

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



City Council Meeting
 Monday, October 3, 2016

Mayor Nickolay called the meeting to order at 6:00 P.M. with the following members present: Nickolay, Bruzek, Jirik, Ryan, Tuma

Staff Present: Mike Johnson, Ken Ondich, Glen Sticha, and Mary Jo Hruby

Others Present: Chris Cavett & Nikki Farrington with SEH, and Bob Alsop with Kennedy and Graven

Mayor Nickolay amended the Agenda by moving -

- Agenda Item #9 to Agenda Item #1 -
Discuss Results of Arbitration Panel Decision on Capital Contribution to New Prague Wastewater Treatment Facility with Cedar Lake Area Water and Sanitary Sewer District - Robert Alsop, City Attorney's Office
- Agenda Item #4 to Agenda Item #2 -
Main Street/MNDOT State Trunk Highway #19 (T.H. 19) Street and Utility Improvement Project
 - A. *Approval of Joint Powers Agreement (JPA) between the City of New Prague and the Minnesota Department of Transportation (MNDOT) (Agreement No. 1025907)*
 - B. *Resolution Ordering Preparation of Report*
 - C. *Approval of Professional Engineering Services Agreement with Short Elliot Hendrickson Inc. (SEH)*
- Agenda Item #5 to Agenda Item #3 -
2015 Street and Utility Improvement Project
 - A. *Resolution Approving Change Order No. 1*
 - B. *Resolution Accepting Work*

All the other agenda items will fall in order.

It was moved by Nickolay and seconded by Jirik to approve the Amended Agenda. All voted in favor of the motion. (4-0) Bruzek was absent

**Bruzek arrived at 6:10 P.M.*

Mr. Robert Alsop, Kennedy & Graven, City Attorney's office, presented a brief recap and results of the Arbitration Panel decision on capital contribution to New Prague Wastewater Treatment Facility with Cedar Lake Area Water and Sanitary Sewer District. During the arbitration hearing, the City of New Prague presented evidence before a panel of arbitrators in support of its claim against the Cedar Lake Area Water and Sanitary Sewer District for amounts owing to the City pursuant to an Agreement for the Use of the Wastewater Treatment Facilities of the City of New Prague by the Cedar Lake Area Water and Sanitary Sewer District. The City was seeking to enforce the District's obligation to pay its proportionate share of capital expenditures incurred by the City in connection with the replacement of the City's wastewater treatment facility in 2011. In an award dated September 30, 2016, the arbitrators unanimously ruled in favor of the City and ordered the District to pay \$1,041,084.00 to the City pursuant to Section 9(4) of the Agreement. The decision also requires the District to pay

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interest on the award at the statutory rate (4%) commencing on September 30, 2016.

City Administrator Johnson reported he received a call from Mr. Mark Mahowald, Cedar Lake Area Water and Sanitary Sewer District representative, asking if the City had interest in financing the award.

After discussion, it was moved by Nickolay and seconded by Ryan to not finance the award settlement with Cedar Lake Area Water and Sanitary Sewer District. All voted in favor of the motion except Bruzek voted against. (4-1)

City Engineer Chris Cavett and Project Manager Nikki Farrington, SEH, reviewed the Main Street/TH 19 Street and Utility Improvement Project Joint Powers Agreement between the City of New Prague and the Minnesota Department of Transportation. Main Street also State Trunk Highway 19 within the City of New Prague is proposed for reconstruction in 2020. Any proposed street and utility improvements will be a joint effort by the City and MnDOT. In June 2015, the City Council approved a Resolution in support of the project as well as in leading the project in partnership with MnDOT. In March, 2016, the City Council approved a Memorandum of Understanding which outlined responsibilities of each agency. A detailed scope of work was prepared by SEH and reviewed by MnDOT and City Staff. The scope of work outlines in detail the various duties and tasks the City/SEH will complete in their roles as the lead agency. From the same scope of work, MnDOT has prepared a Joint Powers Agreement for professional technical services (MnDOT Agreement No. 1025907) defining tasks and fiduciary responsibilities for the services defined in the proposed scope of work.

It was moved by Ryan and seconded by Bruzek to have the City of New Prague enter into MnDOT Joint Powers Agreement No. 1025907 with the State of Minnesota, Department of Transportation -

1. To provide payment from State to New Prague for State's share of the Preliminary Design - Reconstruction along TH 19, within the City of New Prague.
2. State's cost share is a lump sum of \$408,094.46; payments to be made as per Agreement.
3. That the Mayor and City Administrator are authorized to execute the Agreement and any amendments to the Agreement.

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

City Engineer Chris Cavett reviewed the Main Street/TH 19 Street and Utility Improvement Project Resolution Ordering Preparation of Report. Upon the Council's approval of the Joint Powers Agreement, the next step will be for the City Council to begin the public improvement process by authorizing the preparation of a feasibility study. The feasibility study will summarize the whole project and outline the improvements for which the City has a fiduciary responsibility. Those "City" Improvement's will include 100% of the sanitary sewer and water utilities, a share of the lighting, landscaping, parking and

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sidewalks. It would be proposed that a share of those City improvements be assessed to the benefitting properties. The study will review and outline the scope, cost, as well as the proposed funding and assessments. Informational letters will be sent out to property owners to kick-off the study work.

It was moved by Nickolay and seconded by Jirik to approve RESOLUTION #16-10-3-01 RESOLUTION ORDERING PREPARATION OF REPORT FOR MAIN STREET/TH 19 STREET AND UTILITY IMPROVEMENT PROJECT. All voted in favor of the motion. (5-0)

Chris Cavett reviewed the Professional Engineering Services Agreement with Short Elliot Hendrickson Inc. (SEH) to conduct the preliminary engineering for reconstruction of Main Street/TH 19 Utility Improvement Project. Funding for the MnDot share will be paid for by the State of Minnesota on a monthly reimbursable basis and the City's share of the engineering agreement will be ultimately included in the bonding package used to finance the City's share of this 2020 project.

Is was moved by Bruzek and seconded by Ryan to approve the Professional Engineering Services Agreement with Short Elliot Hendrickson Inc. (SEH). All voted in favor of the motion. (5-0)

* *Jirik left at 6:55 P.M.*

Chris Cavett reviewed the Change Order #1 for the 2015 Street and Utility Improvement Project. Potential increases in cost over the original contract amount are anticipated and budgeted in the project contingency. Some additional work items have resulted in the contract increase of \$8,004.38.

It was moved by Ryan and seconded by Nickolay to approve RESOLUTION #16-10-03-02 RESOLUTION DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT 2015 STREET AND UTILITY IMPROVEMENT PROJECT, CHANGE ORDER NO. 1. All voted in favor of the motion except Jirik who was absent. (4-0)

City Engineer Cavett reported the 2015 Street and Utility Improvement Project is complete and ready for final payment. The construction contract was awarded by BCM Construction, Inc. of Faribault, MN. The 2-year warranty period will end on October 3, 2018.

It was moved by Bruzek and seconded by Ryan to approve RESOLUTION #16-10-03-03 RESOLUTION ACCEPTING WORK OF 2015 STREET AND UTILITY IMPROVEMENT PROJECT. All voted in favor of the motion except Jirik who was absent. (4-0)

Discussion was held on the Agreement with Golf Management Enterprises, LLC (GME) for 2017-2018 and clarifying scope of service performance with % of the bonus. After discussion, the consensus of the Council is for each Council member to review Exhibit "A" of the Agreement "Scope of Services" and focus on fine tuning the responsibilities of GME. These will be reviewed at the next City Council meeting.

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Public Works Director Sticha informed the Council that the Forcemain Project 2016 contract with GM Contracting, Inc. is complete and ready for final payment. The 2-year warranty period will end on October 3, 2018.

It was moved by Nickolay and seconded by Ryan to approve RESOLUTION #16-10-03-04 RESOLUTION ACCEPTING WORK OF FORCEMAIN REPAIR PROJECT 2016. All voted in favor of the motion except Jirik who was absent. (4-0)

Public Works Director Sticha reviewed Settlers Park field drainage improvements Change Order #1. Items completed under Change Order #1 totaled \$2,650.00.

It was moved by Nickolay and seconded by Tuma to approve RESOLUTION #16-10-03-05 RESOLUTION APPROVING NEW PRAGUE SETTLERS PARK FIELD DRAINAGE IMPROVEMENTS - CHANGE ORDER #1. All voted in favor of the motion except Jirik who was absent. (4-0)

Public Works Director Sticha informed the Council the Settlers Park Field Drainage Improvements contract with K.A. Witt Construction, Inc. has been completed per the project plans and specifications. The warranty period for this work will expire on September 6, 2017.

It was moved by Bruzek and seconded by Tuma to approve RESOLUTION #16-10-03-06 RESOLUTION ACCEPTING WORK OF NEW PRAGUE SETTLERS PARK FIELD DRAINAGE IMPROVEMENTS. All voted in favor of the motion except Jirik who was absent. (4-0)

The Council had discussion on the City Council meeting time change following the trial period.

It was moved by Nickolay and seconded by Bruzek to have the permanent City Council meeting start time be 6:00. All voted in favor of the motion except Jirik who was absent. (4-0)

City Administrator Johnson informed the Council the Fire Department is asking the Council to consider meeting and consider a change in the annual pension contribution. Although the Council met last year with Fire Department Personnel, no changes were made to the annual pension amount. Any formal change to the pension contribution could only be as a recommendation to the entire City Council. In the past Mayor Nickolay and Council Member Ryan have represented the Council in these discussion sessions.

It was moved by Bruzek and seconded by Tuma to appoint Mayor Nickolay and Council Member Ryan as Council Representatives to meet with members of the New Prague Fire Relief Association on annual pension contribution. All voted in favor of the motion except Jirik who was absent. (4-0)

City Administrator Johnson reviewed the City's Webpage quotations for design and content upgrade. The City's current provider GovOffice has

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been providing or hosting the City's website for nearly the past 15 years. During that time period the City has not undertaken any significant improvements, updates or enhancements to the webpage. In an effort to undertake a "major" overall of the City's website, Staff has requested quotations from GovOffice on a couple of alternative website upgrades. Staff is recommending the Responsive Design proposal from GovOffice at \$11,150.

It was moved by Nickolay and seconded by Ryan to approve the Responsive Design proposal from GovOffice for the City's website development. All voted in favor of the motion except Jirik who was absent. (4-0)

It was moved by Bruzek and seconded by Ryan to approve the following consent Agenda items:

- A. Approve September 19 and September 20, 2016 Meeting Minutes
- B. Approve Claims for Payment
- C. Approve Release of Deferred Special Assessment Document on Outlot C, Raven Stream Village 2nd Addition, Scott County, MN (PID 24-112-0900)
- D. Approve RESOLUTION #16-10-03-07 RESOLUTION APPROVING CERTIFICATION OF MOWING AND PROPERTY MAINTENANCE CHARGES TO PROPERTY TAX ROLL
- E. Approve RESOLUTION #16-10-13-08 RESOLUTION APPROVING CERTIFICATION OF MUNICIPAL UTILITY BILLING CHARGES TO PROPERTY TAX ROLL

All voted in favor of the motion except Jirik who was absent. (4-0)

Planning/Community Development Director Ondich informed the Council of the informational meetings on the Small Cities Property Rehab Program on Thursday, October 6, 2016. The meetings will be held at the City Council Chambers at 5:00 P.M. for Owners of Rental Property, at 6:00 P.M. for Homeowners, and 7:00 P.M. for Owners of Commercial Property.

City Administrator Johnson reminded the Council of the Budget Workshop on Monday, October 10th at 6:30 P.M. and the second one on October 24th.

It was moved by Nickolay and seconded by Bruzek to adjourn the meeting at 8:04 P.M. All voted in favor of the motion except Jirik who was absent. (4-0)

 Charles L. Nickolay, Mayor

ATTEST:

 Michael J. Johnson
 City Administrator