

City Council Proceedings

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



City Council Meeting
Monday, October 7, 2013

Mayor Nickolay called the regular meeting to order at 7:00 p.m. with the following members present: Nickolay, Bartusek, Bruzek, Ryan, and Scripture

Staff Present: Mike Johnson, Ken Ondich, Mark Vosejпка, Glen Sticha, Bruce Reimers, and Mary Jo Hruby

Others Present: City Engineer Chris Cavett and City Attorney Scott Riggs

It was moved by Scripture and seconded by Bruzek to approve the agenda. All voted in favor of the motion. (5-0)

Mayor Nickolay opened the Public Hearing at 7:02 p.m. on a new On-Sale Intoxicating Liquor License and Sunday Liquor License for Pizza 6, LLC dba Carbone's Pizza and Sports Bar at 825 1st Ave. SE, New Prague, MN.

City Administrator Johnson stated the license period for Carbone's Pizza and Sports Bar is to begin October 8, 2013 and will expire on the last day of March 2014 in accordance with City requirements. The license fees have been paid and the applicant has provided proof of financial responsibility (certificate of liquor liability insurance and workers compensation).

It was moved by Bruzek and seconded by Ryan to close the Public Hearing at 7:03 p.m. All voted in favor of the motion. (5-0)

It was moved by Nickolay and seconded by Scripture to approve the On-Sale Intoxicating Liquor License and Sunday Liquor License for Pizza 6, LLC dba Carbone's Pizza and Sports Bar. All voted in favor of the motion. (5-0)

Mayor Nickolay opened the Public Hearing at 7:05 p.m. for the 2013 Street and Utility Improvement Project Special Assessments.

City Engineer Chris Cavett reviewed the 2013 Street and Utility Improvement Project, the cost summary of the project, the assessment policy and the proposed assessment roll. Upon approval of the assessment roll, final assessment statements will be sent to all the affected property owners. Property owners may elect to pay their assessment interest free within the first 30 days. After 30 days, any unpaid assessments will be certified to Scott County. Such assessments will be payable in equal annual installments, including principal and interest, extending over a period of 15 years and will bear interest at the rate of 3.60 percent.

Resident Florence Treuer asked about the deferred assessment policy.

City Administrator Johnson stated that under State law the applicant for the deferred assessment must be 65 years of age or older, or retired by virtue of permanent disability and meet certain income guidelines.

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Resident Marcia Sammons questioned if you turn 65 during the duration of the 15 years would you qualify for deferred assessment.

City Attorney Riggs stated it is State Statute that regulates you do have to be 65 at the time the assessment is adopted.

Resident Marcia Sammons asked if installment payments could be made.

City Administrator Johnson stated the assessment can be paid within 30 days with no interest or the assessment can be certified to the County and will be spread over 15 years at 3.6% interest. If the assessment is certified to the County, it is spread on an annualized basis for each of the 15 years and is divided in two and due at the time you pay your property taxes in May and October. The interest rate remains at 3.6% for the entire 15 years. At any time the unpaid assessment can be paid off with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

Resident Florence Treuer had several concerns on her property due to the street construction.

City Engineer Cavett stated that he had not been aware of any of these issues and would like to meet on site with Ms. Treuer.

It was moved by Bartusek and seconded by Bruzek to close the Public Hearing at 7:33 p.m. All voted in favor of the motion. (5-0)

Council Member Ryan asked how old the sewer mains were that were replaced with this street project. Public Works Manager Sticha stated they were from the 1940's.

Council Member Scripture asked if the City will fix any landscape issues. City Engineer Cavett stated that it is under warranty and yes it does get fixed.

It was moved by Bartusek and seconded by Ryan to approve RESOLUTION #13-10-07-01 RESOLUTION ADOPTING ASSESSMENT FOR 2013 STREET AND UTILITY IMPROVEMENT PROJECT. All voted in favor of the motion, except Scripture voted against. (4-1)

City Administrator Johnson informed the Council that the New Prague Fire Department was recently notified that they received an AgStar Fund's Emergency Response Equipment Grant. The purpose of the grant is to assist volunteer fire, rescue & ambulance departments in the AgStar service area with funds to improve safety equipment and safety gear. The grant funds of \$2,350.00 will be used to replace non-functioning air bag lifting equipment, specifically a dual air bag lifting controller, regulator, hoses and the purchase of one new lifting bag.

It was moved by Nickolay and seconded Bruzek to approve the acceptance of the \$2,350.00 grant from AgStar Fund for Rural America. All voted in favor of the motion. (5-0)

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Planning Director Ondich reported that the City recently received payment in full on a deferred assessment from the West TH19/11th Ave. Roundabout Project for the property located at 3545 280th Street W. (PID 23-004-0500) owned by the Roger D. and Kathleen M. Hanson Living Trust. The City had recorded a "City Administrator's Certificate as to Deferred Assessment" to document on the title of the property that an assessment is due. Staff recommends approval of the "Release of Deferred Assessment" document which will be recorded with the County.

It was moved by Bruzek and seconded by Bartusek to approve the Release of Deferred Assessment for PID #23-004-0500 Hanson Property @3545 280th Street W., New Prague. All voted in favor of the motion. (5-0)

Planning Director Ondich presented a letter from Le Sueur County dated September 13, 2013 regarding tax forfeited land legally described as Outlot C, Prague Estates 6th Addition (PID #23-611-0370). The property is currently a vacant outlot property zoned in the HR High Density Residential and RM Medium Density Residential Zoning Districts. The parcel is not buildable as it currently exists on an outlot, does not have public street frontage, and further has a large storm sewer pipe and associated easement covering the south portion of the lot. Its value would mainly be to adjacent property owners for additional yard space. City Staff has determined that there would be no reason to acquire the property for any public purpose and recommends the City Council approve the attached Resolution "Approving the Sale of Tax-Forfeited Lands to the Public.

It was moved by Scripture and seconded by Bruzek to approve RESOLUTION #13-10-07-02 RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING THE SALE OF TAX-FORFEITED LANDS TO THE PUBLIC. All voted in favor of the motion. (5-0)

Planning Director Ondich presented Resolutions approving certification of unpaid service charges for mowing/property maintenance and municipal utility bills. Throughout the year City Staff has been keeping a close eye on nuisances related to mowing of lawns and related nuisance violations on both occupied and unoccupied homes. All properties with identified violations are mailed a letter regarding specific violations and the corrective action needed by a specified date. These property owners that did not take action to have the violations abated and the City engaged mowing and property maintenance services. Municipal Utilities also utilized the same procedure to collect on past due municipal utility bills. Charges assessed are for water, sanitary sewer, electric and trash when in the name of the property owner and for renters we are able to assess all but the electric charges. A separate letter outlining the delinquent charges was sent to property owners with delinquent utility bills. Staff recommends that the City Council approve the attached Resolutions certifying charges to the property tax rolls for mowing/property maintenance and municipal utility bills.

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It was moved by Bruzek and seconded by Ryan to approve RESOLUTION #13-10-07-03 RESOLUTION APPROVING CERTIFICATION OF MOWING AND PROPERTY MAINTENANCE CHARGES TO PROPERTY TAX ROLL. All voted in favor of the motion. (5-0)

It was moved by Nickolay and seconded by Bartusek to approve RESOLUTION #13-10-07-04 RESOLUTION APPROVING CERTIFICATION OF MUNICIPAL UTILITY BILLING CHARGES TO PROPERTY TAX ROLL. All voted in favor of the motion. (5-0)

City Administrator Johnson introduced an Ordinance amending Chapter 52, Title V (Public Works) of the New Prague City Code of Ordinance Relating to Sewers indicating the procedure that will be used in the calculation of residential and commercial/industrial customer's sewer amounts. Residential customers shall be billed using their three month winter water average (November through January), Commercial and Industrial customers shall be billed using their actual monthly water consumption, and new accounts, builders and landlords shall be billed using their actual monthly water consumption until the next sewer calculation period of November through January and then shall be billed using their three months winter water average.

Council Member Scripture questioned the rate for snowbirds.

Mayor Nickolay suggested Staff looking at the snowbirds rate after one year and see if that is working.

It was moved by Bartusek and seconded by Bruzek to approve the Introduction and 1st Reading of ORDINANCE #266 AN ORDINANCE ADDING SECTION 52.10 TO CITY CODE CHAPTER 52 FOR SEWERS RELATING TO SANITARY SEWER CHARGE CALCULATIONS. All voted in favor of the motion. (5-0)

Mayor Nickolay did a follow-up on the joint meeting on September 16, 2013 with the City Council and EDA Board to discuss the EDA's recommendation on a future industrial park. The EDA Board is looking for direction on how they should proceed on this issue in the future. It was the consensus of the Council to put this on the agenda for the October 21st City Council meeting and decide on a direction to go.

The Council will hold a special workshop meeting for the 2014 budget preparation on Wednesday, October 16th at 5:30 p.m.

It was moved by Scripture and seconded by Nickolay to approve the following consent agenda items:

- A. Approve Previous Meeting Minutes
- B. Approve Claims for Payment

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

Planning Director Ondich gave an update on the rental inspection and property maintenance code research that was suggested looking into at the September 3, 2013 meeting. There were 18 Cities surveyed with 15 responses so far. In the next couple months, staff will compile the results and provide a final report for consideration.

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Planning Director Ondich gave an update on the on-going violation at the ALCO Store located at 200 10th Ave. SE.

City Attorney Riggs gave an update of the Charter Commission. The Chief Judge of the First District will sign the order this week. When it comes back, we file the order. From the date of filing the order, everybody has to take the Oath of Office within 30 days.

It was moved by Nickolay and seconded by Ryan to go into closed session at 8:30 p.m. per MN Statute 13D.05 Subd. 3(C) to discuss real property located at 107 East Main Street.

The Council came out of closed session at 9:18 p.m.

It was moved by Nickolay and seconded by Ryan to adjourn at 9:18 p.m.

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson
City Administrator