

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



City Council Meeting
Monday, December 21, 2009

Mayor Bender called the meeting to order at 7:00 P.M. with the following members present: Bender, Guerrette, Wilcox. Bartusek was present at 8:05 P.M. Absent: Betterton

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

Mayor Bender opened the Public Hearing at 7:02 P.M. on the issuance of On-Sale Wine License and On-Sale Beer License for The Landmark Café.

City Administrator Mike Johnson reviewed the application received from Jerry J. & Beverly A. Minar for On-Sale Wine and On-Sale Beer Licenses. The license period would begin January 1, 2010 and will expire on the last day of March, 2010.

There was no public comment and the public hearing was closed at 7:05 P.M.

It was moved by Guerrette and seconded by Wilcox to approve On-Sale Wine License and On-Sale Beer License for The Landmark Café LLC at 208 4th Avenue Southwest, New Prague, Minnesota. The license period is to begin January 1, 2010 and will expire on the last day of March 2010. All voted in favor of the motion except Betterton and Bartusek who were absent.

City Administrator Mike Johnson presented a Resolution of Appreciation to Jim Morris for his 13 years of service to the City of New Prague. He has faithfully served in the position of EDA Executive Director from August, 1992 to May, 1998 and from August, 2002 and will retire December, 2009.

It was moved by Wilcox and seconded by Guerrette to approve Resolution #09-12-21-01 RESOLUTION OF APPRECIATION FOR JAMES R. MORRIS. All voted in favor of the motion except Betterton and Bartusek who were absent.

Mayor Bink Bender acknowledged Jim Morris for his years of service and presented him with the "Key to the City Award".

EDA President Dirk Berger reviewed with the Council the Economic Development Report of Activities for 2009 and the Budget for 2010. He informed the Council of the EDA Strategic Plans and Goals for 2010.

It was moved by Wilcox and seconded by Guerrette to approve the EDA Report of Activities for 2009, the EDA Budget for 2010, and the EDA Strategic Plans and Goals for 2010.

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All voted in favor of the motion, except Betterton and Bartusek who were absent.

City Administrator Mike Johnson informed the Council of an EDA liability of \$17,495.62 due to the City's general fund and asked the Council for approval to remove this liability. The amount has been sitting out on the books as a payable/liability since 1999.

It was moved by Guerrette and seconded by Wilcox authorization to forgive \$17,495.62 liability from the EDA to the City's General Fund. All voted in favor of the motion except Betterton and Bartusek who were absent.

City Administrator Mike Johnson informed the Council of there being no easement covering the pond area or addressing maintenance responsibilities of the Storm water retention pond in the industrial park. A few years ago a group of property owners in the industrial park got together and constructed a storm water retention pond to treat their storm water runoff. The pond was not required by the City at the time but it was visionary on their part, because if any of them want to add onto their businesses in the future, the storm water issues would be addressed. The pond overflows into the City's storm sewer system in 6th Street NW. Attorney Dick Wornson drafted an easement and license agreement between all property owners.

It was moved by Wilcox and seconded by Guerrette to approve the storm water easement and license agreement and authorize the City Administrator to execute the document on the City's behalf. All voted in favor of the motion except Betterton and Bartusek who were absent.

City Administrator Mike Johnson reviewed with the Council the Highway Safety Improvement funds available for TH19/Co.Rd. 89/Co.Rd. 164 Intersection and asked for the Council to support the Le Sueur County application.

It was moved by Wilcox and seconded by Guerrette to approve RESOLUTION #09-12-21-02 RESOLUTION SUPPORTING LE SUEUR COUNTY HSIP APPLICATION FOR SAFETY IMPROVEMENTS AT TRUNK HIGHWAY 19/COUNTY ROAD 89/COUNTY ROAD 164 INTERSECTION. All voted in favor of the motion except Betterton and Bartusek who were absent.

Chris Cavett from SEH reviewed the TH19/11th Avenue intersection (Roundabout) improvements and directing modification of existing construction contract (Change Orders Nos. 4,5,6 and reduction of retainage) in the net amount of \$17,170.68.

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It was moved by Guerrette and seconded by Wilcox to approve RESOLUTION #09-12-21-03 RESOLUTION DIRECTING MODIFICATION OF EXITING CONSTRUCTION CONTRACT WITH CHARD TILING AND EXCAVATING, INC. FOR THE TRUNK HIGHWAY 19/11TH AVENUE INTERSECTION IMPROVEMENTS (ROUNABOUT). All voted in favor of the motion except Betterton and Bartusek who were absent.

Chris Cavett from SEH reviewed the Feasibility Report for the 2010 street and utility improvements. The feasibility report considered reconstruction work and improvements for the following streets:

- 6th St. NE from Lyndale Av. North to Cul-de-sac
- Pershing Av. N. from 5th St. NE to 7th St. NE
- Highview Circle from 7th St. NE to Cul-de-sac
- Lyndale Av. N. from 4th St. NE to 6th St. NE
- 5th St. NE from Pershing Av. N. to Lexington Av. N.
- 3rd St. SE from Lexington Av. S. to 7th Av. SE
- Park Av. S. from Main St. to 2nd St. SE (Memorial Park)
- Ballfield Parking Lot

It was moved by Guerrette and seconded by Wilcox to approve RESOLUTION #09-12-21-04 RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING HEARING ON IMPROVEMENT FOR 2010 STREET AND UTILITY IMPROVEMENTS. All voted in favor of the motion except Betterton and Bartusek who were absent.

Planning Director Ken Ondich informed the Council that the Minnesota Department of Transportation District 7 recently announced its solicitation for Federally Funded Transportation Enhancement Projects to be considered for inclusion in Fiscal Years 2011-2014 and we have one future project that meets the intent of the grant. This project would provide for the construction of a 10' wide bituminous trail along the north side of TH19 from the new roundabout at TH19 and 11th Avenue East to TH21 and additionally north through Philipps Park ending at 2nd Street NW. Additionally decorative lighting is proposed on both the north and south sides of TH19 from TH21 to the roundabout at 11th Ave.

It was moved by Wilcox and seconded by Guerrette to approve RESOLUTION #09-12-21-05 RESOLUTION FOR SPONSORSHIP FROM SPONSORING AGENCY AND AGREEMENT TO MAINTAIN FACILITY FOR THE WEST TH19 TRAIL ENHANCEMENT PROJECT. All voted in favor of the motion except Betterton and Bartusek who were absent.

Staff recommended tabling agenda items 8 and 9 until there is final approval on some documents. They include vacating a portion of a drainage and utility easement located on Outlot A, Eastland and approval of Eastland Second Addition final plat, Developers Agreement and first amendment to Agreement regarding access to Alton Avenue.

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It was moved by Guerrette and seconded by Wilcox to table action on agenda items 8 and 9 until there is final approval on some documents.

City Administrator Mike Johnson and Ambulance Director Bill VanCura reviewed the ambulance budget and rates for 2010.

It was moved by Wilcox and seconded by Guerrette to approve the ambulance budget and rates/charges for 2010. All voted in favor of the motion except Betterton and Bartusek who were absent.

Council Member Bartusek arrived at 8:05 P.M.

City Administrator Mike Johnson reviewed with the Council the process for moving forward with the Ambulance ALS proposal. On Monday, November 23, 2009, the City Council heard discussion on the proposal to consider upgrading the City's ambulance Service from Basic Life Support (BLS) to part-time advance Life Support (ALS) or Paramedic Service. The Council has several options when it comes to deciding where to City could go in this process:

1. Choose not to upgrade the service to ALS, discontinue the discussion and remain a BLS Service.
2. Continue to negotiate with Queen of Peace Hospital and North Memorial Ambulance Service based on the partnership and trust that exists between the two entities. A draft contract for ambulance services, a draft building lease agreement and the proposed financial pro-forma could be ready for the January 5, 2010 City Council meeting.
3. The City could decide to bid out the proposal to upgrade the ambulance service with the likelihood that the players could be North Memorial, Allina Ridgeview or some other ambulance service.

City Administrator Mike Johnson reviewed a memo received from City Attorney Scott Riggs in regard to Council Member Wilcox's potential conflict of interest if she votes on a contract between the City and North Memorial Ambulance for ambulance services. It is his opinion that Councilmember Wilcox does not have a conflict of interest if she votes.

It was moved by Guerrette and seconded by Bartusek to approve Option 2 to continue to negotiate with Queen of Peace Hospital and North Memorial Ambulance Service based on the partnership and trust that exists between the two entities. All voted in favor of the motion except Betterton who was absent.

Mayor Bender asked for a motion to adopt the budget for 2010.

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It was moved by Bartusek and seconded by Wilcox to approve RESOLUTION #09-12-21-06 RESOLUTION ADOPTING A BUDGET FOR 2010. All voted in favor of the motion except Betterton who was absent.

Mayor Bender asked for a motion to adopt the 2009 payable 2010 tax levy.

It was moved by Bartusek and seconded by Wilcox to approve RESOLUTION #09-12-21-07 RESOLUTION ADOPTING 2009 PAYABLE 2010 TAX LEVY. All voted in favor of the motion except Betterton who was absent.

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

- A. Approve previous meeting minutes
- B. Approve claims for payment.
- C. Approve monthly financials.
- D. Approve 2010 Tobacco licenses
- E. Approve Minnesota Lawful Gambling LG220 application for Exempt Permit for Le Sueur County Pheasants Forever on March 27, 2010.
- F. Approve Minnesota Lawful Gambling LG220 application for Exempt Permit for Tri County Ducks Unlimited on March 5, 2010.

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

There being no further business, the meeting was adjourned at 8:40 P.M.

W. A. Bender, Mayor
City of New Prague

ATTEST:

Michael J. Johnson
City Administrator