

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

} City Council Meeting
Monday, August 3, 2009

Mayor Bender called the meeting to order with the following members present: Bender, Bartusek, Betterton, Guerrette, Wilcox. Absent: None

Staff Present: Mike Johnson, Ken Ondich, Dennis Seurer, Mark Vosejka and Mary Jo Hruby.

The Pledge of Allegiance was recited.

City Administrator Mike Johnson reviewed the Administrative Citation that was issued to Simon's Sportsman's Bar, Inc. on July 24, 2009 for failure to meet the City Code Chapter 110.17 Financial Responsibility. Part of that requirement requires the Liquor Licensee to maintain certain insurance requirements. The City learned on July 20, 2009, that Simon's insurance lapsed on July 16, 2009. Simon's purchased a new insurance policy that became effective July 20, 2009. There was a four day gap in insurance coverage. Since this was Simon's Sportsman's Bar, Inc.'s second violation within the preceding 36 months, the administrative penalty is a \$1,000 fine, plus a 2-day suspension of their license.

A family member received Power of Attorney for the License Holder and indicated they will pay the fine of \$1,000 within 30 days and serve the 2-day suspension of license this Friday, August 7th at 8:00 A.M. until Sunday, August 9th at 8:00 A.M.

It was moved by Bartusek and seconded by Guerrette to concur with the action taken. All voted in favor of the motion.

Public Works Director Dennis Seurer reviewed the proposed utility easement for the City property adjacent to First Ave. NW. The Utility Easement is requested by Bevcomm for the purpose of installing a fiber optic line. Bevcomm will be responsible for all the associated costs involved in preparing and recording the easement.

It was moved by Wilcox and seconded by Bartusek to approve the 10' Utility Easement with Bevcomm Communications, Inc. which lies Easterly of the West 102.10 feet of the said Block 31, Phillips's Second addition to the City of New Prague, Scott County, MN. All voted in favor of the motion.

Planning Director Ken Ondich reviewed the Resolution amending Conditional Use permit C3-2008 - Outdoor Patio at Miller's Tap, 114 W. Main Street. At the July 22, 2009 Planning Commission meeting a public hearing was held to consider the revocation or amendment of Conditional use Permit C3-2008 which approves the outdoor patio for eating

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and drinking services at Millers Tap. Since October of 2008 City Staff has compiled 12 police reports regarding violations of the Conditional Use Permit documenting patrons entering the outdoor patio via the emergency exit leading to Main Street. Per Zoning Ordinance Section 733 and the Conditional use Permit for outdoor patios associated with liquor licenses, the patio shall not be accessed via any means other than through the interior of the main building. The emergency exits on the patio are to be used only in emergency exiting situations. Staff's recommendation for amending the Conditional Use Permit was to require the fencing and emergency exit along Main Street to be permanently secured which would prevent further violations.

It was moved by Guerrette and seconded by Bartusek to approve RESOLUTION #09-08-03-01 AMENDING RESOLUTION #08-06-02-01 OF THE NEW PRAGUE CITY COUNCIL WHICH GRANTED CONDITIONAL USE PERMIT #C3-2008 FOR THE CONSTRUCTION OF AN OUTDOOR PATIO FOR EATING AND DRINKING SERVICES AT MILLER'S TAP LOCATED AT 114 WEST MAIN STREET, IN THE B-1 CENTRAL BUSINESS DISTRICT, NEW PRAGUE, MINNESOTA. All voted in favor of the motion.

Planning Director Ken Ondich presented for approval an Ordinance adding a new Section 92.03 to establish a process for the collection of costs associated with emergency services and unpaid service charges and fees and amending Section 92.21 as to personal liability and recovery of cost for current services. The unpaid charges and fees would be certified to the County before the October 15th deadline.

It was moved by Bartusek and seconded by Betterton to adopt Ordinance #239 ADDING SECTION 92.03 TO THE CITY CODE TO ESTABLISH A PROCESS FOR THE COLLECTION OF COSTS ASSOCIATED WITH EMERGENCY SERVICES AND UNPAID SERVICE CHARGES AND FEES AND AMENDING CITY CODE SECTION 92.21 AS TO PERSONAL LIABILITY AND RECOVERY OF COST FOR CURRENT SERVICES. All voted in favor of the motion.

City Administrator Mike Johnson informed the Council that the TH19 and 11th Avenue roundabout project has completed the last of the MnDOT review and approval requirements. The City of New Prague was given authorization on Monday, July 27th to advertise the project for bids. The project is currently being bid giving the bidding contractors the option to start and substantially complete the project in either the Fall of 2009, or in the Spring/Summer 2010. The bid opening for the project has been scheduled for 10:00 A.M. on Friday, August 21, 2009. That schedule would require the Council to hold a special meeting to consider an award of bids.

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The Council decided to hold the special meeting to award the bid for Thursday, August 27th at 5:30 P.M.

It was moved by Guerrette and seconded by Bartusek to approve the following consent agenda items:

- A. Approve previous meeting minutes
- B. Approve claims for payment.

All voted in favor of the motion.

City Administrator Mike Johnson acknowledged the Chamber and City hosting the M.S. TRAM event. Mike Johnson complimented by the Chamber, Police, Public Works, Ambulance, and Parks on the great event that was well run.

It was moved by Bartusek and seconded by Betterton to adjourn the meeting at 7:42 P.M. All voted in favor of the motion.

W. A. Bender, Mayor
City of New Prague

ATTEST:

Michael J. Johnson
City Administrator