

City Council Proceedings

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



City Council Meeting
Monday, October 2, 2006

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

Mr. Paul Donna, Northland Securities, reviewed with the Council bid received for refinancing of 2000B General Obligation Bonds. Bid received 3.69% representing a savings of \$84,000.00.

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

RESOLUTION #06-10-02-01

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$1,135,000 GENERAL OBLIGATION IMPROVEMENT REFUNDING BONDS, SERIES 2006D

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 2nd day of October, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

COMPLETE TRANSCRIPT OF RESOLUTION IS OFFICIAL PART OF MEETING MINUTES AND IS AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICE OF THE CITY ADMINISTRATOR, 118 CENTRAL AV. N. NEW PRAGUE, MINNESOTA 56071

Pursuant to due call and notification a public hearing was held to consider amending Section 110.15 of New Prague City Code. Intoxicating Liquor, Sunday Sales On-Sale.

City Council Proceedings

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



City Council Meeting
Monday, October 2, 2006

Mr. Steve Duban, Flipside Pub & Grill, commented that he preferred a 10:00 A.M. serving time rather than a noon Sunday serving time. No other member of audience spoke to the issue.

Upon motion and second the Public Hearing was adjourned.

Motion Wilcox, Second Kratochvil.

Approve 1st reading of Ordinance amending Section 110.15 (G) of New Prague City Code to read as follows:

Intoxicating Liquor, Sunday Sales On-Sale.

A special license authorizing sales of intoxicating liquor on Sunday in conjunction with the serving of food may be issued to any hotel, restaurant, bowling center or club which has facilities for seating at least 30 guests at one time, and which has an on-sale license.

A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and 1:00 A.M. on Mondays.

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>	_____

Motion carried.

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

RESOLUTION 06-10-02-02

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT TO ALLOW OFFICE, RETAIL, SERVICE, WAREHOUSING AND DISTRUTION USES TO LOCATE AT 400 MAIN STREET WEST, PART OF LOTS 1 AND 2 BLOCK 1, SUCHOMEL ADDITION TO THE CITY OF NEW PRAGUE, IN THE B3 ZONING DISTRICT, NEW PRAGUE, MINNESOTA.

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



City Council Meeting
Monday, October 2, 2006

WHEREAS, Randolph and Lisa Kubes, owners of the following real estate in the County of LeSueur to wit:

Lot 1 and Lot 2, Less the West 40' of Lot 2, Block 1, Suchomel Addition to the City of New Prague, Minnesota, also, less the south 60' of Lot 1 and the south 60' of Lot 2, LeSueur County, Minnesota.

are requesting a Conditional Use Permit to allow office, retail, service, warehousing and distribution uses to locate on the above described property, in the B3, Highway Commercial Zoning District; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (C6-2006), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 20th day of September, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted with a four to one vote to forward the matter to the City Council with a recommendation for approval subject to findings contained in staff report C6-2006 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

1. The use of the property for office, retail, service, warehousing and distribution uses will not create a burden on existing parks, schools or other public facilities. The stated uses may create a burden on the surrounding public roads created by on-street parking. The property is very small and only two parking spaces can be provided on the site. Denying any use of the building based on the lack of parking would not be reasonable.
2. The property is not located adjacent to any residentially zoned or used land so there is no chance that the proposed retail, office, service, warehousing and distribution uses will cause depreciation on adjacent residential property values, and the proposed uses have been found to be compatible with surrounding land uses.
3. There are no residentially zoned or used properties adjacent to this site, and therefore the existing structure and site will not have an adverse affect on adjacent residential properties.
4. The City Council has determined that a re-use of the building for retail, office, service, warehousing or distribution uses is in the best interest of the city and

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



City Council Meeting
Monday, October 2, 2006

the citizens of New Prague and is reasonably related to the overall needs of the City.

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 uses are not in conflict with the Comprehensive Plan which guides the area to commercial uses.
7. The use of the property for office, retail, service, warehousing and distribution uses should not cause substantial traffic hazard or congestion. There is a lack of parking on the site and therefore customers will likely utilize on-street parking, which may affect traffic issues at times.
8. Adequate utilities, drainage and necessary facilities have been provided to the site. An access road / gravel alley exists on the south and east side of the property, which may be improved in the future.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the Conditional Use Permit to allow office, retail, service, warehousing and distribution uses to locate on the above described property in the B3 Highway Commercial Zoning District 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 9/1/06 on file with the New Prague Planning Department.
3. Two parking spaces, as identified on the 9/1/06 site plan, shall be improved in accordance with Section 717 of the Zoning Ordinance.
4. The building owner shall inform any tenant proposing to locate within the building of the two available parking spaces on the property by providing them with a copy of the site plan, and also inform any tenant proposing to locate within the building of the possible future alley/road improvement project.
5. Tenants wishing to locate within the building must obtain a 'tenant finish' building permit.
6. There shall be no outside storage allowed on the site.
7. Adequate security lighting must be provided by the parking spaces.
8. All dumpsters, garbage containers or refuse bins that are stored outside shall be screened from view in accordance

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



City Council Meeting
Monday, October 2, 2006

with Section 703 of the Zoning Ordinance.

- 9. Any signs proposed shall comply with Section 718 of the Zoning Ordinance.
- 10 Warehousing will only be allowed in the back one-half of the building, away from Main Street.

And noting the following variance:

- 1. A variance is being granted from Section 717 of the Zoning Ordinance relating to off-street parking. The site and building were developed decades ago and there is no opportunity to create more than two (2) parking spaces on the property. Denying any use of the building based on the lack of parking would not be reasonable.

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 2nd day of October, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

RESOLUTION #06-10-02-03

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT #C3-2006 TO
ALLOW A CHANGE TO THE PREVIOUSLY APPROVED BUILDING ELEVATIONS
FOR THE COMMERCIAL BUILDING, IN THE B-2 COMMUNITY COMMERCIAL
ZONING DISTRICT, NEW PRAGUE, MINNESOTA

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



City Council Meeting
Monday, October 2, 2006

WHEREAS, Al Jensen, owner of the following real estate in the County of Scott to wit:

Lot 1, Block 1 and the South 20 feet of Lot 2, Block 1, East 19 Biway Third Addition, according to the plat thereof, Scott County, Minnesota

is requesting an amendment to Conditional Use Permit #C3-2006 to allow a change to the previously approved building elevations for the commercial building in the B-2 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 (amending #C3-2006), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 20th day of September, 2006, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously (5-0) to forward the matter to the City Council with a recommendation for approval subject to findings contained in staff report amending #C3-2006 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds in addition to those findings listed on the original CUP #C3-2006:

1. The proposed revised façades of the building meet the intention of Section 725 of the New Prague Zoning Ordinance entitled Commercial Building Design / Site Relationship for the B-2 District.

WHEREAS, the New Prague City Council approves the request with the following condition:

1. The Conditional Use Permit Amendment is issued in accordance with the applicant's building elevations dated September 7, 2006 on file with the New Prague Planning Department instead of the building elevations dated March 21, 2006.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that Conditional Use Permit #C3-2006 is hereby be amended to allow the building elevations as proposed on amended elevation drawings dated 9/7/06 with all other original conditions, findings and variances as approved on 5/1/06 in the original conditional use permit to remain in effect.

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

City Council Proceedings

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



City Council Meeting
Monday, October 2, 2006

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

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

Thereupon Mayor Sindelar declared said resolution adopted this 2nd day of October, 2006.

Craig Sindelar, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Jirik, Second Kratochvil.

Approve the following consent agenda items:

- A. Approve Previous Meeting Minutes
- B. Approve Claims for Payment.

Motion carried.

Mr. Mike Kodela, S E H, reviewed with the Council traffic study for TH 19-13 from 4 way stop at TH 13-19 intersection west through downtown to Co. Rd. 89 and 164. Mr. Rolin Sin and Mary Dieken of MDOT District 5 participated in the study.

Mr. Kodela recommended signal intersection at CSAH 37 and TH 19-13 Roundabout at Chalupsky and TH 19 & 13 Roundabout at Alton Av. & TH 19-13.

Consensus of audience and Council to support the recommendation.

Motion Kratochvil, Second Babione.

Authorize the engagement of Buetow and Associates Architects for public safety building.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack
City Administrator