

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

City Council Meeting  
Monday, June 1, 2009

Prior to the meeting the Council toured the Waste Water Treatment Facility.

Mayor Bender called the meeting to order with the following members present: Bender, Bartusek, Betterton, Guerrette, Wilcox. Absent: None

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

The Pledge of Allegiance was recited.

Mayor Bender opened the Public Hearing on the Feasibility Report for TH19/11<sup>th</sup> Avenue Roundabout Intersection Improvement Project.

Chris Cavett, S E H Project Manager, reviewed the feasibility report for TH 19/11<sup>th</sup> Avenue Roundabout intersection project. The Feasibility Study outlines the scope of the project, the probable costs, the proposed funding, the proposed assessment methodology and the potential assessment amounts to the benefiting properties.

The estimated project cost is \$976,000. Mn/DOT and the City of New Prague have secured federal and state funding for approximately two-thirds of the costs associated with the project. The City of New Prague would be responsible for the balance of the improvement costs, which would be funded through assessments to benefiting properties with the balance paid for from the City Municipal State Aid fund.

Council Member Betterton asked when the opportunity expires to obtain the federal funding.

Chris Cavett stated it is only guaranteed for this year and will have to be negotiated for the next year. There are no guarantees the funds will be available after this year.

City Attorney Scott Riggs reviewed the assessment process. The interest rate is up to the Council's discretion along with deferring the assessment until the property is developed.

City Administrator Mike Johnson stated assessments could be put on property when there are changes in the use of the property.

Comments from the audience were as follows:

Property Owner Palmer Welcome is affected by the project and in opposition to the project. He stated that there is

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no need right now for the roundabout because all the land is undeveloped. Complete when the need arises.

City Administrator Mike Johnson stated we are given the opportunity and if we choose not to move forward, there are no guarantees funds will be available at a later date.

Property Owner Kathy Hanson stated they have to give up property for a roundabout to become a reality. There is no use for a roundabout at present time. She is not at all in agreement with this project.

Property Owner Sue Meyer is in opposition saying it's not needed at this time. After talking to several of the MnDOT people at the Open House she feels they are dictating to the community what is going to be put in there. She questioned the size of the roundabout and if it's properly designed for the future. She asked if it is a certain standard for semis?

Chris Cavett assured it is designed to standard and will fit this use.

Property Owner Doug Pint stated that he owns the majority of the land that's asked to be dedicated for the roundabout. It is a unique opportunity to make property more valuable for future development. He feels it would be a large mistake not to take the funding and go ahead with the project.

Property Owner Al Pomije is opposed stating there are no guarantees to what is happening as far as development. Also, one road in the roundabout will go nowhere. It will be a three sided intersection. He thinks it's a waste of money.

Kathy Hanson questioned that the money from the State Aid Fund comes from contributions by everyone in the State why do assessments go to only a few property owners to refurbish the fund?

City Administrator Mike Johnson stated the State Aid Money can only be spent on City streets. By utilizing funds from that account, we are able to frontend the improvement and wait for property to improve at a later date.

Doug Pint stated he heard comments that this property may not be developed for as long as 15 years. He stated none of us know what this economy will do but he does have some indications that it will be far sooner than that.

The Public Hearing was closed at 8:04 P.M.

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Council Member Guerrette stated she appreciates the comments but from the development and economic point the project should continue. We have this money sitting here and if we don't use it we may lose it. It will have to get done at some point and time.

Council Member Betterton also appreciates the property owners comments but this project is best for New Prague in the long term looking at the big picture. What is the best decision for the entire population and future growth?

Council Member Bartusek stated he thinks New Prague needs to be in a position from this point forward to embrace commercial activity and that will probably go further toward lowering taxes for all homeowners in this town than anything else will. The more business and industry we get in town generates a lot more money tax wise. This is the only commercial property available and is all more reason to have it ready for someone to come in.

Council Member Wilcox stated in long term this project is the best move. It would be good to have the land ready for commercial use.

It was moved by Bartusek and seconded by Guerrette to adopt RESOLUTION #09-06-01-01 RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR TH19/11<sup>TH</sup> AVENUE INTERSECTION. All voted in favor of the motion.

Mayor Bender opened the Public Hearing for the Drainage and Utility Easement along the East Lot Line of Lot 3, Block 1, Hines Addition.

Planning Director Ken Ondich reviewed the vacation of the drainage and utility easement located along the east property line of the property located at 509 7<sup>th</sup> Street NE (Lot 3, Block 1, Hines Addition, Scott County, Minnesota). The property is owned by Bret & Carrie Kitner. They also own the adjacent lot to the east. The Kitners are planning on constructing a garage addition which might possibly encroach into the drainage and utility easement which lies between the lots.

Public Hearing was closed at 8:11 P.M.

It was moved by Wilcox and seconded by Betterton to adopt Resolution #09-06-01-02 ORDER VACATING A 5" WIDE DRAINAGE AND UTILITY EASEMENT ON THE EAST SIDE OF LOT 3, BLOCK 1, HINES ADDITION, NEW PRAGUE, MINNESOTA. All voted in favor of the motion.

Dr. Michael Wilcox gave a presentation on the Scott County Safe Communities Coalition. The Safe Communities Coalition

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is a local collaborative working toward the goals of reducing traffic crashes, injuries and fatalities in Minnesota.

Jon Peterson, Bolton & Menk, reviewed the Change Order #1 for the Wastewater Treatment Facility.

The proposed changes are as follows:

1. Revise roofing material for the wastewater treatment facility and maintenance building addition from specified built-up asphalt roofing to a ballasted EPDM roofing system. Proposed roofing system will have a 20 year warranty, and will match existing roofing system on the maintenance building. Due to volatility in the petroleum/asphalt market, contractor is able to offer a \$60,000 cost deduct to the contract for accepting utilization of the EPDM system.
2. Construct a 20'-8"x45'-4" addition to the south end of the maintenance building. This addition will provide office and organizational space for City wastewater and street maintenance staff. Cost add for this addition is \$131,000.
3. Poor soils were removed and granular fill material was imported and installed on the site to provide the appropriate base for the foundation and slab of the building addition. The soils correction resulted in a net cost add of \$41,925.87.

No net change in the contract cost for proposed changes. Cost savings due to the deduct for changing the roofing material, adjustment of the building permit cost allocation which resulted in a deduct cost to the contract, and reduction in the laboratory equipment cost allocation will offset the cost increases for the building addition and soils correction.

It was moved by Wilcox and seconded by Bartusek to approve Change Order #1 for the Wastewater Treatment Facility. All voted in favor of the motion.

Public Works Director Dennis Seurer reviewed the proposal from Chris Cavett of SEH to assist the City in developing a Capital Improvement Plan that would identify and prioritize necessary street and infrastructure improvements.

It was moved by Guerrette and seconded by Betterton to approve the agreement with SEH in the amount of \$8,500 to develop a Capital Improvement Plan that would identify and prioritize necessary street and infrastructure improvements. All voted in favor of the motion.

Public Works director Dennis Seurer reviewed the quotes received for the 2009 Street Seal Coating Project. Quotes were received for 67,898 square yards of street coverage

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with the ability to increase quantities by 50 percent or decrease quantities by 25 percent for budgetary purposes. The following bids were received:

Pearson Brothers Inc.	\$1.18 per square yard	\$80,119.64
Caldwell Asphalt Co.	\$1.325 per square yard	\$89,964.85
Allied Blacktop Co.	\$1.45 per square yard	\$98,452.10

It was moved by Betterton and seconded by Bartusek to approve the low bid of \$80,119.64 from Pearson Brothers Inc. for the 2009 Street Seal Coating Project. All voted in favor of the motion.

City Administrator Mike Johnson reviewed with the Council the 4<sup>th</sup> of July Fireworks and the various risk management aspects of this event. The League of Minnesota Cities Insurance Trust is willing to provide liability coverage for this special event at an estimated cost of \$1,200.00. In addition, to ensure coverage for the explosives, transportation, event coverage, volunteers, firemen, etc., the City will need to assume sponsorship of this event.

It was moved by Bartusek and seconded by Betterton to purchase special event liability insurance for \$1,200.00 and to act as sponsor of the Fireworks Event. All voted in favor of the motion.

Police Chief Mark Vosejka reviewed the operation of golf carts on public streets. The Police Department agrees that the City Council should decide on what form of golf cart regulatory method to implement. The operation of golf carts on City streets in recent years has become more for transportation than it is for going to or from the golf course. Residents are driving to the pool, restaurants, neighborhood gatherings and other places.

After discussion, it was decided to form a committee with members from the Golf Board, City Council, Police, City Attorney and outside individuals to review golf carts on public streets.

Planning Director Ken Ondich introduced an Ordinance Rezoning all property lying east of the Union Pacific Railroad, West of 2<sup>nd</sup> Av. NW, South of 2<sup>nd</sup> Street NW and North of W. Main Street from I-1 Light Industrial to RM Medium Density Residential and B-1 Central Business District.

It was moved by Bartusek and seconded by Betterton to approve the first reading of the Ordinance Rezoning all property lying east of the Union Pacific Railroad, West of 2<sup>nd</sup> Av. NW, South of 2<sup>nd</sup> Street NW and North of W. Main

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Street from I-1 Light Industrial to RM Medium Density Residential and B-1 Central Business District.  
All voted in favor of the motion.

City Administrator Mike Johnson reviewed the application request from the Waseca Hockey Association for a Premises Permit to conduct lawful gambling (pull-tabs and bar bingo) at the Classic Grille & Bar, Inc., 825 1<sup>st</sup> St. SE, New Prague, MN. The premises permit application is required to be approved by the City Council before the Gambling Control Board will issue a premises permit.

Discussion was held on an outside organization obtaining a premises permit to conduct lawful gambling.

City Attorney Scott Riggs informed the Council that there is no Ordinance in place to deny this request. An Ordinance would regulate gambling and can be put into place for future requests.

Council Member Wilcox suggested approving Resolution and work on an Ordinance to regulate gambling.

It was moved by Guerrette and seconded by Betterton to adopt Resolution #09-06-01-03 RESOLUTION APPROVING LAWFUL GAMBLING PREMISES PERMIT APPLICATION FOR THE WASECA HOCKEY ASSOCIATION. All voted in favor of the motion.

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

- A. Approve previous meeting minutes
- B. Approve claims for payment.
- C. Approve 2-day Temporary On-Sale 3.2 Liquor License for Friedges Memorial Softball Tournament on July 11 & 12, 2009.

All voted in favor of the motion.

It was moved by Betterton to adjourn the meeting at 10:11 P.M.

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W. A. Bender, Mayor  
City of New Prague

ATTEST:

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Michael J. Johnson  
City Administrator