

# Public Notices

## PUBLIC NOTICE

### CITY OF ELKO NEW MARKET SCOTT COUNTY, MINNESOTA SUMMARY ORDINANCE NO. 232 AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET CITY CODE TITLE 11, CHAPTER 14, AND TITLE 11, CHAPTER 2 CONCERNING SOLAR ENERGY SYSTEMS AND DEFINITIONS

**NOTICE IS HEREBY GIVEN** that, on June 10, 2021, Ordinance No. 231 was adopted by the City Council of the City of Elko New Market, Minnesota.

**NOTICE IS FURTHER GIVEN** that, because of the lengthy nature of Ordinance No. 231, the following summary of the ordinance has been prepared for publication.

**NOTICE IS FURTHER GIVEN** that the ordinance adopted by the Council amends Title 11, Chapter 14 of the Elko New Market City Code by amending the following solar energy systems standards: location, setbacks, and maximum area.

**NOTICE IS FURTHER GIVEN** that, the ordinance adopted by the Council also amends Title 11, Chapter 2 of the Elko New Market City Code by amending the following yard definitions: front yard, side yard, rear yard, secondary front yard. A printed copy of the complete ordinance is available for inspection by any person during the City's regular office hours.

**APPROVED** for publication by the City Council of the City of Elko New Market this 10th day of June, 2021.

#### CITY OF ELKO NEW MARKET

By: Joe Julius, Mayor

By: Thomas Terry, City Administrator/Clerk

(Published in The New Prague Times, Thursday, June 17, 2021; No. T670-6-17)

## PUBLIC NOTICE

### NOTICE OF PUBLIC HEARING

#### FOR PROPOSED AMENDMENTS TO TITLE 12, CHAPTER 9 OF THE CITY CODE (ZONING ORDINANCE)

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held before the Elko New Market Planning Commission on Tuesday, June 29, 2021 at 7:00 p.m., or shortly thereafter at the Elko New Market Area Hall, 601 Main Street, Elko New Market, MN 55054, to consider proposed amendments to Section 12-9-8 concerning parkland dedication or fee in lieu. The proposed amendments reduce the land dedication requirement from 10% of the gross area subdivided to 8% of the net area subdivided and add clarifying language for determining fair market value.

Let written notice hereof be given not less than ten (10) days prior to the said hearing date. Anyone wishing to express an opinion about the proposed amendments orally or in writing will be heard at the public hearing.

Dated this 14th day of June, 2021.

CITY OF ELKO NEW MARKET:

Haley Sevensing, Planner I

(Published in The New Prague Times, Thursday, June 17, 2021; No. T671-6-17)

## Official Proceedings . . .

### City of New Prague

#### CITY COUNCIL PROCEEDINGS STATE OF MINNESOTA COUNTIES OF SCOTT AND LE SUEUR CITY COUNCIL MEETING MONDAY, MAY 17, 2021

Mayor Duane Jirik called the first in-person meeting since March 16, 2021 to order at approximately 6:00 p.m. with the following Councilmembers present: Jirik, Bass, Ryan, Seiler, and Wolf

Staff Present at Meeting: Mike Johnson, Jim Gareis, Chad Lunder, Ken Ondich, Bruce Reimers, Matt Rynda, and Barb Ulschmid

Others Present at Meeting: Mitch Peterson, Rich Novak, 'Czech'ers Sports Bar, and Patrick Fisher, New Prague Times

Others Present Online: City Engineer Chris Cavett, City Attorney Scott Riggs, Kevin Cassidy, New Prague Area Community Center Association (NPACCA) General Manager, Kyle & Emmalee Kuehner

Mayor Jirik asked if there were any additions to the Council agenda? There being none, motion by Seiler, seconded by Ryan to approve the Agenda as published. 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 to date everything is going well, especially with the weather cooperating. A bit of a setback today, curbing was suppose to start on Friday, however, has been delayed due to concerns of the unstable subgrade at 1st Avenue SW up until Central Avenue which was recently evaluated by MnDOT and Contractor. Going to try ways to stabilize the subgrade using geogrid and fabric. Utility work has been going well, starting east of 1st Ave NE and heading towards Columbus with the sanitary and water main. Once they get to Columbus Ave intersection, the process will slow down a bit due to how deep the sanitary main is in that area.

There are 92 people signed up to get text message alerts. A resident's complaint on their water shut-off notice was addressed. Councilmember Seiler inquired about the asbestos pipe removal and Mr. Cavett indicated this project was complete.

Next Mr. Cavett went through the modification of the construction contract, the change orders 13 through 16.

Change Order #13: \$6,369.00 - related to the building with the structural concerns. There is a segment of water main that needs to be installed/extended on Central Avenue South, along side the west wall that is of concern. Provide clearance between the storm sewer from the water main which is a minimum 10-foot clearance per the MN Dept of Health which would require digging/backfilling under that west wall which is of big concern to the workers safety as well of the public and the building. Came up with an improvised design that would replace the storm sewer with a pressure gasket in the water main which would allow the clearance between the storm sewer and water main to be less than the 10 feet required. Put in a 30" PVC pipe for the storm sewer which would be more costly. City (Water Fund) and State agreed to split the cost of this item. Councilmember Ryan asked why building owner doesn't cover the cost. A valid discussion for later. For now, that portion has to fall on the City to keep the process going. Mr. Ryan would like to see the City follow up with the business owner on taking care of some of the cost vs the taxpayers having to pay for. Would need to work with the City Attorney on this in order to pursue.

Change Order #14: \$59,041.24 - An additional cost involving the removal and asbestos abatement of a steam line duct system that was not anticipated prior to its exposure. Located under the south curb line under Main Street. Anticipated to be one pipe, when exposed was a more complex duct system. A significant amount of material to be removed. Being the old abandoned central steam line infrastructure belongs to the City of New Prague, this item is proposed as 100% a City cost.

Change Order #15: \$5,228.00 - Cost differential to upgrade the sanitary sewer pipe from SDR 35 to an SDR 26 through the 20'-23' deep stretch. Mr. Cavett explained that once you get to 20+ feet in depth, special piping is highly recommended. Decided to provide a stronger pipe where it passes through deepest portion of the project (20' to 23' deep). The contractor agreed to provide the pipe and fittings at only the material cost difference and with no contractor mark-up. Upgrading the pipe provides a long-term insurance policy for the City and the properties fronting this area as it is a deep sanitary under a busy trunk highway. This cost would be 100% City, (Sanitary Sewer Fund).

Change Order #16: \$2,900.00 - To compensate the contractor for the removal of the sign and footing at the former gas station at 126 E. Main Street. This sign encroached into the MnDOT R/W pedestrian sidewalk and the owner agreed to have it moved. The cost is 100% MnDOT cost.

Total of all the change orders is \$73,538.24. Expecting more change orders but to date sitting pretty good with change orders. Typically, budget about 5% in change orders from the total cost.

Motion by Bass and seconded by Seiler to approve RESOLUTION #21-05-17-01 TH#19 / MAIN STREET 2020 CIP RECONSTRUCTION PROJECT DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT CHANGE ORDER

NOS. 13-16. All voted in favor. Motion carried (5-0).

New Prague Area Community Center Association, Inc. (NPACCA) General Manager Kevin Cassidy explained that they will be replacing the old refrigerant (R22) from the cooling plant of the ice rink and replacing with a compliance refrigerant that is not on any EPA phase out list but is endorsed by both the suppliers and technicians they use to service the plant along with what the NHL uses. The replacement refrigerant R-449 blend is being used in many facilities and is a common replacement for R-22. The positive environmental impact will be in the use of a refrigerant that has a significantly lower Global Warming Potential than what is currently being used. Change out requires the replacement of some seals, filters and some small components, the big impact and cost is the replacement of the refrigerant which is about 800lbs. The project is named Indirect R-22 Replacement Project at the NPACCA located at 100 12th St NW, New Prague, MN.

The total cost of the project would be approximately \$35,000. The NPACCA Board is requesting \$17,500 from the James Metzzen Mighty Ducks Grant Program and will assume responsibility for a matching contribution of \$17,500. NPACCA agrees to own, assume 100% operational costs for the facility or equipment, and will operate the facility or equipment for its intended purpose for the functional life of the facility or equipment which is estimated to be twenty (20) years. The City of New Prague agrees to enter into necessary and required agreements with the MASC for the specific purpose of completing the project and to act as the Local Government Unit (LGU) for the grant application to the MASC. A request for reimbursement would be made to the MASC for the amount awarded after the completion of the project.

Motion by Seiler and seconded by Wolf to approve RESOLUTION #21-05-17-02 JAMES METZEN MIGHTY DUCKS GRANT APPLICATION TO MASC BY NEW PRAGUE AREA COMMUNITY CENTER ASSOCIATION, INC. All voted in favor. Motion carried (5-0).

Community & Development Director Ken Ondich presented details on the request for emergency repairs to the City Hall's front entrance. The City Hall was constructed in 1939 and was most recently renovated in 1987. Staff doesn't recall any major work being done to the brick/exterior of the building in 1987 other than windows which was 34 years ago. One specific area of concern has been the parapet above the front entrance to the building off of Central Ave. N. The mortar on the parapet has deteriorated to the point that the bricks and limestone are now a danger to those entering and exiting the building if not immediately repaired. City Staff had a structural engineer (LS Engineers) review the exterior's condition of all of City Hall in early 2021 and while all of City Hall is in need of attention, the front entrance is in most need of emergency repairs at this time. Per the structural engineers' notes, the front parapet should be removed and rebuilt, and the flagpole should be removed immediately. The flagpole was removed and relocated to the south parking lot area of the City Hall.

Staff solicited proposals from two contractors: \$21,829.00 - Simon Brick and Stone Co., and \$29,104.00 (plus additional for mobilization and other incidentals) - Building Restoration Corporation. For both proposals, costs could rise if additional damage is uncovered during the course of the work. In addition to the above repair work, it is necessary to have a structural engineer review the repairs as well as to conduct inspections on a couple of other test locations on the building to aid in identifying and guiding further repairs on other portions of the building. The cost for LS Engineers, Inc. to do this work would be a lump sum of \$2,200 as well as an additional amount to not exceed \$5,000 from Simon Brick and Stone to conduct test demolition areas on other portions of the building.

There is currently \$92,969 available in a reserve fund specifically for repairs to the City Hall. Building Official Chad Lunder explained that there is more work that needs to be done to the exterior of the City Hall beyond the emergency repairs which should be done as soon as possible which could be an additional \$260,000+ for tuckpointing and repairs relating to deferred maintenance. Staff would recommend that these repairs be budgeted for and completed as soon as possible and the test demolition work with this phase will help guide those future repairs.

After discussion, motion by Ryan and seconded by Bass to approve SIMON BRICK AND STONE CO. TO COMPLETE THE EMERGENCY REPAIRS TO THE CITY HALL FRONT ENTRANCE FOR A PROPOSED AMOUNT OF \$21,829.00 WITH AN ADDITIONAL AMOUNT NOT TO EXCEED \$5,000 FOR TEST DEMOLITION AREAS AS WELL AS TO HAVE LS ENGINEERS OVERSEE THE REPAIR WORK AND DIRECT THE TEST DEMOLITION AND ASSESS FURTHER REPAIR NEEDS IN THE AMOUNT OF \$2,200. ALL WORK TOTALING \$29,029. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ken Ondich requested the consideration of land exchange with property owners at 511 Cottonwood Lane. Director Ondich introduced Kyle and Emmalee Kuehner, property owners of 511 Cottonwood Lane who contacted the City this past winter about replacing a shed on their property. It was determined by the City Staff that their shed was located partially on City pond property and with a drainage and utility easement area. During a site visit on April 26, 2021, staff discussed the needed property/easement area around the pond in order to maintain it and found that the exiting property lines/easements around the pond were both excessive and inadequate in areas adjacent to the pond and further compounded by the shed and fencing located partially on City property and adjacent to the pond. One specific item to note was that when the City was putting up property signs to identify the boundary of the pond property recently, one property marker appeared to be in the middle of the yard as observed by both the property owners and staff, although it was the correct lot line location.

Staff developed maps to conceptually show what could be a beneficial solution for the City and property owners to clarify the lot line by exchanging land and also by partially vacating some excessive drainage and utility easement areas on the lot. In speaking with City Attorney Scott Riggs, this conceptual exchange of land could be accomplished through a "land exchange agreement", but staff wanted to obtain the Council's thoughts on this idea before spending any more time on this matter. There would be no expense to the City for the consideration of this land exchange as the property owners would be required to pay all the City Attorney's time for preparing the necessary paperwork, a land survey and legal description preparation as well as a minor subdivision fee and partial vacation of the drainage and utility easement area. Staff estimates the cost to complete this would be approximately \$4,350 but would be invoiced to the property owners for the actual amounts, whether it be above or below this amount. The property owners are aware that the costs would be 100% their responsibility.

After discussion, motion by Ryan, seconded by Wolf to approve *THE CONCEPT OF THE LAND EXCHANGE WITH PROPERTY OWNERS AT 511 COTTONWOOD LANE. STAFF WOULD WORK WITH THE CITY ATTORNEY SCOTT RIGGS TO DEVELOP A "LAND EXCHANGE AGREEMENT" WHICH COULD BE PLACED ON A FUTURE CITY COUNCIL AGENDA FOR FORMAL ACTION.* All voted in favor. Motion carried (5-0).

Police Chief Jim Gareis revisited the Police Department's Strategic Transition Plan for his retirement within the upcoming 12-15 months. At the May 3, 2021 City Council meeting, Councilmembers requested to see stats per capita and where it aligns with other cities prior to approving. Police Chief Gareis provided detailed information for the Mayor and Councilmembers to review. Also, as presented at the May 3rd Council meeting staff recommended a transition plan that would include - an appointment of a Detective, an appointment for a Road Sergeant, and backfilling a position so an individual is available to take a road position prior to Police Chief Gareis' departure/retirement.

The New Prague Police Department is currently made up of 10 sworn officers with a Chief, Sergeant and eight patrol officers along with two support staff. The transition plan set forth is a recommendation from staff in an effort to allow for the best continuity of service to the citizens of New Prague as the Police Department can continue to train and develop officers. This process would help in that transition along with having little impact financially on the 2021 budget and allow time to prepare for the 2022 budget.

After much discussion, motion by Seiler, seconded by Jirik to approve *THE PROPOSED TRANSITION PLAN INCLUDING: AN APPOINTMENT OF A DETECTIVE, ROAD SERGEANT AND THE BACKFILLING OF A POSITION SO AN INDIVIDUAL IS AVAILABLE TO TAKE A ROAD POSITION PRIOR TO POLICE CHIEF GAREIS' RETIREMENT.* All voted in favor. Motion carried

(5-0).

City Administrator Mike Johnson presented a request from 'Czech'ers Sports Bar, LLC asking the City Council to allow their business to continue having an "outside patio" area in 2021 similar to what was implemented in 2020 due to the COVID restrictions.

The action referred to by Ms. Cheryl Novak in her letter is based upon what was approved by the City Council in Resolution #20-05-27-01 on May 27, 2020. Under that resolution, the Council Authorized the Granting of Regulatory Flexibility to Local Businesses to assist getting businesses (restaurants and bars) up and running by June 1, 2020 due to the COVID impacts by lessening local regulatory controls. However, that authority delegation under the Resolution expired on October 31, 2020.

In order for the 'Czech'ers Sports Bar to have an outside patio or seating area in 2021 they would need to apply for and receive approval for a Conditional Use Permit from the City Council. Under the timeline to accomplish this, an application would have to be submitted to City Staff by June 2nd; a public hearing would need to be scheduled at the June 23rd Planning Commission meeting; and the City Council would review the Planning Commission's recommendation at the July 6th City Council meeting. That would likely mean that there would be no outdoor patio or seating for the next 50 days, or almost 2 months. As such, this likely wouldn't be very appealing to the business as they would miss out on about 2/5 of their outdoor patio season.

In the alternative and recognizing that the COVID rules are still in a state of flux and ever changing, and that Main Street is under significant reconstruction efforts at this time, a similar Resolution to last year's Resolution could be considered by the Council and possibly adopted. Per draft of Resolution #21-05-17-03 which would "Authorize the Granting of Regulatory Authority to Local Businesses in 2021" in a similar fashion as to what was done in 2020.

City Staff believes that the considerations and approval of this Resolution could be a temporary viable option for 2021 but would not recommend this as a permanent solution on an annual basis going forward. Councilmembers agree to allow through October 31, 2022 in hopes of next year something more permanent can take place for not only 'Czech'ers but also any other business that request to expand their seating outdoors.

After discussion, motion by Bass, seconded by Seiler to approve RESOLUTION #21-05-17-03 AUTHORIZING THE GRANTING OF REGULATORY FLEXIBILITY TO LOCAL BUSINESSES IN 2021. All voted in favor. Motion carried (5-0).

Police Chief Gareis provided the latest COVID-19 update per the Governor's Executive Orders and CDC involving the removal of the mask mandate for both staff working indoors and outdoors. Reviewing the City's COVID Plan tomorrow morning and probably taking away the mask mandate. Wearing a mask for City Employees would no longer be required and is now optional along with customers coming into the City Hall. The Food and Beverage areas can only be at 75% of available capacity at the Golf Course, expecting that could go away by May 28th. Food Service staff and Bartenders are still encouraged to wear masks for the customers' comfort. This also could be discontinued by July 1st. After July 1st, COVID Plans will no longer be necessary and at that time will take away the Emergency Declaration (last meeting in June or first meeting in July?) Police Chief Gareis would be looking at Staff and Council to ask City Attorney Riggs on how to proceed with going back to face to face meetings per the latest updates. City Attorney Riggs explained the process would be the same as the City Council's in person meeting this evening. The Governor still encourages distance learning but encourages hybrid meetings and the board and commissions to offer both options (if possible). Mr. Riggs indicated the offering both options is not required or mandated, just suggested.

Mayor Jirik made the following recommendations to fill the proposed Board and Commission vacancies with an effective appointment date of June 1, 2021.

**EDA (Two Vacancies):**

- 1 Full, 6-Year Term from June 1, 2021 - May 31, 2027 - Troy Pint
- 1 Partial, 5-Year Term from June 1, 2021 - May 31, 2026 - Brent Quast

**GOLF (Four Vacancies):**

- 3 Full, 3-Year Term Vacancies from June 1, 2021 - May 31, 2024 - Adam Brister, Rich Carlson & Jason Thesing (Subject to verification of employment issue with the City.)
- 1 Partial, 2-Year Term Vacancy from June 1, 2021 - May 31, 2023 - Tom Mach

**PARK BOARD (Four Vacancies):**

- 1 Full, 4-Year Term from June 1, 2021 - May 31, 2025 - Brian Molitor
- 1 Partial, 3-Year Term from June 1, 2021 - May 31, 2024 - Alan Hansen
- 1 Partial, 2-Year Term from June 1, 2021 - May 31, 2023 - Open
- 1 Partial, 1-Year Term from June 1, 2021 - May 31, 2022 - Open

**PARK BOARD YOUTH (One Vacancy):**

- 1 Full, 1-Year Term from June 1, 2021 - May 31, 2022 - Hailey Calliguri

**PLANNING COMMISSION (Two Vacancies):**

- 1 Full, 4-Year Term from June 1, 2021 - May 31, 2025 - Dan Meyer
- 1 Partial, 3-Year Term from June 1, 2021 - May 31, 2024 - Ann Gengel

**UTILITY COMMISSION (Two Vacancies):**

- 1 Full, 4-Year Term from June 1, 2021 - May 31, 2025 - Daniel Bishop
- 1 Partial, 3-Year Term from June 1, 2021 - May 31, 2024 - Richard Jordan

It was moved by Seiler and seconded by Ryan to approve the Mayor's recommendations for the Board and Commission appointments effective June 1, 2021. All voted in favor. Motion carried (5-0).

Mayor Jirik asked if there were any questions on the Consent Agenda. Councilmember Bass noted an error in Accounts Payable, "Tech Support Fee" in the wrong account. City Administrator Johnson noted it should be within "Assessing" not "Tech Network". Motion by Seiler, seconded by Bass to approve the Consent Agenda as follows:

- A. May 3, 2021, May 6, 2021 and May 12, 2021 Special City Council Meeting Minutes
- B. Claims for Payment - May 17, 2021
- C. Graduation Parade for Seniors - Police Chief Jim Gareis
- D. Quotes for Trail Seal Coating - Public Works Director Matt Rynda
- E. Event Request in Memorial Park - Chamber of Commerce - Czech Out New Prague Event on August 5, 2021
- F. Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Church of St. Wenceslaus Festival Event on August 7 & August 8, 2021 including Bingo, Pull-Tabs and Raffles at 215 Main Street E.

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

Miscellaneous Items:

**Maggie Bass** - Inquired on the status of the Central Plaza meetings with Kay Wilcox. Mr. Johnson that staff will provide an update to the Council at the next meeting.

**Shawn Ryan** - 1. Inquired about the lighting on the west side of town by The Depot and when will the barriers be moved. Matt Rynda explained if the lighting gets completed by Friday there will be a soft opening at 21 and Main Street to the East side of 2nd Ave NW will take place this Friday. Two driving lanes will be open to customers to get to businesses in that area but discourages semis. 2. Asked about ordinance on placement of trash can and recycling bins. Mr. Ondich indicated they need to be screened fully or inside. Asked to put a reminder in the City newsletter.

**Bruce Wolf** - 1. Asked when the County Assessor could partake in a Council meeting? Mr. Johnson mentioned this would be Michael Thompson from Scott County and he would connect with him about attending one of the upcoming Council meetings to address why Residential numbers went up and Commercial numbers are down? Also, wanted to thank the Police Department and EMS/North Memorial for their service to our community.

**Mike Johnson** - Referred to the Moody's materials within the packet.

There being no additional business, motion by Seiler, seconded by Bass to adjourn the meeting at approximately 8:57 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

Duane J. Jirik, Mayor

Michael J. Johnson, City Administrator

(Published in The New Prague Times, Thursday, June 17, 2021; No. T668-6-17)

**PUBLIC NOTICE  
LE SUEUR COUNTY  
BOARD OF ADJUSTMENT  
88 SOUTH PARK AVE.  
LE CENTER, MN 56057  
(507) 357-8538**

**www.co.le-sueur.mn.us  
NOTICE OF SPECIAL  
PUBLIC HEARING**

**TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD**

**DATE: JULY 1, 2021**

**TIME: 3:00 PM**

**PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.**

**PURPOSE:** To hear testimony from interested parties and consider Variance and Appeal Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **JUNE 22, 2021.**

**ITEM #1: MATTHEW**

**SEIFERT, NEW PRAGUE, MN, (APPLICANT / OWNER):** Request that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to enlarge a nonconforming structure 25 feet to the road Right-Of-Way in an Agriculture "A" District. Property is located in the NW/NW, Section 24, Derrynane Township. **VARIANCE IS FOR NONCONFORMING STRUCTURE AND ROAD ROW SETBACK.**

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.**

**ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT  
JULY 1, 2021.**

**MICHELLE R. METTLER,  
INTERIM PLANNING &  
ZONING ADMINISTRATOR  
(Published in The New Prague Times, Thursday, June 17, 2021; No. T669-6-17)**

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