

City Council Proceedings

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



City Council Meeting
Monday, August 7, 2006

Prior to meeting a workshop was held with Southern Minnesota Municipal Power Agency (SMMPA) staff. Ray Hayward and Dave Gershwin and Utility Commission Members Witt, Bishop, and Turner.

Subject of Workshop - coal fired electric power plant (Big Stone Project) and SMMPA participation in project.

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

Mr. Rolin Sin, MNDOT District 7 Engineer, reviewed with the Council TH 19 E. reconstruction project scheduled for 2007 construction season. Mr. Sin briefed the Council on design alternatives which are being considered for T H 19 - 13 E. between Rising Moon Alley and Alton Av. E. MNDOT sponsored an open house for August 23, 2006.

Mr. Robert Erickson, D R Horton, requested that the Council consider 25% reduction in sewer hookup fees for attached housing units.

Motion Kratochvil, Second Jirik.

Deny request for reduced sewer hookup fees for attached housing units. Upon roll call the following vote was recorded.

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>Absent</u>	<u>Absent</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.

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

RESOLUTION #06-08-07-01

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING A VARIANCE FROM THE REQUIREMENT THAT FENCES MUST BE NO MORE THAN 4' IN HEIGHT IN THE REQUIRED FRONT YARD TO ALLOW FENCE PILLARS TO BE UP TO 5' IN HEIGHT IN THE REQUIRED FRONT YARD ALONG 1ST STREET SE IN THE RM MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

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WHEREAS, Julie A. Litzau, owner of the following real estate in the County of LeSueur to wit:

Lot 2, Block 1, Whispering Pines, according to the plat thereof, LeSueur County, Minnesota.

is requesting a variance from the requirement that fences must be not more than 4' in height in the required front yard to allow fence pillars to be up to 5' in height in the required front yard along 1st Street SE at 804 1st Street SE in the RM Medium Density Residential Zoning District, which is located on the above described real estate; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (V4-2006), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 26th day of July, 2006, after due consideration of presented testimony and information, voted unanimously to forward the matter to the City Council with a recommendation for approval to allow the fence pillars to be up to 5' in height and that the rest of the fence must be no more than the zoning ordinance allowed 4' in height; and,

WHEREAS, the New Prague City Council finds:

1. Exceptional or extraordinary circumstances apply to the property which does not apply generally to other properties in the area because the home was built before 1st Street SE was ever platted or constructed and therefore the backside of the home faces the street instead of the front of the home as is typically the case with residential structures.

2. Special conditions and circumstances do not result from the actions of the applicants because the home was built before 1st Street SE was platted and constructed on the north side of the property which created the situation where the back of the home faces the street.

3. The variance requested is the minimum variance which would alleviate the hardship because the applicant is able to provide decorative brick pillars at the corners of the fence whereas without the variance there would be no variation in height from the pillars to the majority of the fence.

4. The variance would not be materially detrimental to the purpose of this ordinance or adversely affect the neighborhood because the brick pillars at the corner of the fence will only

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extend up to 1' higher than the ordinance permitted 4' height limit of the expanse of the fence itself.

5. The granting of the variance for the fence height would be reasonable because it is not increasing the height of the actual fence but rather only the brick pillars at up to 1' above the 4' fence height.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V4-2006 to allow a variance from the requirement that fences must be not more than 4' in the required front yard to allow fence pillars to be up to 5' in height the required front yard along 1st Street SE at 804 1st Street SE in the RM Medium Density Residential Zoning District as long as the rest of the fence is no more than 4' in height as allowed by the zoning ordinance, as proposed by Julie A. Litzau is hereby approved based on the above findings.

This Variance approval becomes 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>Absent</u>	<u>Absent</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 Vice Chairperson Wilcox declared said resolution adopted this 7th day of August, 2006.

Kay Wilcox Vice Chairperson

ATTEST:

Jerry Bohnsack, City Administrator

Discussion of part time employee participation in group health insurance program was held. Council unwilling to open enrollment to part time employees.

Council was briefed on request for residence outside City limits to hook up to sanitary sewer system. Staff will negotiate a written agreement with property owner for said hookup.

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Permission was granted for Praha Haus to host 1 outside grand opening celebration. Activities to cease by 10:00 P.M.

Motion Jirik, Second Kratochvil.

Accept resignation of Mr. Ted Novak, Maintenance, and Mr. Brian Buesgens, Police Patrol. Said resignation with regret.

Motion carried.

Motion Jirik, Second Kratochvil.

Authorize the employment of Mr. Andy Sirek, Police Patrolman.

Motion carried.

Motion Jirik, Second Kratochvil.

Authorize the ad for maintenance worker.

Motion carried.

Motion Babione, Second Jirik.

Approve interfund loan between general fund and golf fund.

Motion carried.

Motion Babione, Second Jirik.

Approve the following consent agenda items:

- A. Approve Previous Meeting Minutes
- B. Approve Claims for Payment.
- C. Call hearing to vacate walkway easement.
- D. MN Lawful Gambling Application for Exempt Permit for St. Nicholas Catholic Church at the Park Ballroom on October 27, 2006
- E. Approve 2006 Dozinky Activities.

Motion carried.

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

RESOLUTION #06-08-07-02

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE PROJECT ENTITLED SAFE AND SOBER

BE IT RESOLVED that the City of New Prague enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled Safe and Sober Communities during the period from October 1, 2006 through September 30, 2007.

The Mayor, and the City Administrator, on behalf of the City of New Prague, is hereby authorized to execute such agreements and

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amendments as are necessary to implement the project on behalf of the New Prague Police Department and to be the fiscal agent and administer the grant.

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

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>Absent</u>	<u>Absent</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 Vice Chairperson Wilcox declared said resolution adopted this 7th day of August, 2006.

Kay Wilcox, Vice Chairperson

ATTEST:

Jerry Bohnsack, City Administrator

Council Member Jirik related a request from Mr. Fritz Sticha for financial assistance to eliminate a drainage problem in area back yards. The Council considered the request and determined that the problem was a private property issue. Mr. Sticha's neighbor had previously taken the issue to Conciliation Court. Court determined that the City was not at fault and dismissed the claim.

There being no further business, the meeting was adjourned.

Jerry Bohnsack
City Administrator