

Public Notices

Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS STATE OF MINNESOTA COUNTIES OF SCOTT AND LE SUEUR CITY COUNCIL MEETING MONDAY, OCTOBER 18, 2021

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

Staff Present at Meeting: Joshua Tetzlaff, Jim Gareis, and Matt Rynda

Others Present: City Engineer Chris Cavett, The Rusty Spoke Owner Pauline Baldazo, SEH Architect Karyn Luger, Central Plaza Committee Members Bob Vanasek & Kay Wilcox, New Prague Historical Society Member Dennis Dvorak

Others Present Online:

Mayor Jirik asked if there were any additions to the Council agenda? City Administrator added three items: 1. Requesting Permission to Hire a Parks Maintenance Position; 2. Personnel Announcement; 3. Discussion request to talk about the ARPA Funds and how we want to go forward with that. Motion by Bass, seconded by Ryan to approve the amended Agenda. All voted in favor. Motion carried (5-0).

Mayor Jirik asked if there were any questions on the Consent Agenda. There being none, motion by Seiler, seconded by Wolf to approve the CONSENT AGENDA as follows:

- October 4, 2021 City Council Meeting Minutes
- Claims for Payment - October 18, 2021
- General Fund Finance Report
- 3rd Quarter Financial Report for Period Ending September 30, 2021

E. Approve LG220 MN Lawful Gambling Application for Exempt Permit to Conduct a Raffle for Ride 2 Remember on March 20, 2022 at the Felske Residence, 1100 Olivia Street SE.

F. Approve LG220 MN Lawful Gambling Application for Exempt Permit to Conduct a Raffle and Pull-Tabs for a St. Patrick Athletic Association Event on January 28, 2022 at the Knights of Columbus Hall, 411 4th Avenue SW.

After discussion, all voted in favor. Motion carried (5-0).

TH#19/MAIN STREET RECONSTRUCTION PROJECT (2020-2021) UPDATE: City Engineer Chris Cavett asked for approval of a resolution including Change Orders 24 & 25. Change Order #24 for \$1,950.93 - required to compensate the contractor and their subcontractor for additional cost and effort related to the milling at the intersection of TH21 and the segment of TH19 to the west of the intersection. While this change order is 100% covered by MnDOT and was reviewed by the MnDOT Contract Changes Unit, the City is the lead agency for this project and the process falls under municipal contracting law where modifications to the construction contract are required to go before the City Council for final approval.

Change Order #25 for (\$7,068.80) - required to adjust the unit prices for the ornamental railing because of a substantive reduction in the quantity due to 98 feet of ornamental railing being deleted when three property owners elected to not go with the original 498 feet bid. This also eliminated a portion of the proposed landscape monuments in these locations. In addition to a revision in the unit price, the contractor has submitted a claim for an unprecedented 300% increase in steel prices (related to COVID and supply chain issues) from the time the project was bid in early-2020 to when the site was ready, and product was ready to be fabricated. In the end, this change order #25 resulted in a "Deduct" (Reduction) of (\$7,068.80) to the construction contract amount. The cost savings for this item will be reflected 100% in the local (City) funding portion of the project.

After discussion, it was moved by Wolf, seconded by Seiler to approve *RESOLUTION #21-10-18-01 TH 19/MAIN STREET 2020-2021 CIP RECONSTRUCTION PROJECT DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT CHANGE ORDER NOS. 24 & 25*. Decreasing the construction contract to \$13,170,832.51. All voted in favor. Motion carried (5-0).

PUBLIC HEARINGS: City Administrator Joshua Tetzlaff clarified that the Don't Be Lion LLC dba The Rusty Spoke agenda line item is a Call for a Public Hearing. The Public Hearing will take place on November 1, 2021.

Pauline Baldazo, the new owner of The Rusty Spoke (formerly Flipside) introduced herself and said she is closing on the business this week. Plans to bring breakfasts back. Would like to create a more "family-friendly" environment and expand on the menu a bit to include burgers, etc.

Motion by Bass, seconded by Ryan to approve the Public Hearing to be on November 1, 2021 for the approval on the *ISSUANCE OF AN ON-SALE INTOXICATING LIQUOR LICENSE AND SUNDAY LIQUOR LICENSE FOR DON'T BE LION LLC DBA THE RUSTY SPOKE AT 329 W MAIN STREET, NEW PRAGUE*. All voted in favor. Motion carried (5-0).

ORDINANCE FOR ADOPTION: Police Chief Jim Gareis asked the Council for their consideration and adoption of Ordinance #325. Police Chief Gareis explained that the Staff had prepared an amendment to Chapter 72 of the City Code relating to parking regulations for semi-truck parking on public city streets. The amendment would only allow the parking of semi-trucks on public city streets when being loaded or unloaded. The Introduction of the Ordinance took place at the October 4th City Council meeting and per state statute 415.19, the ordinance was posted on October 5, 2021.

Motion by Seiler, seconded by Bass to approve the *SECOND READING/ADOPTION OF ORDINANCE #325 AMENDING SECTION 72.03 OF CHAPTER 72 TITLED PARKING REGULATIONS OF THE NEW PRAGUE CITY CODE*. All voted in favor. Motion carried (5-0).

GENERAL BUSINESS:

1. On behalf of the Central Plaza Committee Karyn Luger, Landscape Architect with SEH presented the final concept design of Central Plaza. A culmination of work from the committee and Jen Krava. Presented the Central Plaza Concept Plan Design of Understanding. Was looking for approval of the Concept Plan to move forward with the next steps within the construction documentation phase. Tentative next steps include: December 2021/January 2022 - Construction Documents complete; January/February 2022 - Contractor selection process complete & City Council approval; April 2022 - Construction starts; and July 2022 - Completion of project. Discussion took place between Councilmembers and Ms. Luger. Committee Members Kay Wilcox and Bob Vanasek also spoke on behalf of the Committee.

Councilmember Bass asked if the City could put a sign showing what the Central Plaza area would look like in the future and the construction agenda.

After discussion, motion by Seiler, seconded by Ryan to approve the *CENTRAL PLAZA FINAL CONCEPT DESIGN AND AUTHORIZATION TO BEGIN WORK ON TASKS #3-#5 TOTALING \$41,552.10*. All voted in favor. Motion carried (5-0).

2. City Administrator Joshua Tetzlaff presented to the Council the 2022 health insurance rates as was notified by Justin Kroeger of Gallagher Benefit Services, Inc. (broker of record for the Health, Dental and Life Insurances for the City). Health Partners will be increasing the City's health insurance for 2022 by 6% for all full-time City employees and their families for 2022.

Councilmember Bass asked if Broker Kroeger went out to check with the various carriers to provide other options/rates. Bass had read other carriers were providing reductions in their premiums, not increases. The Council asked that the Staff come back with other options. City Administrator Tetzlaff suggested revisiting this topic at the Special Meeting that will be scheduled for October 25, 2021. Council agreed to table this agenda item and revisit on October 25th.

3. City Administrator Tetzlaff shared that the Historical Society is proposing to build a new storage shed in Memorial Park with no financial contribution needed from the City. Dennis Dvorak, a member of the New Prague Area Historical Society explained that when they open the log house and history shed for tours they have to remove misc. items stored within and place elsewhere until after the tours and rely on City Staff to move items in and out. Mr. Dvorak has items he is currently storing at his home as well due to lack of space. Mr. Dvorak provided details on the new shed and the process of the project.

Motion by Ryan, seconded by Seiler to approve the *CONSTRUCTION OF THE STORAGE SHED IN MEMORIAL PARK*. All voted in favor. Motion carried (5-0).

MISCELLANEOUS:

1. EDA Minutes and Park Minutes approved.

2. Recommendation to Hire a Parks Maintenance Position - Public Works Director Matt Rynda presented a recommendation on the appointment of Shawn Valek to the Parks Maintenance position. He stated that this appointment will fill a vacancy after employee Mitch Mayer left his position with the City of New Prague. Mr. Valek resides in New Prague and has owned his own construction business for more than 20 years and will bring much experience to this position. The City received and reviewed 25 applications. After conducting a training and experience point system, it was narrowed down to 6 applicants. Director Rynda recommended the appointment of Mr. Shawn Valek to the Park Maintenance position with an effective start date of November 1, 2021 and an initial starting wage of \$25.66 per hour, Pay Grade 8 - Step 5 on the 2021 Wage Schedule. Mr. Valek has successfully passed his education, criminal, employment, and physical exam. At the time of the meeting, staff had not received the drug and alcohol test results.

Motion by Ryan, seconded by Bass pending the successful passage of the drug and alcohol test, to *APPROVE THE APPOINTMENT OF SHAWN VALEK TO THE PARK MAINTENANCE POSITION*. All voted in favor. Motion carried (5-0).

3. City Administrator Tetzlaff announced the retirement of Patty Solheid, Finance Director who plans to retire as of January 28, 2022. Will revisit this topic at the next Council meeting (November 1, 2021) and talk about the hiring search and hope to get her replacement lined up as quickly as possible in hopes of little to no gap in this position. Discussion took place between City Administrator Tetzlaff and the Council on whether or not an outside firm would be hired or an internal hiring committee including himself and a couple Councilmembers to avoid the fee. Council asked that a full job description be provided at the next November 1st Council Meeting.

4. ARPA Funding - City Administrator Tetzlaff explained that per his strategy goal setting session with the Council, he mentioned the possibility of having a firm come in and take a look at the lost revenue (since 2016) that we could allocate those funds to which would provide a greater flexibility in how those funds are used. Spoke with the City's Auditor (Abdo, Eick & Meyers) and Baker Tilly. Both had similar quotes and would not exceed \$1,500. City Administrator Tetzlaff recommended Abdo being they are the City's Auditor and already familiar with the City's finances and as a result take less time and could be cheaper. Do have until the end of 2024 to use those funds but the sooner this process can get started, the better.

5. Maggie Bass - Requested a Central Plaza "Future" sign to be posted on-site. Public Works Director Rynda shared that he would work with SEH and get an estimate on the cost.

6. Shawn Ryan - 1. Had a question for Ken Ondich and the Park Board. Explained that a resident inquired about the use of a vacant lot at English Avenue and Music Street and whether or not there's a possibility of turning that lot into a park. It's a young neighborhood with a lot of kids and there is no park nearby. Council asked that this be put on the upcoming Park Board agenda. 2. Shared a story of a family that had a military funeral at St. Wenc. and wanted to commend SM Hentges & Sons (who were working on the main street project) but stopped what they were doing and removed their helmets as the casket and Honor Guard passed by. Were very accommodating too. The family wanted Hentges to know how much their kind gestures were appreciated.

7. Duane Jirik - Mayor Jirik wanted to make sure individuals from S.M. Hentges & Sons were also invited to the Ribbon Cutting Ceremony next week for the Grand Opening of Main Street.

8. Bruce Wolf - Reminder of the Ribbon Cutting Ceremony on Tuesday, October 26th at 12:00 p.m.

There being no additional business, motion by Ryan, seconded by Seiler to adjourn the meeting at approximately 7:02 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

Duane J. Jirik, Mayor
Joshua M. Tetzlaff, City Administrator
(Published in The New Prague Times, Thursday, November 11, 2021; No. T735-11-11)

Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS STATE OF MINNESOTA COUNTIES OF SCOTT AND LE SUEUR SPECIAL CITY COUNCIL MEETING MONDAY, OCTOBER 25, 2021

Mayor Jirik called the Special Meeting to order at 6:00 p.m. with the following members present: Jirik, Bass, Ryan, Seiler, and Wolf

Staff Present: Joshua Tetzlaff, Jim Gareis, Ken Ondich, Bruce Reimers, Matt Rynda, Patty Solheid

Others Present: City Engineer, Chris Cavett, SEH

Mayor Jirik asked for a motion to approve the agenda. Motion by Ryan, seconded by Wolf to approve the agenda as presented. All voted in favor. Motion carried (5-0).

Pursuant to due call and notification, a special assessment public hearing was held for the TH#19 Main Street 2020-2021 CIP Improvements including a resolution adopting assessment.

Mayor Jirik called the Public Hearing to order at 6:03 p.m. City Engineer Chris Cavett was present and provided clarification of the special assessment process.

City Engineer Cavett explained that letters were mailed to the affected property owners and published in the New Prague Times according to the requirements of Minnesota Statutes 429. The assessment roll was prepared based on the City's Assessment Policy and used the rates and procedures outlined in the May 21, 2018, project feasibility study and as presented at the June 4, 2018 and the December 3, 2018 public hearings. Mr. Cavett explained that the proposed assessments, upon approval of the assessment roll, would result in final assessment statements being sent to all the affected property owners. Property owners could elect to pay their assessment interest free within the first 30 days. After 30 days, any unpaid assessments will be certified to Scott or Le Sueur Counties respectively for collection.

The proposed assessments are outlined within an attachment provided at the meeting including the parcels along Main Street, between TH #21 (Fourth Avenue NW) & Seventh Street SE.

There was some discussion between Council and City Engineer Cavett before it was opened up to the public.

In attendance, received assessment questions/comments/concerns from:

Steve Plocher, Humble Pie, 215 W. Main St. Looking at selling his business and have a couple interested parties. Should he pay the assessment up front prior to selling? Or does he include that in the sale price and they can pay off within the 15 year time frame? Curious if the County will be changing the market values? Has owned this property since 2013 and has only had one market value change and that was in 2019.

Cynthia Rochel, 315 Main St. E., a corner lot on Main Street and Lincoln. Asked if she is getting assessed at a half a unit? Had questions about her water line replacement and flooding issues (at Lincoln & Main) from the crooked sidewalk along her home. Also asked who is in charge of the patch of grass that will now be planted between the road and the sidewalk? Mr. Cavett explained the grass buffer area will be the homeowner's responsibility.

Cindy Picka, West End Liquor, 404 Main St. W. Asked if they can make a partial payment. Mr. Cavett explained that you either pay in full to the City within the first 30 days without any interest or the balance rolls to the County and you pay the assessment through your taxes. No partial payments can be made to the City due to the City Ordinance. Have up to 15 years to pay at an interest rate of 2.67% or can pay off the assessment early through the County.

After discussion, it was moved by Jirik to close the public hearing at 6:32 pm.

It was moved by Bass and seconded by Wolf to approve *RESOLUTION #21-10-25-01 TH 19/MAIN STREET RECONSTRUCTION RESOLUTION ADOPTING ASSESSMENT*. All voted in favor. Motion carried. (5-0)

Motion by Councilmember Bass, seconded by Councilmember Ryan to adjourn at approximately 6:33 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

Duane J. Jirik, Mayor
Joshua M. Tetzlaff, City Administrator
(Published in The New Prague Times, Thursday, November 11, 2021; No. T736-11-11)

Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS STATE OF MINNESOTA COUNTIES OF SCOTT AND LE SUEUR SPECIAL CITY COUNCIL MEETING MONDAY, OCTOBER 25, 2021

Mayor Jirik called the Special Meeting to order at 6:34 p.m. with the following members present: Jirik, Bass, Ryan, Seiler, and Wolf

Staff Present: Joshua Tetzlaff, Ken Ondich, Jim Gareis, Bruce Reimers, Matt Rynda, and Patty Solheid

Mayor Jirik asked for a motion to approve the agenda. Motion by Seiler, seconded by Bass to approve the agenda as presented. All voted in favor. Motion carried (5-0).

Finance Director Patty Solheid presented to the Council the 2022 health insurance rates as was notified by Justin Kroeger of Gallagher Benefit Services, Inc. (broker of record for the Health, Dental and Life Insurances for the City). Health Partners will be increasing the City's health insurance for 2022 by 6.0% for all full-time City employees and their families.

After discussion, it was moved by Ryan, seconded by Wolf *TO APPROVE HEALTH PARTNER'S HEALTH INSURANCE PREMIUM INCREASE OF 6.0%*. All voted in favor. Motion carried (5-0).

City Administrator Josh Tetzlaff and Finance Director Solheid presented to the Council an updated Short-Term Disability Analysis and Plan by Justin Kroeger of Gallagher Benefit Services, Inc. The Short-Term Disability Insurance policy is outdated and has had no amendments to the contract since April 1, 1998. Over the course of the policy's 24-year existence, the coverage and language has become outdated and needed to be updated. This topic was initially brought up at the August 11, 2021 budget meeting. Key changes would involve changing the maximum weekly benefit from a \$100 a week to \$1,500 a week or 50% of their weekly earnings, whichever so happens to be less should an employee need to go on Short Term Disability. The City pays 100% and is part of the employee's standard compensation package.

After discussion, it was moved by Ryan, seconded by Jirik *TO APPROVE CHANGING THE SHORT-TERM DISABILITY POLICY TO \$1,500 A WEEK OR 50% OF THEIR WEEKLY EARNINGS*. All voted in favor. Motion carried (5-0).

City Administrator Tetzlaff provided the City Council with an overview of the City's Revised October 25, 2021 Preliminary 2022 General Fund Budget and 2022 proposed Property Tax Levy.

The Council and Staff had discussion on:

- 2022 Tax Capacity Estimate
- 2022 Proposed Tax Levy & Levy Changes
- Special Projects
- Capital Outlay (Not part of levy)
- 2022 Proposal

Next Budget Review Meeting is scheduled for 5:00 p.m. on November 1, 2021 prior to the City Council Meeting.

Mayor Jirik called the Special Meeting to order at 8:03 p.m. with the following members present: Jirik, Bass, Ryan, Seiler, and Wolf

Staff Present: Joshua Tetzlaff

Went into Closed Session at 8:03 p.m. pursuant to Minnesota Statutes Section 13D.03, to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments, or discussion and review of labor negotiation proposals, conducted pursuant to sections 179A.01 to 179A.25.

It was moved by Councilmember Seiler seconded by Councilmember Ryan to come out of the Closed Session at 8:47 p.m. All voted in favor, motion carried. (5-0)

Motion by Councilmember Seiler, seconded by Councilmember Bass to adjourn at approximately 8:47 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

Duane J. Jirik, Mayor
Joshua M. Tetzlaff, City Administrator
(Published in The New Prague Times, Thursday, November 11, 2021; No. T737-11-11)

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: August 3, 2018

ORIGINAL PRINCIPAL AMOUNT OF MORTGAGE: \$186,558.00

MORTGAGOR(S): Thomas S. Simek, a single person

MORTGAGEE: Mortgage Electronic Registration Systems Inc., as nominee for Fairway Independent Mortgage Corporation

DATE AND PLACE OF FILING: Recorded on August 20, 2018 as Document Number 417579 in the Office of the County Recorder of Le Sueur County, Minnesota.

ASSIGNMENTS OF MORTGAGE: Assigned to: Lakeview Loan Servicing, LLC by assignment recorded on April 7, 2020 as Document Number 427181 in the Office of the County Recorder of Le Sueur County, Minnesota.

LEGAL DESCRIPTION OF PROPERTY: Lot 10, Block 1, Welco West Subdivision No. 4, Le Sueur County, Minnesota.

STREET ADDRESS OF PROPERTY: 500 WELCO LANE W, MONTGOMERY, MN 56069

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: \$230,191.39

TRANSACTION AGENT: Mortgage Electronic Registration Systems, Inc.

NAME OF MORTGAGE ORIGINATOR: Fairway Independent Mortgage Corporation

RESIDENTIAL SERVICER: LoanCare, LLC

TAX PARCEL IDENTIFICATION NUMBER: 227450100

TRANSACTION AGENT'S MORTGAGE IDENTIFICATION NUMBER: 100392411203267656

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: January 05, 2022 at 1:00 PM.

PLACE OF SALE: Le Sueur County Sheriff's Office, 435 E. Derrynane Street, Le Center, MN 56057.

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.

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 July 5, 2022.

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: October 27, 2021

LAKEVIEW LOAN SERVICING, LLC

Mortgagee

TROTT LAW, P.C.

By: /s/

N. Kibongni Fondungallah, Esq.

Samuel R. Coleman, Esq. Attorneys for Mortgagee

25 Dale Street North St. Paul, MN 55102 (651) 209-9760 (19-0605-FC03)

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

(Published in The New Prague Times, Thursdays, November 4, 11, 18, 25, December 2 and 9, 2021; No. T733-12-9)