

City Council Proceedings

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



City Council Meeting
Monday, June 6, 2005

Prior to business meeting the Council met in workshop session with Scott County Commissioner Joe Wagner & Bob Vogel, and Scott County Administrator Dave Unmacht.

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

Mr. Paul Donna, Northland Securities, reviewed with the Council a proposed bond issue to finance 2005 Capital Improvement Street Reconstruction Project - 1st Av. NW Improvement Project, SE Water Booster Station and CSAH 37 Wastewater Lift Station.

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

RESOLUTION #05-06-06-01

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS

BE IT RESOLVED by the City Council of the City of New Prague, Minnesota (the City), as follows:

Section 1. Purpose. It is hereby determined to be in the best interests of the City to issue:

(a) its General Obligation Improvement Bonds, Series 2005A in the approximate principal amount of \$2,420,000 (the 2005A Bonds), pursuant to Minnesota Statutes Chapters 429 and 475, the proceeds of which will be used to finance the certain public improvement and street reconstruction projects in the City; and

(b) its General Obligation Water and Sewer Revenue Bonds, Series 2005B in the approximate principal amount of \$840,000 (the 2005B Bonds), pursuant to Minnesota Statutes Chapters 444 and 475, the proceeds of which will be used to construct certain water and sewer system improvements in the City.

The 2005A Bonds and the 2005B Bonds are referred to herein collectively as the "Bonds."

Section 2. Terms and Conditions of Sale. Northland Securities, Inc., financial advisor to the City, will prepare Terms and Conditions of Sale for the Bonds which shall be approved by the City Administrator and placed on file at City Hall. Northland Securities, Inc., as independent financial advisor, pursuant to Minnesota Statutes, Section 475.60, Subdivision 2, paragraph (9)

City Council Proceedings

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



City Council Meeting
Monday, June 6, 2005

is hereby authorized to solicit bids for the Bonds on behalf of the City.

Section 3. Sale Meeting. This Council shall meet at the time and place identified in the Terms and Conditions of Sale for the purpose of considering sealed proposals for the purchase of the Bonds and of taking such action thereon as may be in the best interests of the City.

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

Thereupon Mayor Sindelar declared said resolution adopted this 6th day of June, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #05-06-06-02

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
DENYING A VARIANCE TO ALLOW A 14' VARIANCE FROM THE REQUIREMENT
THAT ACCESSORY BUILDINGS BE SETBACK A MINIMUM OF 30' FROM A
FRONT PROPERTY LINE TO ALLOW A GARAGE TO BE 16' FROM THE FRONT
PROPERTY LINE IN THE RL-90 SINGLE FAMILY RESIDENTIAL ZONING
DISTRICT,
NEW PRAGUE, MINNESOTA.

WHEREAS, Edward and Jessica Sticha, owners of the following real estate in the County of Scott to wit:

All that part of the West Half of the Southeast Quarter (W1/2 of SE ¼) of Section Thirty-Four (34), Township One Hundred Thirteen (113), Range Twenty-three (23), Scott County, Minnesota,

City Council Proceedings

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



City Council Meeting
Monday, June 6, 2005

described as follows: Commencing at a point Three Hundred Fifty-six and seven-tenths (356.7) feet North of the Northwest corner of Lot Seven (7), Block Nine(9), Park Addition to the City of New Prague, Scott County, Minnesota, according to the plat thereof on file and of record in the Office of the Registrar of Deeds in and for said county and state; thence running East One Hundred Fifty-two and one-half (152 ½) feet; thence running North One Hundred Fifteen (115) feet; thence West One Hundred Fifty-two and one-half (152 ½) feet; thence south One Hundred Fifteen (115) feet, to the place of beginning.

are requesting a variance to allow a 14' variance from the requirement that accessory buildings be setback a minimum of 30' from a front property line to allow a garage to be 16' from the front property line in the RL-90 Single Family Residential District; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (V3-2005), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of May, 2005, after due consideration of presented testimony and information, voted unanimously to forward the matter to the City Council with a recommendation for denial; and,

WHEREAS, the New Prague City Council finds:

1. 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.
2. That granting the variance requested will confer on the applicant any special privilege that is denied by this ordinance to owners of other lands, structures or buildings in the same district.
3. That the variance requested is not the minimum variance which would alleviate the hardship. Economic conditions alone shall not be considered a hardship.
4. The variance would be materially detrimental to the purpose of this ordinance, to other property in the same zone, and will adversely affect the neighborhood.

And noting that:

City Council Proceedings

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



City Council Meeting
Monday, June 6, 2005

1. Alternate configurations exist that would allow the applicant to build the proposed garage or a smaller version of the garage on the lot without needing a variance.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V3-2005, to allow a 14' variance from the requirement that accessory buildings be setback a minimum of 30' from a front property line to allow a garage to be 16' from the front property line in the RL-90 Single Family Residential District, as proposed by Edward and Jessica Sticha is hereby **denied** based on the above findings.

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 6th day of June, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Babione, Second Wilcox.
Approve move in house at 500 Central Av. S. - North 90' of East 95.7', N ½ of Block 16, Kubes Addn.
Said house to be 25' from 4th St. SW and to be placed in alignment with existing dwelling to the west. Building permit must be obtained and project completed within 120 days.

City Council Proceedings

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



City Council Meeting
Monday, June 6, 2005

Upon roll call the following vote was recorded:

	<u>AYES</u>	<u>NAYES</u>
	<u>Abstain</u>	<u>Abstain</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>
Motion carried.		

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

RESOLUTION # 05-06-06-03

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
GRANTING APPROVAL OF A FINAL PLAT OF WEGNER ADDITION CONSISTING
OF 2 LOTS ON 1.85 ACRES IN THE RL-84 SINGLE FAMILY RESIDENTIAL
ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Mark and Debra Wegner, owners of the following real estate in the County of Scott to wit:

Block 24, Philipp's Second Addition to Praha (New Prague) Scott County, Minnesota, according to the plat thereof on file and of record in the Office of the Register of Deeds in and for Scott County, Minnesota, excepting therefrom: Commencing at the Northeast corner of said Block 24, thence running South 330 feet to the Southeast corner of said Block 24 thence West 165 feet; thence North 186 feet; thence West 12 feet; thence north 12 feet, thence West 153 feet; thence North 60 feet; thence West 155 feet, to the West line of said Block 24, thence North 72 feet to the Northwest corner thereof; thence East to the Place of beginning.

The Real Property or its address is commonly known as 303 4th St. NW, New Prague, MN 56071.

are requesting final plat approval of Wegner Addition consisting of 2 lots on 1.85 acres in the RL-84 Single Family 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;

City Council Proceedings

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



City Council Meeting
Monday, June 6, 2005

WHEREAS, the New Prague Planning Commission on the 25th day of May, 2005, 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; and,

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the Final Plat of Wegner Addition consisting of 2 lots on 1.85 acres in the RL-84 Single Family Residential Zoning District is hereby granted contingent upon the following conditions:

1. A title opinion must be reviewed and approved by the City Attorney.
2. Mark and Debra Wegner must enter into a Developer's Agreement with the City of New Prague.
3. Any grading plans must be approved by the City Engineer, Public Works Director and City Planner.
4. Construction plans for the public sewer line must be approved by the City Engineer, Public Works Director and City Planner.
5. The proposed sanitary sewer line extension must maintain a 10' separation distance from the existing watermain and hydrant or it must be constructed with C900 pipe.
6. The plat approval is subject to the utility extension permits from the Pollution Control Agency for the public sanitary sewer extension.
7. 5' drainage and utility easements must be indicated on the final plat around the perimeter of each lot where other easements are not in place.

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

BE IT FURTHER RESOLVED that the Development Agreement for Wegner Addition is hereby approved.

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>	_____

City Council Proceedings

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



City Council Meeting
Monday, June 6, 2005

Thereupon Mayor Sindelar declared said resolution adopted this 6th day of June, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #05-06-06-04

ORDINANCE #197

ORDINANCE AMENDING SECTION 302, SECTION 606 AND SECTION 607 OF THE NEW PRAGUE ZONING ORDINANCE #187 CHANGING THE UNITS ALLOWED PER BUILDING IN THE RM MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT AND THE RH HIGH DENSITY RESIDENTIAL ZONING DISTRICT AND PROVIDING FOR USEABLE OPEN SPACE REQUIREMENTS IN THOSE DISTRICTS, NEW PRAGUE, MINNESOTA

WHEREAS, The City of New Prague Planning Department is requesting an amendment to Section 302, Section 606 and Section 607 of the New Prague Zoning Ordinance changing the units allowed per building in the RM Medium Density Residential Zoning District and the RH High Density Residential Zoning District and providing for useable open space requirements in those districts; and,

WHEREAS, the New Prague Planning Commission has 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 25th day of May, 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 the staff report and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

1. The ordinance amendment complies with the purpose and intent of the New Prague Comprehensive Plan.

City Council Proceedings

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

City Council Meeting
Monday, June 6, 2004

NOW, THEREFORE BE IT ORDAINED, by the City Council of New Prague, MN, that the amendment to Section 302, Section 606 and Section 607 of the New Prague Zoning Ordinance is hereby granted as written on the attached sheet:

This Zoning Ordinance Amendment shall become effective upon its publication.

Passed this 6th day of June, 2005.

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 6th day of June, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #05-06-06-05

ORDINANCE #198

ORDINANCE AMENDING SECTION 711 OF THE NEW PRAGUE ZONING ORDINANCE CHANGING THE MAXIMUM ALLOWED ACCESS DOOR OR OPENING HEIGHT FROM 10 FEET TO 12 FEET FOR ACCESSORY BUILDINGS OR STRUCTURES IN RESIDENTIAL DISTRICTS, NEW PRAGUE, MINNESOTA

WHEREAS, the City of New Prague Planning Department is requesting an amendment to Section 711 of the New Prague Zoning Ordinance changing the maximum allowed access door or opening height from 10 feet to 12 feet for accessory buildings or structures in residential districts; and

City Council Proceedings

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

City Council Meeting
Monday, June 6, 2005

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 25th day of May, 2005, following proper notice held a public hearing regarding the request, the following due consideration of presented testimony and information, voted 4-1 to forward the matter to the City Council with a recommendation for approval subject to conditions contained in the staff report and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

- 1. The ordinance amendment complies with the purpose and intent of the New Prague Comprehensive Plan.

NOW, THEREFORE BE IT ORDAINED, by the City Council of New Prague, MN, that the amendment to Section 711 of the New Prague Zoning Ordinance is hereby granted as written on the attached sheet.

The Zoning Ordinance Amendment shall become effective upon its publication.

Council Member Babione seconded said Ordinance (Resolution) and upon roll call the following vote was recorded.

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

Thereupon Mayor Sindelar declared said Ordinance (Resolution) **failed.**

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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



City Council Meeting
Monday, June 6, 2005

Motion Wilcox, Second Babione

Approve the Preliminary Plat of Tikalsky Acres with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawings, preliminary utility plan and preliminary grading plan, all dated 3-2-05 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. Randy Kubes must enter into a Developer's Agreement with the City of New Prague, and the agreement must be approved by the City Council prior to final plat approval.
4. Approval is subject to all recommendations of the City Engineer and Public Works Director.
5. Grading and construction plans must be approved by the City Engineer, City Planner and Public Works Director prior to final plat approval.
6. The preliminary plat approval is subject to the utility extension permits from the Pollution Control Agency and the Minnesota Department of Health.
7. Drainage and utility easements must be dedicated at the time of final plat.
8. The delineated wetlands, along with a surrounding 40' drainage and utility easement, must be shown on the final plat.
9. No lots shall have driveway access onto County Road 29 or onto 10th Avenue SE.
10. Bituminous trails shall be constructed along the west side of 10th Avenue SE, the north side of CSAH 29, and between Lots 27 and 28 of Block 4. Sidewalks shall be constructed along the east side of 10th Avenue SE, the north side of Tikalsky Street SE, the south side of Olivia Street SE, and on one side of the unnamed street which connects Tikalsky and Olivia Streets.
11. The developer shall stripe the 10th Avenue SE roadway as recommended by the City Engineer.
12. A signing plan must be submitted and approved by the City Engineer.
13. A Landscaping plan must be submitted and approved by the Planning Commission prior to final plat approval. Landscaping, intended to provide a buffer between the

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



City Council Meeting
Monday, June 6, 2005

- residential properties and adjacent collector roads, must be must be located on the private properties and not located with the right-of-way or drainage and utility easements.
14. Park land shall be dedicated by the developer south of CSAH 29 when that property is developed and could be incorporated into the site for the water tower.
 15. Annexation of the property must be approved by the Office of Strategic and Long Range Planning, Office of Boundary Adjustments, prior to final plat approval, and in the event that the State does not approve the annexation the preliminary plat shall become void.
 16. A Wetland Conservation Act Certificate of No Loss or Exemption must be submitted prior to final plat approval.
 17. All streets names must have a "SE" extension.
 18. The Developer shall provide to the New Prague Utility Commission a parcel of land for a future water tower. The parcel must be secured to the approval of the New Prague Utility Commission prior to final plat approval.
 19. The Developer shall provide the required park dedication for this proposed Tikalsky Acres within a future development. In the event that land cannot be secured within a future development the Developer will be required to pay cash in lieu of land dedication.
 20. The Developer will be required to participate financially in the CSAH 29 reconstruction project if the New Prague City Council and the LeSueur County Board of Commissioners elect to reconstruct the adjacent CSAH 29.
 21. A temporary cul-de-sac shall be constructed at the east end of Tikalsky Street SE.
 22. Financial participation in a boosted pressure station, which is under construction and will provide the required water pressure to the proposed subdivision, will be required from the Developer.
 23. The CSAH 37 sanitary sewer lift station will need to be upgraded in order to serve the proposed development.
 24. Additional right of way will be required along CSAH 29 at the easterly edge of the plat. The right of way is necessary for the realignment of CSAH 29 and the future construction of CR 144.

And noting the following variances:

1. Tikalsky Street SE accesses 10th Avenue SE on a curve which does not provide for the required 100' right angle distance on 10th Avenue SE as required by the Subdivision Ordinance Section 7.1 Subd. 3b. The variance is being allowed because 10th Avenue

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



City Council Meeting
Monday, June 6, 2005

contains curvature through the entire plat, therefore it is not possible to meet this requirement.

And noting the following:

1. The Olivia Street cul-de-sac could possibly be tilted slightly north to provide more pad depth (under 35' deep as proposed) for Lot 14, Block 4 while not reducing lot pad depth much on lots to the north of the cul-de-sac.
 2. The overhead electric utility line within the 75' easement north of County Road 29 may need to be relocated or buried if/when County Road 29 is reconstructed and the bituminous trail is installed on the north side of the road.
 3. The City recommends to LeSueur County that a 4-way stop be considered at the proposed 10th Avenue SE / CSAH 29 / CR 144 intersection.
 4. The New Prague City Council and the LeSueur County Board of Commissioners are currently considering a road reconstruction project on the adjacent CSAH 29 which would improve site distance at the proposed 10th Avenue SE / CSAH 29 / CR 144 intersection.
 5. The City of New Prague had a feasibility report prepared which determined that, because of massive grading that would be required and insufficient site distances at the proposed intersection, the extension of 12th Avenue SE to County Road 29 is not financially or practically feasible.
- Motion carried.

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

RESOLUTION #05-06-06-06

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
GRANTING CONDITIONAL USE PERMIT C3-2005 TO ALLOW A PLANNED UNIT
DEVELOPMENT CONSISTING OF 378 RESIDENTIAL HOUSING UNITS WITHIN
RAVEN STREAM VILLAGE, RM MEDIUM DENSITY RESIDENTIAL
ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Raven Stream Development, Inc., owners of the following real estate in the County of Scott to wit:

All that part of the West Half of Section 33. Township 113 North, Range 23 West, Scott County, Minnesota, described as follows: Commencing at the Southwest corner of said Section 33; thence North 01 degree 53 minutes 57 seconds East on an assumed bearing along the West line of the Southwest Quarter, a distance of 551.74 feet, to the north line of the South 17 acres of the

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



City Council Meeting
Monday, June 6, 2005

West Half of the Southwest Quarter, said point being the point of beginning; thence continuing North 01 degree 53 minutes 57 seconds East on said West line, a distance of 2083.20 feet to the Northwest corner of the Southwest Quarter of said section; thence South 89 degrees 19 minutes 29 seconds East along the North line of the Southwest Quarter a distance of 264.00 feet; thence North 1 degree 42 minutes 49 seconds East a distance of 848.10 feet; thence North 89 degrees 18 minutes 29 seconds West a distance of 264.00 feet to the West line of the Northwest Quarter; thence North 1 degree 42 minutes 49 seconds East along the West line of said Northwest Quarter a distance of 10.00 feet; thence South 89 degrees 18 minutes 29 seconds East a distance of 237.04 feet; thence North 1 degree 42 minutes 49 seconds East a distance of 454.83 feet to the North line of the Southwest Quarter of the Northwest Quarter; thence South 89 degrees 13 minutes 24 seconds East a distance of 1094.66 feet to the West line of the Northeast Quarter of the Northwest Quarter; thence North 1 degree 36 minutes 20 seconds East along said West line a distance of 835.41 feet to a line parallel with and southerly of the North line of the Northeast Quarter of the Northwest Quarter a distance of 475.82 feet; thence South 89 degrees 08 minutes 18 seconds East along said parallel line a distance of 507.54 feet; thence North 32 degrees 09 minutes 31 seconds East a distance of 556.85 feet to the North line of said Northeast Quarter of the Northwest Quarter; thence South 89 degrees 08 minutes 18 seconds East along said North line a distance of 538.56 feet to the Northeast Corner of said Northeast Quarter of the Northwest Quarter; thence South 1 degree 29 minutes 51 seconds West along the East line of said Northwest Quarter a distance of 2618.52 to the Northeast Corner of said Southwest Quarter; thence South 1 degree 29 minutes 51 seconds West along the East line of said Southwest Quarter a distance of 2540.30 to the North Right of Way line of Minnesota Trunk Highway No. 21; thence Westerly on said North Right-of-Way line 366.15 feet on a 34451.18 foot radius curve, not tangent to previous line, having a central angle of 0 degrees 36 minutes 32 seconds and 366.15 foot chord that bears North 89 degrees 05 minutes 39 seconds West; thence North 89 degrees 23 minutes 55 seconds West on said North line and tangent to previous curve, a distance of 1525.15 feet to a found iron pipe; thence North 01 degree 44 minutes 42 seconds East, 436.01 feet to a found iron pipe; thence North 88 degrees 52 minutes 02 seconds West, 504.24 feet to a found iron pipe; thence South 01 degree 53 minutes 57 seconds West 7.99 feet to the North line of the South 17 acres of the West Half of the Southwest Quarter; thence North 89 degrees 23 minutes 55 seconds West on said North line, a distance of 289.38 feet to the point of beginning.

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



City Council Meeting
Monday, June 6, 2005

are requesting Conditional Use Permit C3-2005, to allow a planned unit development for 378 residential housing units located in the above real estate within the RM Medium Density 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 (#C3-2005), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of May, 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 #C3-2005 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

1. The request meets the purpose of Planned Unit Developments listed in Zoning Ordinance Section 727 (1).
2. The request meets the general requirements for Planned Unit Development in Zoning Ordinance Section 727 Subd. 3 (A-H).

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, the request for Conditional Use Permit C3-2005, to allow a planned unit development in the RM Medium Density Residential Zoning District is hereby granted contingent upon the following:

1. That the zoning ordinance amendment allowing up to 8 unit buildings and requiring 400 sq. ft. of useable open space per dwelling unit be adopted before final approval by the City Council.
2. Approval is granted in accordance with the revised preliminary plat submittal drawings dated 5/18/05 and the Preliminary Plat dated 5/18/05, on file with the New Prague Planning Department.
3. All buildings must be setback a minimum of 30' from public road right of way.
4. All buildings must be setback a minimum of 22' from private road right of way and meet all other setback ordinance requirements.
5. Patio areas must not be located within easements.
6. Landscaping/buffer trees and vegetation must not be located within public easements or public right of way and must be a minimum of 5' in height.

City Council Proceedings

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

} City Council Meeting
Monday, June 6, 2005

- 7. Extra parking stalls in the development must be a minimum of 9' x 20' in size.
- 8. The private drives must be signed for "No Parking" on either side of the private drives.
- 9. The private roads will have private utilities located under them.
- 10. Any open space required by the Planning Commission.
- 11. Private drives must line up across from each other.
- 12. The City Attorney must provide language for notification covenant and deed restriction to be placed on the properties regarding the adjacent feedlots.

This Conditional Use Permit shall become effective immediately upon its passage and without publication.

Council Member Kratochvil seconded said Ordinance (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 6th day of June, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Wilcox, Second Babione
Approve preliminary plat of Raven Stream Village with the following conditions:

- 1. The preliminary plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
- 2. The preliminary plat conforms to the RL-90 Single Family Residential District, RM Medium Density Residential District, and B-2 Community Commercial District in which the Land Use Plan designates as their proposed zoning.
- 3. The proposed plat conforms to the original development plan and EAW.

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



City Council Meeting
Monday, June 6, 2005

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawings dated 5/18/05 and the Revised Preliminary Plat Submittal dated 5/18/05 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. Raven Stream Development, Inc. must enter into a Developer's Agreement with the City of New Prague, and the agreement must be approved by the City Council prior to final plat approval.
4. Approval is subject to all recommendations of the City Engineer and Public Works Director.
5. Grading and construction plans must be approved by the City Engineer, City Planner and Public Works Director prior to final plat approval.
6. The preliminary plat approval is subject to the utility extension permits from the Pollution Control Agency and Minnesota Department of Health.
7. Drainage and utility easements must be dedicated at the time of final plat.
8. The delineated wetlands should be shown on the final plat, along with a surrounding 40' drainage and utility easement.
9. A Wetlands Conservation Act "Certificate of No Loss or Exemption" must be filed prior to the final plat approval of each phase.
10. Six and eight unit townhouse buildings are shown on the preliminary plat will only be allowed if the Zoning Ordinance Amendment to permit them is adopted.
11. Utilities should be stubbed to the property line where they can be extended to adjacent properties needing utility service.
12. Final plat approval will not be granted on phases that cannot be serviced by the capacity of the waste water treatment plant.
13. Screening must be provided as required by the planning commission.
14. Proposed Taylor Avenue must be changed to Roosevelt Avenue NW or another name so as to not confuse emergency response personnel.

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



City Council Meeting
Monday, June 6, 2005

15. Safety devices at the school intersection should be explored.
16. No lots shall have direct residential driveway access onto major collectors or minor collectors such as 6th Street NW, 11th Avenue NW, 1st Street NW, and Naylor Avenue.
17. A 20' walkway easement must be added between Lots 10 & 11, Block 7 on the preliminary and final plat for the area.
18. The developer is short 2.74 acres of park land dedication which must be dedicated as a payment in lieu of dedication or by completing playground improvements to the north park area in lieu of that amount.
19. Additional traffic information is needed in the form of a Traffic Impact Analysis from the developer and must be provided to District 7 MnDOT and City Staff to show traffic projections and trip generation movements (origin & destination) for the entire development so that they can recommend the actual future design of Highway 19.
20. The current configuration of lots in Block 10 must be changed because of an existing wetland, noting that lots 14, 15 and 16 and possibly Lot 13 of Block 10 are entirely un-buildable, and the building pads on Lots 7, 8, 9 & 10 of Block 10 are impacted by the wetlands setback requirements. The building pads on Lots 39 and 40 of Block 13 are impacted by the wetland setback requirements.
21. The current configuration of lots on Block 30 must be changed as Lots 11 and 12 are entirely un-buildable, and the building pad on Lot 13 Block 30 may be impacted due to the wetland setback requirements.
22. Filling wetlands for the purposes of developing residential lots does not meet sequencing criteria under the Wetland Conservation Act and will not be approved. Filling of wetlands for the purposes of development projects is typically only allowed for linear project features such as roads and paths. Any proposed filling requires the appropriate paperwork including a proposed replacement plan, all of which should be submitted with the first construction plan submittal.
23. All dead-end streets must have a temporary cul-de-sac provided at the end where snow plowing will need to be conducted.

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



City Council Meeting
Monday, June 6, 2005

24. A flood study of Raven Stream must be completed to determine the 100 year flood elevation, and that once completed a Conditional Letter of Map Revision (CLOMR) be submitted to FEMA.
25. An emergency warning siren is needed to service the development.
26. Wetland sign markers must be provided on lots containing wetland buffer areas.
27. Pavement width on Arizona Street west of 11th Avenue NW should be reduced from 36' pavement width to 32' pavement width.
28. Pavement width on Vermont Street should be increased from 32' pavement width to 36' pavement width.
29. City Staff and the developer must visit with landscaping experts skilled in the area of landscaping for odor management, and staff shall determine reasonable landscaping requirements for the subdivision.
30. The City Attorney must provide language for notification covenant and deed restriction to be placed on the properties regarding the adjacent feedlots.
31. That Michigan Street and Arizona Street be changed to numbered names.
32. The landscaping trees along the NW detention pond must be moved to the south of the detention pond.
33. Sidewalks must be provided for along all streets in the development on at least one side except for cul-de-sacs.
34. The private roads within the development must be constructed using the same street section base as public streets.

And noting that:

1. The connection distance between Harrison Avenue and 11th Avenue NW is less than the recommended 330' at two places (Michigan Street and 6th Street NW). The applicant has made all efforts to meet the ordinance requirement with this intersection and it should be noted as a variance from the 330' spacing requirement.
2. The connection distance between Naylor Avenue and Taylor Avenue onto 1st Street NW is less than the recommended 330' and should be noted as a variance as the applicant has made all efforts to meet the ordinance requirement.
3. The connection distance between 11th Ave. NW and Jefferson Avenue is less than the recommended 330' spacing onto 1st Street NW and should be noted as a variance as the applicants have made all efforts to meet the ordinance requirement.
4. There are a few intersections that do not fully meet the requirement with intersections on curves in the road and they are Vermont Circle with Vermont Street (the most northern

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



City Council Meeting
Monday, June 6, 2005

connection), Taylor Avenue with 1st Street NW, Madison Avenue with 1st Street NW, Kennedy Avenue with 6th Street NW, Harrison Avenue with 6th Street NW. The developer has made every reasonable attempt to meet the requirement at these intersections by using large radius curves.

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

RESOLUTION #05-06-06-07

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
GRANTING CONDITIONAL USE PERMIT C4-2005 TO ALLOW A PRIMARY SCHOOL ALONG WITH RELATED PARKING, SIGNAGE, AND RECREATIONAL AREAS IN THE RM MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, New Prague School District ISD #721, owner of the following real estate in the County of Scott to wit:

All that part of the West Half of Section 33. Township 113 North, Range 23 West, Scott County, Minnesota, described as follows: Commencing at the Southwest corner of said Section 33; thence North 01 degree 53 minutes 57 seconds East on an assumed bearing along the West line of the Southwest Quarter, a distance of 551.74 feet, to the north line of the South 17 acres of the West Half of the Southwest Quarter, said point being the point of beginning; thence continuing North 01 degree 53 minutes 57 seconds East on said West line, a distance of 2083.20 feet to the Northwest corner of the Southwest Quarter of said section; thence South 89 degrees 19 minutes 29 seconds East along the North line of the Southwest Quarter a distance of 264.00 feet; thence North 1 degree 42 minutes 49 seconds East a distance of 848.10 feet; thence North 89 degrees 18 minutes 29 seconds West a distance of 264.00 feet to the West line of the Northwest Quarter; thence North 1 degree 42 minutes 49 seconds East along the West line of said Northwest Quarter a distance of 10.00 feet; thence South 89 degrees 18 minutes 29 seconds East a distance of 237.04 feet; thence North 1 degree 42 minutes 49 seconds East a distance of 454.83 feet to the North line of the Southwest Quarter of the Northwest Quarter; thence South 89 degrees 13 minutes 24 seconds East a distance of 1094.66 feet to the West line of the Northeast Quarter of the Northwest Quarter; thence North 1 degree 36 minutes 20 seconds East along said West line a distance of 835.41 feet to a line parallel with and southerly of the North line of the Northeast Quarter of the Northwest Quarter a distance of 475.82 feet; thence South 89 degrees 08 minutes 18 seconds East along said parallel line a distance of 507.54 feet; thence North 32 degrees 09 minutes 31 seconds East a distance of 556.85 feet to the North line of said Northeast Quarter of the Northwest Quarter; thence South 89

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



City Council Meeting
Monday, June 6, 2005

degrees 08 minutes 18 seconds East along said North line a distance of 538.56 feet to the Northeast Corner of said Northeast Quarter of the Northwest Quarter; thence South 1 degree 29 minutes 51 seconds West along the East line of said Northwest Quarter a distance of 2618.52 to the Northeast Corner of said Southwest Quarter; thence South 1 degree 29 minutes 51 seconds West along the East line of said Southwest Quarter a distance of 2540.30 to the North Right of Way line of Minnesota Trunk Highway No. 21; thence Westerly on said North Right-of-Way line 366.15 feet on a 34451.18 foot radius curve, not tangent to previous line, having a central angle of 0 degrees 36 minutes 32 seconds and 366.15 foot chord that bears North 89 degrees 05 minutes 39 seconds West; thence North 89 degrees 23 minutes 55 seconds West on said North line and tangent to previous curve, a distance of 1525.15 feet to a found iron pipe; thence North 01 degree 44 minutes 42 seconds East, 436.01 feet to a found iron pipe; thence North 88 degrees 52 minutes 02 seconds West, 504.24 feet to a found iron pipe; thence South 01 degree 53 minutes 57 seconds West 7.99 feet to the North line of the South 17 acres of the West Half of the Southwest Quarter; thence North 89 degrees 23 minutes 55 seconds West on said North line, a distance of 289.38 feet to the point of beginning.

are requesting Conditional Use Permit C4-2005, to allow a primary school along with related parking, signage, and recreational areas within the RM Medium Density 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 (#C4-2005), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of May, 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 C4-2005 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

1. The proposed use of the property as an educational facility meets the intention of the Zoning Ordinance and Comprehensive Plan.

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



City Council Meeting
Monday, June 6, 2005

2. The proposal meets the requirements of Section 505 of the Zoning Ordinance which states specific criteria for granting conditional use permits.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, the request for Conditional Use Permit C4-2005, to allow a primary school along with related parking, signage, and recreational areas in RM Medium Density Residential 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 submittal include floor plans, building elevations, grading plans, site plans, erosion control plan, utility plan, landscaping plan, electrical & lighting plan. All sheets are dated May 2, 2005 or May 3, 2005 and are on file with the New Prague Planning Department
3. The conditional use permit is subject to plat approval of Raven Stream Village. If the plat of Raven Stream Village is not approved by the City of New Prague, the conditional use permit is void.
4. The applicant, ISD 721, must comply with all recommendations of the City Engineer and Public Works Director.
5. The bituminous trail near the proposed soft play area should be extended north approximately 610' to the northerly property line.
6. The bus entrance should be signed for bus access only when school is in session.
7. A self activated pedestal crossing light shall be installed at the pedestrian entrances on 11th Avenue NW and 1st Street NW.
8. No parking signs shall be installed along 1st Street NW adjacent to the school property.
9. Within one year of the completion of the primary school facility, the school district must construct and pay for the development of the five acre city park property adjacent to the school property, as shown on the conditional use permit submittal information.

And noting the following variances:

1. 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. The variance is being allowed for

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



City Council Meeting
Monday, June 6, 2005

safety reasons so that the parking area can create a separation between primary school building and the public street.

2. A variance is being granted from the screening requirements of the Zoning Ordinance Section 707, noting that for safety reasons, it is not appropriate to screen the primary school facility to the degree required by the Zoning Ordinance.

3. A variance is being granted from Zoning Ordinance Section 703 which requires wood fencing around the refuse area, noting that the proposed chain link screening fence will be more durable while still meeting the intent of the ordinance.

4. A variance is being granted from Section 718(2)(C) allowing a monument sign to be constructed in excess of 12 sq. ft. as proposed in a sign detail from KKE Architects dated March 28, 2004 or a the sign shown on a site plan drawing dated May 4, 2005.

And making the following findings:

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.

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.

3. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.

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.

5. 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.

6. The use is not in conflict with the comprehensive plan of the City.

7. The use will not cause traffic hazard or congestion.

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

This Conditional Use Permit shall become effective immediately upon its passage and without publication.

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



City Council Meeting
Monday, June 6, 2005

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 6th day of June, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #05-06-06-08

RESOLUTION APPROVING PLANS AND SPECIFICATIONS
AND ORDERING ADVERTISEMENT FOR BIDS

WHEREAS, Pursuant to a resolution passed by the Council on June 6, 2005, the City Engineer, Bob Barth, has prepared plans and specifications for the improvement of CSAH 37 Sanitary Sewer Lift Station and has presented such plans and specifications to the Council for approval;

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications.

City Council Proceedings

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



City Council Meeting
Monday, June 6, 2005

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 6th day of June, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Jirik, Second Babione
Authorize the employment of Mr. Cory Schmitz Police Patrolman.
Motion carried.

Motion Jirik, Second Kratochvil
Authorize the following street signage:
- The south side of 12th St. by the Community Center and Gymnastic Center be posted "No Parking During School Days 7:00 - 3:00". Also, a "No Parking here to Corner" be placed west of the intersection of 12th and Columbus to create somewhat of a right turn lane.
- The north side of 12th St. would remain "No Parking"
- The west side of Columbus Av. N. north of 12th St. be posted "No Parking" during School Days 7:00 - 3:00".
- The east side of Columbus Av. N, north of 12th St. remain "No Parking" except for the sliding hill.
- The shortening of the distance between some of the signs on 12th St.

Motion carried.

Motion Wilcox, Second Babione
Authorize the engagement of S E H Engineers for the 2006 CIP street reconstruction project.
Motion carried.

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



City Council Meeting
Monday, June 6, 2005

Motion Jirik, Second Wilcox

Approve the following ambulance equipment rates effective July 1, 2005:

Defibulator and supplies	\$150.00
Cardiac Monitor and supplies	\$100.00

Motion carried.

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

RESOLUTION #05-06-06-09

RESOLUTION ACCEPTING MEMORIAL PARK PLAYGROUND PROJECT

WHEREAS, pursuant to an advertisement in the April 28th, 2005 New Prague Times for bids for the following improvements in Memorial Park:

- Delivery and Installation of Playground Equipment
- Delivery of Engineered Wood Fiber for the Equipment Area
- Delivery of Four Park Benches

Bids were received and opened on Friday, May 13th, 2005 at 10:00 AM and tabulated according to law, and the following bids were received complying with the advertisement which set a do not exceed amount of \$60,000.00 with the minimum prescribed standards in the specifications:

Midwest Playscapes, Inc.	-	\$60,000.00
Clearwater Recreation	-	\$60,000.00
Flanagan Sales, Inc.	-	\$60,000.00
St. Croix Recreation	-	\$60,000.00

AND WHEREAS, the New Prague Park Board during a meeting on May 17th examined the bids and criteria ranking scores and recommended that Midwest Playscapes, Inc. of Chaska be awarded the contract based on receiving the highest ranking score of 44 out of 45 points on the ranking scale and being the lowest responsible bidder in terms of meeting the specifications and meeting the reference check.

AND WHEREAS, it appears that Midwest Playscapes, Inc. of Chaska, MN is the lowest responsible bidder and the highest ranking bid based on the criteria ranking scores of all bids submitted.

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

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

The City Administrator and City Planner are hereby authorized and directed to enter into the attached contract with Midwest Playscapes, Inc. of Chaska, MN in the name of the City of New Prague for the following improvements in Memorial Park:

- Delivery and Installation of Playground Equipment
- Delivery of Engineered Wood Fiber for the Equipment Area
- Delivery of Four Park Benches

according to the plans and specifications therefore approved by the Park Board 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 6th day of June, 2005.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Jirik, 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 Scott/LeSueur Chapter of Minnesota Waterfowl on August 12, 2005.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack
City Administrator