

# City Council Proceedings

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



City Council Meeting  
Monday, March 7, 2005

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

Patty Solheid, Administrative Services Coordinator, reviewed the 12-21-04 un-audited financials.

Pursuant to due call and notification a public hearing was held to consider making of improvements - 2005 Capital Improvement Reconstruction Program.

- Central Av. S. from Main Street to Fifth St. SE
- Alley between Main Street and First Street SE from Central Av. S. to First Av. SE
- First Street SE from Central Av. S. to First Av. SE
- Second St. SE from Central Av. S. to First Av. SE
- Third Street SE from Central Av. S. to First Av. SE
- Fourth St. SE from Central Av. S. to First Av. SE.

Mr. Doug Parrott reviewed the process to make an improvement in conformance with the MN Statute 429. He reviewed the scope and the components of the project. Mr. Parrott reviewed the proposed special assessments for the project.

The proposed assessments:

Streets	\$7,146.00/residential unit
	\$9,289.00/commercial unit
Sanitary Service	\$ 397.00/unit
Water Service	\$ 602.00/unit
Alley	\$ 518.55/residential unit
	\$1,866.79/commercial unit

City Administrator reviewed the payment alternatives and option for deferral. Questions and comments from affected property owners were entertained.

After all questions and comments were heard, the hearing was adjourned.

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

RESOLUTION #05-03-07-01

RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a resolution of the City Council adopted the 7<sup>th</sup> day of February, 2005, fixed a date for a Council hearing on the proposed improvement of

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- Central Av. S. from Main Street to Fifth Street SE
- Alley between Main Street and First Street SE from Central Av. S. to First Av. SE
- First Street SE from Central Av. S. to First Av. SE
- Second Street SE from Central Av. S. to First Av. SE
- Third Street SE from Central Av. S. to First Av. SE
- Fourth Street SE from Central Av. S. to First Av. SE

Improvements will include but not be limited to construction of sanitary sewer, sanitary sewer services, water main, water services, storm sewer, concrete curb and gutter, aggregate base, bituminous surfacing, concrete walks, retaining wall, turf restoration, and miscellaneous items required to properly complete the improvements,

AND WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 7th day of March, 2005, at which all persons desiring to be heard were given an opportunity to be heard thereon,

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the Council Resolution adopted 7th day of February, 2005.
3. Mr. Doug Parrott, S E H, is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.

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>	_____

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Thereupon Mayor Sindelar declared said resolution adopted this 7th day of March, 2005.

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Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

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

RESOLUTION #05-03-07-02

RESOLUTION APPROVING PLANS AND SPECIFICATIONS  
AND ORDERING ADVERTISEMENT FOR BIDS

WHEREAS, pursuant to a resolution passed by the Council on March 7, 2005, Doug Parrott the consulting engineer retained for the purpose, has prepared plans and specifications for the 2005 Capital Improvement Reconstruct Project on the following streets:

- Central Av. S. from Main Street to Fifth Street SE
- Alley between Main Street and First Street SE from Central Av. S. to First Av. SE
- First Street SE from Central Av. S. to First Av. SE
- Second Street SE from Central Av. S. to First Av. SE
- Third Street SE from Central Av. S. to First Av. SE
- Fourth Street SE from Central Av. S. to First Av. SE

Improvements will include but not be limited to construction of sanitary sewer, sanitary sewer services, water main, water services, storm sewer, concrete curb and gutter, aggregate base, bituminous surfacing, concrete walks, retaining wall, turf restoration, and miscellaneous items required to properly complete the improvements pursuant to Minnesota Statutes 429.011 to 429.111.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY 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 and Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall

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be published for 3 weeks, shall specify the work to be done, shall state that bids will be received by the City Administrator at which time they will be publicly opened in the Council Chambers of the City Hall by the City Administrator and engineer, will then be tabulated, and will be considered by the Council.

Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City Administrator for 5 percent of the amount of such bid.

The City of New Prague reserves the right to accept and reject all bids.

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>	_____

Thereupon Mayor Sindelar declared said resolution adopted this 7th day of March, 2005.

\_\_\_\_\_  
Craig Sindelar,  
Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

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

RESOLUTION #05-03-07-03

RESOLUTION AMENDING CONDITIONAL USE PERMIT C7-2002 WHICH ALLOWED A PLANNED UNIT DEVELOPMENT TO CONSIDER ALLOWABLE SETBACK DISTANCE, LOTS 1-16, BLOCK 1 AND LOTS 2-7, BLOCK 2, AND OUTLOT A AND OUTLOT C OF PRAGUE ESTATES 6<sup>th</sup> ADDITION, IN THE RH AND RM RESIDENTIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA

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WHEREAS, Geiger O'Neill Homes, owners of the following real estate in the County of LeSueur to wit:

Lots 1-16, Block 1 and Lots 2-7, Block 2, and Outlot A and Outlot C of Prague Estates Sixth Addition, City of New Prague, LeSueur County, Minnesota, according to the plat thereof.

are requesting an amendment to Conditional Use Permit C7-2002, which allowed a planned unit development, to consider allowable setback distance 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 (Amendment C7-2002), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 23rd day of February, 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 Amending C7-2002 and those listed during the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

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

(2) The use is reasonably related to the overall needs of the City and is compatible with the surrounding land use.

(3) The planned unit development is an effective and unified treatment of the development possibilities on the project site and the development plans provide for the preservation of unique natural amenities such as streams, stream banks, wooded cover, rough terrain, and similar areas.

(4) The uses proposed will not have an undue and adverse impact on the reasonable enjoyment of neighborhood property, and will not be detrimental to surrounding uses.

B. The planned unit development meets or exceeds the following development criteria:

(1) A minimum of two (2) principal structures are proposed.

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(2) The minimum size of the tract is one-half (1/2) acre in developed areas and two (2) acres in undeveloped areas.

C. The use is consistent with the requirements of the Zoning Ordinance.

D. The planned unit development can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site.

E. Each phase of the proposed development is of sufficient size, composition, and arrangement so that its construction, marketing, and operation are feasible as to complete unit, and that provision for and construction of dwelling units and common open space are balanced and coordinated. In addition, the total development is designed in such a manner as to form a desirable and unified environment within its own boundaries.

F. Financing is available to the applicant on conditions and in an amount which is sufficient to assure completion of the planned unit development. To evidence this finding, a written statement of financial feasibility which is accepted by the City shall be submitted by the applicant.

G. One (1) individual has been designated by the property owner(s) to be in control of the development.

H. It is reasonable to anticipate that the entire planned unit development will be fully platted in final form within five (5) years approving the preliminary development plan.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the amendment to Conditional Use Permit C7-2002, which allowed a planned unit development, to consider allowable setback distance, Lots 1-16, Block 1 and Lots 2-7, Block 2, and Outlot A and Outlot C of Prague Estates Sixth Addition in the RH and RM 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 or the City Council unless work commences within one (1) year of the date of granting the Conditional Use Permit.

2. Single family homes in Prague Estates Sixth Addition Lots 1-16, Block 1 and Lots 2-7, Block 2 must be setback a minimum 20' and a maximum 25' from private road right of way, a minimum

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30' from the rear property line, and a minimum 7' from side property lines.

3. Parking shall only be allowed on one side of the private street. The developer shall install signs marking the parking requirements.

4. Private Drive signs must be installed at the entrance to the private drive.

5. The private street in the development shall be posted as a 'one-way' street, with the entrance from Doherty Avenue SE, and the exit on 10<sup>th</sup> Avenue SE.

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

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

	<u>AYES</u>	<u>NAYES</u>
Sindelar	<u>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 7th day of March, 2005.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

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Jerry Bohnsack, City Administrator

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

RESOLUTION # 05-03-07-04

RESOLUTION GRANTING APPROVAL OF A FINAL PLAT OF PRAGUE ESTATES ELEVENTH ADDITION CONSISTING OF 11 LOTS AND ONE OUTLOT ON 15.24 ACRES IN THE RM MEDIUM DENSITY ZONING DISTRICT, NEW PRAGUE, MINNESOTA

WHEREAS, Geiger Land Development, Inc., owner of the following real estate in the County of LeSueur to wit:

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Outlot A, Prague Estates Seventh Addition, according to the recorded plat thereof, City of New Prague, Le Sueur County, Minnesota.

is requesting final plat approval of Prague Estates Eleventh Addition consisting of 11 lots and one Outlot on 15.24 acres in the RM Medium Density 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; and,

WHEREAS, the New Prague Planning Commission on the 23rd day of February, 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 contained in staff report; and,

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that the Final Plat of Prague Estates Eleventh Addition consisting of 11 lots and one Outlot on 15.24 acres in the RM Medium Density Residential Zoning District is hereby granted contingent upon the following:

1. A title opinion must be reviewed and approved by the City Attorney.
2. Geiger Land Development, Inc. must enter into a Developer's Agreement with the City of New Prague.
3. Grading and Construction plans must be approved by the City Engineer, Public Works Director and City Planner.
4. The plat approval is subject to the utility extension permits from the Pollution Control Agency and the Department of Health.

This Final Plat shall become 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>	_____



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Thereupon Mayor Sindelar declared said resolution adopted this 7th day of March, 2005.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

Motion Wilcox, Second Babione  
Approve Developers Agreement for Prague Estates Eleventh Addition between City of New Prague and Geiger Land Development Inc.  
Motion carried.

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

RESOLUTION #05-03-07-05

RESOLUTION GRANTING A VARIANCE FROM THE REQUIREMENT THAT 40% OF THE FIRST FLOOR FAÇADE BE WINDOW AREA, AND FROM THE REQUIREMENT THAT AWNINGS BE MADE OF CLOTH MATERIAL, AND FROM THE REQUIREMENT THAT PARKING LOTS BE SETBACK 5' FROM A PROPERTY LINE, AND FROM THE REQUIREMENT THAT THE CURB CUT FOR COMMERCIAL PROPERTIES BE A MINIMUM OF 30' IN WIDTH, ALL ON LOT 12 BLOCK 10, CITY OF NEW PRAGUE & THE SOUTH 80' OF OUTLOT 1, BRUZEK'S ADDITION TO THE CITY OF NEW PRAGUE, IN THE B1 ZONING DISTRICT, NEW PRAGUE, MINNESOTA.

WHEREAS, Randolph Kubes, owner of the following real estate in the County of Scott to wit:

Lot 12 Block 10, City of New Prague & the south 80' of Outlot 1, Bruzek's Addition to the City of New Prague, according to the recorded plats thereof, LeSueur County, Minnesota.

is requesting a Variance to allow the construction of a commercial building and associated parking area, which is proposed at 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 (V1-2005), a copy of said report has been presented to the City Council; and,

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WHEREAS, the New Prague Planning Commission on the 26<sup>th</sup> day of January, 2005, after 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:

A. The variance requested would not be materially detrimental to the purpose of the Zoning Ordinance, to other property in the same zone, and will not adversely affect the neighborhood.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that Request for Variance #V1-2004 from the requirement that 40% of the first floor façade be window area, and from the requirement that awnings be made of cloth material to allow a copper awning, and from the requirement that parking lots be setback 5' from a property line to allow a 2' setback, and from the requirement that curb cuts for commercial properties be a minimum of 30' in width to allow two curb cuts that are 24' in width, all on Lot 12 Block 10, City of New Prague & the south 80' of Outlot 1, Bruzek's Addition to the City of New Prague, in the B1 Zoning District as proposed by Randolph Kubes is hereby granted.

This Variance 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>	<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 7th day of March, 2005.

\_\_\_\_\_  
Craig Sindelar, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Bohnsack, City Administrator

Renee Christianson reviewed with the Council the Environmental Assessment Worksheet (E.A.W.) for Raven Stream Village and the process necessary for approval.

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Motion Jirik, Second Babione.

Approve the following 2005-2006 liquor, beer, wine and miscellaneous license applications:

New Prague Baseball Assn.	On-sale beer
Schumacher's New Prague Hotel Inc., d/b/a Schumacher's New Prague Hotel	On-sale liquor, off-sale liquor, Sunday liquor
Mark Michel's Pioneer Saloon Inc.	On-sale liquor, off-sale liquor
Knights Building Commission a/k/a K.C. Hall	On-sale beer, dance permit, On-sale wine, set up license
Simon's Sportsman Bar Inc.	On-sale liquor, Off-sale liquor, Sunday liquor, Off-sale Beer, Dance
New Prague Golf Club, Inc.	On-sale beer, on sale wine, dance permit, set up license
Duane Bastyr d/b/a Trailside Liquor of New Prague, Inc.	Off-sale liquor,
City Club Bar, Inc. d/b/a City Club Bar	On-sale liquor, off-sale liquor, Sunday liquor
Millers Tap	On-sale liquor, off-sale liquor, Sunday liquor, dance permit
Bastyr Enterprises Inc. d/b/a Corner Bar	On-sale liquor, off-sale liquor, Sunday liquor, dance Permit
M & C Hartman, Inc. d/b/a West End Liquors	Off-sale liquor,
Park Pavilion Co., Inc. d/b/a Park Ballroom	On-sale beer, on-sale wine, dance permit, set up license
Dennis & Dee Enterprises, Inc. d/b/a Strike Force Bowl	On-sale beer, on-sale wine, set up license

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Patoon Inc. d/b/a/ Fishtale Grill	On-sale liquor, Sunday liquor
Beverly A. Minar & Jerry J. Minar dba Towns Edge Restaurant	On-sale beer, on-sale wine
Flipside Pub & Grill, Inc.	On-sale liquor, off-Sale Liquor, Sunday liquor, dance permit
Classic Grille & Bar, Inc.	On-sale liquor, Sunday liquor,
New Prague Chamber of Commerce	On-sale beer, September 16, 2005 September 17, 2005

Motion Jirik, Second Kratochvil  
Authorize 4<sup>th</sup> July Fireworks Committee to hold outdoor fundraiser on Saturday, June 18<sup>th</sup> 6:00 P.M. to 9:00 P.M. in Simon's Bar parking lot. Parking lot to be fenced and security arrangements to be approved by Police Chief.  
Motion carried.

Motion Wilcox, Second Babione  
Approve consent agenda items:  
A. Approve previous meeting minutes.  
B. Approve claims for payment.  
Motion carried.

City Administrator updated the Council on status of S.C.A.L.E Law Enforcement/Fire training facility.

There being no further business, the meeting was adjourned.

Jerry Bohnsack  
City Administrator