

City Council Proceedings

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



City Council Meeting
Monday, April 3, 2006

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

Mr. John Hamer and Mr. George Tupy discussed with the Council the proposed special assessment for the Park Ballroom street and parking reconstruction.

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

RESOLUTION #06-04-03-01

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, the Park Ballroom filed a formal assessment appeal at the public hearing held March 20, 2006.

WHEREAS, the Park Ballroom Board had decided to drop the appeal.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Prague, MN that the special assessment for Parcel #23-995-0080 is established at \$83,601.00.

BE IT FURTHER RESOLVED that the terms of said special assessment are to be identical to the terms as outlined in Resolution #06-03-20-01.

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 3rd day of April, 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, April 3, 2006

Discussion of assessment appeal of Mach Lumber was held. Administrator was directed to negotiate with owner.

Mr. Bob Barth, Bonestroo & Associates, reviewed with the Council bids received for CSAH 37 Wastewater Lift Station.

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

RESOLUTION #06-04-03-02

RESOLUTION ACCEPTING BID

WHEREAS, pursuant to an advertisement for bids for the installation of CSAH 37 Wastewater Lift Station, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

	<u>Contractor</u>	<u>Bib Amount</u>
Low	Parrott Contracting, Inc.	\$393,678.00
#2	Magney Construction, Inc.	\$429,355.00
#3	Engineering & Construction Innovations, Inc.	\$538,340.00
#4	DI-MAR Construction, Inc.	\$582,982.00

AND WHEREAS, it appears that Parrott Contracting is the lowest responsible bidder,

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

1. The Mayor and City Administrator are hereby authorized and directed to enter into the attached contract with Parrott Contracting in the name of the City of New Prague for the installation of CSAH Wastewater Lift Station according to the plans and specifications therefore approved by the City Council and on file in the office of the City Administrator.

2. The Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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



City Council Meeting
Monday, April 3, 2006

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 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION # 06-04-03-03

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING
COOPERATIVE AGREEMENT #89357R WITH MINNESOTA DEPARTMENT OF
TRANSPORTATION PROVIDING FOR LUMP SUM PAYMENT TO STATE

WHEREAS, the City Council of the City of New Prague desires to install a new traffic control signal including street lights, emergency vehicle pre-emption devices, and signing at the intersection of Trunk Highway 19 and 11th Avenue NW; and,

WHEREAS, the Minnesota Department of Transportation has agreed to the location and installation of said signal; and,

WHEREAS, the City and State wish to enter into an agreement regarding the roles and responsibilities of each agency in regarding to the Traffic Control Signal; and,

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the City of New Prague enter into an agreement with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To install a new traffic control signal with street lights, emergency vehicle pre-emption and signing on Trunk Highway No. 19 at 11th Avenue Northwest in accordance with the terms

City Council Proceedings

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



City Council Meeting
Monday, April 3, 2006

and conditions set forth and contained in Agreement No. 89357R, a copy of which was before the Council.

BE IT FURTHER RESOLVED that the Mayor and City Administrator are hereby authorized to execute said agreement with the State of Minnesota, Department of Transportation and any amendments, and thereby assume for and on behalf of the City all of the contractual obligations contained therein.

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 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #06-04-03-04

RESOLUTION ACCEPTING TRUNK HIGHWAY 19 NEEDS STUDY COMPLETED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION, DISTRICT 7, STUDY AREA LYING BETWEEN 10TH AVENUE AND SCOTT COUNTY ROAD 89 CITY OF NEW PRAGUE, SCOTT AND LE SUEUR COUNTIES

WHEREAS, continued development in the City of New Prague and surrounding communities has caused increased traffic in the region and on Trunk Highway 19 east of New Prague; and,

WHEREAS, it is the responsibility of the Minnesota Department of Transportation, the City of New Prague, and Scott and LeSueur Counties to plan for development of transportation systems that support anticipated development; and,

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



City Council Meeting
Monday, April 3, 2006

WHEREAS, plans for continued residential and commercial development prompted the need to develop a long term transportation plan for Trunk Highway 19 lying east of New Prague which will allow safe and efficient circulation in the area; and,

WHEREAS, the State, City and Counties recognized that interested parties should participate in a Trunk Highway 19 needs study; and,

WHEREAS, the intent of the study was to identify a long term plan for Trunk Highway 19, lying between 10th Avenue and Scott County Road 89 / LeSueur County Road 164, and the supporting road network; and,

WHEREAS, presentations regarding the study were made to the New Prague Planning Commission on 7/27/05, 8/24/05, 9/21/05, and 3/22/06; and,

WHEREAS, the City of New Prague Planning Commission held a public hearing to receive input on said study 9/21/05; and,

WHEREAS, the Trunk Highway 19 Needs Study finds:

Trunk Highway 19 should remain on existing alignment and should be a two lane divided urban section, with raised islands and with turn lanes.

Access should be limited to full intersections at 10th Avenue, Alton Avenue, and Scott County Road 89/LeSueur County Road 164. Limited [right in / right out] access can occur at Chalupsky Avenue and midway between Alton Avenue and County Road 164.

There should be a local supporting road system that provides local direct access to land uses and provides continuous east/west travel without relying on Trunk Highway 19.

The portion of the Trunk Highway 19 study segment from 300 feet east of 10th Avenue to 800 feet east of Alton Avenue is seen as the most likely next implementation phase, utilizing MnDOT safety funds and local funds.

WHEREAS, the Trunk Highway Needs Study identifies the following related roles and responsibilities:

City Council Proceedings

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



City Council Meeting
Monday, April 3, 2006

MnDOT will be responsible for the improvements to TH 19, with appropriate local participation;

The City of New Prague will be responsible for development of the local road system, utilizing funding and resources as they see fit;

MnDOT will combine the Trunk Highway 19 / 10th Avenue intersection signalization project [formerly scheduled for 2006] with the Trunk Highway 19 project from 10th Avenue to Alton Avenue [formerly scheduled for 2009] and develop one project for 2007. This will be a one year project from west of 10th Avenue to east of Alton Avenue. Though the intersection locations are set, the final design will consider all design options including roundabouts.

The improvement of TH 19 from east of Alton Avenue through the Scott County Road 89/LeSueur County Road 164 area is not programmed and should be coordinated with the proposed Scott and LeSueur County highway realignment projects.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Prague that the Trunk Highway 19 Needs Study Final Report dated February, 2006 is hereby supported by 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 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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, April 3, 2006

RESOLUTION 06-04-03-05

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING A
CONDITIONAL USE PERMIT TO ALLOW AN EXPANSION TO THE HARDWARE
STORE LOCATED AT 1300 1ST ST NE, LOT 2 BLOCK 1, SIMON ACRES 1ST
ADDITION, IN THE B2 ZONING DISTRICT,
NEW PRAGUE, MINNESOTA

WHEREAS, Denwin Simon Properties, LLC, owner of the following
real estate in the County of Scott to wit:

Lot 2 Block 1, Simon Acres 1st Addition, Scott County,
Minnesota, according to the recorded plat thereof.

is requesting a Conditional Use Permit to allow an expansion to
a hardware store in the B2, Community Commercial Zoning
District, which is located on the above real estate; and,

WHEREAS, the New Prague Planning Commission has completed a
review of the application and made a report pertaining to said
request (C1-2006), a copy of said report has been presented to
the City Council; and,

WHEREAS, the New Prague Planning Commission on the 22nd day of
March, 2006, following proper notice held a public hearing
regarding the request, and following due consideration of
presented testimony and information, voted unanimously to
forward the matter to the City Council with a recommendation for
approval subject to findings contained in staff report C1-2006
and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

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

The 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.

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

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.

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



City Council Meeting
Monday, April 3, 2006

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.

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

The use will not cause traffic hazard or congestion.

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 to allow an expansion to a hardware store in the B2 Community Commercial Zoning is hereby approved, with the following conditions:

1. The conditional use permit is issued for a period of one year, and shall become null and void without further action from the Planning Commission unless used within one year of the date granting the permit.
2. The Conditional Use Permit is issued in accordance with the applicant's site plan dated 3/24/06, building rendition dated 3/14/06, and building elevations dated 3/24/06, all on file with the New Prague Planning Department.
3. The applicant, Denwin Simon Properties, 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.
5. Any signs proposed shall comply with Section 718 of the Zoning Ordinance.
6. The existing driveway easement agreement recorded as document #480070 must be amended to show an accurate legal description for the shared driveway area.
7. The applicant must obtain a private easement, allowing access over the adjacent property for the purposes of accessing the parking spaces on the southerly side of the building, from the adjacent property owner.
8. All parking stalls shall be striped with white or yellow paint lines not less than 4" wide providing for parking spaces at a size of 9' x 20'.
9. The existing building must be painted so that it matches the proposed addition.

And noting the following variances:

City Council Proceedings

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



City Council Meeting
Monday, April 3, 2006

1. The current site entrance does not meet the requirement of Section 723 of the Zoning Ordinance in that is less than 20' from a street intersection. This was a pre-existing condition and the Planning Commission finds that moving the access a short distance to the east would serve no additional purpose of the Zoning Ordinance and the general public, and would be burdensome to the applicant.
2. A variance is being granted 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).
3. A variance is being granted from the requirement that prefabricated steel panels are prohibited as a predominant building material, allowing steel panels on the north and south facing building elevations. This variance is being allowed only because the existing structure has been constructed entirely of steel panels, and the original structure was not designed structurally to handle the addition of anything but steel construction and retrofitting it for stucco would require structural changes to the building.

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

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

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

Thereupon Mayor Sindelar declared said resolution adopted this 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Council Member Wilcox 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, April 3, 2006

RESOLUTION 06-04-03-06

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
AMENDING CONDITIONAL USE PERMIT #C5-2003 TO AMEND THE
SITE PLAN BY ADDING AN OUTDOOR GARBAGE ENCLOSURE, ON LOT 2
BLOCK 1, PRAGUE ESTATES FIRST ADDITION, IN THE B2 COMMUNITY
COMMERCIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, CM Pavek Properties, LLC, owner of the following real estate in the County of LeSueur to wit:

Lot 2 Block 1, Prague Estates First Addition,
according to the recorded plat thereof, LeSueur
County, Minnesota.
(CKA - 100 10th Ave SE New Prague, MN)

is requesting an amendment to Conditional Use Permit C5-2003 to amend the site plan by adding an outdoor garbage enclosure at 100 10th Avenue SE, which is located on the above real estate; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (Amendment C5-2003), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 22nd day of March, 2006, following proper notice held a public hearing regarding the request, and following 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 Amending C5-2003 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

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

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



City Council Meeting
Monday, April 3, 2006

- 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 amendment to Conditional Use Permit C5-2003 to allow an amendment to the approved site plan, adding an outdoor garbage enclosure at 100 10th Avenue SE, on Lot 2 Block 1, Prague Estates First Addition, in the B2 Community Commercial Zoning District is hereby granted contingent upon the following:

- 1. The conditional use permit amendment is issued in accordance with the amended site plan and trash enclosure detail drawing dated 2/27/06, on file with the New Prague Planning Department.

All other conditions of the original conditional use permit to remain the same as originally approved.

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

Passed this 3rd day of April, 2006.

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 3rd day of April, 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, April 3, 2006

Motion Wilcox, Second Babione.

Approve preliminary plat of Dohm Subdivision. The approval was granted with the following findings:

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 B-3 Highway Commercial Zoning District in which it is located.
3. Re-arranging the lot lines will allow the existing building on Lot 1, Block 1 to expand without crossing a property line.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated 2/28/06 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.
4. Approval is subject to all recommendations of the Public Works Director.
5. Approval is subject to all recommendations of Mn/DOT District 7.
6. Drainage and utility easements must be dedicated at the time of final plat.
7. The title opinion must be approved by the City Attorney before final plat approval.

Motion carried.

Discussion of proposed zoning ordinance amendment regulating outdoor wood fired-boilers in the City of New Prague was held.

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

Resolution #06-04-03-07

ORDINANCE AMENDING SECTION 302 OF THE
NEW PRAGUE ZONING ORDINANCE #187 BY ADDING A DEFINITION FOR
OUTDOOR WOOD-FIRED BOILERS AND ADDING SECTION 731 BANNING THE
INSTALLATION OF OUTDOOR WOOD-FIRED BOILERS,
NEW PRAGUE, MINNESOTA

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



City Council Meeting
Monday, April 3, 2006

WHEREAS, The City of New Prague Planning Department is requesting an amendment to Section 302 of the New Prague Zoning Ordinance #187 by adding a definition for outdoor wood-fired boilers and adding Section 731 banning the installation of outdoor wood-fired boilers; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request. A copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 22nd day of March, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted 3 - 1 to forward the matter to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

1. The ordinance amendment complies with the purpose and intent of the New Prague Comprehensive Plan.
2. The ordinance amendment provides for the banning of the installation of Outdoor Wood-Fired Boilers which have been determined to be a threat to the public health, safety and welfare of the residents of the City because of the pollutants in the emissions from the units.

NOW, THEREFORE BE IT ORDAINED, by the City Council of New Prague, Minnesota, that the amendment to Section 302 and addition of Section 731 to the New Prague Zoning Ordinance #187 is hereby approved as follows:

Add the following definition to Section 302 of the Zoning Ordinance.

Outdoor Wood-Fired Boiler - A fuel burning device designed: (1) to burn primarily wood by hand-firing; (2) not to be located inside structures ordinarily occupied by humans; and, (3) to heat spaces or water by the distribution through pipes of a fluid heated in the device, typically water. Examples of common uses of outdoor wood-fired boilers include: residential or commercial space heating, heating of domestic hot water, and heating of water for swimming pools, hot tubs or whirlpool baths.

Add the following as a new section 731 to the Zoning Ordinance titled "Outdoor Wood-Fired Boilers".

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



City Council Meeting
Monday, April 3, 2006

731 Outdoor Wood-Fired Boilers

Prohibition:

No person shall install or allow the installation of an Outdoor Wood-Fired Boiler as defined in this Zoning Ordinance within the New Prague City Limits.

This Zoning Ordinance Amendment shall become effective upon its publication.

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

Thereupon Mayor Sindelar declared said resolution defeated this 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #06-04-03-07-1

RESOLUTION REQUIRING REGULATION OF OUTDOOR WOOD-FIRED BOILERS

WHEREAS, the Planning Commission has considered the regulation of outdoor wood-fired boilers, and

WHEREAS, the Planning Commission has recommended that outdoor wood-fired boilers not be allowed in the City of New Prague.

WHEREAS, the City Council has determined that specific regulations for wood-fired boilers is a better alternative.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of New Prague that the installation of wood-fired boilers in the

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



City Council Meeting
Monday, April 3, 2006

City of New Prague is hereby prohibited until such time that specific regulations can be formulated and adopted by the New Prague City Council.

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 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #06-04-03-08

AMENDING ORDINANCE #212

ORDINANCE AMENDING SECTION 611 OF THE
NEW PRAGUE ZONING ORDINANCE TO ALLOW ESSENTIAL SERVICES IN THE
I-1 LIGHT INDUSTRIAL ZONING DISTRICT AS PERMITTED USES,
NEW PRAGUE, MINNESOTA

WHEREAS, The City of New Prague Planning Department is requesting an amendment to Section 611 of the New Prague Zoning Ordinance to allow essential services in the I-1 Light Industrial Zoning District as permitted uses; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request. A copy of said report has been presented to the City Council; and,

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



City Council Meeting
Monday, April 3, 2006

WHEREAS, the New Prague Planning Commission on the 22nd day of March, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously to forward the matter to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

1. The ordinance amendment complies with the purpose and intent of the New Prague Comprehensive Plan.
2. The ordinance amendment fixes an earlier oversight of the zoning ordinance in which the I-1 Light Industrial Zoning Ordinance was the only district in which Essential Services were not listed as a permitted use.

NOW, THEREFORE BE IT ORDAINED, by the City Council of New Prague, Minnesota, that the amendment to Section 611 of the New Prague Zoning Ordinance is hereby approved as written.

Section 611 - Light Industrial District

2. Permitted Uses
 - A. Manufacturing and assembly operations
 - B. Warehousing and storage
 - C. Distribution
 - D. Office and research facilities
 - E. Lumberyard
 - F. Car Wash
 - G. Billboard Signs
 - H. Any park or playground and associated accessory structures owned or operated by a governmental agency
 - I. Essential Services

This Zoning Ordinance Amendment shall become effective upon its publication.

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

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

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



City Council Meeting
Monday, April 3, 2006

Thereupon Mayor Sindelar declared said resolution adopted this 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #06-04-03-09

AMENDING ORDINANCE #213

ORDINANCE AMENDING SECTION 403 OF THE
NEW PRAGUE ZONING ORDINANCE FOR NONCONFORMING USES AND
STRUCTURES TO ENSURE THAT THE ORDINANCE IS CONSISTENT WITH
CURRENT STATE STATUTES, NEW PRAGUE, MINNESOTA

WHEREAS, The City of New Prague Planning Department is requesting an amendment to Section 403 of the New Prague Zoning Ordinance for nonconforming uses and structures to ensure that the Ordinance is consistent with current state statutes; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request. A copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 22nd day of March, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted 3 - 1 to forward the matter to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

1. The ordinance amendment complies with the purpose and intent of the New Prague Comprehensive Plan.
2. The ordinance amendment ensures that the zoning ordinance is consistent with current state statutes regarding nonconformities.

NOW, THEREFORE BE IT ORDAINED, by the City Council of New Prague, Minnesota, that the amendment to Section 403 of the New Prague Zoning Ordinance is hereby approved as written.

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



City Council Meeting
Monday, April 3, 2006

403 Nonconforming Uses and Structures

It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the district established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or, extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

1. Any nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land existing at the time of the adoption of this ordinance may be continued including through repair, replacement, restoration, maintenance, or improvement but not including expansion. "Expansion" shall be defined as any structural alteration, change or addition that is made outside of the original building or any change in the building's occupancy capacity or parking demand except those required by law or ordinance).

2. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Inspector.

3. When any lawful nonconforming use of any structure or land in any district is discontinued for a period of more than one (1) year or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this Ordinance.

4. When any lawful nonconforming use of any structure or land in any district is damaged by wind, fire, flood, explosion, earthquake, war, riot or other similar peril to the extent of greater than fifty percent (50%) of its market value at the time of destruction and no building permit has been applied for within 180 days of the date of destruction, it shall not be

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



City Council Meeting
Monday, April 3, 2006

reconstructed except in conformity with the provisions of this Ordinance. The City Building Inspector shall be responsible for making the determination whether a nonconforming use of any structure or land has been destroyed greater than fifty percent (50%) of its market value at the time of destruction. In making this determination, the Building Inspector shall consider the market value of the entire nonconforming use. This determination shall be reviewed and approved by the City Council. In the event that a building permit is applied for within 180 days of the date of destruction, the City may impose reasonable conditions upon the building permit in order to mitigate any newly created impact on adjacent properties.

5. A lawful nonconforming use of a structure or parcel of land may not be changed to a similar nonconforming use or to a more restrictive nonconforming use.

6. Alterations may be made to a building containing lawful nonconforming residential units in a non-residential district when they will improve the livability thereof, provided they will not increase the number of dwelling units or extend outside of the original building with the exception of a garage or a free standing deck in instances where none previously existed.

7. Expansion of an existing principal building found to be nonconforming only by reason of height and yard setback in which a permitted use is conducted may be allowed provided the expansion does not create a new nonconformance. Furthermore, expansions in these instances shall not be allowed to any part of the building that is within a setback that is not currently being met.

This Zoning Ordinance Amendment shall become effective upon its publication.

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

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

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



City Council Meeting
Monday, April 3, 2006

Thereupon Mayor Sindelar declared said resolution adopted this 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #06-04-03-10

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
GENERAL OBLIGATION AND GROSS REVENUE 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 2006A in the approximate principal amount of \$2,915,000 (the 2006A Bonds), pursuant to Minnesota Statutes Chapters 429 and 475, the proceeds of which will be used to finance certain street improvement projects in the City;

(b) its General Obligation Water Revenue Bonds, Series 2006B in the approximate principal amount of \$1,125,000 (the 2006B Bonds), pursuant to Minnesota Statutes Chapters 444 and 475, the proceeds of which will be used to fund the acquisition of a water tower in the City; and

(c) its Gross Revenue Golf Course Bonds, Series 2006C in the approximate principal amount of \$450,000 (the 2006C Bonds), pursuant to Minnesota Statutes, Sections 471.15 through 471.191 and Chapter 475, the proceeds of which will be used to fund the construction and renovation of the club house at the City's municipal golf course.

The 2006A Bonds, the 2006B Bonds and the 2006C Bonds are referred to herein collectively as the "Bonds."

Section 2. Sale. The City intends to effectuate the sale of the Bonds to Northland Securities, Inc. when the financing plan and documents are in place and market conditions are appropriate.

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



City Council Meeting
Monday, April 3, 2006

Section 3. Approval. The City Council shall meet to adopt the necessary resolution approving the sale drafted by bond counsel (target date of May 1, 2006).

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 3rd day of April, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Babione, Second Wilcox.
Accept resignation of police officer Tom Fadden from the New Prague Police Department. Said resignation with regrets.

Motion Babione, Second Wilcox.
Approve the following consent agenda items:
A. Approve previous meeting minutes.
B. Approve claims for payment.
C. Resolution supporting renewable energy (Region 9)
Motion carried.

Motion Jirik, Second Babione.
Authorize July 4th Fireworks Committee to hold fundraiser on Saturday, June 17, 2006 in Simons Bar parking lot from 6:00 p.m. to 9:00 p.m. Parking lot to be fenced and security arrangements to be approved by Chief of Police.

There being no further business, the meeting was adjourned.

Jerry Bohnsack
City Administrator