

Public Notices

PUBLIC NOTICE

Notice to Voters

The Office of the Le Sueur County Election Administrator announces, pursuant to Minnesota Statute 206.58, Subd 1, we will be conducting demonstrations of the new DS200 tabulator voting equipment that will be used in Le Sueur County precincts starting with the August 14, 2018 Primary Election. The demonstrations will be held

on the first floor of the Courthouse, 88 South Park Ave, Le Center, MN 56057, during normal working hours commencing July 2, 2018 until August 13, 2018.

Carol Blaschko
Le Sueur County Election Administrator
(Published in The New Prague Times, Thursday, June 14, 2018; No. T028-6-14)

to extend the life of the street. Staff recommends the Council approve the low bid from Pearson Brothers, Inc.

Mayor Nickolay inquired when this project is expected to take place. Sticha indicated by June 1st.

After discussion, it was moved by Councilmember Bruzek and seconded by Councilmember Bass to approve the seal coating bid with Pearson Brothers, Inc. at a cost of \$1.07 per square yard and approve doing 92,165 square yards for \$98,616.55 and the line striping for \$1,796.00 (Alton & Chalupsky Avenue), for a total project cost of \$100,412.55. All voted in favor of the motion. Motion carried. (5-0)

Planning/Community Development Director Ondich presented Ordinance #303 - "Ordinance Authorizing Conveyance of Real Property Owned by the City". The Ordinance was being introduced for its 1st Reading.

Mr. Ondich indicated that per the memo from the City Attorney's Office dated April 26, 2018, there is an ambiguity in the historical legal description for the property owned by Ms. Elizabeth Gill at 107 Columbus Avenue North and the City's Electric Department Warehouse (east of Columbus Ave. N.) property. Because of this issue, Ms. Gill initiated a judicial action to quiet title (against the City and two other adjacent property owners) to create a new legal description to replace her historical legal description. The new legal description describes the same dimensions, but removes the ambiguities. The action asserts that no new land is sought, but that it merely clarifies existing boundary lines.

The City is named as a defendant in the action due to the fact it owns the property adjacent to the east of the Gill Property (the "City Property"), meaning the Gill Property and the City Property share a boundary line. Based on the Gill survey and City survey, there appears to be a small overlap of the two properties along a shared boundary line. The Gill quiet-title action seeks to determine and set a boundary line that eliminates this overlap. The question that this action presents to the City is whether the City should contest the action in court or whether it makes more economic sense to settle the issue outside of court.

Based on the facts provided by the City Attorney's Office, it was their recommendation to settle the issue outside of court by quit-claiming to Ms. Gill her proposed legal description, which would result in the conveyance by the City of a small sliver of City-owned land.

In order to provide this transfer of land, the City Charter requires that the Council authorize this by Ordinance.

After discussion and a review of the legal memo, surveys and map in question, it was moved by Mayor Nickolay, seconded by Councilmember Bass to approve *ORDINANCE #303 AUTHORIZING CONVEYANCE OF REAL PROPERTY OWNED BY THE CITY OF NEW PRAGUE*. All voted in favor of the motion. Motion carried. (5-0)

Mayor Nickolay made the following recommendations to fill the proposed Board and Commission vacancies with an effective appointment date of June 1, 2018:

EDA Board:

- Nick Slavik to be re-appointed to the EDA Board. He will serve a 6 year term from June 1, 2018 - May 31, 2024.
- Troy Pint to be appointed to the EDA Board to serve a partial term from June 1, 2018 - May 31, 2021.

Golf Board:

Following three to be appointed to the Golf Board to serve a 3 year term from June 1, 2018 - May 31, 2021:

- Joe Halbmaier
- Tom Mach, reappointment
- Ken Nielsen

Park Board:

- Anthony Anderson to be appointed to serve a 4 year term from June 1, 2018 - May 31, 2022.
- Margaret Solheid to be reappointed to serve a 4 year term from June 1, 2018 - May 31, 2022.
- Amanda Judd to be appointed to serve a partial term from June 1, 2018 to May 31, 2020.

Park Board Youth position - has not been filled and is still open.

Planning Commission

- Paul Tupy to be appointed to serve a 4 year term effective June 1, 2018 - May 31, 2022.

Utility Commission

- Brian Skok to be re-appointed to serve a 4 year term from June 1, 2018 - May 31, 2022.

It was moved by Councilmember Bruzek and seconded by Councilmember Jirik to approve the Mayor's recommendations for the Board and Commission appointments effective June 1, 2018. All voted in favor of the motion. (5-0)

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

- April 16, 2018 Meeting Minutes, April 30th and May 1st, 2018 Special City Council Meeting Minutes
- Claims for Payment
- Memorial Day Parade on May 28, 2018 - Request for Assistance and Road Closure for American Legion Post 45

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

Miscellaneous:

Glen Sticha - Baseball teams started playing at Memorial Park this weekend and heard positive feedback and no negative. Items to get done yet are minor items that include installation of a sound system and Czech Deck.

Ken Ondich:

- City wide clean up successfully completed. Shred Event at City Hall on Saturday and had almost double the amount of paper vs last year. 8,651 pounds shredded. For next year, more communication on what is OK to shred and prices. All went well and hope to continue to do next year using grant money.

- Kwik Trip update - plan to get retaining wall complete this week along with underground tanks. Plan to be open around Labor Day. Mike Johnson - Senior Housing Project name announced - Praha Village, with a mission to whole-person wellness, fostering the mind, body and spirit. A temporary office will open on May 21st located at 803 1st St. SE (between Lady A Cupcakes and Great Clips). Anticipated opening of Praha Village is February 2019.

Amy Jirik:

- Greenway trail maintenance - Sticha said they hope to take care of in 2021 after completion of the road construction (cost savings completing after).

Mr. Daniel Turner present at the meeting and was introduced as the 2018 NPUC Utilities Scholarship recipient. Plans on attending University of Mary in North Dakota for engineering this fall.

Maggie Bass - NP Area Schools proposing a Fitness Center Addition to the Aquatics Center to create a full Community Center with Aquatics and Fitness Opportunities. Mayo wants to divest from the fitness center and supports moving the fitness facility to the Aquatics Center. Proposal brought to Joint Powers Board and City by Mayo. Joint meeting with ISD #721 and City of New Prague scheduled for Monday, May 14th at 6 p.m.

Motion by Mayor Nickolay, seconded by Councilmember Bruzek to adjourn the meeting at approximately 7:12 p.m. All voted in favor. Motion carried. (5-0)

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson, City Administrator

(Published in The New Prague Times, Thursday, June 14, 2018; No. T029-6-14)

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING FOR REZONING AND PRELIMINARY PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Elko New Market Planning Commission on Tuesday, June 26, 2018 at 7:00 p.m., or shortly thereafter at the Elko New Market Area Hall, 601 Main Street, Elko New Market, MN 55054, to consider the application for rezoning #R3-2018 and preliminary plat approval of Dakota Acres 1st Addition, a residential townhome subdivision containing 28 lots and one outlot on 2.17 acres, as proposed by Syndicated Properties, LLC, on the following described property:

Outlot C, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota, except that part lying westerly of the east line of Outlot D, said Dakota Acres and it's southerly extension.

AND

That part of Outlot B, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota, described as follows: Commencing at the most northerly corner of said Outlot B; thence South 00 degrees 24 minutes 49 seconds East, assumed bearing, along a west line of said Outlot B, a distance of 245.75 feet to a southwest corner of said Outlot B; thence north 89 degrees 35 minutes 11 seconds East, along a south line of said Outlot B, a distance of 6.02 feet to the point of beginning; thence North 00 degrees 24 minutes 46 seconds West, a distance of 31.56 feet; thence North 89 degrees 35 minutes 11 seconds East, a distance of 45.00 feet; thence South 00 degrees 24 minutes 49 seconds East, a distance of 31.56 feet to said south line of Outlot B; thence South 89 degrees 35 minutes 11 seconds West, along said south line of Outlot B, a distance of 45.00 feet to the point of beginning.

AND

The south 20.50 feet of Lot 1, Block 2, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota and that part of Outlot B, said Dakota Acres, described as follows: Beginning at the southeast corner of said Lot 1; thence South 00 degrees 23 minutes 54 seconds West, along the southerly extension of the east line of said Lot 1, a distance of 9175 feet; thence South 31 degrees 53 minutes 32 seconds West, a distance of 892 feet to a southwest corner of said Outlot B; thence North 89 degrees 36 minutes 06 seconds West, along a south line of said Outlot B, a distance of 40.34 feet; thence North 00 degrees 23 minutes 54 seconds West, a distance of 17.36 feet to the southwest corner of said Lot 1; thence South 89 degrees 36 minutes 06 seconds East, along the south line of said Lot 1, a distance of 45.00 feet to the point of beginning.

Let written notice hereof be given to all property owners within 350' of such property not less than ten (10) days prior to the said hearing date. Anyone wishing to express an opinion about the proposed application orally or in writing will be heard at the public hearing.

Dated this 11th day of June, 2018

CITY OF ELKO NEW MARKET:

Renee L. Christianson

Community Development Specialist

(Published in The New Prague Times, Thursday, June 14, 2018; No. T033-6-14)

Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS STATE OF MINNESOTA COUNTIES OF SCOTT AND LE SUEUR CITY COUNCIL MEETING MONDAY, MAY 7, 2018

Mayor Nickolay called the meeting to order at 6:00 P.M. with the following members present: Nickolay, Bass, Bruzek, Jirik, and Ryan

Staff Present: Mike Johnson, Jim Gareis, Ken Ondich, Patty Solheid, Glen Sticha

It was moved by Councilmember Jirik and seconded by Councilmember Bass to approve the Agenda. All voted in favor of the motion. Motion carried. (5-0)

City Auditor Kyle Meyers from Abdo Eick & Meyers, LLP, presented to the City Council the 2017 Annual Financial (Audit) Report. Mr. Meyers gave a brief recap of the 2017 Audit and Management Letter.

It was moved by Nickolay and seconded by Jirik to accept the 2017 Annual Financial (Audit) Report. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ken Ondich presented and reviewed RESOLUTION #18-05-07-01 APPROVING VARIANCE (#V1-2018) FROM THE FENCE REGULATIONS IN THE RL-90 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 1214 OLIVIA STREET SE, AS PROPOSED BY JUSTIN MCCORMICK, NEW PRAGUE, MINNESOTA.

Mr. McCormick is proposing to install a 6' wooden privacy fence along his rear lot line and sides of his backyard. The Zoning Ordinance only allows 4' tall fences within 30' of a property line along a right of way line. The request was made to provide his backyard with privacy, security and reduce the noise pollution.

Mr. Ondich briefly reviewed the presentation to the Planning Commission on April 25, 2018 who recommended approval of the variance. No negative public comments were received on the request. Councilmember Ryan inquired about the intersection of the fence with the adjacent trails and the need for signage. Staff will check into this.

After discussion, it was moved by Councilmember Ryan and seconded by Councilmember Jirik to approve RESOLUTION #18-05-07-01 AND VARIANCE (V1-2018) BASED ON FINDINGS A-F IN THE RESOLUTION. All voted in favor. Motion carried. (5-0)

Planning/Community Director Ken Ondich also presented and reviewed RESOLUTION #18-05-07-18-02 APPROVING VARIANCE (#V2-2018) FROM THE FENCE REGULATIONS IN THE RL-90 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 1110 OLIVIA STREET SE, AS PROPOSED BY LUTHER ONKEN, NEW PRAGUE, MINNESOTA.

Mr. Luther Onken is proposing to install a 6' white vinyl privacy fence along his rear lot line. The Zoning Ordinance only allows 4' tall fences within 30' of a property line along a right of way line. The request was made to provide his backyard with privacy, security and reduce the noise pollution.

Mr. Ondich briefly reviewed the presentation to the Planning Commission on April 25, 2018 who recommended approval of the variance. No public comments were received on the request. Although Mr. Onken's only request was to have the fence along the rear lot line and not extending back towards the home, staff recommended approval for the 6' tall fence in the entire backyard area in case Mr. Onken changes his mind and would like to enclose the backyard.

After discussion, it was moved by Mayor Nickolay and seconded by Councilmember Bruzek approving RESOLUTION 05-07-02 AND VARIANCE (#V2-2018) BASED ON FINDINGS A-F IN THE RESOLUTION. All voted in favor of the motion. Motion carried. (5-0)

Public Works Director Sticha reviewed the bids received for the 2018 Street Seal Coating Project:

Company:	Per Square Yard:
Pearson Brothers, Inc., Hanover, MN	\$1.07/sq. yd.
Allied Blacktop Co., Maple Grove, MN	\$1.08/sq. yd.
Caldwell Asphalt, Hawick, MN	\$1.56/sq. yd.
Fahrner Asphalt Sealers, LLC, Eau Claire, WI	\$1.96/sq. yd.

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

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

FOR PRELIMINARY AND FINAL PLAT APPROVAL

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the New Prague Planning and Zoning Commission on Wednesday, June 27, 2018 at 6:30 P.M., or shortly thereafter at New Prague City Hall to consider the application for Preliminary and Final Plat approval of Tupy Acres consisting of 2 lots on 4.78 acres in the A, Agricultural Zoning District as Defined by Le Sueur County, as proposed by Elizabeth D. Tupy, on the following described property:

That part of the West Half of the Northeast Quarter of Section 12, Township 112 North, Range 23 West, Le Sueur County, Minnesota, described as follows:

Commencing at the North Quarter Corner of said Section 12; thence South 89 degrees 41 minutes 26 seconds East (Minnesota County Coordinate System, NAD83, Le Sueur County, 1996 adjustment) along the north line of said West Half, a distance of 541.16 feet to the point of beginning; thence continuing South 89 degrees 41 minutes 26 seconds East along said north line, a distance of 388.24 feet; thence South 00 degrees 18 minutes 34 seconds West, a distance of 486.34 feet; thence North 89 degrees 41 minutes 26 seconds West, a distance of 387.36 feet; thence North 00 degrees 12 minutes 22 seconds East parallel with the north - south quarter line of said Section 12, a distance of 486.34 feet to the point of beginning.

Let written notice hereof be given to all property owners within 350 feet of such property not less than ten (10) days prior to the said hearing date.

New Prague Planning Commission

Kenneth D. Ondich

Planning / Community Development Director

(Published in The New Prague Times, Thursday, June 14, 2018; No. T032-6-14)

Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS

STATE OF MINNESOTA

COUNTIES OF SCOTT AND LE SUEUR

SPECIAL CITY COUNCIL MEETING

MONDAY, MAY 14, 2018

David Bruzek, Vice President of the City Council called the meeting to order at 6:00 p.m. with the following members present: Bass, Bruzek, Jirik and Ryan.

Absent: Mayor Nickolay

The Special City Council Meeting was a Joint Meeting with the New Prague Independent School District #721 Board and representatives from the Mayo Clinic Health System, New Prague. The agenda item was to review and discuss the proposed "Fitness Center" addition to the Indoor Aquatics Facility to create a full Community Center with Aquatics and Fitness Opportunities.

Present from the School District were 5 of the 7 board members - Tim Dittberner, Sandy Linn, Tony Buthe, and Craig Most.

Present from the Mayo Clinic Health System were Mary Klimp and Heather Tietz.

Mary Klimp presented an overview on the "Fitness Center Proposal" to the City Council and School. There was an extensive hand out and power point overview of the presentation.

Superintendent Tim Dittberner presented an overview on the "Aquatics/Fitness Center - Together We're Better".

Sandy Linn, School District Business/Finance Director also provided a presentation on a Proposed Fitness Center Addition Budget.

There was significant discussion on the presentation, proposal budget, construction changes, contributions, timeline, and operation oversight under the Joint Powers Board between the City and School.

Following discussion, it was expected that the City Council would have discussion on the matter at their May 21, 2018 meeting and the School Board at their May 29, 2018 meeting. The City Council and School Board went on a joint tour of the proposed "Fitness Center Additions" to the Aquatics Facility in the CEC Building.

The Council adjourned at approximately 7:20 p.m.

David Bruzek, Vice President of City Council

ATTEST:

Michael J. Johnson, City Administrator

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Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS

STATE OF MINNESOTA

COUNTIES OF SCOTT AND LE SUEUR

CITY COUNCIL MEETING

MONDAY, MAY 21, 2018

Mayor Nickolay called the meeting to order at 6:00 P.M. with the following members present: Nickolay, Bass, Bruzek, Jirik, and Ryan

Staff Present: Mike Johnson, Jim Gareis, Glen Sticha and Barb Ulschmid

Mayor Nickolay began the meeting with a change to this evening's agenda by stating the approval of the May 7, 2018 Meeting Minutes and May 14, 2018 Special City Council Meeting Minutes will take place at the next meeting on Monday, June 4, 2018.

It was moved by Mayor Nickolay and seconded by Councilmember Jirik to approve the Agenda as amended. All voted in favor of the motion. Motion carried (5-0).

City Administrator Mike Johnson reviewed with the Council the details on the Conveyance of City Property to Elizabeth Gill – owner of property located at 107 Columbus Avenue North. In order to cure an ambiguity in the historical legal description of her property, she has initiated a judicial action to quiet title to the Gill Property, which action proposes to create a new legal description to replace the historical legal description. The new legal description describes the same dimensions, but removes the ambiguities. The action asserts that no new land is sought, but that it merely clarifies existing boundary lines.

Based on the facts of the issue set forth and the minimal value to the City, it is recommended by the City Attorney's Office that the City settle this issue outside of court by quitclaiming to Ms. Gill her proposed legal description, which will result in the conveyance by the City of a small sliver of City-owned land with negligible value versus expensive litigation.

It was moved by Ryan and seconded by Bruzek to adopt Ordinance No. 303, An Ordinance Authorizing Conveyance of Real Property Owned by the City. All voted in favor of the motion. Motion carried (5-0).

City Engineer Chris Cavett with SEH Engineering presented to the Council on May 21, 2018 the Feasibility Report for the TH19/Main Street 2020 Improvements Project which was prepared in accordance with Minnesota Statute Chapter 429. The Feasibility Report outlines the scope of the project, the probable costs, the funding options, and the potential assessment amounts to the benefiting properties.

Mr. Cavett noted that the total project cost is estimated at \$12,117,400. Project components for the Highway 19/Main Street

Project include roadway improvements; streetscape / landscaping / lighting; storm water improvements; sanitary sewer improvements; water system improvements; permanent and temporary easements; and fiscal/bonding/administration costs. The project area under consideration for those improvements is Highway 19/Main Street from just east of the intersection with Fourth Avenue NW (Trunk Highway #21) to Seventh Avenue SE. This segment of Main Street is approximately 4,950 feet (0.93 miles) in length. Also included with this project is the proposed resurfacing of approximately 550 feet of TH19, west of the TH13/19/21 intersection (to be paid for by MNDOT).

Funding for the \$12,117,400 project is expected to come from MNDOT, Scott and Le Sueur Counties, a Federal ATP-7 STP Grant, Sanitary Sewer Fund, Water Utilities Fund, Special Assessments, City Debt Service Levy, and/or MN State Aid Funds.

Mr. Cavett also briefly touched on the Preliminary Special Assessments that are proposed for the project. They are outlined on pp. 9-10 and in Appendix "B" of the report. There is a slight modification to the assessment process for 2020 due to the large variety of commercial parcel sizes and large number of abnormally small commercial parcels. The engineers are recommending a hybrid method to assess the commercial/industrial/multi-family parcels with an assessment based on an equivalent front foot method.

Councilmember Ryan inquired about sending notices on proposed assessments. City staff and the City Engineer noted that these amounts will be posted on-line in the Feasibility Report, are available at City Hall and will be presented at the public hearing. Normally notices are not sent at this time in the public improvement process.

The next step in the public improvement process is for the City Council to accept the report and call for a public hearing at the Monday, June 4, 2018 meeting at 6:00 p.m. Notices of the public hearing will be published in the New Prague Times and also mailed to the affected property owners in accordance with Minnesota Statute Chapter 429.

A neighborhood meeting was held on April 26, 2018. There were approximately 19 of 100 property owners in attendance (19%). Typically, a neighborhood meeting attendance is around 20-30%. Attendance may be down due to the amount of information out there, including the project website.

It was moved by Nickolay and seconded by Bruzek to approve RESOLUTION #18-05-21-01 RECEIVING REPORT AND CALLING HEARING ON TH19/MAIN STREET 2020 IMPROVEMENTS PROJECT. All voted in favor of the motion. Motion carried (5-0).

City Engineer Chris Cavett with SEH Engineering explained to the Council the need for the adoption of an ADA Transition Plan prior to the TH19/Main Street 2020 Improvements project. The adoption of an ADA Transition Plan by all public agencies with greater than or equal to 50 employees is a requirement of the Americans with Disabilities Act (ADA) enacted on July 26, 1990. ADA is a civil rights law prohibiting the discrimination against individuals on the basis of a disability by excluding them from services, programs, or activities. These statutes mean that the agency must provide pedestrian access for persons with disabilities to the agency's streets, sidewalks and public parking facilities, whenever a pedestrian facility exists. Regulations implement this requirement by imposing standards for accessible features such as curb cuts, ramps, continuous sidewalks, trails and detectable warnings.

City Engineer Cavett indicated with the city scheduled to receive Federal Funding, (\$1.77 M STP-Small Cities Grant) for the TH19/Main Street 2020 project and the City of New Prague could be in jeopardy of losing access to those federal funds without an adopted ADA Transition Plan.

For these reasons, SEH Engineering is proposing to complete the field work and self-evaluation this summer and complete the ADA Transition Plan by this fall. Materials included for tonight's meeting included a proposal for the City Council to consider to complete these services. While the transition plan is a general requirement, the driver at this time is the TH19/Main Street 2020 project. For that reason, he would recommend rolling the cost of the transition plan preparation into the overall project cost and funding for the TH19/Main Street Project.

The ADA Transition Plan may also be needed for a possible 2019 Project on County Road #37 and other future City/County street projects. The estimated project cost is an hourly + expenses. Not-to-Exceed fee of \$19,500. The project would begin immediately, with a draft document due on 8/24/18 and a final document due on 9/10/18.

After further discussion, it was moved by Councilmember Jirik, seconded by Councilmember Bass to approve the proposal from SEH Engineering to prepare the ADA Transition Plan and to bring the City into compliance with the Americans with Disabilities Act (ADA) for the City components identified above. All voted in favor of the motion. Motion carried (5-0).

City Administrator Mike Johnson provided an update on the continued discussion on the "Fitness Center Proposal". On May 14, 2018 the City Council held a Special meeting with the School Board (Independent School District #721) and the Mayo Clinic Health System, New Prague (Mary Klimp, Vice Chair of Administration).

The purpose of the meeting was to review, discuss and hear presentations on the proposed "Fitness Center Proposal" concept that could be incorporated with the Indoor Aquatic Center. The City Council also took a tour of the various locations that would be used for the proposed Fitness Center in the CEC building. At the May 14th Special City Council meeting, there was no decision by the Council on the Fitness Center Proposal, but a willingness to continue the discussion at the May 21st Council Meeting.

Issues, concerns, questions, etc. generally included:

Mayor Nickolay

- Cost to construct? Estimated at \$200,000

- Cost to City/School

- City Cost estimated at \$90,000

- Could possibly be financed at 5 - 7 years

- Parking

- Access/Security at School

- Equipment Replacement (Capital cost)

- Membership conversion for both Aquatics and Fitness

- Potential issue of City/School in competition with private business

David Bruzek

- Question RE: Silver Sneakers and Silver and Fit

- Mary Klimp explained this program

- Generally in favor; not a bad deal for either City/School

Maggie Bass

- Private model is a hands off model, no staff there, come and go on own time

- Fitness program has multi-generational approach with community room at school and programs with Mayo

Mary Klimp

- Explained about programs at current Mayo Fitness Center, limitations on growth, growth with seniors and need for socialization

Mayor Nickolay

- Question Budget and Daycare

- Mary Klimp explained Mayo's Daycare Drop-In arrangement while parents work out; capital equipment replacement

Amy Jirik

- Clarify competition issue - dispel rumors

- If this proposal does not go through does Mayo continue?, Mary Klimp - yet to be determined, provided history on 27 years of operation, does not meet current business model, want to expand adult therapy, unable to expand facilities, senior needs etc.

Maggie Bass/Shawn Ryan

- Question on upfront firm City contribution

- Question on-going revenue numbers and combined impact with Aquatics Facility

- Joint Powers Board language

- Update Annual Budget? Daycare

- Business Plan – Preliminary build out

- Nearest competitors? Dakota Sports/Fitness

Heather Tietz

- Will be 1/2 time with operations, transition planning/marketing through year end

- Believes maintaining pricing on conversion; change at renewal

- Gave an overview of her background – managed Mall of America Aquarium from start-up to 10 1/2 years

- Current staff have been appraised of possible conversion, hiring by school, attempt to keep instructors and classes intact for continuity; classes are not provided at local fitness businesses

The New Prague School Board will be meeting on May 29, 2018 for discussion and decision on the Fitness Center Proposal.

After discussion, a motion by Councilmember Bruzek, seconded by Councilmember Bass to proceed conservatively (cautiously) to advance this concept and obtain answers to the Council's questions to make this work between the City and School in good faith. All voted in favor of the motion. Motion carried (5-0).

City Administrator Johnson presented to the City Council some Amendments to the Personnel Policy Sections on Overtime and Holidays.

On March 12, 2018, the City Council held a Special Meeting to "Review, Discussion and Determination of Council Priorities for 2018/2019". Within the Framework of the goals established by the Council at that Special Meeting was a goal related to "Updating the City's Personnel Policy". Located below are the Council minutes associated with this goal, as well as highlighted in bold print are those elements associated with reviewing and addressing concerns with the City's Overtime Policy as part of this discussion and Council decision making.

Update the City's Personnel Policy:

- Current policy is out of date and needs updating

- **The Overtime Policy (O.T.) is in need of possibly changing**

- **Current policy may not be consistent with neighboring communities in practice**

- **Concern for internal practice of applying policy even though it may be compliant with Federal Law**

- **Attempt to see if revised O.T. policy can be brought forward in April with a possible implementation date of June 1st**

- Consider obtaining quotations or prices (due to budget issue) from various vendors to update the entire Personnel Policy.

After significant review, discussion and debate amongst the Department Head team over the provisions within the City's Overtime Policy, City Administrator Johnson proposed changes to Section C. Overtime on page 2 and proposed changes to Holidays on page 7.

The information City Administrator Johnson provided related to the following topics:

OVERTIME:

p.1 - Current City Policy (Section C.)

p.2 - Proposed Policy Changes

p.3 - U.S. Dept. of Labor - Wage and Hour Division Overtime Pay Requirements (FLSA)

p.4 - Society of Human Resource Mgmt. on What Hours Do Not Count for Overtime Calculation under FLSA.

HOLIDAYS:

p.5 - Current City Policy

p.6 - Defined Actual Holidays per 2005

p.7 - Proposed Policy Changes

p.8 - Comparative Analysis on Overtime and Holidays with Neighboring Cities

City Administrator Johnson then proceeded to walk the City Council through his memo dated May 17, 2018 - Consider Amendments to Personnel Policy Sections on Overtime and Holidays. He provided an extensive summary of the Overtime Policy Section; its practical current practice application to the organization and departments; Federal Law; Departments application differences; the comparison between non-union and union situations; language revisions; impact on hours worked or not worked in use of vacation, sick leave and holidays in determining hours worked; and impacts on scheduling, and recommendations from the City Attorney's Office and League of MN Cities. Any changes regarding how Overtime is calculated generally come down to economic decisions and practical impacts to employees.

Information was then provided on holidays regarding "holidays - vs - observed holidays" and calculating overtime, clarification on what the policy currently provides versus actual practice, and the comparison information with neighboring cities on both holidays and floating holidays and where New Prague currently stands.

There was generally discussion amongst the Council and clarification concerning overtime impacts and holidays.

After further discussion, motion by Mayor Nickolay, seconded by Councilmember Ryan to approve and amend the Personnel Policy Sections on (C.) Overtime p.35 and Holidays p.40 and add one (1) additional floating holiday for non-union Personnel. All voted in favor except Councilmember Bruzek who voted no. Motion carried (4-1).

It was moved by Mayor Nickolay and seconded by Councilmember Bass to approve the following consent agenda items:

A. Claims for Payment

B. IPLAN Table Purchase for Planning and Building Inspection Department

C. Authorization to Attend 2018 ICMA Conference

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

Miscellaneous:

Jim Gareis

- MNDOT approved parade permit for Memorial Day, Conditional job offer is out on police officer and may have on June 4th to hire.

Bruce Reimers

- MVEC approved agreement, starting to install 50,000 feet of underground electrical wire, Kwik Trip work complete, and transfer between MVEC and City goal is for October/November 2018.

Glen Sticha

- Memorial Park Baseball Field is in pretty good shape, Outdoor Swimming Pool has been started and staff is addressing some broken pipes, and crack sealing is underway with seal coating in June.

Mike Johnson

- Provided an update on the MNDOT/City/SEH 2020 planning progress.

Shawn Ryan

- Had a couple of questions for Police Chief Gareis on his weekly police report and Annual Year End report for 2017.

David Bruzek:

- Mentioned the Legion Celebration named after Charles Borak is in process. Planning a celebration in his honor for some time in September/October 2018 at the American Legion. Stay tuned for additional details in the near future.

Motion by Mayor Nickolay, seconded by Councilmember Ryan to adjourn the meeting at approximately 8:45 p.m. All voted in favor. Motion carried (5-0).

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson, City Administrator

(Published in The New Prague Times, Thursday, June 14, 2018; No. T031-6-14)