnesota, County of Scott for utilization of both systems by the New Prague Police Department. The New Prague Police Department uses both of these systems at this time. Both are essential to provide public safety services to our community. This Agreement addresses the responsibility of Scott County as owner and financially responsible for ownership and maintenance of the radio system. Each entity that utilizes the system is responsible for the cost of radios and any fees associated with general maintenance and service related issues, including programing and optimization of radios. The second part of this Agreement addresses the Public Safety Information System. It is owned and operated by Scott County. Scott County shall employ a Business Information Systems Specialist paying 50% of salary and benefits with the remaining entities paying the other 50% based on population of member entities.

It was moved by Jirik and seconded by Tuma to approve and authorize the execution of the Cooperative Agreement for Public Safety Information and Radio Systems for the City of New Prague and the Police Department. All voted in favor of the motion. (5-0)

City Administrator Johnson informed the Council that at the May 23, 2016 New Prague Utilities Commission meeting, a Resolution for the Reimbursement of \$650,000 for the Replacement/Upgrade of the Advance Metering Infrastructure and Load Control Equipment for the Electric and Water Departments was adopted. They are recommending the City Council adopt a reimbursement Resolution that will allow the utility

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to pay for the project upfront, but also will allow the Commission to either take out a direct loan at a later date this year, or combine this loan with bonding for a new electric line garage in 2017.

It was moved by Nickolay and seconded by Jirik to approve RESOLUTION #16-06-06-03 RESOLUTION DECLARING THE OFFICIAL INTENT OF CITY OF NEW PRAGUE TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF TAX-EXEMPT BONDS OR OTHER OBLIGATIONS AND ESTABLISHING PROCEDURES FOR ADDITIONAL DECLARATIONS OF OFFICIAL INTENT. All voted in favor of the motion. (5-0)

City Administrator Johnson reviewed the Preliminary Draft of the Joint Powers Agreement with the New Prague School District No. 721. It is a Joint Powers Agreement regarding the construction and operation of an indoor pool facility at the Central Education Campus, the operation of the outdoor pool facility on Lexington, and the operation of the summer recreation program. The Agreement has been developed jointly by a committee from both the City and School. Representing the City has included Council Member Ryan, Planning Director Ondich and City Administrator Johnson. Final Adoption of the Agreement will be on June 20th.

Council Member Jirik questioned who is responsible for the storage and maintaining the minutes. Also, who is responsible for creating and developing the programs? The School or the City?

City Administrator Johnson will look into it.

City Administrator Johnson provided follow up information concerning possible employee discounts to Municipal Golf Course/Swimming Pool. At the May 16, 2016 City Council meeting, the Council asked City Staff to develop the framework of a "Wellness" program for City Employees that would provide for a 50% discount for admission to the swimming pool and a 50% discount on 9 or 18 hole green fees at non-peak times for essentially all City Employees and Firemen. According to the City Attorney and the Auditors, the discount program for both the golf and swimming venues can only be provided to golf and swimming pool employees and can be done at either the 50% or 20% discount level. To provide a discount to all employees and not be in violation of having to report income, the City is limited to providing no more than a 20% discount.

Consensus of the Council is to not provide golf or swimming pool discounts. The 20% is too little to make a difference and more work on the part of the Staff to implement and track it.

Planning/Community Development Director Ondich informed the Council that Legislation was signed into law that allows any residential land owner to place a temporary residential dwelling on their property to serve as a temporary family health care dwelling. Cities may opt out of the law if they determine that this type of temporary housing is not well-suited to their communities by passing an Ordinance. The law takes effect on September 1, 2016 unless Cities opt out by that time.

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Staff does have concerns about the law as written and would at minimum suggest consideration of the Ordinance to opt out of the law at this time. Staff would like to review the forthcoming information from the League of Minnesota Cities before taking any final action.

It was moved by Ryan and seconded by Jirik to opt out of the law that allows a residential land owner to place a temporary residential dwelling on their property and instruct Staff to create an Ordinance. All voted in favor of the motion. (5-0)

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

- A. Approve May 16, 2016 Meeting Minutes
- B. Approve Claims for Payment
- C. Approve Church of St. Wenceslaus Minnesota Lawful Gambling LG220 Application for Exempt Permit for August 14, 2016
- D. Authorization to Attend 2016 ICMA Conference
- E. Approve Holy Trinity Lutheran Church Temporary On-Sale Liquor License for July 29, 2016
- F. Resolution Approving Lawful Gambling Premises Permit Application for New Prague Hockey Association
- G. Approve St. Wenceslaus Church Festival Temporary On-Sale Liquor License for August 14, 2016
- H. Approve Scott/Le Sueur Chapter Minnesota Waterfowl Association Minnesota Lawful Gambling LG220 Application for Exempt Permit for July 11, 2016 at the New Prague Golf Club
- I. Approve Scott/Le Sueur Chapter Minnesota Waterfowl Association Minnesota Lawful Gambling LG220 Application for Exempt Permit for September 15, 2016 at the Park Ballroom
- J. Habitat for Humanity Permit Fees Reduction Request
- K. Snow and Ice Removal Maintenance Agreement with MNDOT for FY2017-2018
- L. Request to Hold Fireworks Display on July 3, 2016 by the NPCL Mutual Insurance Company
- M. Satisfaction of SCDP Housing Repayment Agreement

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

City Administrator Johnson informed the Council that Staff at Phillip Square would like to provide the Council with a tour of their interior improvements on Wednesday, July 13th. Consensus of the Council is to have the tour at 4:30.

Council Member Tuma stated that at the last Golf Board meeting, it was brought up to add non-residential individuals to the Golf Board because it's hard to fill the vacancies.

Consensus of the Council is to leave as is with only City residents to serve on the Golf Board and have the Golf Club email residents notifying them of the Golf Board vacancy.

Council Member Tuma asked about having trees planted in boulevards.

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Public Works Director Sticha commented that trees can cause damage to sidewalks, curbs & streets and there is a lot of manpower time in providing maintenance with the trees.

It was moved by Nickolay and seconded by Ryan to adjourn the meeting at 9:20 p.m. All voted in favor of the motion. (5-0)

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson
City Administrator