

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



City Council Meeting
Monday, December 7, 2009

Pursuant to due call and notification the Council held the Truth in Taxation Public Hearing on the 2010 City Budget.

Mayor Bender called the hearing to order at 6:08 P.M. with the following members present: Bender, Bartusek, Guerrette, Wilcox. Absent: Betterton.

City Administrator, Mike Johnson reviewed with the Council and Audience the proposed 2010 General Fund and Tax Supported Budget.

Two home owners showed concern about the assessed value of their home. They were informed that the County establishes the market value of their property. There will be a meeting with the County Assessors in March or April regarding the market value of homes.

After all questions were fielded, the hearing was closed at 6:56 P.M.

Mayor Bender called the meeting to order at 7:00 PM with the following members present: Bender, Bartusek, Guerrette, Wilcox. Absent: Betterton

Staff Present: Mike Johnson, Ken Ondich, Mark Vosejпка, Patty Solheid, and Mary Jo Hruby.

Mayor Bender opened the Public Hearing at 7:07 P.M. for a partial drainage and utility easement vacation for Eastland Outlot A.

Planning Director Ken Ondich reviewed the request of the partial vacation of the drainage and utility easement located on Outlot A of the Eastland Development. The property is owned by Witt Development, Inc. Witt Development submitted a Concept Plan for review for a 1 lot and 1 Outlot development on the existing Outlot A of Eastland. This concept plan calls for the construction of a segment of 1st Street SE and a reconfiguration of an existing water retention pond on Outlot A. The existing water retention pond is covered by a large drainage and utility easement. With the reconfiguration of the pond, the drainage and utility easement can be reduced to the area south of the proposed 1st Street SE.

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Staff recommended tabling the approval until Eastland Second Addition plat is approved at the December 21st Council meeting.

The Public Hearing was closed at 7:09 P.M.

It was moved by Wilcox and seconded by Guerrette to table the adoption of the Resolution vacating a portion of a drainage and utility easement located on Outlot A, Eastland until the December 21st Council meeting and following the City Council approval of the Eastland Second Addition Final Plat.

All voted in favor of the motion except Betterton who was absent.

Mayor Bender opened the Public Hearing at 7:10 P.M. on the transfer of liquor licenses for Simon's Sportsmans Bar, Inc. from Philip M. Simon to Evelyn T. Simon.

Dave Tietz, son in law of Evelyn Simon, requested approval of the license transfer from Philip M. Simon to Evelyn T. Simon.

Mayor Bender closed the Public Hearing at 7:11 P.M.

It was moved by Guerrette and seconded by Bartusek to approve the transfer of "On Sale" Intoxicating Liquor, "Off Sale" Intoxicating Liquor and Sunday Liquor License for Simon's Sportsmans Bar, Inc. from Philip M. Simon to Evelyn T. Simon. All voted in favor of the motion except Betterton who was absent.

Chris Cavett from SEH reviewed the TH 19/11th Avenue Intersection Improvements (Roundabout) Project and Change Order Nos. 1,2 and 3 and Supplemental Agreement No. 1. No revision to the contract amount is proposed at this time as the project is nearly complete and these costs fall within the approved contract bid. The documentation is simply a formality of the Mn/DOT system.

It was moved by Bartusek and seconded by Wilcox to approve RESOLUTION #09-12-07-01 RESOLUTION DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT WITH CHARD TILING & EXCAVATING, INC. FOR THE TRUNK HIGHWAY 19/11TH AVENUE INTERSECTION IMPROVEMENTS (ROUNDABOUT). All voted in favor of the motion except Betterton who was absent.

Planning Director Ken Ondich introduced Brent Pearson from Region 9 Development Commission. Mr. Pearson provided an

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overview of the preliminary grant surveys for interested residents in New Prague and other cities in Le Sueur County for the Small Cities Development Program Grant. There were 28 applications received from New Prague (Le Sueur County) residents.

It was moved by Bartusek and seconded by Guerrette to approve the Le Sueur County 2010 Small Cities Development Program Cooperative Agreement. All voted in favor of the motion except Betterton who was absent.

Planning Director Ken Ondich informed the Council that the Minnesota Department of Transportation District 7 recently announced its solicitation for federally funded transportation projects. Staff has reviewed the grant criteria and believes that we have one future project that meets the intent of the grant. This project is the first phase of Alton Avenue North; the section that would need to be constructed in conjunction with the proposed hospital development. Further development on the north side of Trunk Highway 19 near Alton Avenue will require the improvement on this section of roadway because access to properties in this area will not be allowed from Trunk Highway 19.

It was moved by Guerrette and seconded by Bartusek to approve RESOLUTION 09-12-07-02 RESOLUTION AUTHORIZING AN APPLICATION FOR MN/DOT DISTRICT 7 AREA TRANSPORTATION PARTNERSHIP FUNDING FOR A PORTION OF ALTON AVENUE NORTH. All voted in favor of the motion except Betterton who was absent.

Planning Director Ken Ondich reviewed the Preliminary Plat of Eastland Second Addition consisting of 1 Lot and 1 Outlot on approximately 2.6 acres in the B-2 Community Commercial Zoning District as proposed by Witt Development, Inc. The Plat is located at the SE corner TH 13/19 and Alton Av. SE.

It was moved by Guerrette and seconded by Wilcox to approve the Preliminary Plat of Eastland Second Addition with the conditions contained in the staff report. All voted in favor of the motion except Betterton who was absent.

City Administrator Mike Johnson reviewed the update from Doug Parrott from SEH on the 2008 street and utility reconstruction project. The contractor has completed the project with the exception of one concrete driveway apron at 718 Highland Avenue and he recommends the City hold onto the

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\$2,000 retainage until this driveway repair work is completed next year. The contract documents require that a 2 year warranty on workmanship and material be provided by the contractor. The contractor has requested that October 19, 2009 be the starting date for the 2 year warranty.

It was moved by Bartusek and seconded by Guerrette to accept the 2008 Street & Utility Reconstruction Project and approve final payment with K.A. Witt Construction, Inc. All voted in favor of the motion except Betterton who was absent.

City Administrator Mike Johnson reviewed the City Travel Policy. During the City's audit it was noted that the City did not have an out-of-state travel policy, which is now required by Minnesota State Statute 471.661.

It was moved by Bartusek and seconded by Wilcox to adopt the City Travel Policy. All voted in favor of the motion except Betterton who was absent.

City Administrator Mike Johnson informed the Council of an application received from Jerry Minar for an On-Sale Wine License and On-Sale Beer License for The Landmark Café, LLC at 208 4th Ave. SW.

It was moved by Bartusek and seconded by Guerrette to call for a Public Hearing on December 21, 2009 for the issuance of an On-Sale Wine License and On-Sale Beer License for Jerry Minar doing business as The Landmark Café, LLC at 208 4th Av. SW. All voted in favor of the motion except Betterton who was absent.

Discussion was held on the selection of the 2010 Board and Commission applicants. It was decided to do 15 minute interviews on January 11th and appoint the Board and Commission Members at the January 18th meeting. The Council recommended extending the application deadline until the end of the year.

Council Member Wilcox suggested in the future to advertise for Boards and Commissions in October rather than waiting until the end of the year.

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

- A. Approve previous meeting minutes

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B. Approve claims for payment.
All voted in favor of the motion except Betterton who was absent.

Police Chief Mark Vosejka asked the Council to declare two vehicles he obtained through the forfeiture and judicial determination process as surplus property. The vehicles are from DWI or Drug arrests. The vehicles would be sold at public auction and the proceeds of the sale are distributed according to MN State Statute 609.5315.

It was moved by Wilcox and seconded by Bartusek to declare the two vehicles obtained through the forfeiture and judicial determination process as surplus property. All voted in favor of the motion except Betterton who was absent.

There being no further business, the meeting was adjourned at 8:16 P.M.

W. A. Bender, Mayor
City of New Prague

ATTEST:

Michael J. Johnson
City Administrator