

*City Council Proceedings*

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



City Council Meeting  
Monday, November 20, 2006

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

Mr. Bob Barth, Bonestroo, Rosene, Anderlik & Associates, reviewed with the Council, Scott County Watershed Management Organization rules and related the rules to proposed City of New Prague Surface Water Management Plan.

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

RESOLUTION #06-11-20-01

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
DENYING A VARIANCE TO ALLOW AN 11' VARIANCE FROM THE REQUIREMENT THAT SINGLE FAMILY RESIDENCES BE SETBACK A MINIMUM OF 30' FROM A REAR PROPERTY LINE TO ALLOW AN ATTACHED GARAGE ADDITION TO BE 19' FROM THE REAR (WEST) PROPERTY LINE IN THE RL-84 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Deborah and Jerome Tilbury, owners of the following real estate in the County of LeSueur to wit:

Lot 10, Block 2, Golfview Subdivision, LeSueur County, Minnesota.

are requesting an 11' variance from the requirement that single family residences be setback a minimum of 30' from a rear property line to allow an attached garage addition to be 19' from the rear (west) property line in the RL-84 Single Family Residential Zoning District; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (V6-2006), 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, after due consideration of presented testimony and information, voted 4-1 (Gengel) to forward the matter to the City Council with a recommendation for denial; and,

WHEREAS, the New Prague City Council finds:

A. There are not exceptional or extraordinary circumstances that apply to the property which do not apply generally to other properties in the same zone or vicinity because the lot was platted and the home was constructed with a subdivision ordinance and zoning ordinance in place by the City and because

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



City Council Meeting  
Monday, November 20, 2006

the lot meets all current minimum lot size requirements and the home meets all current setbacks. The lot is not of substandard size and the two stall garage is common to the area and is not of substandard size.

B. The literal interpretation of the provisions of this Ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance because most other homes in the immediate vicinity have only attached two stall garages and the homes that do have three stall garages had ample room to build them within all applicable setbacks.

C. Special circumstances exist as a result of the actions of the applicants because they have reasonable use of the property with the current two stall garage meeting all setbacks and maintaining a 30' rear yard setback on the property. The special circumstance arises only from the proposed third garage stall addition not meeting the rear setback.

D. Granting the variance would confer a special privilege that is denied by this ordinance to owners of other properties in the area that have to maintain minimum 30' rear yards and most homes in the area only have two stall garages. Those homes in the area with three stall garages were able to build them within all applicable setbacks unlike the applicant's proposal.

E. The variance being requested would be materially detrimental to the purpose of this zoning ordinance or other property in the same area because all other homes in the vicinity have a similar sized lot and have maintained a 30' rear yard setback with reasonable use of their property.

F. The granting of the variance from the required 30' rear yard setback from 30' to 19' would not be reasonable because it would create a situation on the lot where it would no longer have a "backyard" which other lots in the area have.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V6-2006, to allow an 11' variance from the requirement that single family residences be setback a minimum of 30' from a rear property line to allow an attached garage addition to be 19' from the rear (west) property line in the RL-84 Single Family Residential Zoning District, as proposed by Deborah and Jerome Tilbury is hereby denied based on the above findings.

City Council Proceedings

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



City Council Meeting  
Monday, November 20, 2006

This Variance denial becomes 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 20th day of November, 2006.

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

ATTEST:

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

Motion Wilcox, Second Babione.

Approve Preliminary Plat of Turek Estates for the following reasons:

1. The preliminary plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing and preliminary site plan, all dated 10/23/06 and on file with the New Prague Planning Department.
2. The Preliminary Plat is issued for a period of six months, and shall become null and void without further action from the Planning Commission or the City Council unless the final plat is filed within six (6) months of the date of the City Council granting Preliminary Plat approval.
3. Dennis and Janice Turek must enter into a Developer's Agreement with the City of New Prague and Lanesburgh Township, and the agreement must be approved by the City Council and Township prior to final plat approval.
4. Preliminary approval is subject to all recommendations of the City Engineer and Public Works Director.

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



City Council Meeting  
Monday, November 20, 2006

5. Grading and construction plans must be approved by the City Engineer, City Planner and Public Works Director prior to final plat approval.
6. Drainage and utility easements must be dedicated at the time of final plat.
7. The delineated wetlands, along with a surrounding 40' drainage and utility easement, must be shown on the final plat.
8. No lots shall have driveway access onto the identified collector road known as Country Side Drive or 11<sup>th</sup> Avenue SW in the plat and must access off the local roads only.
9. Building pads must be set back a minimum of 50' from the delineated wetlands.
10. Until municipal services become available, the five proposed lots must be serviced through private on-site septic systems and wells which will need to be approved by LeSueur County.
11. Park land dedication for the entire 83.80 acres must be dedicated at the time of development of Outlots A and B.
12. A certificate of no loss or exemption must be filed for the project because no impacts are proposed to the wetlands.
13. 265<sup>th</sup> Street NE should be changed to another street name or number that fits into the City's addressing grid, and the street type should be changed to an Avenue rather than a Street.

And noting the following variance:

1. North Street is being allowed as a ½ street because it has been platted as a ½ street in the adjacent development and is therefore a continuation of an existing platted roadway.

And noting the following:

1. Valley Drive, North Street, 265<sup>th</sup> Street NE and Countryside Drive lying west of Turek Drive will not be constructed at this time as they will not service any lots.
2. Approval of the plat of Turek Estates in no way represents the City's approval or conceptual approval of the ghost plat as depicted on proposed Outlots A and B on the preliminary plat drawings dated 10/23/06.

Motion carried.

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

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



City Council Meeting  
Monday, November 20, 2006

RESOLUTION #06-11-20-02

JOINT RESOLUTION OF  
THE CITY OF NEW PRAGUE, MINNESOTA  
AND  
TOWN BOARD OF HELENA, SCOTT COUNTY, MINNESOTA  
IN THE MATTER OF ORDERLY ANNEXATION  
UNDER MINNESOTA STATUTES SECTION 414.0325

WHEREAS, the Township of Helena (the "Township") and the City of New Prague (the "City") by joint resolution and agreement each dated June 19, 1978 have established an orderly annexation area and the conditions for annexation within such area pursuant to Minnesota Statutes Section 414.0325; and

WHEREAS, all of Section 33, Township 113 North, Range 23 West is within the orderly annexation area; and

WHEREAS, the City of New Prague is proposing to re-align 6<sup>th</sup> Street NW at Trunk Highway 21 as a capital improvement project for fiscal year 2007, such realignment extending into current Helena Township jurisdiction; and,

WHEREAS, an annexation of the property is necessary in order for the City of New Prague to obtain certain MnDOT funding for the proposed project; and,

WHEREAS, the City of New Prague has informed Helena Township of its intent to annex the property lying south of the proposed northerly road right of way pursuant to said orderly annexation agreement; and,

WHEREAS, Helena Township has requested that the City of New Prague pay Helena Township a fee of \$250 per acre upon annexation of said property; and,

WHEREAS, the City of New Prague does not condone the charging of a fee by Helena Township upon annexation; and

WHEREAS, the City of New Prague agrees to pay Helena Township \$250 per acre (\$412.50 for 1.65 acres); and,

WHEREAS, the payment of \$250 per acre by the City of New Prague to the Helena Township shall not be intended to set a precedent regarding payment for future annexation requests by the City; and

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



City Council Meeting  
Monday, November 20, 2006

WHEREAS, the area proposed for annexation is now or is about to become urban or suburban in character, and is guided to an industrial land use based on New Prague's Comprehensive Plan; and,

NOW THEREFORE IT IS JOINTLY RESOLVED by the City of New Prague, Minnesota and the Town of Helena, County of Scott, State of Minnesota:

1. That the following lands be annexed to the City of New Prague:

LANDS LYING NORTH OF THE CURRENT CITY LIMIT BOUNDARY AND SOUTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE PROPOSED 6<sup>TH</sup> STREET NW

That part of the North 25 rods of the Southeast Quarter of Section 33, Township 113, Range 23, Scott County, Minnesota, described as follows:

Commencing at the east quarter corner of said Section 33, thence on an assumed bearing of South 01 degrees 31 minutes 42 seconds West along the east line of said Southeast Quarter 202.46 feet to the point of beginning; thence North 88 degrees 28 minutes 18 seconds West 100.73 feet; thence South 01 degrees 31 minutes 42 seconds West 27.00 feet; thence South 89 degrees 02 minutes 06 seconds West 51.87 feet; thence southwesterly 212.93 feet along a tangential curve concave to the southeast, having a radius of 337.92 feet and a central angle of 36 degrees 06 minutes 08 seconds; thence South 52 degrees 55 minutes 58 seconds West along tangent 82.25 feet; thence southwesterly 173.21 feet along a tangential curve concave to the northwest, having a radius of 262.83 feet and a central angle of 37 degrees 45 minutes 33 seconds; thence North 89 degrees 18 minutes 29 seconds West along tangent 18.13 feet; thence South 00 degrees 41 minutes 31 seconds West 7.00 feet to the north right-of-way line of existing Sixth Street NW; thence South 89 degrees 18 minutes 29 seconds East along said existing north right-of-way line 591.14 feet to said east line of the Southeast Quarter; thence North 01 degrees 31 minutes 42 seconds East along said east line of the Southeast Quarter 210.08 feet to the point of beginning.  
CONTAINING 1.65 ACRES MORE OR LESS.

2. The area to be annexed contains approximately 1.65 acres

3. That no alterations of the above described boundary is appropriate and no consideration by the Office of Municipal Boundary Adjustments is necessary, the Board may review and

City Council Proceedings

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



City Council Meeting  
Monday, November 20, 2006

comment but shall within 30 days order the annexation in accordance with the terms of the resolution.

4. That the City Administrator of the City of New Prague be authorized and directed to submit this Joint Annexation Resolution to the Minnesota Municipal Board for approval of such annexation in accordance with Minnesota Statutes Section 414.0325.

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 20th day of November, 2006.

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

ATTEST:

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

Motion Wilcox, Second Jirik.  
Approve agreement with Helena Township for maintenance of Alton Av.  
Motion carried.

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

RESOLUTION #06-11-20-03

RESOLUTION PROVIDING FOR PAYMENT OF LAND CONTRACT

WHEREAS, the City of New Prague has purchased park land via Contract for Deed,

WHEREAS, development park land acquisition fees were pledged to payment of said contract, and

WHEREAS, the park land acquisition fund is depleted and no new funds are anticipated in the near future.

City Council Proceedings

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



City Council Meeting  
Monday, November 20, 2006

NOW THEREFORE BE IT RESOLVED, that a portion of general fund reserves and \$100,000.00 of 2007 property tax levy will be utilized to make payments on said contract.

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 20th day of November, 2006.

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

ATTEST:

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

Motion Babione, Second Kratochvil.  
Approve first reading of proposed Ordinance #216 Authorizing Sale of Real Property owned by City of New Prague. (S 49' of Lots 25 & 36, Block 8, City New Prague, Le Sueur County, Minnesota).  
Motion carried.

Motion Wilcox, Second Jirik.  
Appoint Council Person Kratochvil as City of New Prague Representative to Joint Powers Board - Scott County Joint Regional Training Facility.  
Alternate Council Person - Duane Jirik.  
Motion carried.

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

RESOLUTION #06-11-20-04

RESOLUTION CANVASSING ELECTION  
RETURNS AND DECLARING RESULTS OFFICIAL

WHEREAS, General City Election for Mayor and 2 City Council positions was held on Tuesday, November 7, 2006.



City Council Proceedings

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



City Council Meeting  
Monday, November 20, 2006

WHEREAS, the following candidates received the following number of votes:

<u>Mayor</u>	
Bink Bender	691
Craig Sindelar	663
Paula Adbo Nelson	633
Jeffrey Drabant	435
Travis Kabes	93

<u>City Council</u>	
Kay Wilcox	1373
Jennifer Flicek	1291
Robert Babione	797
Charles Albrich	605

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Prague that the November 7, 2006 election results are hereby declared canvassed and official.

BE IT FURTHER RESOLVED that the following are hereby declared elected to the following offices and terms:

<u>Mayor</u>	
Bink Bender	1-1-2007 to 12-31-2008

<u>City Council</u>	
Kay Wilcox	1-1-2007 to 12-31-2010
Jennifer Flicek	1-1-2007 to 12-31-2010

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 20th day of November, 2006.

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

ATTEST:

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

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



City Council Meeting  
Monday, November 20, 2006

Motion Jirik, Second Kratochvil.  
Approve the following consent agenda items:  
A. Approve Previous Meeting Minutes  
B. Approve Claims for Payment.  
Motion carried.

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

RESOLUTION #06-11-20-05

RESOLUTION DECLARING COST TO BE ASSESSED, AND  
ORDERING PREPARATION OF PROPOSED ASSESSMENT

WHEREAS, a contract has been let and improvements completed for the improvement of First Av. NW, North of 7<sup>th</sup> St. N.

And the contract price for such improvement is \$430,969.65 and the expenses incurred or to be incurred in the making of such improvement amount to \$107,500.00 so that the total cost of the improvement will be \$538,464.65.

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$147,852.49 and the portion of the cost to be assessed against benefited property owners is declared to be \$390,612.16.
2. Assessments 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 the assessment resolution.
3. The City Administrator with the assistance of the City Engineer (consulting engineer), shall forthwith calculate the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection.
4. The City Administrator upon the completion of such proposed assessment, notify the Council thereof.

City Council Proceedings

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



City Council Meeting  
Monday, November 20, 2006

BE IT FURTHER RESOLVED that the assessment hearing for said project is to be held December 18, 2006.

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>	<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 20th day of November, 2006.

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

ATTEST:

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

Motion Kratochvil, Second Wilcox.  
Authorize the purchase of one 2006 Freightliner MZ 106V truck and chassis from Istate Truck Center. State of Minnesota Bid \$57,864.00.

Motion carried.

Motion Kratochvil, Second Wilcox.  
Authorize purchase of 1992 New Holland 9030 Bi Directional Tractor from Werner Imp. Bid price \$30,000. Authorize purchase of one P980 Pronovost Snowblower from Carlson Equipment bid price \$13,552.00 State Contract.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack  
City Administrator