

State of Minnesota
Counties of Scott & Le Sueur
City of New Prague }
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City Council Meeting
Monday, July 6, 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, and Mark Vosejka.

The Pledge of Allegiance was recited.

Mayor Bender opened the Public Hearing on the issuance of an On-Sale Intoxicating Liquor License, Off-Sale Intoxicating Liquor License and Sunday Liquor License to J & K Business Holdings, LLC dba Schumachers Hotel and Grill 212 at 212 West Main Street. There were no comments and the Public Hearing was closed at 7:02 P.M.

It was moved by Betterton and seconded by Guerrette to approve the issuance of an On-Sale Intoxicating Liquor License, Off-Sale Intoxicating Liquor License and Sunday Liquor License to J & K Business Holdings, LLC dba Schumachers Hotel and Grill 212 at 212 Main St. West. All voted in favor of the motion except Wilcox abstained.

City Administrator Mike Johnson reviewed the request from the Chamber of Commerce for one day temporary on-sale liquor licenses for August 15, 2009 at the two locations of Foundry Hill Park, 400 6th Av. NW and the Emergency Services Center at 505 5th Av. NW for the Fire Department 125th Anniversary Celebration.

It was moved by Wilcox and seconded by Guerrette to approve the issuance of One-Day Temporary On-Sale Liquor Licenses to the Chamber of Commerce on August 15, 2009 at Foundry Hill Park, 400 6th Av. NW and the Emergency Services Center, 505 5th Av. NW for the Fire Department 125th Anniversary Celebration. All voted in favor of the motion.

Police Chief Mark Vosejka introduced the proposed Social Host Ordinance. The City Attorney's office of Kennedy and Graven reviewed, approved and codified the ordinance. The proposed Ordinance will be on the City's website.

Council Member Wilcox asked for clarification that parents must reasonably know of underage drinking in their home. Police Chief Mark Vosejka agreed that this is correct.

Council Member Guerrette asked if a 19 year old can get a minor plus a social host violation? Police Chief Mark Vosejka answered yes.

Council Member Betterton asked what advantage does this give the Police Department over current law. Police Chief Vosejka said this allows the Police Department to go after

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the host which is not currently possible and hopefully slowly eliminate safe places for underage drinking.

It was moved by Wilcox and seconded by Guerrette to approve the first reading of the Social Host Ordinance and call for Public Hearing on July 20, 2009. All voted in favor of the motion.

City Administrator Mike Johnson reviewed Change Order No. 6 with Ebert Construction on the Emergency Services Center Building Project amounting to \$25,159.96.

PR No.27 Provide exterior Actuator Post and concrete foundation to serve automatic door operators at main entry doors - \$978.32, PR No.28 Shared exterior and interior winter conditions costs and for natural gas consumption and heater rentals - \$24,832.00, PR No.29 Replace water-damaged electronic monitoring modules in Room 116 Mechanical/Electrical - (\$650.36). Total \$25,159.96.

Randy Engel, Buetow & Associates, Inc. gave a project status report. The precast panel contract is complete. The general contractor had 213 work days by contract. (141 days added to it to April 16, 2009). Consolidated punch list issued 3 weeks ago, \$163,506 held as retainage until 100% complete.

Council Member Mark Bartusek questioned PR No.28 the exterior and interior winter conditions costs. Is the charge for gas and heater rental.

Randy Engel said there was use of natural gas and temp blankets so that it wouldn't freeze were included in final \$24,832.00 which was negotiated down from \$36,431.23.

Council Member Betterton asked whose oversight for PR No. 27. Provide exterior actuator post and concrete foundation to serve automatic door operators at main entry doors. Randy Engel reported it was not an oversight. It was a matter of choice.

City Administrator Mike Johnson stated he was assured it to be complete by August 15th.

It was moved by Bartusek and seconded by Betterton to approve Change Order #6 with Ebert Construction on the Emergency Services Center Building Project in the amount of \$25,159.96. All voted in favor of the motion.

City Staff is in the process of putting together the schedule of events for the Fire/Ambulance Departments Open House/Dedication that is being scheduled for August 15, 2009. The Open House will be from 9:00 A.M. - 12:00 P.M. with the formal dedication ceremony at 10:30 A.M.

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At the June 1, 2009 City Council meeting, the Council discussed the issue of developing an Ordinance to address golf carts on public streets. The Council appointed Council Members Betterton and Guerrette to represent the Council on this committee. On June 23, 2009 the Golf Club Board appointed Board Members Jeff King and Kevin Berglund to serve on this committee. Besides Police Chief Vosejпка and Golf Club Manager Ken Norland, the Council had also addressed appointing other City residents to this committee.

It was moved by Bartusek and seconded by Guerrette to appoint Dan Valek, Tom Mach and Paul Flick to the committee addressing golf carts on public streets. All voted in favor of the motion.

City Administrator Mike Johnson provided an overview on the Small Cities Development Program Block Grant.

It was moved by Wilcox and seconded by Bartusek to approve Resolution #09-07-06-01 RESOLUTION ADOPTING A PROGRAM INCOME POLICY FOR SMALL CITIES DEVELOPMENT PROGRAM BLOCK GRANT. All voted in favor of the motion.

Public Works Director Dennis Seurer gave an overview of the 2009 Bituminous Trail Seal Coating Project. The following quotes were received for seal coating approximately 7,700 linear feet of the City's bituminous trail system: Struck and Irwin Paving Inc.-\$16,274.80 and Fahrner Asphalt Sealers-\$20,203.20.

It was moved by Bartusek and seconded by Guerrette to approve the low bid from Struck and Irwin Paving Inc. in the amount of \$16,274.80 for the 2009 Bituminous Trail Seal Coating Project. All voted in favor of the project.

The City Council interviewed four applicants for the one vacant Park Board position prior to the meeting.

It was moved by Wilcox and seconded by Betterton to appoint J.C. Ingebrand to the Park Board with term expiring December 31, 2010. All voted in favor of the motion.

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

- A. Approve previous meeting minutes
- B. Approve claims for payment with adding WWTP invoice of \$1.8 million to Rice Lake Construction.

All voted in favor of the motion.

Planning Director Ken Ondich gave a brief summary regarding the violations of Conditional Use Permit C3-2008 for the

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City Council Meeting
Monday, July 6, 2009

Miller's Tap outdoor patio. The Conditional Use Permit and Section 733 of the Zoning Ordinance specifically state that users of the patio must only gain access from the interior of the main building and that the doors off the patio are for emergency exiting only. Overall, there have been 8 violations of the patio being accessed or exited via the emergency exit.

Discussion was held on the article published in the Minneapolis paper regarding the concrete pop out issue that occurred during the 2007 street reconstructions project.

Planning Director Ken Ondich reviewed the State Demographic report.

Ken Ondich, Planning Director informed the Council of the CapX status. The Resolution recommended by the Task Force supporting the I-90 route as alternate route is not being considered.

Public Works Director Dennis Seurer reported that the 2009 Capital Improvement Project is moving along and on schedule.

It was moved by Bartusek and seconded by Betterton to adjourn the meeting at 8:03P.M. All voted in favor of the motion.

W. A. Bender, Mayor
City of New Prague

ATTEST:

Michael J. Johnson
City Administrator