

# City Council Proceedings

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



City Council Meeting  
Tuesday, February 21, 2006

Mayor Sindelar called the meeting to order with the following members present: Sindelar, Kratochvil, Babione.  
Absent: Wilcox, Jirik.

Mr. Doug Parrott, S E H, reviewed bids received for the 2006 Capital Improvement Street Reconstruction Project. Mr. Parrott recommended that the project be awarded to the low bidder S.M. Hentges & Sons, Inc.

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

## RESOLUTION #06-02-21-01

### RESOLUTION ACCEPTING PROJECT

WHEREAS, pursuant to an advertisement for bids for the 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.
- First Street SW from Second Av. SW to Central Av. S.
- Second Street SW from Second Av. SW to Central Av. S.
- Third Street SW from Second Av. SW to Central Av. S.
- Fourth Street SW from Second Av. SW to Central Av. S.
- Alternate #1. 2<sup>nd</sup> St. SE through Park - Lexington Av. S. to 2<sup>nd</sup> St.
- Alternate #2. Parking area between street and Legion Park Ballroom.

Bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

BCM Construction	- \$2,450,882.91
Chard Tiling & Excavating, Inc.	- \$2,380,937.70
Friedges Contracting Company	- \$2,818,094.96
Heselton Construction, LLC	- \$2,594,396.12
Mathiowetz Construction Co.	- \$2,638,641.95
Northwest Asphalt, Inc.	- \$2,888,669.99
Park Construction Co.	- \$2,971,592.81
S.M. Hentges & Sons, Inc.	- \$2,371,376.24
Wm. Mueller & Sons Inc.	- \$2,600,970.50

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AND WHEREAS, it appears that S M Hentges of Jordan, MN is the lowest responsible bidder.

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

1. The Mayor and City Administrator are hereby authorized and directed to enter into the attached contract with S M Hentges of Jordan, MN, in the name of the City of New Prague for the 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.
- First Street SW from Second Av. SW to Central Av. S.
- Second Street SW from Second Av. SW to Central Av. S.
- Third Street SW from Second Av. SW to Central Av. S.
- Fourth Street SW from Second Av. SW to Central Av. S.
- Alternate #1. 2<sup>nd</sup> St. SE through Park - Lexington Av. S. to 2<sup>nd</sup> St.

according to the plans and specifications therefore approved by the City Council and on file in the office of the City Administrator.

2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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>	<u>      </u>
Babione	<u>X</u>	<u>      </u>
Jirik	<u>Absent</u>	<u>Absent</u>
Kratochvil	<u>X</u>	<u>      </u>
Wilcox	<u>Absent</u>	<u>Absent</u>

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Thereupon Mayor Sindelar declared said resolution adopted this 21st day of February, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

Mr. Parrott reviewed with the Council special assessment method for 2006 CIP Project. Typical street assessment the same amount as for 2005 CIP Project. Park Drive to be assessed on commercial unit basis. Alley assessment to be based on actual costs formula 60% business - 5% residential - 35% City.

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

RESOLUTION #06-02-21-02

RESOLUTION DECLARING COST TO BE ASSESSED, AND  
ORDERING PREPARATION OF PROPOSED ASSESSMENT

WHEREAS, a contract has been let (costs have been determined) for the 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.
- First Street SW from Second Av. SW to Central Av. S.
- Second Street SW from Second Av. SW to Central Av. S.
- Third Street SW from Second Av. SW to Central Av. S.
- Fourth Street SW from Second Av. SW to Central Av. S.
- Alternate #1. 2<sup>nd</sup> St. SE through Park - Lexington Av. S. to 2<sup>nd</sup> St.

And the contract price for such improvement is \$2,322,617.07 and the expenses incurred or to be incurred in the making of such improvement amount to \$812,915.98 so that the total cost of the improvement will be \$3,135,533.05.

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

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1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$1,963,448.34 and the portion of the cost to be assessed against benefited property owners is declared to be \$1,172,084.71.

2. Assessments shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January, 2007 and shall bear interest at the rate of 5 percent per annum from the date of the adoption of the assessment resolution.

3. The City Administrator with the assistance of the City Engineer (consulting engineer), shall forthwith calculate the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection.

4. The City Administrator upon the completion of such proposed assessment, notify the Council thereof.

BE IT FURTHER RESOLVED that the assessment hearing for said project is to be held March 20, 2006.

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>	<u>      </u>
Babione	<u>X</u>	<u>      </u>
Jirik	<u>Absent</u>	<u>Absent</u>
Kratochvil	<u>X</u>	<u>      </u>
Wilcox	<u>Absent</u>	<u>Absent</u>

Thereupon Mayor Sindelar declared said resolution adopted this 21st day of February, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

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Direction was given to City Engineer to design intersection of Park Street and Lexington Av. SE in such a manner that a 4 way intersection with 3<sup>rd</sup> St. SE can be achieved in the future.

Motion Kratochvil, Second Babione.

Award the bid for the purchase of two - 4x4 - 10,000 GVW pickup trucks to New Prague Ford at the bid price of \$22,819.00 per vehicle.

Motion carried.

Motion Babione, Second Kratochvil.

Approve renewal of MN Lawful Gambling Premises Permit.

- 1) New Prague Chamber of Commerce at Corner Bar,  
100 Main St. W., New Prague.
- 2) New Prague Hockey Association at Millers Tap  
114 Main St. W., New Prague

Motion carried.

Motion Kratochvil, Second Babione.

Deny request to waive park dedication fee for Golf Course Remodel Project.

Motion carried.

Discussion was held regarding future lot platting. Consensus of Council that any future platting not be considered until status of waste water treatment plant facilities plan is determined.

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

RESOLUTION #06-02-21-03

RESOLUTION PERTAINING TO THE SUBDIVISION OF LANDS,  
AND CITY COUNCIL APPROVAL OF CERTAIN CONVEYANCES

WHEREAS, Minnesota Statutes 272.162 subd. 1 provides for restrictions on filing a deed conveying less than a whole parcel of land if the part conveyed is within an area of application of a municipal subdivision regulations adopted and filed under Minnesota Statutes 462.36; and

WHEREAS, the City of New Prague has adopted Subdivision regulations under Minnesota Statute 462.358 and filed Subdivision regulations under Minnesota Statute 462.36; and

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WHEREAS, the interest of unsuspecting parties purchasing less than a whole parcel of land could be negatively affected if the deed or other conveyance document is not first approved by the City,

WHEREAS, Minnesota Statutes 272.162 subd. 3 states that Minnesota Statute 272.162 applies only to land within municipalities which choose to be governed by its provisions, and that the municipality must file a certified copy of a resolution stating that choice;

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of New Prague that:

1. Pursuant to Minnesota Statute 272.162 the County Auditor shall not transfer or divide the land in the official records of the County and shall not certify the deed or other instrument of conveyance as provided in Minnesota Statute 272.12, if:

a. The land conveyed is less than a whole parcel of land as charged in the County's tax lists;

b. The part of land conveyed appears within the area of application of municipal subdivision regulations adopted and filed under Minnesota Statute 462.36; and

c. The part conveyed is part of or constitutes a subdivision as defined in Minnesota Statutes 462.352, Subdivision 12.

Unless such instrument bears a stamp of certification thereon duly executed by the City that states:

a. That the City's subdivision regulations do not apply; or

b. The subdivision has been approved by the City Council pursuant to the City's Subdivision Ordinance; or

c. The division of taxes and filing and recording have been waived by resolution of the City in the particular case because compliance would create an unnecessary hardship and failure to comply would not interfere with the purpose of the City's Subdivision Ordinance.

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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>	<u>      </u>
Babione	<u>X</u>	<u>      </u>
Jirik	<u>Absent</u>	<u>Absent</u>
Kratochvil	<u>X</u>	<u>      </u>
Wilcox	<u>Absent</u>	<u>Absent</u>

Thereupon Mayor Sindelar declared said resolution adopted this 21st day of February, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

Motion Babione, Second Kratochvil  
Approve the following consent agenda items:  
A. Approve previous meeting minutes.  
B. Approve claims for payment.  
Motion carried.

Discussion of request to expand sidewalk snow removal area was held. Council Members felt that the expansion is not warranted at this time.

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

RESOLUTION #06-02-21-04

RESOLUTION THAT THE CITY OF NEW PRAGUE ENTER INTO AN AGREEMENT WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION

BE IT RESOLVED that the City of New Prague enter into an agreement with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To remove the existing Traffic Control Signal and Install a new Traffic Control Signal with Street Lights, Emergency Vehicle Pre-emption, and Signing on T.H. 19/T.H. 13 at CSAH 60 (1<sup>st</sup> Ave. S.E.)/1<sup>st</sup> Ave. N.E., in accordance with the terms and conditions set forth and contained in Agreement No. 89147R, a copy of which was before the Council.

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BE IT FURTHER RESOLVED that the Mayor and City Administrator be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the City all of the contractual obligations contained therein.

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>	<u>      </u>
Babione	<u>X</u>	<u>      </u>
Jirik	<u>Absent</u>	<u>Absent</u>
Kratochvil	<u>X</u>	<u>      </u>
Wilcox	<u>Absent</u>	<u>Absent</u>

Thereupon Mayor Sindelar declared said resolution adopted this 21st day of February, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

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Jerry Bohnsack, City Administrator

There being no further business, the meeting was adjourned.

Jerry Bohnsack  
City Administrator