

City Council Proceedings

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

} City Council Meeting
Monday, September 20, 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: Jim Gareis, Ken Ondich, Matt Rynda, and Barb Ulschmid

Staff Present Online: Joshua Tetzlaff and Patty Solheid

Others Present: City Engineer Chris Cavett

Mayor Jirik asked if there were any additions to the Council agenda? There being none, motion by Bass, seconded by Wolf to approve the Agenda. All voted in favor. Motion carried (5-0).

Mayor Jirik asked if there were any questions on the Consent Agenda. There being none, motion by Seiler, seconded by Ryan to approve the Consent Agenda as follows:

- A. September 7, 2021 City Council Meeting Minutes
- B. Claims for Payment
- C. General Fund Finance Report
- D. Homecoming Parade Permit for New Prague School District #721 on September 24, 2021
- E. Approval of Satisfaction of Assessment for PID #24.067.0200 - Planning/Community Development Director Ken Ondich
- F. Resolution #21-09-20-01 Setting Public Hearing Date and Introduction of Ordinance #324 for Partial Vacation of a Drainage & Utility Easement - Planning/Community Development Director Ken Ondich

After discussion, all voted in favor. Motion carried (5-0).

City Engineer Chris Cavett provided an update on the TH#19 Main Street Reconstruction Project. All curbing is complete and will focus on the completion of the concrete paving of the streets, sidewalks and boulevards. Councilmembers shared all the positive feedback they have been receiving. Also, discussed motion-censored crosswalks and street lights(photo-eye glitch, was fixed).

Three Change Orders for the Council's consideration included: Change Order #21 for \$12,278.22 (100% covered by MnDOT) - compensate the contractor and their supplier for special production materials requested during the project due to poor soil conditions, not all materials were used/needed during the construction. The surplus material was purchased by MnDOT for maintenance purposes in the District; Change Order #22 for \$6,688.00 (80/20 split between federal and local funding grant) - compensate the contractor and their subcontractor for concrete structural repairs that needed to be completed at the Chamber of Commerce entrance; Change Order #23 for \$2,250.00 (50/50 split between MnDOT and the City's local share of State Aid/Federal Aid) - compensated the contractor for a change in field conditions and a change in what needed to be done with an old unusable storm sewer pipe (fill and abandon).

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The Mayor and City Administrator authorized to approve on behalf of the City of New Prague to signify and show that the existing contract was hereby modified through said Change Order No. 20 as a contract increase in the amount of \$21,216.22. The revised contract amount is now \$13,175,950.38. Motion by Wolf, seconded by Bass to approved *RESOLUTION #21-09-20-02 DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT (CHANGE ORDER NOS. 21-23)*. All voted in favor. Motion carried (5-0).

Next item discussed was a Resolution declaring cost to be assessed, ordering preparation of proposed assessment, and calling for a hearing on proposed assessment. The costs will be assessed against benefited property owners per MN Statutes Chapter 429. The portion of the cost of such improvements to be paid by the city is \$5,200,000.00 and the cost to be assessed against benefited property owners is \$1,710,188.55.

City Engineer Cavett also shared that the next step is to prepare the assessment roll and order the public assessment hearing. The assessment roll has been prepared based on the City of New Prague's assessment policy. The Assessment hearing is proposed for Monday, October 18, 2021. Notices of the public hearing will be published in the New Prague Times and will be sent in the mail to the affected property owners, all in accordance with MN Statutes Chapter 429.

After discussion, it was moved by Ryan, seconded by Wolf to approve *RESOLUTION #21-09-20-03 DECLARING COST TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR HEARING ON PROPOSED ASSESSMENT*. All voted in favor. Motion carried (5-0).

City Engineer Cavett provided an overview of the County State Aide Highway (CSAH) 15 / Columbus Avenue (2022 CIP Project) which includes CSAH 15, Columbus Ave. N. from Trunk Highway 19 (Main Street) to 12th Street NE. Three (3) items that the Staff and SEH@ discussed and ask for the City Council's consideration on the following:

1. Approval of a Resolution on the Ordering Preparation of Report - Scott County has proposed improvements to CSAH 15 in 2022 in preparation for a jurisdictional turnback. The City of New Prague's Capital Improvements Plan has identified necessary sanitary sewer and watermain infrastructure improvements. Scott County has requested that the City take the lead on the improvements through a cooperative agreement for which the City will be reimbursed by Scott County for all County financial obligations.

After discussion, it was moved by Ryan, seconded by Bass to approve *RESOLUTION #21-09-20-04 CSAH 15 / COLUMBUS AVENUE N. (2022 CIP PROJECT) ORDERING PREPARATION OF REPORT*. All voted in favor. Motion carried (5-0).

2. Draft Turnback and Cooperative Construction Agreement with Scott County - City Administrator Josh Tetzlaff explained that this is an Engineering Services Agreement, Phase 1. The City is coordinating with the County and data is being gathered at this point to get the

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project started. Reviewed the anticipated project schedule. It was recommended that the Turnback Agreement be approved at the December 6th meeting for the Notice of Public Hearing. CSAH 15 is anticipated to be turned back from Scott County to the City upon execution of the Turnback Agreement. Seeking Council's authorization for the Mayor and City Administrator to proceed. After discussion between Councilmembers and Staff, authorization to proceed was approved.

3. Engineering Services Agreement with SEH® for Phase I Services (Preliminary Engineering, Feasibility Study & Topo Surveying) - would meet the requirements of Minnesota Statute 429. In addition, the scope of services would include conducting one neighborhood meeting, and one public hearing meeting yet in the fall of 2021. The proposed study would also include CSAH 15 (Columbus Ave N) from Main Street to 12th Street NE. At this time the assumption is the project will include a segment of full reconstruction of the street and utilities between Main Street and 4th Street NE with the remaining project limited to a pavement replacement scope between 4th Street NE and 12th Street NE, excluding the new roundabouts constructed in 2019.

The proposed Hourly, Not-to-Exceed fees for the Preliminary Engineering Feasibility Phase 1 would total \$40,800. Task 1.1 Preliminary Engineering and Feasibility Study \$29,100 (70/30 City/County split); Task 1.2 Topographic Survey \$11,700 (30/70 City/County). Ryan asked Public Works Director Rynda how often a bid is compared with another Engineering firm to assure the cost is competitive and a good value. Mr. Rynda will look into this.

After discussion, motion by Jirik, seconded by Wolf to approve *ENGINEERING SERVICES AGREEMENT WITH SEH® FOR PHASE 1 SERVICES (PRELIMINARY ENGINEERING, FEASIBILITY STUDY & TOPO SURVEYING)*. All voted in favor. Motion carried (5-0).

City Administrator Tetzlaff explained that the Public Purpose Expenditure Policy Introduction was initially presented at the September 7, 2021 Council meeting by City Attorney Scott Riggs. A few years ago the City put into its Charter that the City should have some policy in place for public expenditures (employee recognitions, safety, training, etc.). The last Charter Amendment draft was written back in 2017 but was never introduced nor approved at a Council meeting. Due to the full Council not being present at the September 7th meeting, the policy's approval was put on hold and brought back at the September 20th meeting for a formal vote with all Councilmembers present. Discussion took place between staff and councilmembers on spending limitations and how the policy would work and the structure of it. Discussed the importance of this policy for auditing purposes.

It was moved by Seiler, seconded by Wolf to approve the Public Purpose Expenditure Policy. All voted in favor. Motion carried (5-0).

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City Administrator Tetzlaff provided the City Council with a brief overview of the 2022 proposed property tax levy. Each year, the Council is required to set its proposed property tax levy and certify that levy to the county auditor (Minn Stat. 275.065.1). To this point, the City Council has convened to discuss the proposed budget for 2022, directly linked to the proposed tax levy. Staff recommended the approval of a resolution setting the 2022 Proposed Property Tax Levy at \$4,663,145 and scheduling the public hearing for December 6, 2021 to set the 2022 Final Tax Levy.

At the first meeting on August 11, 2021, the staff shared a first draft of the general fund budget that would increase the property tax levy by \$490,143, or 11.26%, over 2020. The Council asked staff to explore options to lower the proposed property tax levy. The second meeting took place on September 1, 2021, the staff shared a first draft of the general fund budget implementing changes requested by the City Council. The Council voted 2-1 to approve the proposed property tax levy of \$4,663,145, which is an increase of \$308,755, or 7.09% over 2020. This is not the final approval of the tax levy but rather the maximum levy and can not be exceeded on December 6th when the final property tax levy is set.

It was moved by Bass, seconded by Seiler to approve *RESOLUTION #21-09-20-05 ADOPTING 2021 PROPERTY TAX LEVY FOR TAXES PAYABLE IN 2022 and noting it is a "Preliminary" Tax Levy.* All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ken Ondich presented an encroachment agreement at 210 2nd Street NW which is owned by Timothy and Lisa Strawhacker. Upon review of the permit, it was determined that the entire north side of the home is located within public right of way (encroaching to nearly 7' within Public Right of Way (ROW) to within just a couple feet from a concrete sidewalk. According to Scott County, this home was constructed in 1880 which would have followed the 1877 recording of the plat of Praha Addition in which it is located.

To allow the home to be repaired and provide documentation of the situation, City Attorney Scott Riggs drafted and recommended approval of an Encroachment Agreement. This agreement is the appropriate method of documenting the encroachment while allowing the home to remain as it has existed for over 140 years and protecting the City from any claims being located partially in the public ROW. This agreement is not intended to be the permanent solution to the issue of the home being located partially in the public ROW but will allow the repairs to be completed at this time. A permanent solution will require a partial vacation of ROW, deed of land or lease of land for the home to remain in the public ROW to provide clear title, and the agreement allows this process to be completed no later than 12/31/23.

After discussion, it was moved by Ryan, seconded by Seiler to approve the *ENCROACHMENT AGREEMENT AT 210 2ND STREET NW.* All voted in favor. Motion carried (5-0).

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Miscellaneous Items:

Matt Rynda - Shared that the City is accepting applications for a Park Maintenance position until October 1st and a Waster Water Operator I position until October 8th. The Parks Department is running lean but still managing to get the job done.

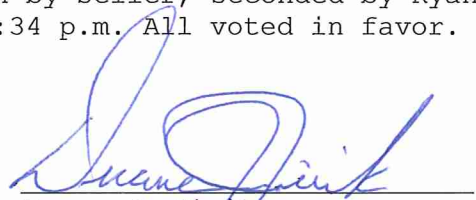
Jim Gareis - 1. Provided an update on Dožinky weekend and what a success it was. No major issues, great weather, and a big turnout. 2. Talked about staffing needs/concerns and transition plans within the Police Department.

Bruce Wolf - Mentioned there was a Main Street Marketing committee meeting today. Shared details on the ribbon cutting ceremony celebrating/acknowledging the completion of the TH #19 Main Street Reconstruction project, tentatively set for October 26th at Noon at Central Avenue and Main Street. Although November 1st is the project's end date, there is a possibility the project will be completed prior to that date. Discussed the invite list.


Maggie Bass - 1. Inquired about Housing Rental percentages in New Prague and whether or not other surrounding communities capped their rental units within their city? If a city is able to do that just so that you have more Owner-Occupied homes vs Rental Properties. 2. Discussion with Councilmembers and Police Chief Gareis on truck storage and parking on City Streets. Updates have been made to the ordinance and will be brought to the October 4th City Council meeting for the Introduction of this Ordinance.

There being no additional business, motion by Seiler, seconded by Ryan to adjourn the meeting at approximately 7:34 p.m. All voted in favor. Motion carried (5-0).

ATTEST:



Duane J. Jirik
Mayor



Joshua M. Tetzlaff
City Administrator

