

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

} City Council Meeting
Monday, September 8, 2009

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

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

The Pledge of Allegiance was recited.

Mayor Bender opened the Public Hearing at 7:03 P.M. for the Ordinance Amending Title VII, Chapter 72, of the Restricted Parking Related to Snow.

Craig Turner, 1002 Columbus Av. S. is in favor of the Ordinance but suggested improving the Ordinance and being more flexible to park on streets. He has several vehicles that he needs to move around in his driveway. He suggested applying for a permit to park on the street and then being notified if needing to move vehicle off the street because of snow.

Police Chief Mark Vosejпка stated it would be hard to contact people to move their vehicles off the street when it snows because who knows if it will snow for sure.

The Public Hearing was closed at 7:16 P.M.

It was moved by Wilcox and seconded by Guerrette to adopt ORDINANCE #240 ORDINANCE AMENDING TITLE VII, CHAPTER 72, OF THE RESTRICTED PARKING RELATED TO SNOW. All voted in favor of the motion except Betterton who was absent.

City Planner Renee Christianson updated the Council on the 10th Avenue SE & 5th St. SE potential pedestrian crosswalk and presented general transportation overview information pertaining to roads within the City and information regarding crosswalks.

A study of speed and volume of vehicles at 10th Avenue SE and 5th Street SE was conducted. Staff recommends no crosswalk be painted across 10th Avenue SE at its intersection with 5th St. SE for the following reasons:

- The average traveling speed along this section of roadway is 30 mph.
- The pedestrian would have a total of 44' of pavement to cross, the equivalent of more than 3 traffic lanes.
- The location of the intersection is near curves in the roadway which may present sight distance issues.
- The presence of paint on the roadway will likely give pedestrians a false sense of security.

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The Council suggested Staff do a study on pursuing a crosswalk at 10th Av. SE at its intersection with 9th Street SE.

Planning Director Ken Ondich updated the Council on the Prague Estates 7th Addition backyard drainage concerns which began in late 2007 during the time homes were being constructed by Parish Marketing and Development on Horseshoe Lane SE and 7th and 8th Street Courts which all share common backyard drainage.

At the July 16, 2008 Council meeting, the Council determined the City would be unwilling to pay the costs of materials or installation of corrective work as the drainage issues were caused by contractors or property owners who have altered the grading. A neighborhood meeting was held on July 28, 2008 and residents were provided information on how to correctly connect their sump pump lines into the dedicated storm sewers provided for such purpose instead of draining overland which is prohibited by code when a drain line is provided.

The Council suggested setting up another informational meeting for the residents in the area to ensure that grading with the easements is correctly completed and that sump lines and foundation drains are properly connected.

Chris Cavett, S E H, reviewed the preliminary assessment roll, the assessment policy and resolution for the 2009 street and utility improvement project for Forest Green Circle and Fifth Street SW. The assessment hearing is proposed to be held at 7:00 P.M. on Monday October 5, 2009.

It was moved by Bartusek and seconded by Guerrette to adopt RESOLUTION #09-09-08-01 RESOLUTION DECLARING COST TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR HEARING ON PROPOSED ASSESSMENT FOR 2009 STREET IMPROVEMENT PROJECT FOR FOREST GREEN CIRCLE AND FIFTH STREET SW. All voted in favor except Betterton who was absent.

City Administrator Mike Johnson reported the Chamber of Commerce withdrew Item "5-C" from the Agenda. They do not need a liquor license at 1st Avenue SW between Main St. and Alley.

Chamber of Commerce Executive Director Kristy Mach requested a two day variance from City Code Section 110.21 for the annual Dozinky weekend. As in the past years, law enforcement will be present to monitor the activity.

It was moved by Wilcox and seconded by Guerrette to approve a two day variance from City Code Section 110.21 for the

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annual Dozinky weekend on Friday, September 18 and Saturday, September 19. All voted in favor of the motion except Betterton who was absent.

Chamber of Commerce Executive Director Kristy Mach asked for approval of the Dozinky Parade of Farm Pride lineup. She informed the Council that the residents along the lineup route will be notified.

It was moved by Bartusek and seconded by Guerrette to approve the Dozinky Parade of Farm Pride lineup route. All voted in favor of the motion except Betterton who was absent.

Public Works Director Dennis Seurer reviewed the 2009 bituminous trail project and requested change order #1 of \$12,423 to Prior Lake Blacktop to reconstruct the remaining 545 linear feet of bituminous trail on Ladyslipper Av. since there is \$13,478 remaining in the 2009 Trail Project budget.

It was moved by Wilcox and seconded by Bartusek to approve change order #1 of \$12,423 to Prior Lake Blacktop to reconstruct the remaining 545 linear feet of bituminous trail by Ladyslipper Av. All voted in favor of the motion except Betterton who was absent.

Public Works Director Dennis Seurer reviewed the two proposals to perform engineering observations and testing services during site grading, utility installation and paving for the T.H. 19 and 11th Av. Intersection (Roundabout). The proposals were Braun Intertec at \$12,005.00 and American Engineering Testing Inc. at \$19,065.00.

It was moved by Bartusek and seconded by Guerrette to award the engineering observation and testing services for the T.H. 19 and 11th Ave. Project to the low bidder which is Braun Intertec at the estimated project total of \$12,005.00. All voted in favor of the motion except Betterton who was absent.

Public Works Director Dennis Seurer reviewed the community swimming pool assessment proposal from US Aquatics to perform an assessment of the pool. The assessment will include items such as the integrity of the pool shell, recirculation system, filters, pumps, piping, chemical treatment equipment, the boiler and heat exchanger along with pool code issues. The proposal is for \$3,300.

It was moved by Wilcox and seconded by Bartusek to approve the proposal from US Aquatics at the cost of \$3,300 and

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amend the 2009 swimming pool budget to transfer \$3,300 from the capital outlay account to the professional services account. All voted in favor of the motion except Betterton who was absent.

Public Works Director Dennis Seurer reviewed the bids received for supplying and installing one commercial rated heating/cooling roof top unit on City Hall. There are three old roof top units located on City Hall. This unit would replace the oldest of the units with plans to replace all three units over a period of time. The proposals were Stasney Mechanical at \$7,274.00 and One Hour Heating and Air Conditioning at \$11,212.00.

It was moved by Guerrette and seconded by Bartusek to approve the bid from Stasney Mechanical at a cost of \$7,274.00 for supplying and installing one commercial rated heating/cooling roof top unit on City Hall. All voted in favor of the motion except Betterton who was absent.

Public Works Director Dennis Seurer reviewed the two quotes received for a "zero turn" lawn mower that can be used on steep slopes throughout the City parks and trial system. Identical quotes were received from the Minnesota State Contract and H & W Equipment Company for a Cub Cadet Commercial Zero Turn Mower for \$13,440.60.

It was moved by Wilcox and seconded by Guerrette to accept the bid for a Cub Cadet Commercial Zero Turn Mower from H & W Equipment Company at a cost of \$13,440.60. All voted in favor of the motion except Betterton who was absent.

Public Works Director Dennis Seurer reviewed the state contract bids received for a snow plow truck. This truck would replace a 1994 unit.
It is staff's recommendation to approve the state contract bids for the following:
Cab & Chassis: I State Truck Center for the purchase of a 2010 freightliner ME-106V in the amount of \$65,805.20.
Snow Plowing Equipment: Crysteel Truck Equipment for supplying and mounting of the equipment in the amount of \$78,669.90.

It was moved by Bartusek and seconded by Guerrette to approve the purchase of a snow plow truck for the street department at the state contract bids for a Cab & Chassis from I State Truck Center for the purchase of a 2010 Freightliner M2-106V in the amount of \$65,805.20 and snow plow equipment from Crysteel Truck Equipment for supplying and mounting of the equipment in the amount of \$78,669.90. All voted in favor of the motion except Betterton who was absent.

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Police Chief Mark Vosejпка informed the Council of vehicles that were obtained through the forfeiture or judicial determination process. The vehicles are from DWI or Drug arrests. The process after receiving judicial determination from the court is to title the vehicle to the City and to then sell the vehicle at public auction. The proceeds of the sale are distributed according to MN State Statute 609.5315.

It was moved by Bartusek and seconded by Guerrette to authorize the public auction of the City assets. All voted in favor of the motion except Betterton who was absent.

City Administrator Mike Johnson reviewed the 2008 pre-stressed precast concrete contract with Wells Concrete Projects Company payment (#4 Final). This contract was originally to provide pre-stressed precast concrete wall panels for the Emergency Services Center project. The architect and City staff are recommending approval of the final pay application in the amount of \$16,844.85 which will close this contract out.

It was moved by Guerrette and seconded by Bartusek to approve final payment #4 to the Wells Concrete Products Company in the amount of \$16,844.85. All voted in favor of the motion except Betterton who was absent.

City Administrator Mike Johnson reviewed the CPV Member Addendum that will allow the City to participate in the State of Minnesota Fleet Services Fuel Cards program. The City has been a participant in the program in the past under the Wright Express Contract vendor program that has now been switched to the Voyager Fleet Card Program with US Bank. The purpose of the program is to provide for a fleet services fuel card that allows the City to charge fuel at various locations for vehicles and obtain a specific department/vehicle user fuel report and avoid paying state taxes on fuel purchase.

It was moved by Guerrette and seconded by Wilcox to authorize entering into the CPV Member Addendum that will allow the City to participate in the State of Minnesota Fleet Services Fuel Cards program. All voted in favor of the motion except Betterton who was absent.

Mayor Bender removed item "D" from the Consent Agenda and requested it be acted upon separately.

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

- A. Approve previous meeting minutes

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- B. Approve claims for payment.
- C. Approve One Day Temporary On-Sale Liquor License for St. Wenceslaus School on October 3, 2009.

- E. Approve Temporary On-Sale 3.2 Beer License for Tom Preston and Bob Goggins 35th Annual Memorial Softball Tournament in Memorial Park on September 12, 2009.
- F. Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for St. Nicholas Catholic church at the Park Ballroom on October 23, 2009.
- G. Approve transfer of Tobacco License to Mark Smith for New Prague Marketplace.
- H. Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Church of St. Wenceslaus on December 29, 2009.

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

Police Chief Mark Vosejпка reviewed "Item D" on the Consent Agenda. The request to approve the Temporary On-Sale 3.2 Beer License for Rick Tietz Alumni Classic Softball Tournament on September 19 and 20, 2009 and the concern of underage consumption of alcohol during the tournament, primarily by the teams that consist of underage graduates. Event organizers Kurt Seurer and Eric Solheid said they will inform the underage classes that if underage drinking is taking place, the team will forfeit the tournament and next year no underage graduate classes will be allowed in the tournament. At the beginning of each game involving an underage class, the team will be reminded of the rule.

It was moved by Bartusek and seconded by Wilcox to approve the Temporary On-Sale 3.2 Beer License for Rick Tietz Alumni Classic Softball Tournament on September 19 and 20, 2009. All voted in favor of the motion except Betterton who was absent.

Public Works Director Dennis Seurer informed the Council that the TH19/11th Avenue Roundabout Project will begin on September 9th. He also informed the Council that the Workshop for the Extension of Power Sales Contract with SMPA will be on October 19th.

City Administrator Mike Johnson informed the Council of the meeting to Adopt the Preliminary Tax Levy will be on Monday, September 14, at 5:30 P.M.

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Council Member Kristin Gurette asked if there is information on the City Web Site showing alternate routes during the Roundabout construction.

Planning Director Ken Ondich will check into having information on the Web Page regarding alternate routes.

The meeting was adjourned at 9:07 PM.

W. A. Bender, Mayor
City of New Prague

ATTEST:

Michael J. Johnson
City Administrator