

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, April 1, 2019.

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, Bruce Reimers, Glen Sticha, and Barb Ulschmid.

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

Terri Heuton with Springsted Inc., Financial Advisor for the City of New Prague the past 10 years reviewed with the Council an updated Agreement for Municipal Advisor Services with Springsted Incorporated.

The Agreement is an update to the existing agreement with Springsted to comply with SEC regulations that lay out their fees and services. It is a disclosure document about the City's business relationship with Springsted. The one change in the new Agreement is that it is now assignable to Baker Tilly, MA upon completion of the purchase expected on April 1, 2019.

It was moved by Nickolay, seconded by Ryan to approve the Agreement for Municipal Advisor Services with Springsted, Inc. All voted in favor. Motion carried. (5-0)

Chris Cavett, City Engineer with SEH@ provided an overview of the 2019 Street and Utility Improvement project which included four (4) items that the Staff and SEH@ are asking for the City Council's approval on:

1. Authorization for the Mayor and City Administrator to enter into a Turnback and Cooperative Construction Agreement with Scott County in preparation of the jurisdictional transfer of CSAH37/CR37 from Scott County to the City of New Prague. The 1.55 miles of roadway is broken down as 0.55 miles of CSAH 37 from TH21 to Columbus Ave. and 1.00 miles of CR 37 from Columbus Ave. to TH19. In December 2017, the CSAH designation from Columbus Ave. to TH19 was revoked and designated as CR37. The County's Fiduciary obligation will however carry through to the end of the 2019 Construction Project, including the replacement of railroad crossing pads. The Agreement outlines the Scope of Improvements to be done to the roadway and set the jurisdictional transfer date for May 1, 2019.

After discussion, it was moved by Seiler, seconded by Wolf to approve the Turnback and Cooperative Construction Agreement County State Aid Highway No. 37. All voted aye except Ryan voted nay. Motion carried. (4-1)

2. Approval of Resolution on Municipal Concurrence - Jurisdictional Transfer of County State Aid Highway (CSAH 37)/County Road 37 (CR37) to City of New Prague City Engineer. Scott County and the City of New Prague have mutually agreed to improvements of the roadway which would

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Project in order to bring the roadway up to an acceptable condition for the City to take jurisdiction over the road. The City Council of the City of New Prague has agreed to accept the jurisdictional transfer (Turnback) of CSAH 37/CR37 from TH21 to TH19 within the City of New Prague on May 1, 2019 per the turnback agreement and to designate said roadway as a County Turnback mileage. Said jurisdictional transfer (Turnback) of CR37 shall be described on the City's street system as; 7<sup>th</sup> Street NW/NE, from TH21 to Forest Green Circle, length 0.91 mi and 10<sup>th</sup> Ave. NE, from TH19 to Forest Green Circle, length 0.64 mi. Said segments and mileage will be reported as CSAH and County Road Turnback with the City of New Prague's 2019 certification of mileage report.

*It was moved by Nickolay, seconded by Wolf to approve RESOLUTION #19-04-01-01 MUNICIPAL CONCURRENCE - JURISDICTIONAL TRANSFER SCOTT CSAH 37/CR37 TO CITY OF NEW PRAGUE. All voted aye except Ryan voted nay. Motion carried. (4-1)*

3. Approval of a resolution regarding the accepting of bids for the 2019 Street and Utility Project. City Engineer Cavett explained that were three bids received that ranged from \$3,119,795.89 (without the Add-Alternate) to \$3,875,784.67.

Pursuant to an advertisement for bids for the construction of the 2019 Street and Utility Improvement Project, bids were received, opened, and tabulated according to law, and the following bids were received in response to the advertisement:

Contractor	Base Bid	Add-Alternate 1	Total Base Bid and Add-Alternate 1
GMH Asphalt Corporation Chaska, MN	\$3,119,795.89	\$109,614.18	\$3,229,410.07
Valley Paving, Inc. Shakopee, MN	\$3,571,617.04	\$107,766.75	\$3,679,383.79
OMG Midwest, Inc. dba Chard	\$3,875,784.67	\$100,377.03	\$3,976,161.70

The lowest bid was submitted by GMH Asphalt Corporation. GMH has done satisfactory work with other SEH® communities in the past and has worked on a number of similar projects in other communities in the west and SW Metro. There was no reason to deny awarding the contract to GMH Asphalt Corp.

For discussion purposes and for possible Council consideration an Add-Alternate bid item called "Texas Underseal" option was presented. City Engineer Cavett explained and shared images from the City of Eden

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treated with "Texas Underseal" application while others were simply overlaid. Results have shown that the practice of applying the overlay will reduce reflective cracking by 30%-40%. The amount of the Add-Alternate would add approximately 3.4% to the total contract (an additional \$109,614.18).

After discussion, it was moved by Seiler, seconded by Nickolay to approve RESOLUTION #19-04-01-02 ACCEPTING BIDS FOR 2019 STREET AND UTILITY IMPROVEMENT PROJECT including the Add-Alternate for a total bid of \$3,229,410.07. All voted in favor. Motion carried. (5-0)

4. Authorization for the Mayor and City Administrator to enter into Agreement for Professional Services for Construction Engineering Services with Short Elliot Hendrickson, Inc. (SEH®). The City of New Prague and Scott County have proposed to cooperatively partner on the proposed City of New Prague's 2019 Street and Utility Improvement project which includes 1.5 miles of improvements to CR37. This proposal for professional engineering services for the Construction Phase is limited to the public streets and locations listed in the detailed scope of services provided. Besides the Construction Phase, the other three items include: Declare costs to assess and order assessment roll/hearing; Assessment Hearing; Assessments levied to Scott or Le Sueur Counties. The cost for the Phase III Proposal is \$198,500, shared between the City and Scott County. It was moved by Nickolay, seconded by Ryan. All voted in favor. Motion carried. (5-0)

Glen Sticha, Public Works Director presented to the Council the request to purchase a 2019 Front End Loader which would replace a 2005 John Deere Model 544J, purchased back in September of 2004. Staff decided to budget for the replacement of the 2005 John Deere front-end loader one year earlier than was projected in the Capital Improvement plan because of some unexpected repair costs due to problems with the front differential and axle. This piece of equipment is crucial in getting the roads plowed in a timely manner which is what got staff looking into replacing earlier than planned. The 2019 Street Department Budget originally allocated \$160,000 towards the purchase of the front-end loader with a 3-yard bucket, 12 ft. front snow plow and a 10 ft. side wing plow. It was later determined in the approval of the 2019 General Fund Budget to utilize Capital Equipment Bond funds to purchase the front-end loader.

The City received three bids:

- Ziegler, Inc. (Cat. 930M Model) - \$222,910 minus \$64,000 (trade) = \$164,510.
- Titan Machinery (Case 621G Model) - \$204,073 minus \$41,150 (trade) = 162,923.
- RDO Equipment (John Deere 544L Model) - \$228,153.79 minus \$80,700 = \$147,453.79

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It was Staff's recommendation to accept the lowest State Contract Bid of \$147,453.79 from RDO Equipment for the purchase of one 2019 John Deere Model 544L, including the trade in allowance. Expected delivery date will be sometime in July 2019 if approved/ordered right after the April 1<sup>st</sup> Council meeting. After discussion, it was moved by Seiler, seconded by Bass. Motion carried. (5-0)

Planning/Community Development Director Ken Ondich provided a brief overview on the Ordinance Renaming a Portion of County Road 37 (CR37). In association with the upcoming 2019 Capital Improvement Project, the City Council is already aware that Scott County intends to "turn back" CR37 to the City. In light of the upcoming turn back, the City and County have identified that there is a need to formally change the name of a section of CR37 between TH19 (Main St. E.) and Highview Circle NE. Once the turn back occurs, the 9 addresses located off that section of CR37 would need to be changed as CR37 will no longer exist. City Staff worked with City Attorney Scott Riggs in the renaming and have developed an ordinance to accomplish the change of the street name as well as change the address for the properties with addresses from it currently. The ordinance was introduced at the March 18, 2019 Council meeting and the required public notice was posted on the City's website and at the City Hall on March 19, 2019. It was moved by Nickolay, seconded by Bass to hold the second reading and adopt An Ordinance Renaming a Portion of CR37 in the City of New Prague. All voted in favor. Motion carried. (5-0)

Planning/Community Development Director Ondich followed up with the Council from a workshop on March 11, 2019 which introduced the topic of a rental dwelling license ordinance. Ultimately, the Council determined the topic was worth exploring further. Additional information was provided, however, wanted the focus of this discussion to be about the establishment of a Rental Dwelling Inspection Task Force to look into the matter in greater detail. Staff recommended a task force group that consisted of (1) City Council Member, (2) Landlords, (2) Tenants, and (2) At Large Community Members (Would solicit in the paper or online). This Task Force would be supported by City Staff Members as needed (Ken Ondich, Chad Lunder, Jim Gareis and the City Attorney). There were approximately 20 calls this year from tenants. Currently these type of calls aren't tracked at the City Hall.

Significant discussion and debate occurred as to whether or not setting up a task force in the City of New Prague was needed.

Craig Sindelar was present at the meeting and questioned why the Council would need to "reinvent" the process when there is already State Statues out there that can be used and followed by landlords. Is it that bad of an issue in the City of New Prague that a task force needs to be set up? Mr. Sindelar inquired how many nuisance calls were taken by the City and why he is not included on these calls if it pertains to his tenants? Ondich indicated there were about 20 calls annually.

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The Council decided that instead of creating a Task Force that City Staff should begin collecting and reporting details on these issues and revisit this topic in 6 months (October 2019).

City Administrator Mike Johnson requested that the Council appoint a Councilmember to serve on the Unified Transit Management Plan (UTMP) Steering Committee for Scott County. This Steering Committee will augment the Transportation Committee membership that was established for the Live, Learn, Earn Initiative (50 by 30). As its' first task, the Steering Committee would complete the Project Charter for the UTMP update that sets the vision and work plan for the plan. The first UTMP Steering Committee meeting will be May 2019. Seiler suggested he would be a good fit for this role. Mayor Nickolay proposed Councilmember Rik Seiler serve on the Scott County Unified Transit Management Plan (UTMP) Steering Committee. It was moved by Bass, seconded by Wolf to approve the Mayor's recommendation to appoint Rik Seiler to serve on the Scott County Transit Committee. Seiler abstained from the vote. All voted in favor except Seiler who abstained. Motion carried. (4-0 with 1 abstention)

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

- A. Approve April 1, 2019 Meeting Minutes
- B. Approve Claims for Payment
- C. Authorization to Submit Rural Fire Department Volunteer Fire Assistance (VFA) Matching Grant Project Proposal - (MN Interagency Fire Center)
- D. Chamber of Commerce - Temporary Liquor/Beer Licenses:
  1. Temporary (1-4 Day) On-Sale Liquor License for New Prague Run event on May 4, 2019 on May 4, 2019 at Memorial Park- 400 Main Street East.
  2. Temporary On-Sale 3.2 Beer Permit for Czech Out New Prague event on August 1, 2019 at Memorial Park, 5 p.m. to 9 p.m. - 400 Main Street East.

Miscellaneous Items:

Bruce Reimers - Transformer for the substation transformer replacement is on schedule. Key item/big project before the summer gets here.

Glen Sticha - Provided an update on the Golf Course Club House construction. Contractors started sheet rocking and taping today. Hopefully by mid-week to have all the taping done so the painting can begin. Also, New Prague Golf Course opening this Friday, April 5<sup>th</sup> at 11:00 a.m.

Mike Johnson - 1. Per the last Council meeting worked out the language within the GolfNow Application and the City Attorney's Office. Took care of the concerns noted by Bruce Wolf (use of trade name). Agreement with MnDOT, from the additional review, no further changes were needed and is good to go

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Shawn Ryan - 1. A resident inquired about the three lots for sale off of CR37 and Lexington, owned by Weinandt being assessed even though there is no house on the property? Ondich indicated, there is currently it is platted for only one. Ryan asked what happens two years from now when Weinandt goes to plat these two properties, will he be assessed at that time? Ondich said this is something that can be put into a resolution, however, this is a question for the City Attorney and have time to address this.

Rik Seiler - Reminded everyone to attend the New Prague Fireman's Dance this Saturday evening.

Bruce Wolf - 1. Closing of the outdoor pool, do we need to adjust the Joint Powers Agreement (JPA), still in process? City Administrator Johnson said he received a draft back from the Attorney on Friday and will be circulating to the City and School on how we deal with the Summer Recreation piece. Have a red-lined document just about ready to go to the JPA group and then back to the City and School. 2. March City Council meeting where priorities were discussed, would the City Council be interested in reviewing this list of priorities? Such as the Rental License, Personnel Policy, IT Infrastructure. Can we come back and revisit this information? Being Wolf and Seiler are new, would be nice to revisit these important items. Johnson recommended a sufficient amount of time to review and discuss and become familiar with these items. Come to the next meeting with your calendar to look at meeting date options to discuss Council priorities. 3. April 15<sup>th</sup> deadline fast approaching on the Adopt & Publish Small Cell Facilities standards. Ondich says they already have a draft on this topic from the City Attorney's office from over a year ago. Planning Commission reviewed and didn't see the aesthetic piece as a priority because there had been other challenges with the aesthetic requirements, even though the statute might allow you to put in by the deadline, it would get challenged by the self-providers. Wasn't an area the attorney recommended going down. Ondich stated the aesthetic part was never a priority. Reimers provided addition clarification to Wolf. FCC adopted the rule in January and the Cities have until April 15th for the Aesthetic piece. Wolf asked the Staff to look into this.

Following discussion, it was moved by Seiler and seconded by Nickolay to adjourn the meeting at approximately 8:30 p.m. All voted in favor of the motion. Motion passed. (5-0)

  
Charles L. Nickolay  
Mayor

ATTEST:

  
Michael J. Johnson  
City Administrator