

State of Minnesota
Counties of Scott & Le Sueur
City of New Prague



City Council Meeting
Monday, December 18, 2006

Mayor Sindelar called the meeting to order with the following members present: Sindelar, Kratochvil, Jirik, Wilcox, Babione. Absent: None

Council Member Kratochvil offered the following Resolution and moved for its adoption.

RESOLUTION # 06-12-18-01

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW A BANK
ALONG WITH ASSOCIATED PARKING FACILITIES AND SIGNAGE, IN THE B-2
COMMUNITY COMMERCIAL ZONING DISTRICT,
NEW PRAGUE, MINNESOTA

WHEREAS, the State Bank of New Prague, owner of the following real estate in the County of LeSueur to wit:

Lots 1 & 2, Block 2, Prague Estates First Addition, according to the recorded plat thereof, LeSueur County, Minnesota

is requesting a Conditional Use Permit to allow a bank along with associated parking facilities and signage at 1101 1st Street SE in the B-2 Community Commercial Zoning District, which is located on the above real estate; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request, a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 15th day of November, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously (4-0, Wilcox removed herself from the table during discussion and identified herself as a Board Member of the State Bank of New Prague) to forward the matter to the City Council with a recommendation for approval subject to findings contained in staff report and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

- A. The proposed bank will not create an excessive burden on public facilities which serve the area. Adequate utilities, streets, parks, and other facilities serve the subject property and the surrounding area.
- B. The proposed bank will not be immediately adjacent to any residentially zoned or used property, and is separated from any existing residential properties by approximately 500'. Because of the separation distance between the residences and

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- the bank, and because the bank has been designed in an attractive manner, the proposed bank will not create any negative impacts on adjacent residential properties or adjacent undeveloped land.
- C. The proposed structure and site have been designed in an attractive manner, using high quality materials, and therefore not have an adverse impact on the development of adjacent residential property.
 - D. The proposed bank is reasonably related to the overall needs of the City.
 - E. The proposed bank is consistent with the zoning ordinance because banks are specifically listed as a conditional use within the B2 zoning district, and the proposed site plan conforms to performance standards identified in the zoning ordinance.
 - F. The use is not in conflict with the comprehensive plan because banks are specifically listed as a conditional use within the B2 zoning district, the land use which the property is guided to in the Comprehensive Plan.
 - G. The proposed bank will not result in an unreasonable increase in traffic in the surrounding area, and will not create unreasonable traffic hazard or congestion.
 - H. Adequate municipal utilities, streets, parks, and other facilities have been or will be provided to the site.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the request for a Conditional Use Permit to allow a bank along with associated parking facilities and signage at 1101 1st Street SE in the B-2 Community Commercial Zoning District is hereby approved, with the following conditions:

- 1. The conditional use permit is issued for a period of one year, and shall become null and void without further action from the Planning Commission unless used within one year of the date granting the permit.
- 2. The conditional use permit is granted in accordance with the 13 page plan set dated 12/8/06, which includes a grading and erosion control plan, a site plan, a photometric plan, a landscaping plan, building elevations and floor plans, and sign plans, all on file with the New Prague Planning Department.
- 3. Approval is subject to the vacation of the drainage and utility easement located on the common lot line of Lots 1 and 2 Block 2 Prague Estates First Addition.
- 4. Lots 1 and 2 Block 2 Prague Estates First Addition must be combined into one tax parcel identification number.

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5. All grading, drainage and erosion control plans must be approved by the City Engineer and Public Works Director.
6. The sanitary sewer and water utilities currently stubbed into Lot 2 Block 2 Prague Estates First Addition must be abandoned and capped at the mains.
7. All parking stalls shall be striped with white or yellow painted lines not less than 4" wide providing for spaces at a size of 9' x 20'.
8. Coordination with Mn/DOT TH 19 construction project shall be required.
9. The two trees proposed along the easterly property line, within the public drainage and utility easement, shall be relocated outside of the easement area.
10. The fire chief shall approve the proposed utility plan to determine that the proposed hydrant locations are adequate.

And noting the following variance:

1. A variance is being granted from Section 723(5) of the Zoning Ordinance, allowing a driveway width in a commercial area to be less than 30' in width. The variance is being granted for the proposed one-way access because the reduced width reduces confusion of drivers who might travel the wrong direction on the one way access.

And noting that:

1. The retaining wall proposed along the easterly property line is shown within the drainage and utility easement dedicated to the public.

This Conditional Use Permit is approved effective immediately upon its passage and without publication.

Council Member Jirik seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	<u> </u>
Babione	<u>Abstain</u>	<u>Abstain</u>
Jirik	<u>X</u>	<u> </u>
Kratochvil	<u>X</u>	<u> </u>
Wilcox	<u>Abstain</u>	<u>Abstain</u>

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Thereupon Mayor Sindelar declared said resolution adopted this 18th day of December, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Council Member Babione offered the following Resolution and moved for its adoption.

RESOLUTION #06-12-18-02

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the improvement of

1st Av. NW, N. of 7th St. NW

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW PRAGUE, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January 2007 and shall bear interest at the rate of 5% percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2007. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid prior to January 18, 2007; and he may, at any time thereafter, pay to the City Treasurer the entire amount of the

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assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

Council Member Wilcox seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 18th day of December, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Council Member Babione offered the following Resolution and moved for its adoption.

RESOLUTION #06-12-18-03

RESOLUTION DEFERRING SPECIAL ASSESSMENTS
AGAINST CERTAIN UNIMPROVED PROPERTY

WHEREAS, the City of New Prague ("City") has levied special assessments against benefited properties for City Project 1ST Av. NW including street and sanitary sewer improvements to 1st Av. NW, N. of 7th St. NW.

WHEREAS, Minnesota Statutes, Section 429.061, subd. 2 authorizes the City to defer such assessments against unimproved property; and

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WHEREAS, the Council has determined to defer a portion of the assessments against that property designated as (the "Subject Property")

- P.I.D. Nos.
- 24-0160070
- 24-0160140
- 24-0160160
- 24-0160170
- 24-9341800
- 24-9341810
- 24-0160200
- 24-0160191
- 24-0160190
- 24-0160180
- 24-0160130
- 24-0160090

as provided below;

WHEREAS, although a portion of the Subject Property is improved with a residence, the Subject Property may, under current City Code, be further subdivided and improved;

WHEREAS, based on the foregoing, the Council finds that it is reasonable and appropriate to defer that portion of the assessment on the Subject Property associated with the portion thereof that may be subdivided, developed and improved in the future.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Prague as follows:

1. Special assessments for improvements for City Project 1st Av. NW are levied against the following: (the "Subject Property")

<u>P.I.D. Nos.</u>	<u>Total Principal Amount</u>	<u>Deferred</u>
24-0160070	\$ 38,866.66	
24-0160140	\$ 35,280.58	
24-0160160	\$ 49,630.00	\$37,114.00
24-0160170	\$105,468.87	
24-9341800	\$ 2,821.62	
24-9341810	\$ 13,475.97	
24-0160200	\$ 21,328.63	\$ 8,812.63
24-0160191	\$ 10,654.10	
24-0160190	\$ 12,516.23	
24-0160180	\$ 45,365.06	\$32,849.06
24-0160130	\$ 18,641.27	
24-0160090	\$ 36,563.14	\$24,047.14

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However that said deferred total is deferred until the first to occur of any of the following:

- a. The plat or division of the Subject Parcel, or any rearrangement or combination of Subject Parcel with other property; or
- b. Passage of thirty (30) years from the date of this resolution.

Whereupon said the deferred special assessment shall be due and payable.

2. Interest on the non-deferred principal amount stated in paragraph 1 will accrue at the rate of 0 percent per annum until paid. The principal amount deferred will not accrue interest until due and payable pursuant to paragraph, and thereafter shall accrue interest at the rate of 6.5 percent per annum until paid.

Council Member Wilcox seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 18th day of December, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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Motion Wilcox, Second Jirik.

Deny request of ISD #721 to waive park equipment fee for High School Addition.

Upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u> X </u>	<u> </u>
Babione	<u> </u>	<u> X </u>
Jirik	<u> X </u>	<u> </u>
Kratochvil	<u> X </u>	<u> </u>
Wilcox	<u> X </u>	<u> </u>

Motion carried.

Motion Wilcox, Second Babione

Approve Livingstone Concert in Memorial Park on Saturday, August 18, 2007 from 8:00 P.M. - 10:30 P.M. Said approval subject to Park Board stipulations.

Motion carried.

Motion Babione, Second Jirik.

Approve First Reading of proposed Ordinance #217. AN ORDINANCE AUTHORIZING SALE OF REAL PROPERTY OWNED BY CITY.

Motion carried.

Council Member Babione offered the following Resolution and moved for its adoption.

RESOLUTION #06-12-18-04

RESOLUTION ADOPTING 2006 PAYABLE 2007 TAX LEVY

WHEREAS, Truth in Taxation Hearing was held on Monday, December 11, 2006.

WHEREAS, 2007 general operation budget was presented and considered at the City Council meeting on Monday December 4 and December 11, 2006.

WHEREAS, a net 2006 payable 2007 levy is necessary to support the proposed budget for 2007.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of New Prague that the 2006 payable 2007 Net Tax Levy for the City of New Prague is hereby set at \$2,961,915.

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BE IT RESOLVED that the City Administrator is hereby authorized to certify copies of this resolution to the County Auditors of Scott and Le Sueur Counties, Minnesota.

BE IT RESOLVED that the 2007 general operation budget is approved.

Council Member Wilcox seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 18th day of December, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Council Member Kratochvil offered the following Resolution and moved for its adoption.

RESOLUTION #06-12-18-05

RESOLUTION CALLING FOR THE REDEMPTION OF
THE OUTSTANDING GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 1998A

Council Member Jirik seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

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Thereupon Mayor Sindelar declared said resolution adopted this 18th day of December, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

TOTAL TEXT OF RESOLUTION #06-12-18-05 IS AN OFFICIAL PART OF THE MEETING MINUTES AND IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE CITY ADMINISTRATOR.

Council Member Kratochvil offered the following Resolution and moved for its adoption.

RESOLUTION #06-12-18-06

RESOLUTION CALLING FOR REDEMPTION OF
THE OUTSTANDING GENERAL OBLIGATION IMPROVEMENT BONDS,
SERIES 1996C

Council Member Jirik seconded said Resolution and upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>X</u>	_____
Babione	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 18th day of December, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

TOTAL TEXT OF RESOLUTION #06-12-18-06 IS AN OFFICIAL PART OF THE MEETING MINUTES AND IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE CITY ADMINISTRATOR.

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Mr. Dennis Seurer reviewed with the Council the proposed Electric Utility Budget.

Motion Babione, Second Jirik.
Approve 2007 Electric Utility Budget.
Motion carried.

Motion Kratochvil, Second Babione.
Approve the following consent agenda items:

- A. Approve Previous Meeting Minutes
- B. Approve Claims for Payment.
- C. Approve MN Lawful Gambling Application for exempt permit for Le Sueur County Pheasants Forever on March 31, 2007.
- D. Approve MN Lawful Gambling Application to conduct Off-Site Gambling for New Prague Fire Relief Association at the KC Hall on February 16, 2007.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack
City Administrator