

City Council Proceedings

1379

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

} Special City Council Meeting
Monday, November 16, 2020

Conducted via GoToMeeting due to the COVID-19 Pandemic which is preventing attendance at the regular meeting location.

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

Staff Present Online: Mike Johnson, Ken Ondich, Jim Gareis, Patty Solheid, Glen Sticha, and Barb Ulschmid

Motion by Seiler, seconded by Nickolay to approve the Agenda.

City Administrator Mike Johnson provided details of Amendment No. 1 to the MnDOT Contract No. 1031039 and City Staff is recommending approval of this Contract Agreement. The primary reason for the Amendment is that the Highway #19/Main Street Reconstruction Project has gone from a 2020 (one-year project), to now one that will also occur in 2021 (two-year project). The contract covers the New Prague Final Design Plans and has now been extended from December 31, 2020 to January 15, 2022.

After discussion, it was moved by Nickolay, seconded by Bass to approve *AMENDMENT NO. 1 TO MNDOT CONTRACT NO. 1031039 FOR THE HIGHWAY #19/MAIN STREET RECONSTRUCTION PROJECT, EXTENDING THE AGREEMENT FROM DECEMBER 31, 2020 TO JANUARY 15, 2022.* By roll call vote, all voted in favor. Motion carried (5-0).

Public Works Director Glen Sticha explained to the Council that the Wastewater Treatment Facility Biosolids Mixing Improvements contract with MN Mechanical Solutions, Inc. is complete, ready for final payment and approval of Change Order No. 1. The contract was awarded to MN Mechanical Solutions Inc. back on August 20, 2019. The original contract bid amount was \$537,800.00. With final adjustment of project allowance quantities, the final contract amount is \$537, 471.23. The final application for payment is for \$41,761.66.

Director Sticha provided some background on the project stating the Contractor completed installation and startup of the equipment on August 11, 2020. Final completion of the project was accomplished on October 28, 2020. These dates were later than the original contract dates of March 7, 2020 for Substantial Completion, and April 6, 2020 for Final Completion. Delays in the project completion were primarily due to delays in equipment deliveries that were beyond the control of the Contractor. The Contractor did meet the requirement limiting the down time of the sludge storage tank to 30 days, thus limiting the time and expense incurred by the City with bypassing the sludge tank. In order to document the changes in Contract Price and Contract Times, Change Order No. 1 was provided.

The contractor's IC-134 forms (MN Withholding Affidavit for Contractors) and consent of surety were received, and the project is recommended for acceptance. In accordance with Article SC-15.08 of the Supplementary Conditions, the correction period (warranty period) for MN Mechanical

City Council Proceedings

1380

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

}

Special City Council Meeting
Monday, November 16, 2020

Solutions Inc. shall extend two years after the final payment. Recommending the two-year warranty period begin (November 16, 2020) and end on November 16, 2022.

After discussion, it was moved by Seiler, seconded by Wolf to approve *RESOLUTION #20-11-16-01 ACCEPTING WORK FOR WASTEWATER TREATMENT FACILITY BIOSOLIDS MIXING IMPROVEMENTS PROJECT AND APPROVAL OF CHANGE ORDER NO. 1.* By roll call vote, all voted in favor. Motion carried (5-0).

Planning/Community Development Director Ken Ondich requested approval on the Release of a Deferred Assessment for PID #24.016.0090. Whenever a property owner has been approved for a deferral on a special assessment for a street improvement project, the City has recorded a "City Administrator's Certificate as a Deferred Assessment" to document on the title of the property that an assessment is due and owed when a triggering event occurs.

Director Ondich explained that the City received full payment for a deferred assessment on the property at 901 1st Avenue NW (PID 24.016.0090) in the amount of \$24,047.14. The property has now sold and the title company has made a request for the City to provide a recordable document for the release of the deferred assessment certificate which is on file with the County. The deferred assessment was developed by City Attorney Scott Riggs.

It was moved by Nickolay, seconded by Wolf to approve the *RELEASE OF DEFERRED ASSESSMENT FOR PID #24.016.0090 - 901 1ST AVE. N.W.* By roll call vote, all voted in favor. Motion carried (5-0).

City Administrator Johnson explained that the next agenda item was intended to continue discussing the recommended project list utilizing the former CARES Act Funds. On Monday, November 9th, the City Council held Budget Workshop No. 3 for the proposed 2021 budget. One of the areas of discussion centered around the various projects being recommended by City Staff on the potential use of the former CARES Act Funds. At the conclusion of the discussion on the potential uses for those funds, the Council was unable to reach any kind of agreement. At the recommendation of Mayor Nickolay, it was suggested that the Council think about the various uses and options for funding that was available for programming by the Council.

After extensive discussion, the Council decided to allocate the former CARES Act Funds towards: Technology - update old equipment (computers and phones) allows employees to work from home; Golf Cart Lease; Air Quality Test at the City Hall before the approval of any HVAC disinfection systems; Fire Department Misc.; Police Dept.-Officer Equipment for Mobile Field Force. Items not approved at the time included: Video System to allow for interactive participation for online participants. Very expensive right now due to the high demand. Advised to wait and see if the cost goes down; Touchless bathroom doors, faucets, soap dispensers, toilets and urinals. Council felt there were ways around these expensive

City Council Proceedings

1381

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

}

Special City Council Meeting
Monday, November 16, 2020

changes and still stay virus/germ-free. Staff stated they share a bathroom with the public and expressed how important these upgraded features are for the Staff's health; HVAC system for City Hall (air quality test first to see what issues need to be addressed);

After discussion, it was moved by Seiler, seconded by Nickolay to *AUTHORIZE AND APPROVE THE "FINAL" LIST OF EXPENDITURES AS NOTED ABOVE TO UTILIZE THE FORMER CARES ACT FUNDING*. By roll call vote, all voted in favor. Motion carried (5-0).

Following discussion on the formal list that was provided by City Staff, the Council had discussion on the Armory Building demolition (funding currently in 2020 budget), the potential grading/turf restoration around the armory building site and the installation of video dash cams to be included in Police Department squad cars. Councilmember Ryan indicated that he would like to see these video cameras installed in the City's 4 police cars. Councilmember Seiler indicated he would like to see this as well. Police Chief Gareis reported that based on his research with Axon, the City could lease and install cameras under a program that would cost \$17,000 in year 1 and \$6,192 for years 2-5, for a total of about \$41,768. City Administrator Johnson indicated that funding could come from utilizing some of the former CARES Act Funds (\$6,000) and from the Council's 2020 General Fund Contingency Account (\$11,000). The Council had considerable debate and discussion on the purpose, need, use of the squad car camera technology. After final discussion, it was moved by Ryan, seconded by Seiler to have Police Chief Gareis proceed to obtain video camera technology for the 4 squad cars and funding for the first year of \$17,000 coming from (\$6,000 former CARES Act Funds and \$11,000 Contingency Account for 2020). A proposed lease agreement with Axon would need to come before the Council at a later date. All voted in favor except Mayor Nickolay who voted naye. Motion carried 4-1.

City Administrator Mike Johnson explained that on March 2, 2020 the City Council approved a new updated and revised Personnel Policy that was retroactive back to January 1, 2020. Within that new Policy under Vacation, there was language added that stated, "Any vacation balance exceeding 80 hours at the end of the calendar year will be forfeited". This was brand new language in the City's Policy, and it replaced language in the old policy that basically said "The employee's manager will determine vacation carryover rules based on the scheduling needs of each department." The intent of the changes was to encourage employees to actually take their annual vacation to get away from their work environment on a periodic basis and limit the maximum accrual and carryover of vacation to 80 hours at the end of the City's calendar year.

Although this was the goal in the City's Policy that was adopted this year, we have come to realize that 2020 has not been "normal" and it has significantly impacted our City employee's abilities to schedule and take time off. Due to the COVID-19 Pandemic, vacations and time

City Council Proceedings

1382

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

}

Special City Council Meeting
Monday, November 16, 2020

off plans have been impacted. Also, trying to meet the needs of public employee safety and organizational needs, this has severely limited being able to schedule time off. Along with organizational projects and community development or building growth within the City in 2020 has also placed additional workload demands on various departments and employees.

In addition to the 1-year waiver of the vacation carryover for City Employees, it will also be necessary to approve a Memorandum of Understanding (MOU) with the Police Union and Law Enforcement Labor Services, Inc. for three employees. Their historic employment anniversary date has been used as the "calendar year end" date. As such, the Union has requested that although the new language in Article XI Vacation Section 11.3 reads new calendar year, that we should consider changing language to "employment anniversary dates" to reflect ongoing present practices with the three employees. Should the Council approve the MOU with the Police Union, the same terms should also be approved for Police Chief Gareis as that is how his vacation accrual has worked since his initial hire back in 1987.

As a result, City Administrator Johnson is recommending a 1-year waiver from 2020 to 2021 on City Employee's accrued vacation balances exceeding 80 hours at the end of the calendar year and approval of the MOU with the LELS Police Union.

It was moved by Ryan, seconded by Seiler *TO APPROVE AND GRANT THE 1-YEAR WAIVER OF THE VACATION LEAVE POLICY WHICH WILL WAIVE THE YEAR-END DATE REQUIREMENT IN PERSONNEL POLICY AND APPROVE MEMORANDUM OF MOU WITH LAW ENFORCEMENT LABOR SERVICES, INC.* By roll call vote, all voted in favor. Motion carried (5-0).

Emergency Management Director (EMD) Jim Gareis provided the Council with a COVID-19 update. Numbers in each county continue to rise with the cold and flu season. To ensure there are enough staff to serve the City, City Staff may move into teams again. The Police Department went back to teams last Thursday, November 12th.

CONSENT AGENDA:

- A. November 2, 2020 Special City Council Meeting, November 9, 2020 Special City Council Meeting, and November 13, 2020 Special City Council Meeting Minutes
- B. Claims for Payment - November 16, 2020
- C. Adopt City Calendar for 2021
By roll call vote, all voted in favor. Motion carried (5-0).

City Council Proceedings

1383

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

}

Special City Council Meeting
Monday, November 16, 2020

Miscellaneous Items:

Bruce Wolf - Asked Glen Sticha about the replacement of the blower within the CIP. Mr. Sticha said it will be replaced but will verify. Asked Mike Johnson on the status of a salary study. Mr. Johnson verified they are currently working on this. Lastly, commented on the installation of the card readers outside the library doors and as a result no longer have access into the building to get items for the Historical Society.

Chuck Nickolay - Inquired on the status of the Chamber's Parade of Light's Annual Parade? Police Chief Gareis confirmed the parade has been cancelled by the Chamber of Commerce for this year due to the COVID pandemic.

There being no additional business, motion by Seiler, seconded by Nickolay to adjourn the meeting at approximately 8:20 p.m. All voted in favor of the motion. Motion carried (5-0).

ATTEST:



Michael J. Johnson
City Administrator



Charles L. Nickolay
Mayor

