

# City Council Proceedings

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



City Council Meeting  
Tuesday, February 22, 2005

Mayor Sindelar called the meeting to order with the following members present: Sindelar, Jirik, Wilcox, Babione. Absent: Kratochvil.

Mr. Mike Zagar, S E H, reviewed with the Council the Draft Wastewater Treatment Facilities Plan.  
No action taken.

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

## RESOLUTION 05-02-22-01

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE FOLLOWING USES  
WITHIN THE MIXED-USE BUILDING: THREE RESIDENTIAL APARTMENTS ON  
THE UPPER FLOOR, HEALTH CARE FACILITIES, BANKS, PROFESSIONAL  
OFFICES, REAL ESTATE OFFICES, LAUNDROMATS, PUBLIC AND QUASI  
PUBLIC USES, RETAIL AND SERVICE ESTABLISHMENTS, EXCEPT THAT  
AUTOMOBILE, MOTORCYCLE, BOAT AND SIMILAR SERVICE AND REPAIR  
SHOPS SHALL NOT BE ALLOWED ON LOTS 4 & 5, BLOCK 4, HIGHVIEW  
TENTH ADDITION IN THE B-2 COMMUNITY COMMERCIAL ZONING DISTRICT,  
NEW PRAGUE, MINNESOTA

WHEREAS, Richard J. Kratochvil, owner of the following real estate in the County of Scott to wit:

Lots 4 & 5, Block 4, Highview Tenth Addition, according to the recorded plat thereof, Scott County, Minnesota

is requesting a Conditional Use Permit to allow a mixed-use building, 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 (C2-2005), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 26<sup>th</sup> day of January, 2005, 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 conditions contained in staff report C2-2005 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

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- 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.
- B. 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.
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- D. 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.
- E. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use.
- F. The use is not in conflict with the comprehensive plan of the City.
- G. The use will not cause traffic hazard or congestion.
- H. 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 Conditional Use Permit allowing the following uses within the mixed-use building: three residential apartments on the upper floor, health care facilities, banks, professional offices, real estate offices, Laundromats, public and quasi public uses, retail and service establishments, except that automobile, motorcycle, boat and similar service and repair shops shall not be allowed, located on Lots 4 & 5, Block 4, Highview Tenth Addition in the B-2 Community Commercial Zoning District is hereby granted contingent upon the following:

- 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 construction plan dated 1/20/05 on file with the New Prague Planning Department with a change to the 1<sup>st</sup> Street NE curb cut to be 30' instead of the 24' shown and a change to the Chalupsky Avenue SE curb cut from 19' to 14', moved to the north for the 5' difference in width.
- 3. The applicant Rick Kratochvil must comply with all recommendations of the City Engineer and Public Works Director.
- 4. The lighting plan for the parking lot must comply with Section 704 of the Zoning Ordinance.

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5. Any signs shall comply with Section 718 of the Zoning Ordinance.
6. The driveway through the parking lot should be one way only exiting to Chalupsky Avenue SE.
7. The six required parking spaces for the residential apartments must be signed exclusively for such use.
8. Grass, plantings, or surfacing material shall be provided in all areas bordering the parking area.
9. The Conditional Use Permit is approved subject to the Planning Commission reviewing the alterations to the building plans of the north, west, and east elevations and submittal of a color scheme being submitted.
10. Security lights shall be provided.
11. A dumpster shall be provided for the residential units.
12. A patio area shall be provided for the residential units on the north side of the building.
13. Separate entrances shall be required for the retail and residential uses.

And noting that:

1. The curb cut for the exit to Chalupsky Avenue NE is 24' from the intersection of 1<sup>st</sup> Street NE and Chalupsky Avenue NE which meets the requirements of the ordinance, but is very close to the intersection regardless of meeting the ordinance requirement.

And acknowledging the following variances:

1. A Variance is being granted from Section 723 of the Zoning Ordinance, allowing a curb cut that is less than 30' in width, specifically the Chalupsky Ave. NE curb cut at 14' located as far north of the adjacent intersection as possible.
2. A variance 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 (not including the green space area lying 10' from the right of way in front of the front parking lot) in accordance with Section 717 (2)(A)(3) because of the large wetland buffer and green space that will surrounding the building and parking area.
3. A variance is being granted from Section 717 (2)(7)(d) allowing over 50% of the parking area to be located between the building and the street.

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This Conditional Use Permit 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>Absent</u>	<u>Absent</u>
Wilcox	<u>X</u>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 22nd day of February, 2005.

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

ATTEST:

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

Pursuant to due call and notification a public hearing was held to consider petition to vacate drainage and utility easement described as follows: The wetland easement located in Outlot A of Prague Estates Seventh Addition, City of New Prague, Le Sueur County, Minnesota according to the plat thereof.

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

RESOLUTION #05-02-22-02

RESOLUTION ORDERING VACATION OF UTILITY AND DRAINAGE EASEMENT

WHEREAS, a petition for vacation of utility and drainage easement was submitted by Geiger Properties LLC.

WHEREAS, said petition for vacation of utility and drainage easement was filed with the City Council of the City of New Prague as required by law, and

WHEREAS, proper publication of Notice of Hearing thereon for two weeks was duly given, and

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WHEREAS, a public hearing on said petition was duly held on the 22<sup>nd</sup> day of February 2005. Following said hearing this petition was duly granted.

NOW THEREFORE, IT IS HEREBY ORDERED that said utility and drainage easement described as follows:

The Wetland Easement located in Outlot A of Prague Estates Seventh Addition, City of New Prague, Le Sueur County, Minnesota, according to the plat thereof Is Hereby Vacated.

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>Absent</u>	<u>Absent</u>
Wilcox	<u>X</u>	<u>      </u>

Thereupon Mayor Sindelar declared said resolution adopted this 22nd day of February, 2005.

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

ATTEST:

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

City Administrator reviewed with the Council a proposed settlement of special assessment appeal of MN Valley Ag Coop for special assessments for TH 21 N & 4<sup>th</sup> Av. NW Improvement Project.

Motion Babione, Second Wilcox.

Approve and authorize execution of settlement agreement for special assessment appeal of MN Valley Ag Coop for TH 21 N. and 4<sup>th</sup> Av. NW Improvement Project. Terms of said settlement as outlined February 17, 2005 Memo from Jerry Bohnsack to City Council. MN Valley Ag Coop to dismiss law suite.

Motion carried.

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

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RESOLUTION #05-02-22-03

RESOLUTION WAIVING SAC & WAC FEES

WHEREAS, Chart Industries is in process of adding a 17,050 square foot addition to an existing facility.

WHEREAS, the majority of the addition will be warehouse and cold storage, and

WHEREAS, the increase in sewer and water use will be domestic only and minimal in volume utilizing the existing connections.

WHEREAS, the expansion will help to retain existing jobs.

WHEREAS, it is in the best interest of the City to promote the expansion and retention of jobs.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Prague that the SAC and WAC charges for the 2005 Chart Inc. expansion (AI Building) are hereby waived.

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>	<u>      </u>
Babione	<u>X</u>	<u>      </u>
Jirik	<u>X</u>	<u>      </u>
Kratochvil	<u>Absent</u>	<u>Absent</u>
Wilcox	<u>X</u>	<u>      </u>

Thereupon Mayor Sindelar declared said resolution adopted this 22nd day of February, 2005.

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

ATTEST:

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

Mr. Greg McFarland expressed to the Council his displeasure with his vehicle being ticketed during recent snowfalls. Mr. McFarland further expressed frustration with his attempts to acquire information regarding the terms of the snowbird ordinance. The Council took his suggestions under advisement.

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Motion Wilcox, Second Babione.

Approve consent agenda items:

A. Approve previous meeting minutes.

B. Approve claims for payment.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack  
City Administrator