

City Council Proceedings

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

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City Council Meeting
Tuesday, January 7, 2020

Mayor Nickolay called the meeting to order at approximately 6:00 p.m. with the following members present: Nickolay, Ryan, Bass, Seiler, and Wolf.

Staff Present: Mike Johnson, Ken Ondich, Jim Gareis, Bruce Reimers, Glen Sticha, and Barb Ulschmid

Others Present: City Engineer Chris Cavett

It was moved by Ryan, seconded by Seiler to approve the Agenda. All voted in favor, motion carried. (5-0)

The following 2020 Appointments were presented for approval as follows:

A proposal was received from Scott J. Riggs of Kennedy & Graven to continue as City Attorney for 2020. Mr. Riggs has been the City Attorney since April of 2003. His hourly rate for general civil matters is now \$171.50/hour.

Mayor Nickolay made the following Council nominations for appointments to serve on the various City Boards and Commissions:

1. Utility Commission - Bruce Wolf
2. Park Board - Maggie Bass
3. Planning Commission - Shawn Ryan
4. Joint Powers (City/School District)- Maggie Bass
5. Golf Board - Chuck Nickolay
6. EDA (Mayor and 1 Council Member) - Chuck Nickolay/Bruce Wolf
7. Cedar Lake Sanitary District - David Bruzek
8. Ambulance Advisory Committee - Chuck Nickolay
9. New Prague Area Community Center Board - Rik Seiler
10. Joint Planning Commission with Helena Township and Scott County - Shawn Ryan and Dan Meyer

Nickolay stated that Bruzek was a former Councilmember and per the Bylaws of the Sanitary Sewer District, it is not required to have a councilmember representing the City on this board. Bruzek has shown interest on continuing to serve on this board and has done a great job, which is why Nickolay is nominating David Bruzek to continue serving on this board.

In accordance with City Charter Section 2.06, the Council shall choose from its members a Vice President. The Vice President shall serve as President in the Mayor's absence and as the Mayor in case of disability or absence from the City. Former Councilmember Shawn Ryan previously served as the Council's Vice President. It was moved by Seiler and seconded by Ryan to nominate Council Member Maggie Bass as the 2020 Council Vice President. No vote was taken until all items were acted upon.

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In accordance with City Charter Section 3.05, Appointments, the Council needs to approve staff appointments for 2020.

Personnel Appointments recommended include:

City Administrator - Michael J. Johnson
Police Chief/Emergency Management Director - James Gareis
Planning/Community Development Director - Ken Ondich
Public Works Director - Glen Sticha
Utilities General Manager - Bruce Reimers
Finance Director - Patty Solheid

Under Minnesota State Statute 118A.02, the governing body of each government entity shall designate, as a depository of its funds, one or more financial institutions.

The following Financial Institutions are the 2020 Official City Depositories for City funds or investments as reflected in *RESOLUTION #20-01-07-01 APPOINTING OFFICIAL DEPOSITORIES FOR CITY FUNDS FOR 2020*:

Roundbank of New Prague
First Bank & Trust of New Prague
U S Bank of New Prague
Wells Fargo Bank of New Prague
Wells Fargo Advisors of New Prague
Minnesota Municipal Money Market Fund (the 4M Fund)

In accordance with Minnesota State Statute 412.831, the Council is required to designate a legal newspaper of general circulation in the City as its official newspaper, in which shall be published such ordinances and other matters as are required by law to be so published and such other matters as the Council may deem it advisable and in the public interest to have published in this manner. The New Prague Times is designated as the City's official newspaper for 2020.

The City of New Prague uses various outside professional consulting firms to provide technical engineering services, financial advisory and bonding services, and specialized legal bonding services.

Historically, since May 2009, the firm of Short Elliott Henrickson (SEH) and Chris Cavett, PE have been appointed as City Engineer and Municipal State Aid Street (MSAS) Engineer. Both of these appointments are covered under separate existing contracts with the City. However, in order to ensure that these positions continue to be recognized by all of the appropriate external agencies, these appointments should be reconfirmed for 2020.

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The City Council also is considering reappointing Ms. Terri Heuton of Baker Tilly as the City's Financial Advisor. Ms. Sofia E. Lykke of Kennedy & Graven as Bond Counsel. Both of these individuals and firms assist the City annually in the issuance of general obligation bonds for capital improvement projects and in any special financial analysis or projects that may become necessary.

Following are the proposed appointment recommendations from the New Prague Volunteer Fire Department as voted on by the Department in December 2019:

Chief 1 - Jeremy Tikalsky
Chief 2 - Steve Rynda
Chief 3 - Curt Novotny
Captain 1 - Greg Pint
Captain 2 - Brad Novak
Captain 3 - Brandon Busch
Lieutenant 1 - Mark Novak
Lieutenant 2 - Bob Connelly
Training Officer - Steve Rynda
Secretary - Brad Novak

Fire Chief 2 year term (2019-2020) and Officers 1 year term (2020).

After discussion, it was moved by Nickolay, seconded by Seiler to approve all of the 2020 Appointments designations and Resolution contained in Agenda Items 1A.through 1J., including Maggie Bass as City Council Vice President. All voted in favor, motion carried. (5-0)

City Engineer Chris Cavett explained that the Plans and Specifications for the TH19/ Main Street 2020 Improvement Project (which includes full roadway and utility reconstruction of Main Street between TH21 and 7th Avenue SE), have been completed and are only pending final approvals from MnDOT, which are expected in mid-January. The project is now ready to be advertised for bids, "Pending Final Approval from MnDOT".

It is recommended that the City Council approve the following three Resolution Agreements this evening and they include:

1. Resolution for Force Account Agreement - final execution by MnDOT State Aid will allow New Prague Utility Commission to proceed with ordering and purchasing light fixtures. As part of the project planning for construction and installation of the new lighting system, it is proposed that a good share of the lighting work be performed by the New Prague Utility Commission forces. This work can be included in the project and covered under the federal and state funding under "Force Account Agreement" 80% of New Prague Utility Commission material and labor costs are eligible for the Federal funding under

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the project. The 20% balance of costs are funded from local funds; (combination of municipal state aid, assessments and general debt service). Regarding the light fixtures, Utilities General Manager Bruce Reimers indicated the Utilities Department has installed one of the new light fixtures at the entrance to the Electric Line Garage at 1st Avenue North.

After discussion, it was moved by Seiler, seconded by Wolf to approve *RESOLUTION #20-01-07-02 APPROVING MNDOT AGENCY AGREEMENT NO. 1035763 FOR FEDERAL PARTICIPATION IN FORCE ACCOUNT FOR LIGHTING ON TRUNK HIGHWAY #19 RECONSTRUCTION PROJECT*. All voted in favor, motion carried. (5-0)

2. Resolution for Detour Agreement - As part of the planned construction, MnDOT is proposing to enter into a detour agreement with the City to utilize 2.56 miles of city streets as part of the official TH19 detour route. There are three streets included within the detour agreement and they include: 10th Avenue SE, (from CR29 to TH19/Main Street); 10th Avenue NE, (from TH19/Main Street to 7th Street NE); and 7th Street NE/NW, (from 10th Avenue NE to TH21.

As the City is the lead agency, any maintenance or repairs to the roads (if needed) are proposed to be handled under the construction contract by the contractor, or would need to be addressed by city forces. MnDOT has proposed to pay the City an estimated \$14,580 based on an estimated 244 days of detour, up to a maximum not-to-exceed amount of \$30,000. The reimbursement amount is for use of the streets and estimated cost of the road life consumed by the detour. Le Sueur County will be entering into a similar detour agreement with MnDOT for the use of CR29.

It was moved by Wolf, seconded by Nickolay to approve *RESOLUTION #20-01-07-03 APPROVING MNDOT DETOUR AGREEMENT NO. 1035885 FOR TRUNK HIGHWAY NO. 19 DETOUR*. All voted in favor, motion carried. (5-0)

3. Resolution Approving Plans and Specifications and Ordering Advertisement for Bids. By statute, the project will be advertised in the City's legal publication; the New Prague Times. In addition, the project will be advertised on MnDOT's e-Advert, and on the SEH and QuestCDN websites. Bids are tentatively proposed to be opened at 10:00 a.m. on Friday, February 21, 2020, with consideration of award by the City Council at the Council meeting on March 2, 2020. (Pending potential delays in reviews and approvals of the cooperative agreement process, a fall back bid opening date could be pushed out to March 6, 2020.)

It was moved by Nickolay, seconded by Bass to approve *RESOLUTION #20-01-07-04 APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS*. All voted in favor, motion carried. (5-0)

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City Engineer Chris Cavett reviewed with the Council the SEH proposal for Municipal State Aid Street (MSAS) Engineering Services for 2020.

The new proposal from SEH provides State Aid services from January 1, 2020 through December 31, 2020 in the amount of \$6,900 for routine services (\$100 increase from the 2019 contract).

The 2020 budget for engineering, including the specific MSA related work is \$15,000. It should also be noted that the City's annual allotment of State Aid Maintenance Funds (\$93,998 in 2020) covers the entire cost of the engineering services required by the state aid program, so gas tax dollars pay for the engineering services, not the City's general tax dollars. Cavett reviewed the State Aid standards that have to be met, reviewed and prepared by MnDOT.

After discussion, a motion was made by Wolf, seconded by Seiler to approve the proposal from SEH for Municipal State Aid Street Engineering Services for 2020. All voted in favor. Motion carried. (5-0)

City Administrator Mike Johnson provided an overview to the Council that effective December 31, 2019 Mr. Wade Brod and Golf Management Enterprises, LLC (GME) discontinued their golf management services agreement with the City. Mr. Brod and GME provided services to the Golf Board and City of New Prague since February 2011 for the past nine (9) years. All of the employees under GME were also terminated effective December 31, 2019. On January 2, 2020 the New Prague Golf Board met to consider a proposed golf management consultant agreement with Mr. Kurt Ruehling as Golf Professional Enterprises, LLC (GPE).

Golf Board President Tom Mach was in attendance to address any questions the Council may have. Mr. Mach informed the Council that after reviewing and discussing the merits of approving an Agreement with GPE, the Golf Board voted 6-0 to recommend approval of entering into an Agreement with GPE. The proposed effective date of the Agreement is January 1, 2020; it is being recommended for 1 year January 1-December 31, 2020; and has a proposed contract amount of \$73,333 or \$6,111.08/month. There are no other employees included in the contract other than Mr. Ruehling. Mr. Mach said the Golf Board is putting together plans to bring more business/events to the golf course. Councilmember Wolf asked the Golf Board to put together a timeline so the Golf Board and Council are on the same page. City Administrator Johnson mentioned how difficult it is to follow a particular time line when the weather (especially last year) is such a deterrent.

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It was moved by Ryan, seconded by Bass to approve the Golf Course Consultant Agreement with Kurt Ruehling and Golf Professional Enterprises, LLC for January 1 to December 31, 2020. All voted in favor, motion carried. (5-0)

City Administrator Mike Johnson introduced Patrick Coyne, Vice President of North Memorial Ambulance Services who is retiring next week. Mr. Coyne provided a brief overview of the North Memorial Service in the past several years and introduced Terrance Nelson, North Regional Ambulance Manager (Faribault) and Lisa Kaczor, EMT to expand further on the North Memorial Ambulance program and the services they provide.

North Memorial's contract with the City of New Prague expires April 30, 2020. North Memorial is asking the City to consider renewing the contract for Ambulance Services and a Building Lease for the City of New Prague for another five years (May 1, 2020 to April 30, 2025).

Mr. Nelson provided an educational overview PowerPoint of North Memorial Health Ambulance Services and a recap of the annual activity from 2019. North Memorial Health is currently in the process of completing its second "five year" contract with the City for both Ambulance Services and Building Lease. The City has been engaged with North Memorial Health Ambulance Services for almost ten (10) years, and began back on May 1, 2010. As part of taking over the ambulance services at that time, North Memorial also upgraded the City's Ambulance Service capabilities from BLS (Basic Life Support) to ALS (Advanced Life Support). They have grown that capability over the term of the contracts to where they are now currently staffing two 24-hour ALS Ambulance crews. One crew is scheduled to be at the station and available for immediate deployment and the second crew is on an on-call basis to back up the primary unit 24-hours per day.

The Council agreed that North Memorial has provided exceptional service to the community the past 10 years but decided to postpone taking action on the two Agreements until they hear Mayo Health Clinic Center's presentation on their Ambulance services. This presentation will take place at the next Council meeting on Tuesday, January 21, 2020. After hearing both presentations, the Council will need to discuss and determine what direction they want to pursue for future Ambulance Services that will best serve the needs of the New Prague Community.

Planning/Community Development Director Ondich presented a resolution proposing the 2020 Official City Fee Schedule to the Council. The major changes included: Nuisance Abatement Fees. Adding a fee for Premises Extension Permits on Temporary Patios; Adding a fee for the review of Registered Land Surveys (RLS); Adding a fee specific for the daily (non-tournament use) of the Memorial Park Baseball Field;

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Increasing the Police Officer Rates; Various Storm Sewer, Electric and Water Rate Adjustments; and Adding Utility Equipment Rates that were not previously listed.

After discussion, it was moved by Nickolay and seconded by Seiler to approve RESOLUTION #20-01-07-05 ADOPTING AN OFFICIAL 2020 FEE SCHEDULE. All voted in favor of the motion. Motion carried. (5-0)

Director Ondich reviewed election details of the upcoming Presidential Nomination Primary (PNP) on March 3, 2020. The City Council must appoint election judges and set their pay by resolution. Judges must be appointed at the January 7th meeting in order to notify them of their appointments and make arrangements to attend mandatory paid training sessions in January.

The Presidential Nomination Primary is new in 2020 and the City is only able to utilize judges that had previously served as Election Judges for the 2018 elections due to the lack of a full training being offered for judges in time for the Presidential Nomination Primary. Judges for the Primary Election (August 11, 2020) and General Election (November 3, 2020) will be appointed at a future date.

The resolution to appoint the Election Judges is set to pay \$10.96/hr, (minimum wage is \$10/hr).

It was moved by Bass, seconded by Ryan to approve RESOLUTION #20-01-07-06 APPOINTING ELECTION JUDGES FOR THE 2020 PRESIDENTIAL NOMINATION PRIMARY. All voted in favor, motion carried. (5-0)

City Administrator Johnson presented to the Council an updated New Prague Employee Policy Handbook and asked for the Council's feedback and approval. At the April 29, 2019 City Council Workshop, the Council asked that the City's Employee Handbook get reviewed and updated in the coming year. Staff enlisted Leah Davis, CPA/President of AEM Workforce Solutions Partner, and a subsidiary of Abdo Eick & Meyers in July of 2019, to help with reviewing and updating of the City's existing handbook. The intent was to consolidate and update the contents of the existing handbook and to ensure that those policies that are regulatory are in the handbook, and be informational and easy to understand for the employees (become effective January 1, 2020.)

Staff and Ms. Davis have been working on the employee handbook by updating and revising existing policies, adding policies that are state regulated and modernizing some policies as they pertain to the employees. Upon final draft, staff had Bob Alsop and Scott Riggs of Kennedy & Graven review the Employee Handbook. Staff made a few minor changes, as recommended by Alsop and Riggs.

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Some of the substantive changes to the existing handbook are policies within the following sections: Benefit Eligible, Holiday, Vacation, and Severance. After extensive discussion, the Council asked for a workshop to focus solely on the employee handbook and proposed revisions. City Administrator Johnson will work with the Council and Staff on scheduling a date for this workshop.

Director Ondich provided an update regarding the ad that was placed in mid-November looking for 6 members to be appointed to a Rental Dwelling Unit Inspection Task Force. At this time, two landlords and two tenants (both of which are tenants of one of the interested landlords) have submitted letters of interest. Also, received one letter of interest from another person for one of the at large community members, but this person is not a resident within the City Limits.

After discussion, the Staff and the Council agreed to authorize another solicitation of volunteers for the Rental Dwelling Unit Inspection Task Force through the end of January.

It was moved by Seiler, seconded by Ryan to approve the following consent agenda items:

CONSENT AGENDA:

- A. December 2, 2019 Special City Council Meeting, December 9, 2019 Special City Council Meeting and December 16, 2019 Regular City Council Meeting Minutes
- B. Claims for Payment
- C. Temporary (1-4 Day) On-Sale Liquor License for St. Wenceslaus School Silent Auction annual fundraiser on March 28, 2020 at Parish Activities Center of St. Wenceslaus Church at 227 Main Street East
- D. Approval of Property Rental Lease Agreement with Thomas W. Masberg at 411 5th Avenue West.
- E. Surplus City Property - Large Format Printer

All voted in favor. Motion carried (5-0).

Miscellaneous Items:

Shawn Ryan - With the Mill closing, how will this affect the City with this loss of revenue? Bruce Reimers addressed Shawn's questions/concerns.

Bruce Wolf - 1. Inquired about the newly passed Federal Food, Drug, and Cosmetic Act that raised the federal minimum age on the sale of tobacco product from 18 to 21 years. How does that affect the City of New Prague? Police Chief Gareis explained that the City Ordinance will need to be changed. Currently, the State Statute and City Ordinance are still at 18 years which is what will be enforced right now until the City Ordinance is changed. City Administrator Mike Johnson has

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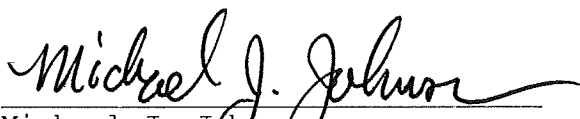
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contacted the City Attorney and is in process on making this change. City can't enforce Federal Laws. The State and everyone else needs to catch up. A business can change/enforce this new policy now if they so choose but is not yet required until the City Ordinance is changed.

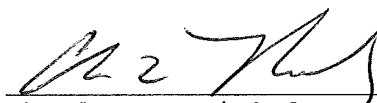
2. How to reserve the Community Room at the Fitness/Aquatic Center? Director Ondich informed the Council you can make your reservations through Community Ed or through the Fitness Center if you are a member.

Following discussion, it was moved by Nickolay, seconded by Seiler to adjourn the meeting at approximately 8:29 p.m. All voted in favor of the motion. Motion carried, 5-0.

ATTEST:



Michael J. Johnson
City Administrator



Charles L. Nickolay
Mayor

