

City Council Proceedings

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



City Council Meeting
Tuesday, September 4, 2007

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

Mr. Bob Brown and Mr. Jon Peterson, Bolton & Menk Engineers, reviewed with the Council the Design Report for the Wastewater Treatment Plant. The estimated cost \$28,500,000. The plant to be active and online late fall 2009.

Mr. Doug Parrott, S E H, reviewed with the Council the proposed 2008 Street Reconstruction Project - Highland Dr. NE and Eclipse Parkway. Neighborhood meeting in late fall 2007. Bidding February 2008.

Mr. Doug Parrott reviewed sodding issues (deficiencies associated with past street reconstruction projects). Consensus of the Council - Sod installed as part of reconstruction projects guaranteed for 30 days from date of placement. After 30 days, sod maintenance and watering is the responsibility of the adjacent home owner.

Mr. Parrott reviewed bids received for TH 21 / 6th St. NW realignment.

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

RESOLUTION #07-09-04-01

RESOLUTION ACCEPTING PROJECT

WHEREAS, pursuant to an advertisement for bids for the improvement of

TH 21 / 6th ST. NW Realignment

Bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

Chard Tiling and Excavating, Inc.	\$352,339.59
S.M. Hentges & Sons, Inc.	\$458,471.59

AND WHEREAS, it appears that Chard Tiling and Excavating, Inc. Belle Plaine, MN. 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

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directed to enter into the attached contract with Chard Tiling and Excavating, Inc., Belle Plaine, MN, in the name of the City of New Prague for the improvement of

TH 21 / 6th St. NW Realignment

according to the plans and specifications therefore approved by the City Council and on file in the office of the City Administrator.

- 2. The City 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.

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

	AYES	NAYES
Bender	<u> X </u>	_____
Flicek	<u> X </u>	_____
Jirik	<u> X </u>	_____
Kratochvil	<u> X </u>	_____
Wilcox	<u> X </u>	_____

Thereupon Mayor W. A. Bender declared said resolution adopted this 4th day of September, 2007.

W. A. Bender, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Wilcox, Second Jirik.
Approve Change Order #2 for Memorial Library Addition
+ \$8,185.00.
Motion carried.

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

RESOLUTION #07-09-04-02

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING THE REQUEST TO REOPEN CONDITIONAL USE PERMIT #C5-2006
TO ALLOW AN AUTOMOTIVE REPAIR SHOP
IN THE B-3 HIGHWAY COMMERCIAL ZONING DISTRICT,
NEW PRAGUE, MINNESOTA

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WHEREAS, Greg Sayler, owner of the following real estate in the County of LeSueur to wit:

Lot 1, Block 1, Sayler Addition, according to the plat thereof, LeSueur County, Minnesota.

is requesting an amendment to Conditional Use Permit #C5-2006 to allow an automotive repair shop in the B-3 Highway 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 (C5-2006), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 29th day of August, 2007, 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 C5-2006 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 automotive repair shop will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the site will generate little traffic on a daily basis and have very few employees.

2. The property is adequately screened by a row of large evergreen trees from the adjacent residentially used land to the north so that the existing home will not be depreciated in value and there will be no deterrence to development of vacant land.

3. The use is reasonably related to the overall needs of the City and to existing land use, as it will provide an automotive repair business for area residents within an appropriate commercial district.

4. The proposed automotive repair business is consistent with the purposes of the Zoning Ordinance and the purposes of the B-3 Highway Commercial Zoning District as the proposed use is specially listed and guided to the B-3 district.

5. The proposed automotive repair business is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the B-3 Highway Commercial Zoning District.

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6. The proposed automotive repair business will generate very little traffic and therefore will not cause traffic hazard or congestion.

7. Adequate utilities such as water and sewer have been provided at the site and the existing curb cut to the property from Highway 21/13 is more than adequate for the proposed use.

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

1. All waste oil and other hazardous materials generated at the site shall be disposed of in accordance with applicable state and federal laws, and the applicants shall obtain any permits required by the county, state or federal government.

2. There shall be no exterior storage allowed on the site other than vehicles waiting for repair.

3. The repair of vehicles shall only take place within the garage stalls, and shall be prohibited outside of the building.

4. The building must meet all requirements of the State Building Code for the proposed automotive repair business.

5. All dumpsters, garbage containers or refuse bins shall be screened from view in accordance with Section 703 of the Zoning Ordinance.

6. The applicants, Greg Sayler & Dan Kirschman, must comply with all recommendations of the Public Works Director.

7. The applicants, Greg Sayler & Dann Kirschman, must comply with MnDOT requirements.

8. New Prague City Staff will work with the Building Official to maximize striped parking spaces on the site.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the Conditional Use Permit to allow a shop/garage building in the B-3 Highway Commercial Zoning District is hereby approved, with all other original conditions as approved on 7/17/06 to remain in effect and adding eight conditions as stated above.

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

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

	AYES	NAYES
Bender	<u> X </u>	_____
Flicek	<u> X </u>	_____
Jirik	<u> X </u>	_____
Kratochvil	<u> X </u>	_____
Wilcox	<u> X </u>	_____

Thereupon Mayor W. A. Bender declared said resolution adopted this 4th day of September, 2007.

W. A. Bender, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Kratochvil, Second Wilcox.
Approve second reading of proposed Ordinance Amendment to New Prague Zoning Ordinance RL-70 Front Setbacks. Adopt said Ordinance Amendment.
Motion carried.

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

RESOLUTION #07-09-04-03

RESOLUTION DECLARING COST TO BE ASSESSED, AND
ORDERING PREPARATION OF PROPOSED ASSESSMENT

WHEREAS, a contract has been let (costs have been determined) for the improvement of

Lexington Avenue North - 2nd St. NE to C.S.A.H. 37

And the contract price for such improvement is \$639,525.75 and the expenses incurred or to be incurred in the making of such improvement amount to \$127,905.15 so that the total cost of the improvement will be \$767,430.90.

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$481,011.90 and the portion of

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the cost to be assessed against benefited property owners is declared to be \$286,419.00.

2. Assessments shall be payable in equal annual installments extending over a period of 15 years, the first of the installments to be payable on or before the first Monday in January, 2008 and shall bear interest at the rate of 5 percent per annum from the date of the adoption of the assessment resolution.

3. The City Administrator with the assistance of the City Engineer (consulting engineer), shall forthwith calculate the proper amount to be specially assessed for such improvements against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection.

4. The City Administrator upon the completion of such proposed assessment, notify the Council thereof.

BE IT FURTHER RESOLVED that the assessment hearing for said project is to be held October 1, 2007.

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

	<u>AYES</u>	<u>NAYES</u>
Bender	<u>X</u>	_____
Flicek	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor W. A. Bender declared said resolution adopted this 4th day of September, 2007.

W. A. Bender, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

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

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RESOLUTION #07-09-04-04

RESOLUTION ADOPTING 2007 PAYABLE 2008 PRELIMINARY TAX LEVY

BE IT RESOLVED by the City Council of the City of New Prague, Counties of Scott and Le Sueur, Minnesota that the 2007 payable 2008 preliminary net tax levy be set at NTC - \$3,400,000 MV - \$57,000.

BE IT FURTHER RESOLVED, that the City Administrator is hereby instructed to forward copies of this resolution to the Auditors of Scott and Le Sueur Counties.

BE IT FURTHER RESOLVED that the date for the 2007 payable 2008 Truth in Taxation Hearing is hereby established for December 10, 2007 at 5:00 p.m. and the continuation hearing (if necessary) is hereby established for December 17, 2007 at 5:00 p.m.

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

	<u>AYES</u>	<u>NAYES</u>
Bender	<u>X</u>	_____
Flicek	<u>X</u>	_____
Jirik	<u>X</u>	_____
Kratochvil	<u>X</u>	_____
Wilcox	<u>X</u>	_____

Thereupon Mayor Bender declared said resolution adopted this 4th day of September, 2007.

W. A. Bender, Mayor

ATTEST:

Jerry Bohnsack, City Administrator

Motion Wilcox, Second Flicek.

Approve the following consent agenda items:

- A. Approve previous meeting minutes.
- B. Approve claims for payment.
- C. Approve July 31, 2007 General Fund Financial.

Motion carried.

There being no further business, the meeting was adjourned.

Jerry Bohnsack
City Administrator