

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
Monday, March 6, 2017

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, Jim Gareis, Glen Sticha, Deb Wegner and Mary Jo Hruby

Mayor Nickolay amended the Agenda by tabling Agenda Item 1.(a) *New Prague Memorial Park Baseball Field (2017 Improvements) Resolution Approving Plans and Specs and Ordering Advertisement for Bids* and moving Agenda Item #4 *Approval of Golf Management Enterprises, Inc. (GME) Contract for 2017-2018* to #1.

It was moved by Nickolay and seconded by Tuma to approve the amended Agenda. All voted in favor of the motion. (5-0)

City Administrator Johnson presented the proposed contract with Golf Management Enterprises (GME) for 2017-2018. The contract includes and reflects the proposed red-line changes from the 2015-2016 contract with GME. Compensation reflects proposed changes in compensation for 2017 but not for 2018 pending a performance review at year-end. City Staff has been working with GME to develop an outline to be used on a quarterly basis to assess their operational performance.

It was moved by Nickolay and seconded by Ryan to approve Golf Management Enterprises, Inc. (GME) Contract for 2017-2018 and adding the evaluation structure to be agreed upon at an acceptable level for the additional compensation. All voted in favor of the motion. (5-0)

City Administrator Johnson informed the Council the reason for tabling the *Approving Plans and Specs and Ordering Advertisement for Bids for New Prague Memorial Park Baseball Field - 2017 Improvements* is because of a code interpretation issue on handicapped accessibility.

City Administrator Johnson presented the Agreement with I&S Group, Inc. for engineering and architectural services for the proposed 2017 New Prague Memorial Park Baseball Field improvements. The cost for the proposed services under this Agreement is \$12,000. These services have been provided at below market value cost and as a donation from Brian D. Gjerde, Principal Managing Partner of I&S Group, Inc. There will be no inspection fees charged to the City during the actual construction project as they will be donated by the I&S Group, Inc.

It was moved by Ryan and seconded by Bruzek to approve the Agreement with I&S Group, Inc. for engineering and architectural services for the proposed 2017 New Prague Memorial Park Baseball Field improvements. All voted in favor of the motion. (5-0)

Public Works Director Sticha informed the Council that as part of the 2017 renovation at the Memorial Park Baseball Field, the backstop along with 8 support poles and some chain link fencing is being removed and being replaced. Since the backstop and support poles would have a minimal scrap metal value it is necessary for the Council to declare this property as surplus property. We would not have use

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for it at any other field and the time staff would cut everything up for salvage and haul it to the salvage yard it would be better to donate if another organization can utilize it.

It was moved by Bruzek and seconded by Tuma to declare the backstop and fencing as surplus property and authorize the asset to be donated if another organization can utilize it. All voted in favor of the motion. (5-0)

Public Works Director Sticha will check into if a waiver form needs to be filled out for donating property.

Planning/Community Development Director Ondich reviewed the request for amending Conditional Use Permit#C2-2002 to allow an addition onto an educational building (Bus Garage) at 105 7th Street NE, as proposed by ISD #721. The addition would add 13,950 sq. ft. of space to house 22 school vans and an additional 12 busses. The parking lot will also be expanded with 100 additional spaces which will be utilized for overflow parking at the Middle School and CEC. At the February 27, 2017 Planning Commission meeting, the Planning Commission recommended approval with the seven findings and eight conditions listed in the staff report.

It was moved by Ryan and seconded by Tuma to approve RESOLUTION #17-03-06-01 RESOLUTION APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT #C2-2002 TO ALLOW AN ADDITION ONTO AN EDUCATIONAL BUILDING (BUS GARAGE), AS PROPOSED BY ISD #721, APPLICANT. Subject to the seven findings and eight conditions listed in the staff report. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed the Encroachment Agreement with ISD #721 - Tennis Courts along 1st Ave. NW. An amendment to Conditional Use Permit #C2-2015 was approved in November 2016 that allowed the construction of tennis courts onto a vacant piece of school owned land that was the site of a hockey rink years ago. The tennis courts, would also be partially located on City property and above two City sanitary sewer lines. The Resolution approving the CUP amendment specifically contained the following conditions: *Construction of the tennis courts shall not commence until: The City and School District shall enter into a separate agreement, which shall be recorded with Scott County, that provides for agreement by the School District that they acknowledge a portion of the new tennis court area is constructed over two sanitary sewer lines and also on a portion of City owned land, and that if a repair to the sewer lines is needed that the School District must bear the cost of the demolition and replacement of the courts or alternately pay for the lining of the sanitary sewer pipes to potentially avoid damage to the courts.* Staff has worked with the City Attorney's Office to draft the Encroachment Agreement to allow tennis courts along 1st Ave. NW to be built by ISD 721 partially over City sanitary sewer lines and partially on City owned property.

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It was moved by Nickolay and seconded by Bruzek to approve the Encroachment Agreement with ISD #721 with tennis courts along 1st Ave. NW. All voted in favor of the motion. (5-0)

City Administrator Johnson reviewed the Second Amendment To and Close-Out of Contract for Private Development between the City of New Prague, Scott County, Independent School District #721 and Chart Inc. The document is a follow-up to the materials/information that was reviewed by the City Council and the decision made by the City Council on December 19, 2016. City Attorney Riggs believes that adoption of this Second Amendment is necessary to fully summarize the Council's decision and will allow City Staff to proceed and execute the necessary documents to get this Private Development Contract closed out.

It was moved by Bruzek and seconded by Ryan to approve the SECOND AMENDMENT TO AND CLOSE-OUT OF CONTRACT FOR PRIVATE DEVELOPMENT. All voted in favor of the motion. (5-0)

Planning Technician Hruby presented the 2017-2018 Liquor, Beer, Wine and Miscellaneous licenses for review and approval. All the required applications have been submitted, insurance provided; fees paid; and there are no taxes, assessments, or other financial claims of the City that are delinquent or unpaid. The only caveat that should be considered in the final approval of the various licenses would be for a condition to be added for payment of any outstanding administrative fines by a liquor establishment prior to pick-up of their 2017-2018 licenses.

It was moved by Jirik and seconded by Nickolay to approve the 2017-2018 Liquor, Beer, Wine and Miscellaneous licenses subject to payment of any outstanding administrative fines. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed with the Council the foreclosure of property subject to 2010 Small Cities Development Program Housing Repayment Agreement. Le Sueur County was awarded a Small Cities grant for funds to use in the rehabilitation of 20 owner occupied homes in four cities within the County. New Prague was one of the four cities selected with the stipulation that inclusion in the program meant that the City had to utilize \$80,000 of existing Small Cities income to loan out to the 20 housing projects throughout the County. (\$4,000 was loaned to each of the 20 projects). The City has recorded a Repayment Agreement for each of the housing projects. The terms of the Agreement are that the grantee must repay the loan in full if the house is sold within 10 years from the date of the agreement and that if the 10 years expires that the loan is forgiven. The City received notification that one of the properties is going into foreclosure (located at 712 1st St. N. Waterville). This Notice of Foreclosure was forwarded to the City Attorney for review. Research showed that there is not enough equity for the City to pursue acquisition of the parcel to get the \$4,000 loan back.

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

- A. Approve February 21, 2017 Meeting Minutes
- B. Approve Claims for Payment
- C. RESOLUTION #17-03-06-02 RESOLUTION AUTHORIZING TRANSFER AND CLOSURE OF ACCOUNTS FOR THE CAPITAL PROJECTS FUNDS AND DEBT SERVICE FUNDS.

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

Planning/Community Development Director Ondich informed the Council that Phase 2 of the Small Cities Program was submitted and we hope to hear in May that we are rewarded more funding.

City Administrator Johnson informed the Council that Representative Vogel will have a Town Hall Meeting at City Hall on Saturday March 18, 2017 at 10:00 A.M.

Mayor Nickolay noted the Special Workshop on the TIF Housing Project will be on Monday, March 13, 2017 at 6:00 P.M.

It was moved by Nickolay and seconded by Bruzek to adjourn the meeting at 7:18 P.M. All voted in favor of the motion. (5-0)

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson
City Administrator