

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



City Council Meeting  
Monday, September 6, 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: Ken Ondich and Jim Gareis  
*Mike Johnson arrived at 6:26 p.m.*

Mayor Nickolay amended the agenda by adding two items to the consent agenda:

- H. JT's Hideaway request to extend alcohol consumption area for Bean Bag Tournament on Friday September 16, 2016 to Sunday, September 18, 2016
- I. Carbone's New Prague extended patio event permission for Friday, September 16, 2016

It was moved by Nickolay and seconded by Bruzek to approve the Amended Agenda. 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, as proposed by Witt Development. At the August 2, 2016 City Council meeting the Ordinance was introduced. 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 exiting lot lines 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.

Mayor Nickolay opened the Public Hearing for the vacation of certain easements in the Plat of Eastland, as proposed by Witt Development at 6:05 P.M.

There being no comments, it was moved by Nickolay and seconded by Bruzek to close the Public Hearing at 6:06 P.M. All voted in favor of the motion. (5-0)

It was moved by Ryan and seconded by Jirik to approve the 2<sup>nd</sup> reading and adopt ORDINANCE #292 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 a Variance for reduction of the required 40' rear setback to 35' to allow for the construction of an industrial building addition located at 503 6<sup>th</sup> Ave. NW, as proposed by Mike Picha. Mr. Picha is proposing to add a 20' x 46' addition onto the east side of his existing building in the Industrial Park. The variance he is requesting would reduce the normally required 40' rear yard setback to 35' to accommodate the addition which would allow all his materials and equipment to be stored inside. The building addition would be the same height and color as the existing building.

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It was moved by Ryan and seconded by Tuma to approve RESOLUTION #16-09-06-01 RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE (#V2-2016) FOR REDUCTION FROM THE REQUIRED 40' REAR SETACK TO 35' TO ALLOW FOR THE CONSTRUCTION OF AN INDUSTRIAL BUILDING ADDITION LOCATED AT 503 6<sup>TH</sup> AVE. NW, NEW PRAGUE, MINNESOTA. All voted in favor of the motion. (5-0)

Mr. Michael Thompson, Scott County Property and Taxation Services Manager provided the City Council with an overview of the following assessing information: general assessment process, valuation data and trends, and assessment costs and contract.

Planning/Community Development Director Ondich reviewed the Resolution exempting property owners and occupants from the provisions of MN Statutes Chapter 344 regarding the fence viewing process for partition fences. Governor Dayton signed into law a bill which allows cities to be exempt from Minnesota's "Partition Fence Law". In part, the partition fence law is designed to mediate disputes between adjoining landowners by requiring them to share in the costs of constructing fences under certain circumstances. The impetus for the bill that was signed into law was that landowners in suburban area have recently used the partition fence law to force cities to appoint "fence viewers" and go through a costly process over fence disputes in residential areas. Cities can pass a Resolution to exempt landowners from the Statute if their land considered together is under 20 acres, thereby negating the need for the City Council to be appointed as a "fence viewer" and instead the City's Zoning Ordinance would prevail for fence related matters.

It was moved by Bruzek and seconded by Jirik to approve RESOLUTION #16-09-06-02 A RESOLUTION EXEMPTING ADJOINING PROPERTY OWNERS AND OCCUPANTS FROM MINNESOTA STATUTES CHAPTER 344 WHEN THEIR LAND CONSIDERED TOGETHER IS UNDER 20 ACRES. All voted in favor of the motion. (5-0)

Police Chief Gareis reviewed the contract with Minnesota Critter Getters for Animal Control Services for 2017-2019. The contract is for three years with no increase in the cost of contracted services. The City has maintained a contract with Minnesota Critter Getters since 2007. The new contract provides for the same care and contracted price at \$1200.00 per month.

It was moved by Jirik and seconded by Nickolay to approve the contract with Minnesota Critter Getters for Animal Control Services for 2017-2019 subject to correcting the spelling of Mayor Nickolay's name on the contract. All voted in favor of the motion. (5-0)

It was moved by Bruzek and seconded by Tuma to approve the following consent agenda items:

- A. Approve August 15, 2016 Meeting Minutes
- B. Approve Claims for Payment
- C. Approve Homecoming Parade Request for New Prague Area School District #721 on September 23, 2016

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- D. Approve Camp Lynlake Event at Sliding Hill Skate Park on September 16, 2016
  - E. Approve Blue Line Club Bag Tournament at Former Armory Site on September 17, 2016
  - F. Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Church of St. Wenceslaus on December 6, 2016
  - G. Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for Church of St. Wenceslas on December 30, 2016
  - H. Approve JT's Hideaway request to extend alcohol consumption area for Bean Bag Tournament on Friday September 16, 2016 to Sunday, September 18, 2016
  - I. Approve Carbone's New Prague request for extended patio event for Friday, September 16, 2016
- All voted in favor of the motion. (5-0)

City Administrator Johnson asked the Council to reschedule the September 14<sup>th</sup> Special Meeting for the Preliminary Draft Budget.

Consensus of the Council is to hold a special meeting for the Preliminary Draft Budget on Tuesday, September 20<sup>th</sup> or Wednesday, September 21<sup>st</sup> if the 20<sup>th</sup> does not work at 6:30 P.M.

Mayor Nickolay requested a summary of the costs for the Cedar Lake Arbitration.

It was moved by Nickolay and seconded by Bruzek to adjourn the meeting at 7:02 p.m. All voted in favor of the motion. (5-0)

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Charles L. Nickolay, Mayor

ATTEST:

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Michael J. Johnson  
City Administrator