

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



City Council Meeting
Monday, April 18, 2011

Prior to the meeting, the SCALE Transportation and Economic Development Committee (TED) sponsored a workshop to discuss land use, transportation and economic development.

Mayor Nickolay called the meeting to order at 7:00 P.M. with the following members present: Nickolay, Bartusek, Bruzek, Guerrette, Ryan.

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

City Attorney: Scott Riggs.

The Pledge of Allegiance was recited.

Mayor Nickolay introduced the first item on the agenda to discuss the request by the rental property owners to have the City Council rescind their action of February 7, 2011. The action taken by the City Council on February 7, 2011, which was recommended by the New Prague Utilities Commission and City Staff, was to support billing the property owners of delinquent utility bills per City Ordinance 50.04. This Ordinance provision, which had been adopted by the City Council in 1980, but never enforced, required all utility accounts to be carried in the name of the owner and the owner shall be liable for utilities supplied to his or her property, whether he or she is occupying the property or not, and any charges unpaid shall be a lien upon the property.

Several rental property owners voiced opposition to this action and conveyed their concerns including James Halverson, Craig Sindelar, Joe Lambrecht, Pat Weldon, Don Yackley and Randy Kubes. They were opposed to being responsible for their renter's delinquent utility bills. Comments were that it is not legal and the City cannot do this. The City should increase the deposit and hold the deposit until the duration of the lease is up. Renters that need assistance with their utility bills will not get help if it is not under their name. Rental property owners are offering affordable housing in the City and paying taxes.

Mayor Nickolay stated that the City has the responsibility to the taxpayers to collect the delinquent accounts the best we can. He suggested setting up a meeting to discuss the issue further with the landlords and review all the information and options. The committee will include Mayor Chuck Nickolay, Public Works Director Dennis Seurer, Joe Lambrecht or another rental property owner, and a member of the Utility Commission. City Staff will schedule this meeting.

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Planning Director Ken Ondich reviewed the Ordinance Amending Section 508 Enforcement of the Zoning Ordinance Pertaining to "Top of Foundation and Final Grade As-Built Surveys". The amendment to the Zoning Ordinance specifically relates to requiring top of foundation elevation verification by a registered land surveyor and also requiring final grade as-built surveys completed by a registered land surveyor. The requirements would ensure that new structures are constructed and yards are graded at the elevations required in the grading plans of the development of which they are located.

It was moved by Guerrette and seconded by Ryan to approve the 2nd Reading and Adopt ORDINANCE #248 ORDINANCE AMENDING SECTION 508 OF THE ZONING ORDINANCE TITLED "ENFORCEMENT", NEW PRAGUE, MINNESOTA. All voted in favor of the motion. (5-0)

City Administrator Mike Johnson reviewed the Scott Joint Prosecution Association (SJPA) request for E-Charging. In order for the State of Minnesota to include the SJPA in "e-charging", they are requiring approval of two resolutions. The City Council has previously approved documents providing for the New Prague Police Department to "e-charge" as part of the new charging system.

It was moved by Bruzek and seconded by Bartusek at approve RESOLUTION #11-04-18-01 RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF NEW PRAGUE ON BEHALF OF IT'S PROSECUTING CITY ATTORNEY SCOTT JOINT PROSECUTION ASSOCIATION and RESOLUTION #11-04-18-02 RESOLUTION APPROVING MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA COURT DATA SERVICES BETWEEN THE OFFICE OF STATE COURT ADMINISTRATION AND THE CITY OF NEW PRAGUE, ON BEHALF OF ITS PROSECTUING CITY ATTORNEY SCOTT JOINT PROSECUTION ASSOCIATION. All voted in favor of the motion. (5-0)

Public Works Director Dennis Seurer reviewed the following bids received for the Parks Department lawn mower:

Toro GM 4000-D - \$32,010.13 (after trade in)

John Deere 1600 - \$27,253.13 (after trade in)

Jacobsen Rotary Rough Mower - \$41,561.55 (after trade in)

Staff recommended that the Council consider the purchase of the Toro model for the following reasons: It is Staff's desire to be able to keep this mower in operation for a minimum of 6 years (average of 600 hrs per year). The last two mowers of this size that were purchased in 2004 and 2008 for the Parks Department were John Deere models. Both mowers have had mechanical issues such as rear end bearing problems and hydraulic issues. Staff believes the mechanical issues in question were not totally resolved and these issues will reoccur. New Prague Golf Club has had continued success with their Toro model lawn mowers and have

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been able to get a minimum of 6 years of use at approximately the same amount of engine hours per year that the Parks Department has. It is the intention of Staff to use this mower at the new Wastewater Treatment Plant. It would be Staff's recommendation to use a proportional share of the Waste Water Department's lawn mower allowance to be put towards the purchase of the Parks Department lawn mower and avoid the purchase of a second mower that would only be used at the treatment plant site.

It was moved by Ryan and seconded by Bruzek to purchase the Toro GM 4000 lawn mower in the amount of \$32,010.13 from MTI in Brooklyn Center for the reasons stated above. All voted in favor of the motion. (5-0)

Mayor Nickolay noted changes to the April 4, 2011 meeting minutes. *Dennis Seurer was present and Mike Johnson was not present.*

It was moved by Guerrette and seconded by Bartusek to approve the following consent agenda items with the changes stated above to the minutes:

- A. Approve previous meeting minutes
- B. Approve claims for payment
- C. Approve monthly financials
- C. Approve New Prague Orioles, Inc. application to conduct off-site gambling at Memorial Park Baseball Field, 400 Lexington Av. S. on July 15, 2011.

All voted in favor of the motion. (5-0)

Mayor Nickolay reminded the Council of the 2011 LMC Annual Conference on June 15-17 in Rochester.

City Administrator Johnson updated the Council on the addition to the Community Center and approvals the EDA has to give because of an agreement with the EDA and the New Prague Community Center back in 1997. Under this agreement there are some approvals the EDA has to give as it relates to financing and guarantee and requests.

It was moved by Bruzek and seconded by Ryan to adjourn at 8:55 P.M.

Charles L. Nickolay
Mayor, City of New Prague

ATTEST:

Michael J. Johnson
City Administrator