

# City Council Proceedings

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

} City Council Meeting  
Monday, June 7, 2021

Mayor Duane Jirik called the meeting to order at approximately 6:00 p.m. with the following members present: Jirik, Bass, Ryan, Seiler, and Wolf

Staff Present at Meeting: Mike Johnson, Jim Gareis, Ken Ondich, Matt Rynda, Patty Solheid, and Barb Ulschmid

Others Present at Meeting: Mitch Peterson, Patrick Fisher, New Prague Times, Liza Donovan, David Drown Associates, Mark Michels, Pioneer Saloon, Terry Von Bank and Steve Chromy.

Others Present Online: City Engineer Chris Cavett, City Attorney Scott Riggs,

Mayor Jirik asked if there were any additions to the Council agenda? Councilmember Wolf asked for Consent Item 6J be added to the regular agenda. Motion by Ryan, seconded by Seiler to approve the amended Agenda. All voted in favor. Motion carried (5-0).

City Engineer Chris Cavett provided an update to the City Council on the TH#19/Main Street Reconstruction Project (2020-2021 CIP). Mr. Cavett explained that the utility crew is expected to finish up sewer and water services for the properties between 1<sup>st</sup> Avenue NE and Lincoln Avenue and will be installing the storm sewer at Columbus Avenue and Main Street intersection. Concrete curb is proposed to be set and installed early this week and later this week paving operations are expected to begin on the first driving lane. Mr. Cavett reminded all that concrete paving is a slow process as it must take place in segments with time to cure before construction traffic can drive on it to complete the next segments.

Councilmember Ryan had some questions about the subgrade replacement which consists of a big layer of rock. Curious if there were any concerns about future issues with frost? Mr. Cavett explained there shouldn't be any concerns because there is also a layer of sand and geo grid and this subgrade will continue for the remainder of the road reconstruction project. MnDOT is 100% responsible for this subgrade rework and should anything happen years later, MnDOT will cover this rework/expense. Discussion also took place on all the infrastructure by the Power Plant and whether or not this could cause delays. Mr. Cavett explained that the gas line, fiber optic and the major conduit has already been completed and he doesn't foresee any major delays ahead.

Liza Donabauer with David Drown Associates provided an update on the City Administrator recruitment process. There were a total of 34 applicants. David Drown Associates reviewed each of the 34 applicants materials and narrowed down the Candidate list to (12)twelve candidates. One of the top 12 candidates decided to back out of the running and brought the candidate list to 11. Ms.

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Donabauer gathered extensive detail on each of the 11 candidates and provided to the Council for their review. The next step involved the Council taking about 45 min to an hour per candidate to review their background materials. Each Councilmember needed to come into Monday's meeting with their top 4 candidates (each candidate was referred to by an assigned number, no candidate names or personal information was disclosed). Ms. Donabauer asked each Councilmember to tell her their top four (4) candidates. Councilmember Ryan indicated he had encountered technical issues and had not received the materials from Liza and as such had not completed his review of the 11 candidates and did not have a list of 4 candidates for selection.

The top four ended up being Candidate #3, #6, #7, and #8. It was explained that these top 4 candidates will now make a visit to the City of New Prague on Tuesday, June 29, 2021 for a day of meetings and interviews with various people from the New Prague Community. Should the candidates be located further away or want to set up their own appointments the day before, these candidates will be offered hotel accommodations for the evening before. Discussion took place between Ms. Donabauer and Councilmembers on their list of "must-haves" for June 29<sup>th</sup> meetings with the 4 candidates. Scripted vs. non-scripted questions, meet & greet, panel discussions vs individual interviews to name a few. Discussion also took place on travel reimbursement options.

Ms. Donabauer will get in touch with all candidates and set up the agenda for June 29<sup>th</sup>.

Planning/Community Development Director Ken Ondich requested approval of a resolution covering a variance request presented at the May 26, 2021 Planning Commission meeting. The applicant, Terry Von Bank located at 313 Pershing Ave. N. (attended the meeting) proposed to construct a new double stall detached garage to replace an existing single stall garage (which sits at 2.7' from the lot line). The proposed garage would be located at 3' instead of 6' to the lot line in order to line up with the existing driveway, keep separation and some open area between the new garage and garden/fire pit area located on the north side of the back yard and to allow enough room for a second vehicle to access the new garage. One letter was received before the meeting from Steve Chromy at 311 Pershing Ave. N. Mr. Chromy was also in attendance at the meeting. In response to the letter and comments from Mr. Chromy, two conditions were added to the variance approval recommendation relating to adding gutters on the garage and removing some concrete and regrading towards the alley on the backside of the proposed garage.

The Planning Commission recommended approval of the variance request with a unanimous vote (4-0) based on the six findings and two conditions listed in the staff report (and attached resolution which approved the variance).

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Motion by Bass, seconded by Wolf to approve *RESOLUTION #21-06-07-01 APPROVING VARIANCE (#V3-2021) FROM THE ACCESSORY STRUCTURE SETBACKS IN THE RL-90 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO ALLOW A DETACHED GARAGE TO BE LOCATED 3' TO THE SIDE LOT LINE INSTEAD OF 6', LOCATED AT 313 PERSHING AVE. N., AS PROPOSED BY TERRY VON BANK, NEW PRAGUE, MN.* By roll call vote, all voted in favor. Motion carried (5-0).

Police Chief Jim Gareis provided information on the status of the squad car camera installation and deployment. In March of 2019 body worn cameras were deployed with the New Prague Police Department. At that time, Axon body worn cameras were chosen to be used and utilized. These cameras along with evidence.com work well together to download, file, tag and store video, audio and photos. In the past two years officers have become very proficient at managing this type of evidence. At the time, it was determined that body worn cameras would be the best investment because it would have more contact time with the public. There were also strong arguments for having squad cameras as an additional way to collect evidentiary video which could strengthen criminal cases for traffic enforcement, including DWI arrests. In analyzing them back in 2019, the City was unable to afford the squad car cameras. When funds became available, the Council agreed to support the initiative to add squad car cameras.

Recently, four marked squad cars were recently outfitted with cameras that have a forward-facing camera along with a camera that covers the back seat to view prisoners during transport. On May 18<sup>th</sup> and May 19<sup>th</sup>, the installation of the squad cameras took place and since the installation, a test period had begun for officers to get familiar with them and to learn another set of software that is utilized on the squad computers to catalog files before they are uploaded. Chief Gareis explained how the software works and provided live examples of how the cameras work. The cost for the installation and first year was just over \$18,000 and the cost for the next four years lease of the cameras is just under \$7,000/Year. After five years there would be an upgrade to the cameras and at that time, Staff would assess whether to continue with another five-year lease.

City Administrator Mike Johnson presented two agreements for review and authorization pertaining to the city-owned vacant lot at 101 Main Street W. next to the Pioneer Saloon building. The first being the Encroachment Agreement between the City of New Prague and Mark Michels from Pioneer Saloon at 103 Main Street West, New Prague. This Encroachment Agreement was developed when the City bought the vacant lot from Mr. Gary Staber in 2019 (per a financial donation from Dr. Mike & Kay Wilcox). SEH conducted a survey back in April 2019 and discovered the east wall of Pioneer Saloon encroaches 1.06' onto the Property at the north end, and 0.97' at the south end, and approximately 50'2" in length. The owner's biggest concern is the potential replacement of the wall and having to meet future setbacks which may take away inside space within the building. If he sold the

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building, the agreement would go with the property. Mr. Michels has agreed to allow the City the right to use the east wall for constructing a mural or painting at the City's expense. Mr. Michels is willing to pay reasonable costs to buy the encroachment footage but doesn't want to incur excessive costs. The estimated cost per the City Attorney could run between \$5,000-\$10,000 for value of property, survey cost, preparation of real estate documents and legal agreement by the City Attorney.

The second agreement is a proposal from the SEH Engineering firm to assist with engineering services for the project design of the proposed "Central Plaza" concept on the vacant lot at Main Street/Central Avenue (south of City Hall). The City is seeking a qualified consultant to provide Preliminary Design, Design Development, Construction Documents (plans, specifications & estimates), Bidding and Award Assistance, and Construction Support Services for the proposed Central Plaza Project. Preliminary concepts from a voluntary group of residents who worked on the project with leadership from former Councilmember Kay Wilcox were shared. In an effort to take the Committee's preliminary design work, along with the SEH Downtown Committee that developed streetscape/landscaping plans for the Highway Reconstruction Project, it will be necessary to try and blend the 2 concepts into a final design.

The estimated cost for SEH's services is estimated at \$59,970 plus expenses of \$3,425. The Feasibility Report for this project back in May 2018 had funds in the Budget of \$60,000 to acquire permanent easement (this lot) but it has not been needed due to the Wilcox's donated funds to the City to purchase this lot. Some of the "Central Plaza" elements were shared/reviewed at the meeting. City Staff believe once the Highway project is completed, this location will be an attractive and very visible gathering spot in New Prague's Downtown that has been undeveloped.

Motion by Ryan, seconded by Seiler to approve TO WORK WITH MR. MICHELS TO PREPARE COST ESTIMATES & DOCUMENTS TO AUTHORIZE CITY STAFF TO SELL HIM THE ENCROACHMENT AREA CONTAINED WITHIN THE CITY'S LOT. All voted in favor. Motion carried (5-0).

After discussion, motion by Bass, seconded by Ryan to approve THE AGREEMENT WITH SEH FOR THE CENTRAL PLAZA DESIGN PROJECT TO ENCOMPASS ONLY TASK #1 PRELIMINARY DESIGN AND TASK #2 DESIGN DEVELOPMENT AT A COST OF \$14,990.37, PLUS EXPENSES OF \$3,425.00, FOR A TOTAL OF \$18,415.37. All voted in favor. Motion carried (5-0).

Per Councilmember Wolf's request, agenda item 6J was brought up from the Consent Agenda and placed as the final item within the regular agenda. An agenda item pertaining to a Petition and Waiver

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Agreement specific to the construction of a 6" water service line to be provided into the building located at 125 E. Main Street ('Czech'ers Sports Bar). Planning/Community Development Director Ken Ondich explained that while all Main Street properties were provided an option earlier this year to install a 6" water service line which would be used for installation of future fire suppression systems, this property declined the initial opportunity. To facilitate a sale of the property, the 6" water line into the building was requested by the purchaser.

As approval of the \$25,745.00 cost to install the 6" water service line into the building, the City Attorney drafted an agreement ensuring that the costs will be paid in full and not be subject to appeal as part of the special assessment process for the Main Street Reconstruction Project. The agreement allows the new owner to have the cost placed as an assessment on the property taxes as well as provide for payment by the current property owner upon request of the City should the sale not occur.

City Attorney Scott Riggs said this is a standard agreement and was modified quickly and was completed on June 4, 2021 to work with the Main Street Reconstruction project. Typically, the project isn't completed before the Council's approval. Being this is a unique situation, it had to be completed quickly. Discussion took place regarding the scenario should the sale of the property not go through and what if it doesn't sell for a year or two? How would this get paid? City Attorney Riggs reassured the City will get paid through the assessment process if the deal goes through or will be prepaid from the owner's escrow should the deal not go through.

After discussion, motion by Wolf, seconded by Seiler to approve THE PETITION AND WAIVER AGREEMENT FOR A 6" WATER LINE TO 125 E. MAIN STREET AND ALSO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE DOCUMENT. All voted in favor. Motion carried (5-0).

Mayor Jirik asked if there were any questions on the Consent Agenda. Councilmember Bass noted approval including the extraction of item 6J and added to the regular agenda. Motion by Bass, seconded by Jirik to approve the Consent Agenda as follows:

- A. May 17, 2021 Special City Council Meeting Minutes
- B. Claims for Payment - June 7, 2021
- C. Chamber of Commerce - Czech Out New Prague Temporary Beer Request:
  1. Temporary On-Sale 3.2 Beer Permit for Czech Out New Prague event on August 5, 2021 at Memorial Park, 5 p.m. to 8 p.m. - 400 Main Street
- D. Chamber of Commerce - Dožínky Event Request - Dožínky Festival / Cruise Night - September 17-18, 2021

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- E. Request to Hold Fireworks Display in the City of New Prague on July 3, 2021, Sponsored by the American Legion Post 45 Near Independent School District #721 Bus Garage / Auxiliary Baseball Fields
- F. Call for Public Hearing on the Issuance of a 3.2% Off-Sale Malt Liquor License for Hy-Vee, Inc., dba as Hy-Vee Food Store at 200 10<sup>th</sup> Avenue SE AND, Issuance of an Off-Sale Intoxicating Liquor License for Hy-Vee Inc., dba Hy-Vee Wine & Spirits at 202 10<sup>th</sup> Avenue SE, New Prague.
- G. Approve Tobacco License for Hy-Vee, Inc., dba Hy-Vee Wine & Spirits at 202 10<sup>th</sup> Avenue SE, New Prague.
- H. Approve 1-4 Day Temporary On-Sale Liquor License for St. Wenceslaus Catholic Church Festival at Main Street East, New Prague for August 7-8, 2021.
- I. Gallagher Benefit Services, Inc. - City Administrator Mike Johnson
1. Business Associate Agreement
  2. Client Coverage Acknowledgement and Compensation Disclosure Statement.
- All voted in favor. Motion carried (5-0).

Miscellaneous Items:

Bruce Wolf - Had more discussion on Liza Donabauer's suggestion about the "Community Meeting/Luncheon" for the 4 City Administrator candidates. Agreed and suggested to add certain representatives from our community to this meeting (school representatives, local business, etc.). Also, commended Bob Gillman for his years of service on the Planning Commission and what a great job he did for the City.

Jim Gareis - Will probably still act on the Emergency Powers pending what the Governor decides and whether he extends it again next week. However, probably will probably discontinue the Emergency Powers within the next couple of meetings.

Mike Johnson - Talked about the tentative schedule on Bonding. Calling for the sale on July 6, 2021 and having the sale on August 2, 2021 so there are bond proceeds in September. Also, Mr. Johnson provided detail on the Condemnation process and is working with the City Attorney's office (1 commercial and 5 residential properties) with documents that were filed back in December 2019. Wants to wrap these up before he retires.

Regarding Bonds, Mr. Wolf was wondering if people or businesses pay their assessment fees in full, is there a way we could reduce the bond by that amount? Discussion took place on various bond issues and Mr. Johnson would look into his question.

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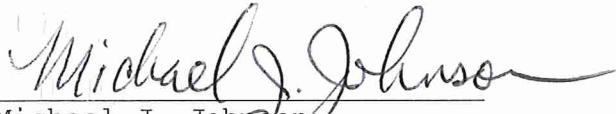
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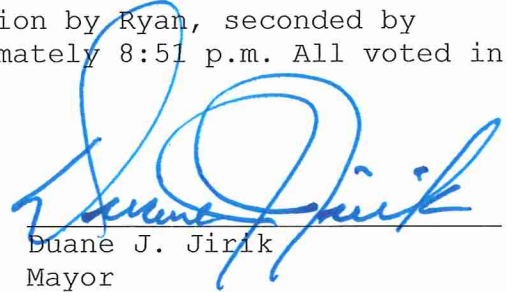
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There being no additional business, motion by Ryan, seconded by Jirik to adjourn the meeting at approximately 8:51 p.m. All voted in favor. Motion carried (5-0).

ATTEST:



Michael J. Johnson  
City Administrator

  
Duane J. Jirik  
Mayor

