

City Council Proceedings

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



City Council Meeting  
Monday, May 1, 2006

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

Mr. George Eilertson, Northland Securities, reviewed with the Council bids for sale of \$2,910,000 GO Improvement Bonds - 4.01%.

\$1,125,000	GO Water Revenue Bonds	4.19%
\$ 466,000	Gross Revenue Bonds	4.95%
City Bond Rating A-2 with insurance AAA		

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

RESOLUTION #06-05-01-01

RESOLUTION AUTHORIZING ISSUANCE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$2,910,000 GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2006A

Council Member Kratochvil 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>  X  </u>	<u>      </u>
Jirik	<u>  X  </u>	<u>      </u>
Kratochvil	<u>  X  </u>	<u>      </u>
Wilcox	<u>  X  </u>	<u>      </u>

Thereupon Mayor Sindelar declared said resolution adopted this 1<sup>st</sup> day of May, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

TOTAL TEXT OF RESOLUTION #06-05-01-01 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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Council Member Babione offered the following Resolution and moved for its adoption.

RESOLUTION #06-05-01-02

RESOLUTION AUTHORIZING ISSUANCE; AWARDING THE SALE; PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$1,125,000 GENERAL OBLIGATION WATER REVENUE BONDS, SERIES 2006B

Council Member Kratochvil 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 1<sup>st</sup> day of May, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

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Jerry Bohnsack, City Administrator

*TOTAL TEXT OF RESOLUTION #06-05-01-02 IS AN OFFICIAL PART OF THE MEETING MINUTES AND IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE CITY ADMINISTRATOR.*

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

RESOLUTION #06-05-01-03

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$466,000 GROSS REVENUE GOLF COURSE BONDS, SERIES 2006C

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

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	<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 1<sup>st</sup> day of May, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

*TOTAL TEXT OF RESOLUTION #06-05-01-03 IS AN OFFICIAL PART OF THE MEETING MINUTES AND IS AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE CITY ADMINISTRATOR.*

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

RESOLUTION # 06-05-01-04

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE ADDITION OF  
A PET WASH, VENDING AND TWO ADDITIONAL VACUUM ISLANDS IN THE  
B-3 HIGHWAY COMMERCIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Dick Franek and Ron Pexa (Montgomery Car Wash, LLC), owners of the following real estate in the County of Scott to wit:

Tract C, Registered Land Survey #180, according  
to the plat thereof, Scott County, Minnesota

is requesting a Conditional Use Permit to allow the addition of a pet wash, vending and two additional vacuum islands in the B-3 Highway Commercial Zoning District, which is to be 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 (C2-2006), a copy of said report has been presented to the City Council; and,

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WHEREAS, the New Prague Planning Commission on the 22nd day of March, 2006, following proper notice held a public hearing regarding the request and following the public hearing tabled the request for additional information,

WHEREAS, the New Prague Planning Commission on the 26<sup>th</sup> day of April, 2006 following due consideration of presented testimony and information, voted 4-0-1 (Remfert Abstaining) to forward the matter to the City Council with a recommendation for approval subject to findings contained in staff report C2-2006; and,

WHEREAS, the New Prague City Council finds:

1. The proposed addition of a pet wash, vending and two additional vacuum islands to the car wash will not create an excessive burden on existing parks, schools, streets and other public facilities as it will only result in additional users who would be washing their pets and utilizing the car care vending.
2. The proposed addition of a pet wash, vending and two additional vacuum islands to the car wash is sufficiently separated by distance from adjacent residentially zoned and residentially used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. The closest residentially used property is 200' away and is separated from the car wash by Highway 21.
3. The proposal will improve the appearance of the car wash by adding a permanent sign on the building and the building will otherwise remain unchanged. The appearance will not have an adverse effect upon the residential properties.
4. The proposal is in response to a need identified by the applicants for a pet wash, associated car care vending, and additional vacuums. The proposed use and addition is particularly compatible with the adjacent gas station on the parcel directly north of the site.
5. The proposed addition of a pet wash, vending and two additional vacuum islands to the car wash use on the site is listed as a conditional use in the B-3 Highway Commercial District in which it is located. Car washes are a type of business orientated to the traveling public as is a purpose of the B-3 Highway Commercial Zoning District.
6. The proposal does not conflict with the comprehensive plan of the City as the use is consistent with the B-3 Highway Commercial District.

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7. The proposal will not create traffic hazard or congestion as much of the use of the car wash is generated from the adjacent gas station located north of the car wash site and ample stacking spaces are provided.
8. Adequate utilities, access roads, drainage and necessary facilities have been provided on the site when the car wash was initially built. Access to the site is shared with the property to the north through a joint access easement agreement from Highway 21. The site was previously connected to City Water and Sewer and will not require new or increased size service lines.

WHEREAS, the New Prague City Council approves the request 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 issued in accordance with the "Staff Site Plan" dated 4/12/06 on file with the New Prague Planning Department.
3. Entry and exit doors shall be closed during wash and dry cycles on the automatic car wash bay.
4. The stacking lane for the car wash shall be striped with white or yellow painted lines of not less than 4 inches wide.
5. One Parking space shall be provided and striped with white or yellow painted lines of not less than 4 inches wide at a size of not less than 9' x 20'.
6. All signage must conform to Section 718 of the Zoning Ordinance.
7. All lighting must conform to Section 704 of the Zoning Ordinance.

And noting the following variances:

1. A variance is being granted from the minimum lot size requirement of 20,000 square feet for the B-3 Highway Commercial Zoning District as listed in Section 610 of the Zoning Ordinance because the lot was in existence before the current zoning ordinance was adopted.

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- 2. A variance is being granted from Zoning Ordinance Section 721(F) which states that "No less than twenty percent (20%) of the gross lot area shall be landscaped." because no landscaping is being removed from the site and because the site is surrounded by Philipps Park.
- 3. A variance is being granted from Section 717 of the Zoning Ordinance that 25% of the parking lot shall be shaded at full tree maturity because only one off-street parking space is being provided.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the Conditional Use Permit to allow the addition of a pet wash, vending and two additional vacuum islands in the B-3 Highway Commercial Zoning District is hereby approved.

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

Council Member Babione 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 1<sup>st</sup> day of May, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

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Jerry Bohnsack, City Administrator

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

RESOLUTION # 06-05-01-05

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN EXPANSION TO THE  
COMMERCIAL BUILDING, IN THE B-2 COMMUNITY COMMERCIAL  
ZONING DISTRICT, NEW PRAGUE, MINNESOTA

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WHEREAS, Al Jensen, owner of the following real estate in the County of Scott to wit:

Lot 1, Block 1 and the South 20 feet of Lot 2, Block 1, East 19 Biway Third Addition, according to the plat thereof, Scott County, Minnesota

is requesting a Conditional Use Permit to allow an expansion to the commercial building 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 (C3-2006), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 26th day of April, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously to forward the matter to the City Council with a recommendation for approval subject to findings contained in staff report C3-2006 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

- A. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve or are proposed to serve the area because it is only adding 2,135 sq. ft. of commercial space.
- B. The use will be separated by distance from adjacent residentially by about 300 feet and will also be separated by a City Park planted with many trees within this distance.
- C. The site will not have an adverse effect on adjacent residential properties as the site will be updated with a updated building appearance and addition and additional landscaping than currently exists on site today.
- D. The use is specifically listed in the B-2 Community Commercial Zoning District in which it is located and is surrounded by.
- E. The use is in compliance with the comprehensive plan of the study because it is a commercial use located with the B-2 Community Commercial Zoning district.

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- F. The use will add one tenant to the site that does not currently exist today and also add some seating capacity to the existing use which will not cause traffic hazard or congestion over what exists today as the parking lot is only being expanded by 2 parking spaces.
- G. Adequate utilities, access roads, drainage and necessary facilities are provided to the site.

WHEREAS, the New Prague City Council approves the request 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 issued in accordance with the applicant's site plan dated March 21, 2006 and building elevations dated March 21, 2006, all on file with the New Prague Planning Department.
3. The applicant, Al Jensen, must comply with all recommendations of the City Engineer and Public Works Director.
4. All signage must conform to Section 718 of the Zoning Ordinance.
5. All lighting must conform to Section 704 of the Zoning Ordinance.
6. All parking stalls shall be striped with white or yellow paint lines not less than 4" wide providing for parking spaces at a size of 9' x 20' (except the northern row of parking which may be 9' x 18' in size).
7. Three deciduous trees must be added to the site plan and staggered along the west side of the parking lot to meet the ordinance requirement of Section 717.7 that 25% of the parking lot must be shaded at full tree maturity.
8. The trash enclosure must meet zoning ordinance requirements of Section 703.
9. The floor elevation of the building and additions must not be located below the 992 foot elevation at which the current building is located.
10. The following uses will be permitted on the subject property: As listed in the Zoning Ordinance Section 609 for the B-2 Community Commercial District - all permitted and permitted accessory uses as well as the following uses: general offices, clinics and healthcare facilities, general retail establishments, general



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service establishments, and fast food/dine-in restaurants.

- 11. The freestanding sign on the property must be lowered to meet the current 20' maximum height requirement.

And noting the following variances:

- 1. The current site entrance does not meet the requirement of Section 723 of the Zoning Ordinance in that is less than 20' from a street intersection. This was a pre-existing condition and the Planning Commission finds that moving the access a short distance to the east would serve no additional purpose of the Zoning Ordinance and the general public, and would be burdensome to the applicant.
- 2. A variance is being granted to allow the north row of parking spaces to be 9' x 18' in size in stead of the current requirement of 9' x 20' as they are existing parking spaces and will remain on the site as they currently exist.
- 3. A variance of 174 sq. ft. is being granted for the requirement that 3% of the gross parking area lying more than 20' from the street right of way shall be improved and maintained with landscaping in accordance with Section 717 (2)(A)(3) because parking on the site is at a premium and losing a parking space to meet this requirement may cause a parking shortage on the site and a parking island adjacent to the entrance to the property to the north would make snow removal difficult.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the Conditional Use Permit to allow an expansion to the commercial building in the B-2 Community Commercial Zoning District is hereby approved.

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

Council Member Babione 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 1<sup>st</sup> day of May, 2006.

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Craig Sindelar, Mayor

ATTEST:

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Jerry Bohnsack, City Administrator

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

RESOLUTION # 06-05-01-06

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
APPROVING A REQUEST TO REOPEN CONDITIONAL USE PERMIT TO ALLOW AN  
EXPANSION TO THE NEW PRAGUE SENIOR HIGH SCHOOL, IN THE RL-90 LOW  
DENSITY RESIDENTIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Independent School District 721, owner of the following real estate in the County of Scott to wit:

Lot 1 Block 1, I.S.D. 721 Addition, according to  
the plat thereof, Scott County, Minnesota

is requesting a Conditional Use Permit to allow an expansion to the New Prague Senior High School located at 221 12<sup>th</sup> Street NE in the RL90 Residential 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 26th day of April, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously 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:

1. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area. The expansion will help to correct an existing

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burden on the high school and will not create an excessive burden on public facilities which serve the area.

2. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. Landscape screening will be provided between the proposed southwest parking lot and the existing residential homes to help mitigate any impacts to the residential properties. The building additions are a substantial distance from the residential properties and will not create any additional negative impacts.
3. The structure and site will have an appearance that will not have an adverse effect upon adjacent residential properties. The structure and site will have a similar appearance to the existing high school complex, which has not had an adverse impact on the development of adjacent residential property.
4. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use. It has been determined by the New Prague School Board and confirmed by the taxpayers of the New Prague School District that the proposed expansion is a need of the School District, and as such, is supported by the New Prague City Council.
5. The use is consistent with the zoning ordinance because educational facilities are specifically listed as a conditional use within the RL90 district, and the proposed site plan conforms to performance standards identified in the zoning ordinance.
6. The use is not in conflict with the comprehensive plan of the City because educational facilities are specifically listed as a conditional use within the RL90 district, the land use which the property is guided to in the Comprehensive Plan.
7. The expansion and resulting increased student capacity at the high school will result in increased traffic to the area. The traffic is concentrated near the beginning and end of the school day, and does not create a constant hazard or congestion. In the case of any senior high school, there will be periods of congestion that coincide with the beginning and end of the school day. The City finds, for the reasons

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stated, that the high school expansion will not create unreasonable traffic hazard or congestion.

8. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the amendment to Conditional Use Permit to allow an expansion to the New Prague Senior High School located at 221 12<sup>th</sup> Street NE in the RL90 Zoning District is hereby approved, with the following conditions:

1. The conditional use permit is granted in accordance with the site plan, grading and drainage plan, utility and erosion control plan, site details, and a photometric site plan (all dated 4/5/06), a boundary, location and topographic survey (dated 2/15/06), exterior elevations, and lower, main and upper level floor plans (all undated), all on file with the New Prague Planning Department.
2. All grading, drainage and erosion control plans must be approved by the City Engineer and Public Works Director.
3. The northeast parking lot shall meet the requirement that 3% of the gross parking area be improved with landscaping, as required by Section 717 of the Zoning Ordinance.
4. The landscaping plan shall be amended to meet the requirements of Section 717.7 of the Zoning Ordinance, requiring that 25% of the parking area be shaded at tree maturity.
5. The double row of coniferous trees must be extended to the north side of the pond along the west property line and further suggesting thorny bushes be planted around the pond.

And noting the following variance:

1. A variance is being granted from Section 717 (2)(7)(d) of the Zoning Ordinance, allowing more than 50% of the parking area be located between the building and the street. The variance is being allowed because the original site was developed prior to the regulation being established by the City.

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

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Council Member Babione 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 1<sup>st</sup> day of May, 2006.

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Craig Sindelar, Mayor

ATTEST:

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Jerry Bohnsack, City Administrator

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

RESOLUTION #06-05-01-07

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
GRANTING APPROVAL OF THE FINAL PLAT OF DOHM SUBDIVISION  
CONSISTING OF TWO LOTS ON 1.43 ACRES IN THE B-3 HIGHWAY  
COMMERCIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Brian Dohm, owner of the following real estate in the County of LeSueur to wit:

Commencing at a point 558.2 feet South from the Southeast corner of Block 2 of Suchomel's Addition to the City of New Prague, LeSueur County, Minnesota, thence running South 68 feet, thence East 350 feet, thence in a northerly direction 66 feet, and thence West 343 feet to the point of beginning together with the following: Commencing at a point 508.2 feet South of the Southwest corner of Block 2 of Suchomel's Addition, City of New Prague, LeSueur County, Minnesota, thence South 50 feet, thence East 343 feet, thence North 52 feet, thence West 335.7 feet. Both Parcels being a part of the Northwest Quarter of Section 3-112-23 LeSueur County, Minnesota, and  
Commencing at a point 626.2 feet South of the Southwest corner of Block 2, in Suchomel's Addition to the City of New Prague, in LeSueur County, Minnesota, thence running South Sixty two feet, thence running East Three hundred

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and fifty two feet to the railroad right of way, thence along said railroad right of way in a northerly direction Sixty two feet, and thence West Three hundred and fifty feet to the place of beginning, said strip of land being in the Northwest Quarter of Section Numbered Three, in Township Numbered One Hundred and Twelve North, of Range Numbered Twenty three West, in LeSueur County, Minnesota.

is requesting final plat approval of Dohm Subdivision consisting of 2 lots on 1.43 acres in the B-3 Highway Commercial Zoning District, which is located in 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 26th day of April, 2006, reviewed the request, and following due consideration of information, voted unanimously to forward the matter to the City Council with a recommendation for approval subject to conditions contained in the staff report; and,

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the Final Plat of Dohm Subdivision consisting of 2 lots on 1.43 acres in the B-3 Highway Commercial Zoning District is hereby approved with the following findings:

1. The final plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The final plat conforms to the B-3 Highway Commercial Zoning District in which it is located.
3. Re-arranging the lot lines will allow the existing building on Lot 1, Block 1 to expand without crossing a property line.

This Final Plat shall become 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>	_____
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 1<sup>st</sup> day of May, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

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Jerry Bohnsack, City Administrator

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

RESOLUTION #06-05-01-08

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT #C9-2002 TO ALLOW AN EXPANSION TO THE EXISTING CAR WASH WAREHOUSING AND ASSEMBLY OPERATION AT 407 4<sup>TH</sup> AVE. SW, LOT 1 BLOCK 1, DOHM SUBDIVISION, IN THE B-3 HIGHWAY COMMERCIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Brian Dohm, owner of the following real estate in the County of LeSueur to wit:

Lot 1 Block 1, Dohm Subdivision, according to the plat thereof, LeSueur County, Minnesota.

is requesting a Conditional Use Permit to allow an expansion to the existing car wash warehousing and assembly operation located in the B-3 Highway 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 (amending C9-2002), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 26th day of April, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously to forward the matter to the City Council with a recommendation for approval subject to findings contained in staff report amending C9-2002 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

1. The existing use and proposed building expansion will not create an excessive burden on existing parks,

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- schools, street and other public facilities that serve the area because the expansion will not add any employees to the site.
2. The existing use and proposed building expansion will be separated by distance of approximately 85' from the residentially used land to the north and will be approximately 180' from the residential home to the north.
  3. The structure and site will not have an adverse effect upon the adjacent residential property located to the north as the building expansion will match the existing structure.
  4. The existing use and proposed building expansion are consistent with the purposes of the zoning ordinance, comprehensive plan, and the purposes of the B-3 Highway Commercial Zoning District in which it is located as the use is listed as a conditional use in that district.)
  5. The existing use and proposed building expansion will not cause traffic hazard or congestion because the addition is adding only storage space to the existing building and will not require any additional full or part time employees at the site.
  6. Adequate utilities, access roads, drainage and necessary facilities have been provided to the site.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the amendment to Conditional Use Permit #C9-2002 to allow an expansion to the existing car wash warehousing and assembly operation in the B-3 Highway Commercial Zoning 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 issued in accordance with the site plan dated 5/1/06, building footprint dated 4/26/06, and north building elevation dated 4/26/06, all on file with the New Prague Planning Department.
3. The applicant, Brian Dohm, must comply with all recommendations of the City Engineer and Public Works Director.
4. There shall be no outside storage or garbage on the 4<sup>th</sup> Ave. SW side of the building.
5. A 20' private easement access easement agreement in favor of the use by Lot 1, Block 1 Dohm Subdivision,



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across the south 20' of Lot 2, Block 1, Dohm Subdivision must be filed with the county and a copy given to the city after it is recorded providing access to the rear portion of the property.

- 6. The existing garbage enclosure shared with the property owner to the south must have a gate or door installed on the front with a latching mechanism to keep it closed/locked when not in use.
- 7. The semi truck trailer located on the north side of the building being used as storage must be removed from the site and shall not be allowed for storage space in the future.
- 8. The nine required parking stalls shall be striped with white or yellow paint lines not less than 4" wide providing for parking spaces at a size of 9' x 20' on a concrete or bituminous paved surface with a perimeter curb.

And noting the following variance:

- 1. Depending on the layout of the parking they may need variances for having more than 50% of the parking in front of building or for not providing 25% shading of the parking area depending on where the remaining 5 parking spaces will be placed.

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

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 1<sup>st</sup> day of May, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

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Motion Wilcox, Second Babione.  
Approve preliminary plat of Wildlife Haven.  
Motion carried.

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

RESOLUTION #06-05-01-09

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
GRANTING APPROVAL OF THE FINAL PLAT OF WILDLIFE HAVEN NO. 3  
CONSISTING OF THREE LOTS AND TWO OUTLOTS IN THE [LESUEUR COUNTY]  
AR ZONING DISTRICT, LANESBURGH TOWNSHIP, MINNESOTA

WHEREAS, Michael Weinandt, owner of the following real estate in the County of LeSueur to wit:

Lots 1 and 2, Block One, Lot 1, Block Two, Outlot A and Outlot B, WILDLIFE HAVEN, according to the recorded plat thereof, Le Sueur County, Minnesota.

is requesting final plat approval of Wildlife Haven No. 3 consisting of 3 lots and 2 outlots on 87.81 acres in the [LeSueur County] AR Agricultural/Residential Zoning District, which is located in 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 26th day of April, 2006, reviewed the request, and following due consideration of information, voted unanimously to forward the matter to the City Council with a recommendation for approval subject to conditions contained in the staff report; and,

WHEREAS, the New Prague City Council finds:

1. The plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirement of the [LeSueur County] AR Zoning District in which it is located.
3. The plat proposes only to re-arrange the lot lines within the existing plat which will actually preserve more open space for future development; and no additional lots will be created as a result of the plat.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the Final Plat of Wildlife Haven No. 3

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consisting of 3 lots and 2 outlots on 87.81 acres in the AR Zoning District is hereby approved with the following conditions:

1. Approval is granted in accordance with the preliminary and final plat drawings dated 4/4/06 on file with the New Prague Planning Department.
2. 5' drainage and utility easements must be dedicated along side property lines, and 10' drainage and utility easements must be dedicated along the rear property line.
3. The LeSueur County Highway Engineer requires 50' of right of way be dedicated adjacent to County Road 29.
4. A driveway easement and maintenance agreement describing access over and maintenance of proposed Outlot B must be recorded with LeSueur County.
5. A title opinion must be approved by the City Attorney before final plat approval.
6. The final plat must be recorded within 90 days of the date of the City Council granting approval.

And acknowledging the following variances:

1. An existing private drive, located on Outlot B, serves as access to the three existing lots within the current subdivision plat. The existing drive is in good condition and is being allowed to continue as a private drive and not a township road because no additional lots are being created as a result of the plat, and therefore the nonconformity will not be increased over what exists today.
2. Park land dedication is not being required because the lot lines are simply being re-arranged for three existing properties and no additional lots are being created.

This Final Plat approval shall become effective immediately upon its passage and without publication.

Council Member Babione 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 1<sup>st</sup> day of May, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

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Jerry Bohnsack, City Administrator

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

RESOLUTION #06-05-01-10

RESOLUTION ACCEPTING SLIDING HILL SKATE PARK PROJECT BID

WHEREAS, pursuant to an advertisement in the March 23, 2006 New Prague Times and the March 31 and April 7 Construction Bulletin for bids for the following general improvements for the Sliding Hill Skate Park Project:

- 3,200 LF Silt Fence
- 12,000 CY Excavation and Grading
- 4,000 SY Bituminous parking lot and trail
- 750 LF Curb and Gutter
- 6,000 SF Concrete slab for skateboard park
- 265 LF Stormsewer
- 370 LF Water Service
- 1 EA Fire Hydrant
- 5,200 SY Erosion Control Blanket
- 6.5 AC Seeding

Together with valves, fittings, manholes and other related appurtenances

Bids were received and opened on Friday April 21, 2006 at 2:00 PM in the City Council Chambers and tabulated according to law, and the following bids were received complying with the advertisement with the minimum prescribed standards in the specifications

K.A. Witt Construction, Inc.	\$214,685.50
Mike's Backhoe Service, Inc.	\$239,587.85
Heselton Construction, LLC	\$247,963.80
Buffalo Bituminous, Inc.	\$248,268.50
Borresen Construction, Inc.	\$274,600.00
Sunram Construction, Inc.	\$295,802.00
Rud Excavating of Webster	\$337,754.00

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AND WHEREAS, it appears that K.A. Witt Construction, Inc. is the lowest responsible bidder with a base bid of \$214,685.50.

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

The City Administrator and Mayor are hereby authorized and directed to enter into the attached contract with K.A. Witt Construction, Inc. in the name of the City of New Prague for the following general improvements for the Sliding Hill Skate Park Project:

- 3,200 LF Silt Fence
- 12,000 CY Excavation and Grading
- 4,000 SY Bituminous parking lot and trail
- 750 LF Curb and Gutter
- 6,000 SF Concrete slab for skateboard park
- 265 LF Stormsewer
- 370 LF Water Service
- 1 EA Fire Hydrant
- 5,200 SY Erosion Control Blanket
- 6.5 AC Seeding

Together with valves, fittings, manholes and other related appurtenances

according to the plans and specifications therefore approved by the Park Board and City Council and on file in the office of the City Planner.

Council Member Babione 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 1<sup>st</sup> day of May, 2006.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

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Public Works Director Seurer reviewed with the Council potential refinance scenarios for Southern Minnesota Municipal Power Agency (SMMPA).

Motion Babione, Second Kratochvil.

Authorize New Prague SMMPA representative to support option one (which is to issue long term debt to retire all of the outstanding Commercial paper) or option two (which is to extend the Commercial Paper Program) as an alternative if option one fails.

Motion carried.

Motion Sindelar, Second Kratochvil.

Approve change order #1 New Prague Golf Club remodel project add \$52,704.33.

Motion carried.

Motion Sindelar, Second Wilcox.

Approve pay request #2 New Prague Golf Course remodel for \$211,012.10.

Motion carried.

Motion Wilcox, Second Kratochvil

Authorize building permits to Scott County HRA - Lots 1,2,3,4, Block 1, Bohemia Acres #3.

Motion carried.

Motion Babione, Second Wilcox.

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 Church of St. Wenceslaus on August 13, 2006.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack  
City Administrator