

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, May 1, 2017

Mayor Nickolay called the Special Meeting to order at 5:10 p.m. with the following members present: Nickolay, Ryan, Bruzek, Jirik, and Tuma
Absent: Ryan

The Council interviewed 4 of 5 applicants for the Boards and Commissions.

Consensus of the Council was to adjourn at 6:00 p.m.

Mayor Nickolay called the regular meeting to order at 6:06 p.m. with the following members present: Nickolay, Bruzek, Jirik, Ryan, and Tuma

Staff Present: Mike Johnson, Ken Ondich, Glen Sticha, Bruce Reimers, Patty Solheid, Jim Gareis, and Deb Wegner

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

City Auditor Kyle Meyers from Abdo Eick & Meyers, LLP., presented to the City Council the 2016 Annual Financial (Audit) Report. Mr. Meyers gave a brief recap of the 2016 Audit and Management Letter.

It was moved by Nickolay and seconded by Jirik to accept the 2016 Annual Financial (Audit) Report. All voted in favor of the motion. (5-0)

Fire Chief Tikalsky stated that Shawn Anderson will be retiring from the New Prague Fire Department after 23 years of service as of May 2, 2017, leaving a vacant position. Due to this retirement, Fire Chief Tikalsky has recommended the appointment of Brandon Anderson as a New Prague Volunteer Firefighter effective May 2, 2017.

It was moved by Jirik and seconded by Bruzek to approve Brandon Anderson as the newly appointed New Prague Fire Fighter effective May 2, 2017. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich stated that back on April 3, 2017 the City Council approved a resolution setting a Public Hearing for May 1, 2017 for a Vacation Drainage and Utility Easement located near Chart. Since then, CenterPoint Energy submitted a letter objecting to the vacation because they have a gas main located within the easement area.

Staff consulted with the City Attorney's office, who noted that the city's statutory authority to vacate the easement no longer exists. The city was advised to notify CenterPoint that the vacation is no longer being considered.

Staff continued to work with the City Attorney to modify the previously introduced Water Service Line Agreement. The purpose of vacating the easement was to clarify the ownership and maintenance by

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Chart of a water line located within the easement and the Water Service Line Agreement will achieve the same result. The Agreement "Draft" states that Chart agrees that it shall be solely responsible for the cost and expenses associated with maintaining the Private Water Line connecting its facilities to the City's water main and at no time shall the City be obligated to bear any costs or expenses associated with repair or maintenance of the Private Water Line running over and beyond the property.

It was moved by Nickolay and seconded by Tuma to cancel the scheduled public hearing and withdraw the request for easement Vacation of Certain Real Property in New Prague Outlots. Action will be taken on the Water Service Line Agreement at a future meeting. All voted in favor of the motion. (5-0)

Brian Gjerde, Principal Managing Partner of I&S Group, Inc. informed the City Council that the New Prague Memorial Park Baseball Field - 2017 Improvement Project received five (5) bids. The lowest bid was submitted by Healy Construction Company of Faribault, MN, in the amount of \$360,800, including the Base Bid, and Alternate Bids A-1, A-2 and A-3.

Brian Gjerde, indicated the bid included the following: Plaza Area for Fans, New Dugouts and Press Box, Two New Light Poles, New Backstop Netting, construct a New Field Irrigation System (bid separately), New Fencing, and miscellaneous site improvements that include removal, demolition, misc. concrete, and paving restoration. Included were some alternate bids that consist of Prep & Paint Steel at Grand Stands, addition of wood dugout benches and signage that reads "City of New Prague" (on west side) and "Memorial Park Baseball Stadium" (on east side).

Gjerde, explained that the bids came in higher than expected due to several factors impacting the project costs. Gjerde stated that outside of the budgeted amount, the Baseball Committee decided to eliminate volunteer labor for laying concrete blocks in the dugout & press box adding \$30,000 (the challenge of finding, scheduling, organizing skilled volunteers); second was due to inflation in both labor and material costs; and third the impact of current market conditions due to supply and demand with limited availability of skilled trade personnel including masons and concrete workers. An example of current market conditions was in the bid of electrical wiring, two years ago the bid for replacement of wiring, light poles and fixtures came in at \$80,000, while the current bid for wiring only (no replacement of poles or fixtures) came in at \$100,000. Thanks to the assistance of NP Utilities we put in all new wiring and new lights for \$80,000.

Further, Gjerde stated given these trends, he did not see rebidding the project would lead to any more favorable results and could delay project deadlines.

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Tony Buthe and Tom Wetschka of the New Prague Baseball Community have been working over the last two years planning between the Baseball Community, the City, New Prague Area School District and the Local Business Community, to continue to grow, move forward and build upon what has been done for the generations to come by raising funds that we need to do, have done, and will continue to do. Mr. Buthe stated as a city, the school, and baseball community, a huge part of the success has been from the local business community coming forth with financial contributions, in kind labor, donating goods etc. It's important to note the impact the local business community has had on this project, stepping forward not just now, but to help build a facility for years to come.

Mr. Wetschka talked about possible ways to generate revenue thru things like advertising on the scoreboard, knee wall along the baselines, seeing increase in the numbers of youth over the past 3 years and those youth moving up who will benefit from the stadium, families fund raising, concession, the potential to partner with business, follow-up of individuals who have expressed interest but have not made a financial commitment and so forth.

Upon further discussion City Administrator Johnson referred to Phase III of the \$120,000 estimated shortfall and reviewed the five (5) Funding options to help reduce the shortfall. Further discussion lead to Council Member Jirik favoring option #5 to use the 2nd half of the 2016 Chart Abatement Payment of \$63,425 and \$56,575 from the 2017 Budget Unallocated "Contingency" or Fund Balance. The Council agreed option #5 was the best alternative subject to verification from the City Auditor.

It was moved by Bruzek and seconded by Ryan to approve RESOLUTION NO. 17-05-01-01 RESOLUTION ACCEPTING BIDS ON NEW PRAGUE MEMORIAL PARK BASEBALL FIELD - 2017 IMPROVEMENTS and Award of Contract to Healy Construction Company with additional Fundings of \$120,000 as recommended in Option #5 of the Funding Alternatives. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich informed the Council that a request has been made to film a portion of a feature length motion picture in New Prague for roughly a two week period of time this summer.

City staff discussed the appropriate actions the City should take and have drafted documents that include the following: "Filming Permit Application", "Example Limited use Agreement" and "Resolution Adopting a Permit Application and Associated Fees for Filming Motion Pictures Within the City". These documents would comprise the "policy" for filming within the City in public right-of-way and on public property and that any costs incurred by the City are collected from those filming the movies.

Staff would meet with film makers, determine fees and draft a "Limited Use Agreement" for each film to be approved by the City Council.

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It was moved by Bruzek and seconded by Tuma to approve RESOLUTION NO. 17-05-01-02 RESOLUTION ADOPTING A PERMIT APPLICATION AND ASSOCIATED FEES FOR FILMING MOTION PICTURES WITHIN THE CITY. All voted in favor of the motion. (5-0)

Public Works Director Sticha reviewed the bids received for the 2017 Street Seal Coating Project. Street seal coating consists of applying a hot emulsified asphalt product which is immediately covered by small granite aggregate. Seal coating is a preventative maintenance program that is designed to extend the life of the street. Staff recommends the Council approve the low bid from Allied Blacktop Co. at a cost of \$1.05 per square yard and approve doing 137,373 square yards of streets totaling \$151,797.16 for seal coating and \$8,805.92 for line stripping for a total project cost of \$160,603.08.

It was moved by Nickolay and seconded by Ryan to approve the seal coating bid with Allied Blacktop Co. at a cost of \$1.05 per square yard and approve doing 137,373 square yards for \$151,797.16 and the line stripping for \$8,805.92, for a total project cost of \$160,603.08. All voted in favor of the motion. (5-0)

City Administrator Johnson reviewed the second reading Of an Ordinance on "Adoption of an Ordinance Amending Chapter 110, Title XI of the New Prague City Code of Ordinances Relating to Alcoholic Beverages".

City Administrator Johnson stated that this Ordinance will amend the City's Code of Ordinances relating to alcoholic beverages by simply adding "and days" to the City Code which will enable local liquor establishments (with an Off-Sale Intoxicating Liquor License) to be able to sell liquor/beer/wine on Sundays. Those hours of operation on Sundays are from 11:00 am to 6:00 pm.

The Ordinance is ready to be considered for a second time and approved in final form. The Ordinance should take effect upon publication on about May 11, 2017.

It was moved by Nickolay and seconded by Jirik to approve the 2nd reading and adoption of the ORDINANCE AMENDING CHAPTER 110, TITLE XI OF THE NEW PRAGUE CITY CODE OF ORDINANCE RELATING TO ALCOHOLIC BEVERAGES. All voted in favor of the motion. (5/0)

City Administrator Johnson gave a brief overview and reviewed the "Draft" Contract for Private Development Between New Prague HRA and the New Prague Senior Living Associates I, LLC for the Affordable Senior Housing Project. Contract was received late Wednesday night, April 26, 2017 and is currently under review by Staff. The hope is to be able to point out to the Council how their prior concerns on the project are proposed to be handled. City Administrator Johnson hoped that the contract could be brought back as an action item at the next HRA meeting on May 15, 2017. There is also an action item for the HRA following the Council meeting and Ken will have the overview on the conditional use permit at the next meeting as well.

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Mayor Nickolay reported that the City Council had conducted an evaluation of City Administrator Johnson on April 17, 2017. It was a unanimous decision by Council that Mike has done an excellent job for the City of New Prague for 2016.

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

- A. April 17, 2017 Meeting Minutes
- B. Claims for Payment
- C. New Prague Chamber of Commerce Temporary On-Sale 3.2 Beer License on May 6, 2017 for ½ Marathon
- D. Call for Public Hearing on the Issuance of on-Sale Brewer's Taproom License and Sunday License and Brewer Off-Sale Intoxicating Liquor License for Erin Hutton dba Giesenbrau Bier Co.
- E. Call for Public Hearing on the Issuance of On-Sale Intoxicating Liquor License and Sunday Liquor License for m2 Food, Inc. dba Carbone's Pizza & Sports Bar

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

Mitch Peterson informed City Council that the school board facilities are now fully functional for City Council meetings if desired. The new HD cameras are in place and working. Mayor Nickolay asked to put this matter on the May 15, 2017 agenda to discuss whether the City Council would like to go back to the school or stay at City Hall.

Police Chief Gareis met with the Chamber regarding the New Prague ½ Marathon and everything is in place and ready to go for the weekend.

Police Chief Gareis also informed the City Council that they are in the hiring process and have two background packets out to candidate's to start the background process but have not made any "conditional offers". Gareis also received another letter of resignation today that one of the police officers will be resigning and going to Le Sueur County.

General Manager Reimers stated that they are in full swing with underground construction in various location and adding another main line feeder that will go down the South side of Main Street from the Power Plant toward Lexington. They are about ¾ done with the project.

Public Works Director Sticha informed the Council that the baseball field is looking pretty good and by July 5th the big tear down of the dugouts, press box, backstop, etc. will be ready for construction.

Mayor Nickolay asked Glen who is responsible for the potholes on Main Street? Public Works Director Sticha responded that it is MNDOT's responsibility but that the City's Street Department will help out at MNDOT's request.

Council Member Tuma asked about the walking paths and if there was any plans on resurfacing, repairing or anything like that, specifically

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the trail by the golf course that goes near the wet land area connecting to the neighborhoods. Public Works Director Sticha responded that there are plans but not until 2021 when street repairs will be needed in those areas.

Planning/Community Development Director Ondich informed the Council that 28 residential home units have been issued as of the end of April, but does not include the townhome units out in Raven Stream area. At this time only 6 of the 18 townhome permits have been picked up and paid for, and the staff is currently working on the bus garage permit plan review.

Council Member Bruzek asked City Administrator Johnson if information could be obtained from the Scott County CDA concerning 55+ Housing (similar to Philipp Square Apartments) if there was a need or desire for this type of housing? Staff will make the contact on this.

Council Member Bruzek discussed information regarding organic recycling and that there is no one other than Mystic Lake to take this organic material and they are currently full. Organic material is not allowed to be put in with your regular trash. It will not change the cost of getting rid of trash.

Council Member Tuma asked General Manager Reimers if it would be wise to develop some kind of educational material for customers to address some of the concerns they have expressed on some of the various social media sites.

It was moved by Nickolay and seconded by Ryan to adjourn at approximately 8:09 p.m. All voted in favor of the motion. (5-0)

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson
City Administrator