

1) CALL TO ORDER

The meeting was called to order by Mayor Julius at 6:00 p.m.

Members Present: Councilmembers: Novak, Berg, Timmerman and Schuenke

Members Absent: None

Also Present: City Administrator/Clerk Terry, City Engineer Revering, City Accountant Stewart, County Commissioner Wolf and Deputy Clerk Jirak

2) PRESENTATIONS

None.

3) REPORTS

a) Administration
None.

b) Public Works
September 2022 Monthly Report included in the packet.

c) Police Department
September 2022 Monthly Report included in the packet.

d) Engineering
None.

e) Community Development
None.

f) Parks Department
September 2022 Monthly Parks & Recreation Update included in the packet.
Draft Parks & Recreation Commission Minutes of September 14, 2022 Meeting included in the packet.

g) Community & Civic Events Committee (CCEC)
Councilmember Novak updated Council the Halloween Party will be held on Saturday, October 29.

h) Other Committee and Board Reports

i) Scott County Association for Leadership and Efficiency (SCALE)
City Administrator/Clerk Terry updated Council that the SCALE meeting held on Friday; October 14 will be a discussion on Teacher Shortage.

(1) Executive Committee
None.

- (2) Service Delivery Committee
City Administrator/Clerk Terry updated Council that at the upcoming November meeting, discussion will include a housing discussion that was originally scheduled for September.

- ii) I35 Solutions Alliance
None.

4) GENERAL DISCUSSION

2023-2027 Capital Improvement Plan

The Capital Improvement, Street Reconstruction and Capital Purchase Plan (CIP) is a tool to help the City carry out its vision and goals. It is a document designed to anticipate future capital improvement expenditures to ensure they are purchased in the most efficient and cost-effective method possible. The capital improvement process is an important element of responsible fiscal management.

City Administrator/Clerk Terry presented the proposed projects for the 2023-2027 Capital Improvement, Street Reconstruction and Capital Purchase Plan (CIP) to the City Council. Council approved the list of potential CIP projects and equipment purchases. Staff will draft the CIP and bring back to a future meeting for Council to adopt.

Utility Fund and Fee Analysis

City Administrator/Clerk Terry provided the City Council with the annual review of the City's Utility Funds using a Utility Fund Model that has been refined over several years. The purpose was to inform the Council regarding the conceptual basis for the utility fees. These funds are self-supporting in that each fund derives its revenues from the charges and associated user fees. Various assumptions related to development, expenses and rate scenarios derived from the assumptions allows the Council to make informed policy decision regarding the City's utility fund rate structure.

The presentation included the background on the updated assumptions, the analysis, and the basis for the recommendations for the 2023 rate structure. After Council discussion, Council directed Staff to move forward with the 3 percent inflationary increase to the utility fee structure for 2023.

5) REPORTS

None.

6) ADJOURNMENT

The Work Session was adjourned at 6:38 pm. Mayor Julius reopened the Work Session at 6:40 pm

Scott County Commissioner Wolf gave the Council a brief update on discussions that took place at the I35 Solutions Alliance meeting earlier in the day.

Mayor Julius closed the Work Session at 6:44 pm.

1) CALL TO ORDER

The meeting was called to order by Mayor Julius at 7:00 p.m.

Members Present: Councilmembers Novak, Berg, Timmerman and Schuenke

Members Absent: None.

Also Present: City Administrator/Clerk Terry, City Attorney Poehler, City Engineer Revering, Deputy Clerk Jirak, New Prague School Superintendent Dittberner, Director of Business Services of New Prague Schools Linn and New Prague High School Principal Adams

2) PLEDGE OF ALLEGIANCE

Mayor Julius led the Council and audience in the Pledge of Allegiance.

3) ADOPT/APPROVE AGENDA

City Administrator/Clerk Terry advised the Council of two amendments to Consent Agenda item 6g. Approve City Right of Entry and Hazardous Building Assessment for 441 Main Street.

First, Staff requested to amend the Professional Services Agreement with Collaborative Design Group Inc. subject to execution by the contracting firm and approve it subject to any minor modifications as approved by the City Administrator. Staff also requested to approve the Right of Entry/Waiver of Trespass form, which was also added, substantially in the form provided and subject to any additional minor modifications as approved by the City Administrator.

MOTION by Councilmember Timmerman, second by Councilmember Novak to approve the amended agenda.

APIF, MOTION CARRIED

4) PRESENTATION, PROCLAMATIONS AND ACKNOWLEDGEMENTS (PP&A)

Referendum for New Prague Area Schools

New Prague Area School Superintendent Dittberner gave a presentation to the Council on the levy request referendum that will be on the November 8 General Election ballot for the New Prague Area Schools. The presentation included the background on the upcoming referendum, the need for the referendum, the monthly impact on taxpayers and an explanation of the ballot questions.

5) PUBLIC COMMENT

None.

6) CONSENT AGENDA

Councilmember Berg asked to have Consent Agenda item 6f. Adopt Ordinance No. 257 Amending the 2022 Fee Schedule for Large Industrial Water and Sewer Users to General Business item 8c.

Mayor Julius had requested some explanation to Consent Agenda item 6e.

MOTION by Mayor Julius, second by Councilmember Timmerman to approve the amended Consent Agenda.

- a. Approve September 22, 2022 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Approve Final Payment (Payment No. 3) Rowena Park Outdoor Hockey Rink
- d. Woodcrest Sanitary Sewer Improvements
 - i. Delich – 26651 Woodcrest Drive
 1. Approve Public Improvement and Special Assessment Agreement
 2. Adopt Resolution 22-64 Approving and Adopting Special Assessments
- e. Adopt Ordinance No. 256 Amending Title 12 of City Code Concerning Required Improvements in Subdivisions
- f. ~~Adopt Ordinance No. 257 Amending the 2022 Fee Schedule for Large Industrial Water and Sewer Users~~
- g. Approve City Right of Entry and Hazardous Building Assessment for 441 Main Street
- h. Amend City Code Title 4 to Provide for Additional Liquor License Types and Establish Related Fees
 - i. Adopt Ordinance No. 258 Amending the City of Elko New Market's City Code Title 4 Concerning Licensing for the Sale of Alcoholic Beverages
 - ii. Adopt Ordinance No. 259 Amending Ordinance No. 253 Adopting the 2022 Schedule of Fees

APIF, MOTION CARRIED

7) PUBLIC HEARINGS

None.

8) GENERAL BUSINESS

Transfer of Funds

City Administrator/Clerk Terry held a discussion with the City Council regarding the City's Fiscal Policies regarding transfer of reserves from the General Fund. At the Council meeting on September 8, 2022, Council directed Staff to transfer \$53,000 into the Community Events Fund. Based on a subsequent review of needs, Staff recommended that \$45,000 be transferred to the Police Department within the Capital Outlay Fund to increase reserves to fill the gap of the underfunded purchase of future squad vehicles and \$8,000 to Public Works Department within the Capital Outlay Fund for General Equipment. After Council discussion, Council agreed with Staff's recommendations and amended the resolution to reflect the requested change.

MOTION by Councilmember Timmerman, second by Councilmember Schuenke to adopt the amended resolution 22-65 approving transfer of \$53,000 into Police Department Capital Outlay Fund and \$8,000 into Public Works General Equipment Fund.

APIF, MOTION CARRIED

Ordinance No. 255 – An Interim Ordinance Prohibiting the Manufacture, Testing, Distribution and Sale of Cannabinoids

City Administrator/Clerk Terry advised the Council that the Ordinance regarding placing a moratorium prohibiting the manufacture, testing, distribution, and sale of cannabinoids for twelve months in Elko New Market was drafted based on Council discussion at the September 22, 2022 City Council Meeting. Terry reviewed questions Staff received from Council since the last meeting. Terry explained that the moratorium could not be extended more than 12 months and that the City can provide an exception for existing eligible businesses regardless or not if they are already selling THC.

The Council discussed whether a moratorium should only apply to popup or mobile THC shops. The Council also discussed allowing the public to voice concerns on THC and whether the public would like a moratorium placed on THC Edibles. Additionally, the Council talked about a moratorium for a much shorter time length than 12 months. Councilmember Berg indicated he was strongly opposed to the moratorium and felt the City should go directly into licensing and regulating THC Edibles or do nothing. Mayor Julius also expressed opposition to the moratorium and wanted Staff to move forward with licensing. Councilmembers Novak, Timmerman and Schuenke agreed to a shorter length of time on the moratorium and immediately have Staff begin work on licensing and regulations on THC Edibles.

After further discussions, Councilmembers made the following changes to the draft ordinance; removing language in Section 3B that relates to medical cannabis manufacturing and distribution facilities and replace with relates to the manufacturing, testing, distributing and selling of Cannabinoid Products and changing the effective date in Section 6 from one year and replacing with 90 days.

After Council discussion, Staff will redraft the Ordinance to include language changes discussed by Council to the interim ordinance for prohibiting the manufacturing, testing, distribution and sale of cannabinoids for 90 days and bring back to the October 27, 2022 City Council Meeting.

Adopt Ordinance No. 257 Amending the 2022 Fee Schedule for Large Industrial Water and Sewer Users

Councilmember Berg asked to have this item removed from Consent Agenda and placed under General Business for clarification and the basis for establishing the industrial, user rates. Staff explained that the City does not currently have a “super user” rate for large volume industrial water and sanitary sewer users that reflect the economies of scale and system efficiencies created by those users. The Niagara beverage manufacturing facility prompted the development of rates for large industrial water and sewer users.

MOTION by Councilmember Timmerman, second by Councilmember Schuenke to adopt Ordinance No. 257 Amending the 2022 Fee Schedule for Large Industrial Water and Sewer User.

APIF, MOTION CARRIED

9) REPORTS

All reports were presented during the Work Session.

10) DISCUSSION BY COUNCIL

None.

11) ADJOURNMENT

MOTION by Councilmember Timmerman, second by Councilmember Novak to adjourn the meeting at 7:59 p.m.

APIF, MOTION CARRIED

Respectfully submitted by

Lynda Jirak, Deputy Clerk