

# Public Notices

Official Proceedings . . .

## City of New Prague CITY COUNCIL PROCEEDINGS STATE OF MINNESOTA COUNTIES OF SCOTT AND LE SUEUR CITY COUNCIL MEETING MONDAY, NOVEMBER 5, 2018

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

Staff Present: Mike Johnson, Ken Ondich, Jim Gareis, and Barb Ulschmid

It was moved by Bass, seconded by Bruzek to approve the Agenda as presented. All voted in favor of the motion. Motion carried. (5-0)

City Administrator Mike Johnson presented the Council with details on the authorization to approve Self-Contained Breathing Apparatus (SCBA) with Fire Safety USA, Inc. for the New Prague Fire Department (NPFDD).

At the Special City Council Meeting (Budget Workshop #2) held on October 29, 2018, the Council heard from Fire Chief Jeremy Tikalsky on the need to replace the Fire Department's Self-Contained Breathing Apparatus (SCBA) equipment. The current SCBA's are nearing their 15-year life cycle ending as recommended by the National Fire Protection Association (NFPA) and the manufacturer of the SCBA equipment.

The NPFDD obtained three quotations for the purchase and replacement of the SCBA's with the lowest quote being from Fire Safety USA, Inc. (Rochester, MN) for \$148,659.00. The other two quotes were from: Alex Air Apparatus (Alexandria, MN) for \$160,535.40 and Emergency Response Solutions, LLC (East Bethel, MN) for \$172,445.24.

Due to an estimated six (6) week lead time for the delivery of the equipment, it is necessary for the Council to approve the purchase of the SCBA's (contained in proposed 2019 General Fund Budget) ahead of the normal budget adoption process. Approximately 80% of the current air tanks that are in service will expire within the 1st quarter of 2019. NPFDD benefits in the purchase of the SCBA's from Fire Safety USA, Inc. include: free annual flow testing for 15 years (\$1,820/year or \$27,300 over 15 years) and free batteries for the life of the SCBA's. Every member will have to be fit tested to their new mask. All members will be fully trained before new Air-Packs can be put in service.

City Administrator Johnson said based on conversations with the New Prague Rural Fire Protection Association, they have agreed to pay for 50% or \$74,329.50 towards the equipment. The City's proportionate share of the purchase is \$74,329.50 and proposed to be financed in 2019 using Capital Equipment Certificates with payments spread over five years.

After discussion, it was moved by Bruzek, seconded by Wilcox to purchase new SCBA's from Fire Safety USA, Inc. for the amount of \$148,659.00.

City Administrator Johnson explained that if the City Council authorized the purchase of the new SCBA's in advance of approving the 2019 General Fund Budget, City Staff will need to prepare for the billing and payment of the equipment in 2019 as well.

To protect the City's ability to use Capital Equipment Certificates (bond proceeds) at a later date in 2019, the Council needs to adopt the 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.

While City Staff believes that the New Prague Rural Fire Association will be paying cash for their 50% share of the equipment purchase, City Staff are anticipating that the City's 50% share will be combined with other 2019 capital expenditure purchases. Those major capital purchases will likely be purchased using Capital Equipment Certificates (Bond Proceeds) and financed at the same time as the 2019 Street and Utility Improvement Project in the spring of 2019.

At this time, the estimated amount of financing for the City's share of the SCBA equipment is \$75,000.

After discussion, it was moved by Nickolay, seconded by Bass to approve RESOLUTION #18-11-05-01 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. Motion carried. (5-0)

New Prague Golf Board President Tom Mach presented to the Council recommendations on the 2019 golf membership rates. Recommendations included: 2% increase on all membership dues; \$850 (before tax) New Member, Any Type (never have been a member at NPGC); No change to Junior & College Member Rates; and Under 35 Member Rate (\$463.16 before). Rates have been compared to neighboring courses and NPGC is on the lower to middle end. Tom Mach explained the "Reciprocity" concept that the Golf Club uses with other area courses.

After discussion, it was moved by Bruzek, seconded by Bass to approve the Golf Board's recommendation on 2019 Memberships Rates. All voted in favor. Motion carried. (5-0)

Planning/Community Development Director Ken Ondich reviewed with the Council a summary update he had presented at the October 15, 2018 Council meeting. It was a stormwater review matter with the Eastland Development by Witt Development that had required the City Engineer to issue a stop work order on the completion of the Alton Avenue Roundabout construction project. The stop work order was to allow time for the City Engineer and the Developer's Engineer to determine if the water level in a wetland and stormwater pond were at the appropriate level as the question was raised by some townhome residents that live on Autumn Ave. SE. Since that time, the City Engineer and Developer's Engineer have been in contact working on the outcome of the water level in the pond and wetland.

Director Ondich stated since the stop work order was issued late in the construction season, completion of the Alton Avenue Roundabout will not occur this year. Per the First Amendment to the Development Agreement for Eastland, final approval for construction of townhomes located north of 3rd Street SE (considered the 3rd Phase of Development out of a total of 4) is not allowed to occur. While the construction of townhomes in this area has moved forward, staff has been withholding issuing final certificates of occupancy per the terms of the existing development agreement, with the idea that construction would have been completed in 2018. With the stop work order being issued, Witt would like to continue to construct townhomes as the demand has remained strong and the construction of the townhomes does not affect the construction of the Roundabout.

City Staff and City Engineer Chris Cavett are in agreement that an amendment to the development agreement is a reasonable approach to allow townhome construction to continue while reviewing the storm water matter in the interim.

After discussion, it was moved by Ryan, seconded by Nickolay to approve the Third Amendment to Developer's Agreement for Eastland. All voted in favor. Motion carried. (5-0)

Director Ondich presented to the Council a request for variance which the Planning Commission had heard about at their October 24, 2018 meeting. The applicant in this case is the City, making the application on behalf of Wells Fargo Bank as it involves the Downtown 2020 Reconstruction Project. The City of New Prague and MnDOT District 7 are cooperatively planning for the reconstruction of Main Street and as part of the planning process, MnDOT and the City have been reviewing existing direct accesses to TH19 (Main Street) to find accesses that are eligible for closure. The reason for closures of what MnDOT determines are "redundant" driveways is to improve safety and operation through the downtown area, as well as to provide for more on-street parking. The existing western most access to the Wells Fargo property from Main Street has been identified for closure (the eastern access to the drive-thru area is not pro-

posed to change as there are no viable alternatives) and has been agreed to by Wells Fargo as long as an alternate driveway to their existing parking lot can be accommodated and function into the future. The proposal to remove the access from Main Street and move it to 2nd Ave. NW would be in violation of the City's Access Spacing Guidelines which requires a setback of 150' for commercial driveways along a local road when adjacent to a minor arterial road. In order to maintain the functionality of the existing off-street parking lot for Wells Fargo, the City and MnDOT are proposing to move the driveway from Main Street to 2nd Ave. NW, but only be setback 22' instead of the ordinance required 150'.

Darin Pomije attended the October 24, 2018 Planning Commission meeting to comment on behalf of Strike Force Bowl. At the October 24th meeting, Mr. Pomije commented that they did not agree that their parking lot access to Main Street should be closed and noted that some customers of Wells Fargo have larger vehicles and park in their lot during the day and enter/exit through the existing curb cuts on the bowling alley parking lot. It was noted to Mr. Pomije that he would be contacted outside of the meeting to discuss his specific access closure issue.

The Planning Commission recommended approval of the variance request on an unanimous vote (3-0) based on the six findings listed in the staff report.

Bruzek expressed his disagreement with MnDOT on the closure matter and with some of the proposed highway changes that may be forthcoming.

After discussion, it was moved by Wilcox and seconded by Nickolay to approve RESOLUTION #18-11-05-02 APPROVING VARIANCE (#V7-2018) TO ALLOW REDUCED ACCESS SPACING FROM TH19 (MAIN STREET) FROM 150' TO 22' ON SECOND AVENUE NW AT 217 WEST MAIN STREET FOR AN ENTRANCE ONLY ACCESS. Wilcox, Nickolay, Ryan and Bass voted aye and Bruzek voted no. Motion carried. (4-1)

Chris Cavett, City Engineer presented the completed Feasibility Report to the Council for the 2019 Street and Utility Improvements was prepared in accordance with Minnesota Statute 429. The Feasibility Report outlines the scope of the project, the probable costs, the funding options, and the potential assessment amounts to the benefitting properties. Copies of the Feasibility Report were distributed to the Council and Staff as a supplement to this agenda report. An overview of the report was given to the Council with a key focus on the proposed roundabouts on Columbus Avenue N. at County Road 37 and 12th Street NW/County Road 15.

As part of the public improvement process, the Council is being asked to consider accepting the report and call for a Public Hearing proposed to be held on Monday, November 19, 2018 at 6:00 p.m.

A neighborhood meeting was held on October 10, 2018. There were 18 of approximately 301 separate property owners, (6%) who had signed in. In past neighborhood projects, there have typically been around a 20% attendance. The information provided to the property owners at that meeting were details of the streets identified for improvements in 2019, the proposed work expected to be a mill and overlay type improvement and some minor storm drain repairs and some spot repairs of select curbs. County Road 37 will be a little more involved, and is currently proposed as a full pavement replacement improvement and will also include storm drain repairs and replacement of pedestrian ramps to bring them into ADA compliance. In any case, both improvement types are not as disruptive as a full reconstruction project. These proposed improvements are cost effective in preserving the public investment.

After discussion and a review of the Report details, it was moved by Nickolay, seconded by Wilcox to approve RESOLUTION #18-11-05-03 RECEIVING REPORT AND CALLING HEARING ON 2019 STREET AND UTILITY IMPROVEMENTS. All voted in favor of the motion. Motion carried. (5-0)

City Administrator Johnson reviewed the details of an application for a Consumption and Display (Set-Up) Permit for Main Venues, LLC dba The Depot at 408 West Main Street.

The two applicants of this new business are Jan M. Sirek-Hrabe and Debbie A. Menden Wurzberger. Police Chief Gareis has conducted his usual background checks on the two applicants and it did not reveal any disqualifiers that would prevent the Council from granting consent for the Consumption and Display Permit.

Under this specific permit, it authorizes the "establishment (or business) to permit the consumption and display of intoxicating liquor on the premises. The permit does not authorize the sale of intoxicating liquor." A copy of "MN Statute 340A.414" was given to the Council which provides details on the authorization of permits and determines eligibility for these type of permits.

In consultation with the City Attorney, City Staff is recommending the approval of the permit be granted (but the permit application not be signed) until and contingent upon the applicant obtaining a final Certificate of Occupancy (C.O.) from the City's Building Inspection Department. This recommendation is being made to ensure that the applicants have complied with all of the Building code requirements prior to the building being opened up and used as an Event Venue/Banquet Hall.

Jan Sirek-Hrabe and Debbie A. Menden Wurzberger both attended the meeting and provided the Council with additional information on their business and answered questions the Council had.

After discussion, it was moved by Ryan, seconded by Bass to approve the permit application contingent upon the Staff's recommendation to obtain a final C.O. for the building located at 408 W. Main Street. All voted in favor. Motion carried. (5-0)

City Administrator Johnson provided an overview of a request to the Council from German Days, Inc. out of Belle Plaine, MN for a Lawful Gambling LG214 "Premises Permit" application to conduct lawful gambling (paper and electronic pull-tabs, bar bingo, electronic linked bingo, paddlewheel and tipboards) at 'Czech'ers Sports Bar, LLC, 125 E. Main St., New Prague, MN.

The LG214 Premises Permit application is required to be approved by the City Council (per MN. Statute 349.213 Subd.2) before the Gambling Control Board will issue a premises permit. Information was provided along with the permit application that the 'Czech'ers Sports Bar, LLC owner (Mr. Rich Novak) was cancelling the gambling activities/lease at the bar with the New Prague Hockey Association. The reason being, is that the Association didn't have enough volunteers to cover all of the gambling activities he wanted to see carried out.

After discussion, it was moved by Ryan, seconded by Wilcox to approve the Lawful Gambling LG214 Premises Permit Application for German Days, Inc. out of Belle Plaine, MN at 'Czech'ers Sports Bar, LLC effective December 1, 2018. All voted in favor. Motion carried. (5-0)

City Administrator Johnson asked the Council to review their November calendars to establish a date for the third (3rd) Budget Workshop. The Council and Staff need to establish a date to review and discuss the Final Preliminary 2019 Budgets, and finalize the proposed Preliminary 2018 Property Tax Levy, Payable 2019. The Council also will need to review the proposed 2019 Golf, Water and Electric Budgets.

The Council and Staff agreed to schedule their third budget workshop meeting for Monday, November 26 at 5:45 p.m.

After discussion, it was moved by Nickolay and seconded by Bruzek to approve the following Consent Agenda items:

- October 15, 2018 Meeting Minutes
- Claims for Payment
- Chamber of Commerce Parade of Lights and Holiday Celebration in Memorial Park request for November 30, 2018.
- Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for St. Patrick Athletic Association including pull tabs for an event on January 25, 2019 at the Knights of Columbus Hall, 411 4th Ave., SW.
- Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for the Church of St. Wenceslaus including a raffle for an event on January 30, 2019 at the Church of St. Wenceslaus, 215 Main Street.

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

Miscellaneous:

• Police Chief Gareis - Shared some drone footage on before and after school traffic at the Middle School. Generally no issues drop-

ping off in the morning. After school some park their cars in front of the school (west side) and cars have to drive around these cars when picking up their child. They are monitoring this and working through the process with the school.

• Ken Ondich - Reminder to vote.

• Mike Johnson:

1. Reminder of the Special Council Meeting Post Election on Friday, November 9 in the Council Chambers at 7:30 a.m. to Canvas Election Results.

2. Shared that this meeting was Maggie Bass' last meeting until her 4 year Council seat begins on January 8, 2019.

3. Bruce Wolf will be sworn in at the November 19, 2018 Council Meeting.

4. Kay Wilcox will wrap up her temporary term at the December 17, 2018 Council meeting as well as David Bruzek will end 8 years (2011-2018) on the Council.

5. Rik Seiler will be sworn in at the January 8, 2019 meeting.

6. Explained the transformation the Council Chambers will endure so it is ADA/Handicap accessible that includes a ramp and handicap accessible bathrooms. Gerold Bros. was awarded the project with a quote of just under \$19,000. Three other quotations were solicited, with no other quotes submitted.

• Maggie Bass mentioned some Cities are discontinuing the licensing of dogs because many of the dogs now have chips installed. Something that may be coming down the road.

Motion by Nickolay seconded by Bruzek to adjourn at 8:10 p.m. All voted in favor. Motion carried. (5-0)

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson, City Administrator

(Published in The New Prague Times, Thursday, December 6, 2018; No. T126-12-6)

Official Proceedings . . .

## City of New Prague CITY COUNCIL PROCEEDINGS STATE OF MINNESOTA COUNTIES OF SCOTT AND LE SUEUR SPECIAL CITY COUNCIL MEETING FRIDAY, NOVEMBER 9, 2018

Mayor Nickolay called the Special City Council meeting to order at 7:30 a.m. with the following members present: Nickolay, Bass, Bruzek, and Wilcox.

Absent: Shawn Ryan

Staff Present: Ken Ondich

Planning/Community Development Director Ken Ondich provided the Council with an overview of the 2019 General City Election and Special City Election results and a summary of the write-ins.

After discussion, it was moved by Nickolay, seconded by Bass to approve RESOLUTION #18-11-09-01 CANVASSING ELECTION RETURNS AND DECLARING RESULTS OFFICIAL. All voted in favor. Motion carried. (4-0)

It was moved by Nickolay, seconded by Bruzek to adjourn the meeting at 7:37 a.m. All voted in favor of the motion. Motion carried. (4-0)

ATTEST:

Charles L. Nickolay, Mayor

Michael J. Johnson, City Administrator

(Published in The New Prague Times, Thursday, December 6, 2018; No. T127-12-6)

### School District No. 721 SUMMARY OF REGULAR SCHOOL BOARD MEETING MONDAY, OCTOBER 22, 2018 6:00 pm

Vice Chairperson Kubes

called the meeting to order at 6:00 p.m. Roll was taken with Sherry Brooks and Kytyn Schoenbauer noted as absent. The Pledge of Allegiance was recited. Motion by Havlicek, seconded by Valerius, to approve the agenda. Carried. Motion by Dvorak, seconded by Valerius, to approve the consent agenda. Carried. Board Committee Reports were given. Superintendent's updates were given. ACTION AND DISCUSSION ITEMS: Motion by Havlicek, seconded by Valerius, to approve the 2017-18 Audit Report. Carried. Sandy Linn shared the current enrollment numbers as well as the projected enrollment for the next three years. Superintendent Dittberner reviewed the calendar process for 2019-20. The Board agreed by consensus to move forward with the Flexible Learning Year application. Resolution to accept a donation from the New Prague Rotary. Member Dvorak moved the resolution. The motion was duly seconded by Board member Valerius. WHEREUPON, a vote was taken upon the foregoing Resolution and the following Board members voted in favor: Valerius, Kubes, Holden, Dvorak, Havlicek. Board members voted against the same: None. WHEREUPON the Resolution was declared passed and adopted. Resolution of School Board Supporting Form A Application to the Minnesota State High School League Foundation. Member Holden moved the resolution. The motion was duly seconded by Board member Kubes. WHEREUPON, a vote was taken upon the foregoing Resolution and the following Board members voted in favor: Dvorak, Holden, Kubes, Walerius, Havlicek. Board members voted against the same: None. WHEREUPON the Resolution was declared passed and adopted. Resolution of School Board Supporting Form A Application to the Minnesota State High School League Foundation. Member Holden moved the resolution. The motion was duly seconded by Board member Kubes. 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