

City Council Proceedings

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



City Council Meeting
Monday, October 17, 2005

Mayor Sindelar called the meeting to order with the following members present: Sindelar, Jirik, Kratochvil, Wilcox, Babione. Absent: None

Pursuant to due call and notification a public hearing was held to consider the proposed improvement of the following streets:

- Second Av. SW from Main Street to Second Street SW
- First Av. SW from First Street SW to Fifth Street SW
- Alley between Main Street and First Street SW from First Av. SW to Central Av. South
- First Street SW from Second Av. SW to Central Av. S.
- Second Street SW from Second Av. SW to Central Av. South
- Third Street SW from Second Av. SW to Central Av. South
- Fourth Street SW from Second Av. SW to Central Av. South

Mr. Doug Parrott, S E H, reviewed with the Council and audience the various aspects of the proposed project.

Mr. Parrott fielded questions from the following at the Hearing: Marvin Peters, Dick Snyder, Bob Ryan, Richard Fliccek, Jim Simek, Sonny Jirik, John Meyer, Harry Simota.

City Administrator reviewed special assessment payment options.

Motion Wilcox, Second Babione.
Close Public Hearing and resume business meeting.
Motion carried.

Council Member Kratochvil offered the following Resolution and moved for its adoption.

RESOLUTION #05-10-17-01

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a neighborhood meeting was held on August 2, 2005 to appraise affected property owners of proposed 2006 street reconstruction project.

WHEREAS, a resolution of the City Council adopted the 19th day of September, 2005, fixed a date for a Council hearing on the proposed improvement of

- Second Av. SW from Main Street to Second Street SW
- First Av. SW from First Street SW to Fifth Street SW
- Alley between Main Street and First Street SW from First Av. SW to Central Av. South

City Council Proceedings

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



City Council Meeting
Monday, October 17, 2005

- First Street SW from Second Av. SW to Central Av. S.
- Second Street SW from Second Av. SW to Central Av. South
- Third Street SW from Second Av. SW to Central Av. South
- Fourth Street SW from Second Av. SW to Central Av. South

Improvements will include but not be limited to construction of sanitary sewer, sanitary sewer services, water main, water services, storm sewer, concrete curb and gutter, aggregate base, bituminous surfacing, concrete walks, retaining wall, turf restoration, and miscellaneous items required to properly complete the improvements,

AND WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 17th day of October, 2005, at which all persons desiring to be heard were given an opportunity to be heard thereon,

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW PRAGUE, MINNESOTA:

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the Council Resolution adopted 19th day of September, 2005.
3. Mr. Doug Parrott, S E H, is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.

Council Member Babione seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

City Council Proceedings

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



City Council Meeting
Monday, October 17, 2005

Thereupon Mayor Sindelar declared said resolution adopted this 17th day of October, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Mr. Robert Alsop, Kennedy-Graven, reviewed with the Council and Audience the history and previous action by the Council in regards to request of Dennis Rohloff for 299A.465 medical benefits. Mr. Alsop reviewed the recent Conway Court of Appeals Judgment, conversations with Mr. Rohloff's attorney, and conversations with Department of Pubic Safety representatives. Mr. Alsop also reviewed the causation issue.

Speaking on behalf of Mr. Rohloff - Paul Flick, Sally Schmid, Tom Fadden, Theresa Bodhaine, Jane Oestrich, John Gilorie.

After all questions and comments from audience were fielded, Mr. Alsop reviewed with the Council the options that the Council had to consider.

Council Member Babione offered the following Resolution and moved for its adoption.

RESOLUTION #05-10-17-02

RESOLUTION ADDRESSING LETTER FROM FORMER EMPLOYEE'S COUNSEL

WHEREAS, the Mayor and City Council are in receipt of a letter dated September 27, 2005, from Mitchell J. Brunfelt, Esq., the attorney representing Dennis Rohloff, a former employee of the City of New Prague.

WHEREAS, in his letter, Mr. Brunfelt has requested written confirmation from the City that:

- 1) "the City of New Prague will immediately begin providing Mr. Rohloff with the paid health insurance benefits required by Section 299A.465 and the Conaway decision"; and
- 2) "that the City will make Mr. Rohloff whole for all past expenses incurred by him as a result of the City's past failure and refusal to provide him with the benefits required under Section 299A.465"; and

City Council Proceedings

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



City Council Meeting
Monday, October 17, 2005

WHEREAS, the City Council previously adopted Resolution No. 04-10-18-01 on October 18, 2004, denying the payment of benefits to Dennis Rohloff pursuant to Minnesota Statutes, Section 299S.465, subd. 1; and

WHEREAS, after full consideration of all the evidence and arguments presented on Mr. Rohloff's behalf on October 18, 2004, the City Council concluded that Mr. Rohloff's condition did not occur while acting in the course and scope of his duties as a peace officer and therefore he was not eligible for benefits under Minnesota Statutes, Section 299A.465;

NOW, THEREFORE, BE IT RESOLVED that the above-referenced recitals are incorporated herein to this Resolution.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of New Prague deems that no additional action is required by the City with respect to Dennis Rohloff's request for benefits under Minnesota Statutes, Section 299A.465;

NOW, THEREFORE, BE IT FINALLY RESOLVED that the City Council of the City of New Prague directs City staff to advise Mr. Brunfelt in writing of the City Council's adoption of this Resolution by providing his a copy thereof.

Council Member Kratochvil seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 17th day of October, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

City Council Proceedings

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



City Council Meeting
Monday, October 17, 2005

Motion Wilcox, Second Babione.

Approve move in garage at 203 1st St. SW. Said garage to meet all setback requirements, garage to be resided or painted to match home, re-roofed to match home and building permit obtained.

Upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	Abstain	Abstain
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Motion carried.

Council Member Kratochvil offered the following Resolution and moved for its adoption.

RESOLUTION #05-10-17-03

RESOLUTION REQUESTING FUNDING FROM THE
MINNESOTA DEPARTMENT OF TRANSPORTATION THROUGH THE
MUNICIPAL AGREEMENT PROGRAM FOR FISCAL 2007
(TH 21 / CSAH 37 / 6TH STREET NW INTERSECTION REALIGNMENT)

WHEREAS, the City of New Prague finds that the existing intersections of Trunk Highway 21 with CSAH 37 and Trunk Highway 21 with 6th Street NW currently create an unsafe condition on the trunk highway; and

WHEREAS, the intersections are not currently aligned with each other which creates an unsafe condition; and

WHEREAS, the City desires to have the intersection aligned to improve safety;

WHEREAS, the City's Transportation Plan identifies realignment of the intersection to a 4-legged intersection;

WHEREAS, the intersection is important part of the local street network; and

WHEREAS, the City Council has initiated engineering studies to identify corrective measures to better manage the intersection; and

City Council Proceedings

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



City Council Meeting
Monday, October 17, 2005

WHEREAS, the City is committed to constructing the project if it is chosen for the Municipal Agreement Program.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of New Prague, Scott County, Minnesota on behalf of the City of New Prague does hereby request funding from the Minnesota Department of Transportation through its Municipal Agreement Program for Fiscal Year 2007.

Council Member Babione seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 17th day of October, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Kratochvil, Second Wilcox
Approve first reading of revised City Code Chapter 90 Animal Regulations to include Cats.
Motion carried.

Motion Jirik, Second Kratochvil
Approve and Authorize execution of agreement between Independent School District 721 and City of New Prague for Completion of Raven Stream Village First Addition improvements.
Motion carried.

Motion Wilcox, Second Babione
A. Approve previous meeting minutes.
B. Approve Claims for payment.
C. Toastmaster Proclamation.
Motion carried.

City Council Proceedings

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



City Council Meeting
Monday, October 17, 2005

Council Member Jirik offered the following Resolution and moved for its adoption.

RESOLUTION #05-10-17-04

RESOLUTION DENYING REQUEST FOR SEVERANCE BENEFIT

WHEREAS, Joan Filzen, (the Employee) has been employed by the City of New Prague July of 2002, and

WHEREAS, the Employee has submitted her resignation.

WHEREAS, the Employee has utilized all available sick leave and vacation time.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Prague that the resignation of Joan Filzen is accepted with regrets.

BE IT FURTHER RESOLVED that the request for severance benefit is hereby denied.

Council Member Babione seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 17th day of October, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Babione, Second Jirik

WHEREAS 2 bids for Police Squad Car were received and read as follows:

- New Prague Ford \$20,997.00
- Nelson Lincoln Mercury \$21,806.00

City Council Proceedings

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

}

City Council Meeting
Monday, October 17, 2005

NOW THEREFORE BE IT RESOLVED that the bid of New Prague Ford for 2006 Police Patrol Car is hereby awarded to New Prague Ford at the bid price of \$20,997.00.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack
City Administrator