

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



City Council Meeting
Monday, August 1, 2016

Mayor Nickolay called the meeting to order at 6:00 P.M. with the following members present: Nickolay, Bruzek, Jirik, Ryan, Tuma

Staff Present: Mike Johnson, Ken Ondich, Glen Sticha, Mary Jo Hruby

It was moved by Bruzek and seconded by Nickolay to approve the Agenda. All voted in favor of the motion. (5-0)

State Representative Bob Vogel was in attendance and presented an overview of the results on the 2016 Legislative Session including unfinished business, transportation bill, bonding bill, the status of LGA for 2017.

Planning/Community Development Director Ondich reviewed the request for Conditional Use Permit #C2-2016 to allow a planned unit development consisting of 25 residential units on 6.96 acres in the RM Medium Density residential zoning district. The required Public Hearing was held at the July 27, 2016 Planning Commission meeting. The Planning Commission recommended that the City Council approve the request for Conditional Use Permit #C2-2016 to allow a planned unit development consisting of 25 residential housing units on 6.96 acres in the RM Medium Density residential zoning district with the two findings and 17 conditions listed in the Resolution.

It was moved by Bruzek and seconded by Tuma to approve RESOLUTION #16-08-01-01 RESOLUTION OF THE NEW PRAGUE CITY COUNCIL GRANTING CONDITIONAL USE PERMIT #C2-2016 TO ALLOW A PLANNED UNIT DEVELOPMENT CONSISTING OF 25 RESIDENTIAL HOUSING UNITS ON 6.96 ACRES IN THE RM MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, NEW PRAGUE, MINNESOTA. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed the Preliminary and Final Plat of Eastland Third Addition which consists of 25 medium density residential lots for townhomes and two outlots (pond and wetland). The required Public Hearing was held at the July 27, 2016 Planning Commission meeting. The Planning Commission unanimously recommended that the City Council approve the Preliminary and Final Plat of Eastland Third Addition with the two findings and eleven conditions listed in the Resolution.

It was moved by Bruzek and seconded by Ryan to approve RESOLUTION #16-08-01-02 RESOLUTION OF THE NEW PRAGUE CITY COUNCIL GRANTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT OF EASTLAND THIRD ADDITION CONSISTING OF 25 LOTS AND TWO OUTLOTS ON 6.96 ACRES, NEW PRAGUE, MINNESOTA. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed the First Amendment to Developer's Agreement for Eastland. The Planning Commission reviewed the Preliminary and Final Plat of Eastland Third Addition which contains 25 medium density residential lots for townhomes and two outlots (pond and wetland). In Association with the Planned Unit Development and replatting of the property, Witt Development and the City have discussed the original Developer's

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Agreement for Eastland which was executed in 2007. Two major areas needed to be addressed which includes \$100,000 in park land dedication owed by 1/1/2015 and was not paid by that time and the second area to be addressed is in concern to the timing of the installation of the roundabout. The third minor item to be addressed is Witt would like one twin unit building permit along Autumn Ave. SE before substantial completion of the street and utilities which has been granted in the past as a part of Developer's Agreements. The proposal by Witt is to pay the \$100,000 park dedication in association with each of the proposed four phases of the development. The City is agreeable to this with a final deadline of 12/31/2022 for the full \$100,000 amount. The roundabout is proposed to be installed before the 3rd of 4 phases can be opened up for permits with a final install date of 12/31/2022. The proposal is to require the cost of the roundabout to be escrowed or the City shall acquire fee title to undeveloped lots in the development.

It was moved by Nickolay and seconded by Bruzek to approve the First Amendment to Developer's Agreement for Eastland. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed the Ordinance for Vacation of Certain Easements in the Plat of Eastland. Witt Development has applied to re-plat a portion of the Eastland Development as Eastland Third Addition to accommodate a 25 unit townhome development where each unit will be situated on its own lot. The re-plat of the portion of Eastland does not automatically vacate the easements that exist adjacent to the existing lot line and therefore Witt Development has made application to vacate the easements no longer needed. New easements are being platted with the Eastland Third Addition Plat. A Public Hearing needs to be scheduled before the vacation can be approved to gather input from utility companies and affected properties. Staff recommends holding this Public Hearing on Tuesday, September 6, 2016.

It was moved by Nickolay and seconded by Jirik to approve RESOLUTION #16-08-01-03 SETTING A PUBLIC HEARING TO VACATE CERTAIN EASEMENTS IN THE PLAT OF EASTLAND And Introduction and 1st Reading of AN ORDINANCE VACATING CERTAIN EASEMENTS IN THE PLAT OF EASTLAND. All voted in favor of the motion. (5-0)

Planning/Community Development Director Ondich reviewed the request for Variance #V1-2016 for Reduction from the required 50' Wetland setback to 24' to allow for the construction of a new home and to 14' to allow for the construction of an uncovered deck located at 1302 7th St. NE as proposed by Jeff Weiers. He is proposing to reduce the wetland setback from 50' to 24' to allow for a future home to be constructed of a similar size to those on neighboring lots. He is proposing to sell the subject vacant lot but as it stands it is unbuildable due to the 50' wetland setback on the lot. The lot was platted in 1998 while the wetland setback took effect in 2002 which instantly made the existing lot unbuildable since that time. The

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Planning Commission recommended approval of the variance request on a unanimous vote based on the six findings listed in the Resolution.

Council Member Ryan had concerns that there are no guarantees that the house built on this lot would be similar to those in the neighborhood.

It was moved by Jirik and seconded by Tuma to approve RESOLUTION #16-08-1-04 RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE (#V1-2016) FOR REDUCTION FROM THE REQUIRED 50' WETLAND SETBACK TO 24' TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME AND TO 14' TO ALLOW FOR THE CONSTRUCTION OF AN UNCOVERED DECK LOCATED AT 1302 7TH STREET NE, NEW PRAGUE, MINNESOTA. All voted in favor of the motion except Ryan voted against. (4-1)

Planning/Community Development Director Ondich reviewed the Temporary Family Health Care Dwelling Law Opt-Out - Zoning Ordinance Amendment. On May 12, 2016, legislation was signed into law that allows any residential land owner to place a temporary residential dwelling on their property to serve as a temporary family health care dwelling. The law was presumably passed to provide for transitional housing for seniors, but also provides for transitional housing for those with mental and physical disabilities. Cities may opt out of the law if they determine that this type of temporary housing is not well suited to their communities by passing an Ordinance. The law takes effect on September 1, 2016 unless Cities opt out by that time. The Planning Commission held a Public Hearing on the proposed zoning ordinance amendment and recommended that the City Council approve the zoning ordinance amendment as drafted.

It was moved by Nickolay and seconded by Jirik to approve Introduction and 1st reading of AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 462.3593. All voted in favor of the motion. (5-0)

City Administrator Johnson reviewed a letter received from the Scott County Assessor's Office in regard to the County's cost proposal for providing for the assessment of property in New Prague for 2017-2019. The City's proposed assessment cost for 2017 is \$36,700 (up \$1,400) up to \$38,200 for 2018 (up \$1,500), and up to \$39,700 for 2019 (up \$1,500). The City's current cost for 2016 is \$35,300. The County of Le Sueur has not charged the City for assessments since 2008.

After discussion, it was moved by Bruzek and seconded by Jirik to approve the Joint Powers Agreement with Scott County for 2017-2019. All voted in favor of the motion. (5-0)

The Scott County Assessor will be invited to do a presentation at an upcoming City Council meeting.

Public Works Director Sticha reviewed with the Council information on Highway 21 highway signs. Council Member Bruzek got a call from a City resident asking about the possibility of signs being placed on Highway 21 telling visitors how to get to the Community Center. Homeowners

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that live on Highway 21 have concerns of people turning around in their driveways because they missed the turn to the Community Center. Mr. Sticha checked with MNDOT and there is only a few options available to meet the requirements for an information sign - only two destinations per sign and the destinations need to be places that attract a large group of people. The cost for two signs installed would be \$2,739.80 along with the possibility that MNDOT would require some additional signs installed along 12th St. NW. Staff questions the severity of the problem to be spending this amount of money and the possible cost to maintain the signs in the future. Also, today everyone either has a GPS unit or cell phone for getting directions.

It was moved by Nickolay and seconded by Ryan to approve the following consent agenda items:

- A. Approve July 18, 2016 Meeting Minutes
- B. Approve Claims for Payment
- C. Approve Temporary On-Sale 3.2 Liquor License for Rick Tietz Alumni Classic Softball Tournament on September 17 & 18, 2016
- D. Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for St. Nicholas Church on November 12, 2016 at the Park Ballroom
- E. Approve Temporary On-Sale 3.2 Liquor License for Union Hill Baseball Association Softball Tournament on September 10, 2016
- F. Approve Quote for Trail Seal Coating with Bargaen Inc.
- G. New Prague Area Education Foundation 2016 Brain Power Walk/Run for September 10, 2016
- H. 2015 Street and Utility Project Reduction of Retainage
- I. Chamber Request to hold Dozinky Festival/Cruise Night on September 16 and 17, 2016

All voted in favor of the motion. (5-0)

It was moved by Nickolay and seconded by Bruzek to adjourn the meeting at 8:37 p.m. All voted in favor of the motion. (5-0)

Charles L. Nickolay, Mayor

ATTEST:

Michael J. Johnson
City Administrator