

Public Notices

Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS
STATE OF MINNESOTA
COUNTIES OF SCOTT AND LE SUEUR
CITY COUNCIL MEETING
TUESDAY, JANUARY 8, 2019

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

Staff Present: Mike Johnson, Ken Ondich, Jim Gareis, Bruce Reimers, Glen Sticha, and Barb Ulschmid.

It was moved by Ryan, seconded by Nickolay to approve the Agenda. All voted in favor. Motion carried. (3-0)

City Administrator Johnson administered the Oath of Office to the newly elected Mayor Chuck Nickolay and Council Members Maggie Bass and Rik Seiler.

All three individuals were elected at the November 6, 2018 Regular City Election. Mr. Nickolay was elected Mayor and is to serve a two-year term for 2019-2020. Maggie Bass and Rik Seiler were elected as Councilmembers to serve four year terms for 2019-2022.

A proposal was received from Scott J. Riggs of Kennedy & Graven to continue as City Attorney for 2019. Mr. Riggs has been the City Attorney since April of 2003. His hourly rate for general civil matters is \$168.00/hour. It was moved by Seiler and seconded by Bass to approve the appointment of Scott J. Riggs of Kennedy & Graven as City Attorney. All voted in favor of the motion. Motion carried. (5-0)

Mayor Nickolay made the following Council nominations for appointments to serve on the various City Boards and Commissions:

Utility Commission - Bruce Wolf
Park Board - Maggie Bass
Planning Commission - Shawn Ryan
Joint Powers (City/School District) - Shawn Ryan
Golf Board - Chuck Nickolay
EDA (Mayor and 1 Council Member) - Chuck Nickolay & Bruce Wolf

Cedar Lake Area Water and Sanitary District - David Bruzek
Ambulance Advisory Committee - Chuck Nickolay
New Prague Area Community Center Board - Rik Seiler

Nickolay stated that Bruzek was a former Councilmember and per the Bylaws of the Sanitary Sewer District, it is not required to have a councilmember representing the City on this board. Bruzek has shown interest on continuing to serve on this board and has done a great job, which is why Nickolay is nominating David Bruzek to continue serving on this board. It was moved by Bass and seconded by Ryan to approve the Mayor's nominations for appointments to the various City Boards and Commissions. All voted in favor of the motion. Motion carried.(5-0)

In accordance with City Charter Section 2.06, the Council shall choose from its members a Vice President. The Vice President shall serve as President in the Mayor's absence and as the Mayor in case of disability or absence from the City. Former Councilmember David Bruzek previously served as the Council's Vice President. It was moved by Bass and seconded by Seiler to appoint Council Member Shawn Ryan as the 2019 Council Vice President. All voted in favor of the motion. Motion carried. (5-0)

In accordance with City Charter Section 3.05, Appointments, the Council needs to approve staff appointments for 2019. It was moved by Nickolay and seconded by Seiler to approve the following 2019 Personnel Appointments:

City Administrator - Michael J. Johnson
Police Chief/Emergency Management Director - James Gareis
Planning/Community Development Director - Ken Ondich
Public Works Director - Glen Sticha
Utilities General Manager - Bruce Reimers
Finance Director - Patty Solheid

Under Minnesota State Statute 118A.02, the governing body of each government entity shall designate, as a depository of its funds, one or more financial institutions.

Councilmember Wolf declared an official conflict of interest. Wolf stated that he has an ESOP with First Bank & Trust which was his previous employer. To avoid any possible appearance of a conflict of interest, Wolf did not participate in the voting or discussion on this topic.

Also, City Administrator Johnson mentioned on a rare occasion when the Finance Director is not available, he has had to fill in and assist in the wiring and transferring of funds amongst depositories. Johnson recommended that the Resolution, be amended to add the City Administrator along with the Finance Director to have the authority.

It was moved by Seiler and seconded by Ryan to approve RESOLUTION #19-01-08-01 APPOINTING OFFICIAL DEPOSITORIES FOR CITY FUNDS FOR 2019 with the addition of the City Administrator having the authority to wire transfer funds. Nickolay, Ryan, Bass, and Seiler voted aye and Wolf abstained from the vote. Motion carried. (4-0-1 abstention)

The following Financial Institutions are the 2019 Official City Depositories for City funds or investments:

Roundbank of New Prague
First Bank & Trust of New Prague
U S Bank of New Prague
Wells Fargo Bank of New Prague
Wells Fargo Advisors of New Prague

In accordance with Minnesota State Statute 412.831, the Council is required to designate a legal newspaper of general circulation in the City as its official newspaper, in which shall be published such ordinances and other matters as are required by law to be so published and such other matters as the Council may deem it advisable and in the public interest to have published in this manner. It was moved by Bass and seconded by Nickolay to designate the New Prague Times as the City's official newspaper for 2019. All voted in favor of the motion. (5-0)

The City of New Prague uses various outside professional consulting firms to provide technical engineering services, financial advisory and bonding services, and specialized legal bonding services.

Historically, since May 2009, the firm of Short Elliott Hendrickson (SEH) and Chris Cavett, PE have been appointed as City Engineer and Municipal State Aid Street (MSAS) Engineer. Both of these appointments are covered under separate existing contracts with the City. However, in order to ensure that these positions continue to be recognized by all of the appropriate external agencies, these appointments should be reconfirmed for 2019.

In 2009, the City Council also appointed Ms. Terri Heuton and Springsted, Inc. as the City's Financial Advisor and Mr. John Utley and Kennedy & Graven as Bond Counsel. Both of these individuals and firms assist the City annually in the issuance of general obligation bonds for capital improvement projects and in any special financial analysis or projects that may become necessary.

Mr. Johnson mentioned as a point of clarification for the benefit of the Council, there are engagement contracts with the different entities as far as what their hourly rates are but they are always subject to change per the Council's discretion and are not required under the statutes to be bid in their capacities because they are service-related entities. Wolf asked if there were any retainers or if it was hourly billing. Johnson replied that it is hourly billing. It was moved by Seiler and seconded by Wolf to appoint Chris Cavett, SEH as City Engineer, Terri Heuton, Springsted, Inc. as City Financial Advisor and John Utley, Kennedy & Graven, Inc. as City Bond Counsel. All voted in favor of the motion. (5-0)

It was moved by Bass and seconded by Ryan to approve the following Fire Department's appointments:

Chief 1 - Jeremy Tikalsky
Chief 2 - Steve Rynda
Chief 3 - Curt Novotny
Captain 1 - Phil Werner
Captain 2 - Greg Pint
Captain 3 - Brad Novak
Lieutenant 1 - Brandon Busch
Lieutenant 2 - Mark Novak
Training Officer - Steve Rynda

Secretary - Brad Novak
Fire Chief 2 year term (2019-2020) and Officers 1 year term (2019). All voted in favor of the motion. Motion carried. (5-0)

City Administrator Johnson presented a Resolution appointing members of the City Council to the City's Housing and Redevelopment Authority. The terms of appointment to the HRA will coincide with their terms of elected office. It is now necessary to appoint Chuck Nickolay, Maggie Bass and Rik Seiler to the City's HRA.

It was moved by Seiler and seconded by Nickolay to approve RESOLUTION #19-01-08-02 APPROVING THE APPOINTMENT OF COMMISSIONERS TO THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF NEW PRAGUE. All voted in favor of the motion. Motion carried. (5-0)

Planning/Community Development Director Ondich informed the Council of the City's sidewalk snow removal routes that City Staff (Park's Department) are responsible for.

Director Ondich explained that the sidewalks and trails that the City removes snow from are broken down into two priority routes. Priority Route #1 (red on the map) is basically the first route that is completed by after a snowfall event. Priority Route #2 is completed as time allows with limited staff and equipment available. Typically Route #2 is completed within 3 business days of the snowfall event.

Staff has received requests in the past and just recently added another request to remove the snow on a portion of sidewalk on the East side of 10th Avenue SE starting at 3rd St. SE and going to County Road 29. Staff doesn't feel it should be tax payer's responsibility to clean the sidewalk from Main St. (Hwy 19) to 3rd St. S.E. because of this area being commercial.

According to City Ordinance 93.02, Removal of Snow, Ice and Rubbish - the property owners are responsible for clearing the snow on the sidewalks adjacent to their property. Staff felt this is a unique situation since this sidewalk is in the back yard of the Property Owners which makes it difficult to get a snow blower to the sidewalk and maintain the sidewalk. With the number of young families living in the S.E. part of town, Staff felt it warrants adding this section of sidewalk to the City Snow Removal plan within Priority Route #2.

Wolf asked several questions: if the homeowner's property is along Priority Route 1 or 2, does that relieve them from snow removal requirement? Ondich confirmed if they are a homeowner or a business along these routes, they are not required to remove the snow and is the responsibility of the City. If the route changes, would the homeowner/business than be responsible? Does the City enforce and bill the homeowner should they not remove the snow? Does the City take on any liability should the homeowner not take care of their snow removal, claim the City as negligent? Public Works Director Glen Sticha stated the resident can do that at any time, however, the City is protected because of this snow removal plan. When a development is being built, who handles the snow removal in that area? Director Ondich informed the Council that the City is responsible and does require each development to have a trail or sidewalk on at least one side of the street. These are all "collector" road requirements and not "local" road.

A point of discussion will be in Staff as we move forward with larger, future developments that are in a homeowner's backyard. Funding from the developer would be difficult. Question would be, do we have enough City Staff and equipment to complete the task. Now have two FT Park employees. Wolf agrees with this information but rather uncomfortable being there isn't a policy to approve. Ondich assured the City is heading in this direction but for now this snow removal map is staff guide/tool for the City at this point.

City Administrator Johnson reminded the Council on Columbus and 4th ST NE by the cemetery, when those sidewalks went in, the City couldn't require the Cemetery Association to clear those sidewalks. A responsibility the City picked up to get the job done.

It was moved by Seiler and seconded by Ryan to approve the adding of the sidewalk section, on the East side of 10th Ave SE from 3rd St SE to County Road 29 to the City's snow removal Priority Route #2. All voted in favor of the motion. Motion carried. (5-0)

Utilities General Manager Bruce Reimers presented a resolution adopting an amendment to the 2019 Official City Fee Schedule. While the City Council had adopted a 2019 Official City Fee Schedule at the December 17, 2018 meeting, staff had indicated that an amendment would be forthcoming regarding the electric fees and were approved at the December 27, 2018 New Prague Utilities Commission meeting. The amendments recommended to the 2019 Fee Schedule to be effective immediately include an increase to the Industrial Electric Demand Rate from \$10.93/kW to \$11.53/kW based on a completed rate study. Also, a typo was made on the 2019 fee schedule where the multi-dwelling unit base fee per unit was listed at \$4.90/monthly per unit, but should be \$4.97/monthly per unit.

Following discussion, it was moved by Nickolay and seconded by Seiler to approve RESOLUTION 19-01-08-03 ADOPTING AN AMENDED OFFICIAL 2019 FEE SCHEDULE. All voted in favor of the motion. Motion carried. (5-0)

Mayor Nickolay reviewed with the new Councilmembers how the Consent Agenda works. Wolf asked how it works if there's one item within the Consent Agenda that is in question. City Administrator Johnson stated generally the intent is you approve the entire consent agenda or pull the one item in question and approve the rest of the agenda. City Administrator Johnson reminded the Council they are welcome to call with questions prior to the meeting.

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

- Approve December 17, 2018 Meeting Minutes Claims for Payment
- Approve Claims for Payment
- Approve Temporary On-Sale Liquor License for St. Wenceslaus School Fish Fry on March 8, 2019 at Parish Activity Center, 215 Main Street East, New Prague.
- Approve Minnesota Lawful Gambling LG230 Application to Conduct Off-Site Gambling for New Prague Firemen's Relief Assoc. on February 9, 2019 at the Knights of Columbus Hall, 411 4th Avenue S.W.

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

Miscellaneous Items:
• Mike Johnson- hope to be back full time next week. Appreciate the Staff's help in his absence.

• Shawn Ryan - mentioned to Ken Ondich the dumpsters by Shopko are out of the gate again. Ondich will address and take care of. Resident in an alley way and adds gravel. The snow plow moves the gravel to the end of the road. Is there anything the City can do to prevent this? Glen Sticha said they try to eliminate this from happening but is impossible to prevent.

• Bruce Wolf - asked if the Council could get the Sanitary Sewer Study packets earlier then the Council packets so they have plenty of time to review the materials before the Council meeting. Mike Johnson stated they will get this information to them ahead of time.
• Mayor Nickolay - Who removes the snow on Main Street? Glen Sticha stated we hire trucks to haul it, it's the City that wings it away from the curb and blows it into the trucks. Hire trucks because the City doesn't have enough trucks or personnel to get the snow off in a timely manner.

• Rik Seiler - Had some concerns about blocked sidewalks due to snow and the difficulty in accessing with a wheel chair. Areas referring to is right in front of Casey's on the corner of the sidewalk on 21. Couldn't access the sidewalk from the corner and had to go around on the road to get to Casey's. Also, the railroad blocked off the sidewalk by the car dealership on the west side of Main Street. Glen Sticha appreciated the feedback and said the City will monitor more closely.

Following discussion, it was moved by Nickolay and seconded by Bass to adjourn the meeting at approximately 6:55 p.m. All voted in favor of the motion. Motion passed. (5-0)

Charles L. Nickolay, Mayor
ATTEST:
Michael J. Johnson, City Administrator
(Published in The New Prague Times, Thursday, January 31, 2019; No. T155-1-31)

NOTICE OF MORTGAGE FORECLOSURE SALE THE RIGHT TO VERIFICATION OF THE DEBT AND IDENTITY OF THE ORIGINAL CREDITOR WITHIN THE TIME PROVIDED BY LAW IS NOT AFFECTED BY THIS ACTION.

NOTICE IS HEREBY GIVEN: That default has occurred in the conditions of the following described mortgage:

DATE OF MORTGAGE: March 29, 2013

ORIGINAL PRINCIPAL AMOUNT OF MORTGAGE: \$122,360.00

MORTGAGOR(S): Darwin K. Karsten, a single person
MORTGAGEE: Wells Fargo Bank, N.A.

DATE AND PLACE OF FILING: Recorded on April 23, 2013 as Document Number 387223 in the Office of the County Recorder of Le Sueur County, Minnesota.

ASSIGNMENTS OF MORTGAGE: Assigned to: None.

LEGAL DESCRIPTION OF PROPERTY: Lot 23, South Tetonka Bay Subdivision, in the city of Waterville, Le Sueur County, Minnesota.

STREET ADDRESS OF PROPERTY: 903 LILLIAN ST W, WATERVILLE, MN 56096
COUNTY IN WHICH PROPERTY IS LOCATED: Le Sueur County, Minnesota.

THE AMOUNT CLAIMED TO BE DUE ON THE MORTGAGE ON THE DATE OF THE NOTICE: \$112,855.51

TRANSACTION AGENT: None

NAME OF MORTGAGE ORIGINATOR: Wells Fargo Bank, N.A.

RESIDENTIAL SERVICER: Wells Fargo Bank, N.A.

TAX PARCEL IDENTIFICATION NUMBER: 24.680.0250

TRANSACTION AGENT'S MORTGAGE IDENTIFICATION NUMBER: None

THAT no action or proceeding has been instituted at law to recover the debt then remaining secured by such mortgage, or any part thereof, or, if the action or proceeding has been instituted, that the same has been discontinued, or that an execution upon the judgment rendered therein has been returned unsatisfied, in whole or in part.

PURSUANT, to the power of sale contained in said mortgage, the above described property will be sold by the Sheriff of said county as follows:

DATE AND TIME OF SALE:

February 27, 2019 at 1:00 PM.

PLACE OF SALE: Le Sueur County Sheriff's Office, 88 South Park Avenue, Le Center, Minnesota.

to pay the debt then secured by said mortgage and taxes, if any actually paid by the mortgagee, on the premises and the costs and disbursements allowed by law. The time allowed by law for redemption by said mortgagor(s), their personal representatives or assigns is six (6) months from the date of sale. The time allowed by law for redemption by the United States of America or any agency thereof is twelve (12) months from the date of the sale, if applicable.

TIME AND DATE TO VACATE PROPERTY: Unless said mortgage is reinstated or the property redeemed, or unless the time for redemption is reduced by judicial order, you must vacate the premises by 11:59 p.m. on August 27, 2019.

THE TIME ALLOWED BY LAW FOR REDEMPTION BY THE MORTGAGOR, THE MORTGAGOR'S PERSONAL REPRESENTATIVES OR ASSIGNS, MAY BE REDUCED TO FIVE WEEKS IF A JUDICIAL ORDER IS ENTERED UNDER MINNESOTA STATUTES, SECTION 582.032, DETERMINING, AMONG OTHER THINGS, THAT THE MORTGAGED PREMISES ARE IMPROVED WITH A RESIDENTIAL DWELLING OF LESS THAN FIVE UNITS, ARE NOT PROPERTY USED IN AGRICULTURAL PRODUCTION, AND ARE ABANDONED.

MORTGAGOR(S) RELEASED FROM FINANCIAL OBLIGATION ON MORTGAGE: None

Dated: January 3, 2019
WELLS FARGO BANK, N.A.

Mortgagee
TROTT LAW, P.C.

By:
N. Kibongni Fondungallah, Esq.

Samuel R. Coleman, Esq.
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THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

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