

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, May 28, 2008**

**1. Call Meeting to Order**

The meeting was called to order at 6:32 p.m. by Planning Commission Chairperson Grant Gengel with the following members present: Grant Gengel, Bob Gilman, Kay Wilcox, Jim Kratochvil and Pat Remfert. No Commissioners were absent.

City Staff Present: Ken Ondich – Acting Planning Director, Ryan Streff – Planning Intern

**2. Approval of April 23, 2008 Regular Meeting Minutes**

It was moved by Wilcox, seconded by Gilman to approve the April 23, 2008 regular meeting minutes as submitted. Motion carried (5-0).

**3. Conditional Use Permit #C3-2008 – Outdoor Smoking/Drinking Patio Miller's Tap (David Larson) – Applicant**

Planning Intern Streff presented the staff report. He stated that David Larson owner of Miller's Tap in New Prague is applying for a conditional use permit to allow for the construction of an outdoor patio for eating and drinking services. He stated that at this time Larson is not intending on serving food on the patio area. He stated that his main objective of this patio is to provide an area for drinking and smoking purposes only. He stated the CUP will allow for the closure of the private alley located adjacent to the building's east side. He stated the private alley will be converted to an outdoor patio. He stated the patio fence along Main Street will be setback into the private alley approximately 4'. He stated the patio area will continue from this setback point 48' to the south. He stated the fencing at the front and back will be constructed with a 6' aluminum fence. He stated the fence proposed by Larson will operate as a gate that can be opened and shut to provide access for deliveries. He stated that approving this conditional use permit (#C3-2008) will amend the liquor license for Miller's Tap so that liquor can be brought into the delineated patio area. He stated the property is located at 114 West Main Street New Prague, MN 56071. He stated that the properties adjacent to Miller's Tap include New Prague Floral to the east and a property owned by Brenda Gardner to the west. He stated the property is on three parcels of land that consists of approximately 0.19 acres or 8,100 square feet. He stated that a 6' aluminum fence will be placed along the front and back of the patio area. He stated that a combination of fencing and landscaping will provide 50% opacity. He stated the 50% opacity has to be maintained year round to meet requirements as stated in the zoning ordinance. He stated that Larson has submitted a landscaping plan that consists of a 6' fence in both the front and rear of the patio, a pine style plant on the west side of the alley (cut into the sidewalk), a small planter on east side of alley, planter boxes that hang on the fence railing, and ivy on fence. He stated that staff has developed two alternative options for the fencing and landscaping plan in the patio area. He stated these alternatives have been developed to insure that the conditions for the outdoor patio area are followed now and into the future. He stated that staff feels that these alternatives conform to the zoning ordinance better than the proposed plan by Larson. He stated

that staff wants to stay consistent with the approved patios so that businesses in the city are treated equally. He stated the first alternative recommends that the patio have a permanent gate on the north side that faces Main Street (most visible to public) so that year around fencing/landscaping can achieve the 50% opacity. He stated the fence on the south side of the patio would be able to serve the dual purpose of the fence/gate to be used for deliveries. He stated that plant boxes (fastened with hooks over railing) would only be permitted on the fences if other permanent landscaping minimums are met. He stated the second alternative recommends that the patio have permanent fencing and landscaping to achieve 50% opacity. He stated this option would not allow for gates to be installed for deliveries. He stated again that plant boxes (fastened with hooks over railing) would only be permitted on the fences if other permanent landscaping minimums are met. He stated that any use in this district shall not be required to provide off-street parking. He stated that Chad Lunder (Building/Code Enforcement Official) reviewed the request for the fenced off patio area on the east side of that building. He stated that Chad Lunder sent a letter addressed to David Larson (Miller's Tap) that safety concerns will need to be addressed before the Building Department will be able to approve the CUP request. He stated that Mark Vosejka (New Prague Police Chief) would like the proposed patio at Miller's Tap to have 6' fencing installed to prevent people from accessing the patio from the outside. He stated that BEVCOMM has no objection to the proposed application for Miller's Tap outdoor patio. He stated staff recommends approval of conditional use permit #C3-2008 to allow the construction of a patio for eating and drinking services, located at 114 West Main Street, as proposed by David Larson (Miller's Tap) of New Prague. He stated that staff is recommending that the patio (proposed by Larson) be approved **but not** the proposed fencing/landscaping plan as submitted. He stated that one of the two alternative landscaping/fencing plans developed by staff should be recommended.

The public hearing was opened at 6:50 P.M.

Charles Svoboda (105 ½ West Main St., New Prague) handed out pictures of the downtown area in regards to trash from bars along Main Street. He stated that Miller's Tap leaves its front door open with noise, fights, drinking, and smoking spilling out onto the sidewalk and Main Street. He stated that it is not ok for kids to skateboard down Main Street, but it is ok for adults to drink outside and go bar to bar with their drinks in hand. He stated that this does not make sense.

Dave Larson (1021 Province Lane, Belle Plain) stated that the proposed patio area would allow him to contain the drinking, garbage and smoking that goes on in and around his establishment. He stated that he cleans up around the property at night or the morning after big events. He stated that the proposed patio would control the problems happening out front.

Holly Paysl (200 Central Ave. South) stated that the children in her home have woke up from the people outside of the bars nearby. She stated that the patio will help the bar owner/bartender keep track of the bar patrons. She stated that a fence might help control the noise. She stated that this is a good idea.

The public hearing was closed at 7:02 P.M.

Gengel stated that he understands the bar/residents situation because he lived near a place like this when he was in Loring Park. He stated that when people go to the bar they are going to smoke. He asked Larson why is it necessary to have the front door open at the establishment.

Larson stated that it was hot inside of the bar and he opened the door to get some air flow through the building.

Gengel stated that adding the patio area is a step in the right direction. He stated that we do not want to chase revenue away from New Prague. He asked Larson if there is a way to control people from taking drinks outside.

Larson stated that there is but some people are putting drinks under their jackets and then going outside. He stated that the doors will be closed and security enforcement will be staffed on Friday nights.

Gengel stated that cedar planking could be used on the fence to cut down on the noise.

Remfert stated that it is the owner's responsibility to monitor the situation. He stated that we have done things in regards to patios at the Classic but this is a whole different problem. He stated that he does not agree with the doors being open to Main Street. He stated that he likes the idea of having smaller spacing between the slats on the fence. He stated that covering a part of the patio and allowing it to remain an outdoor area would be great.

Gengel stated that no containers should be allowed outside including pop.

Kratochvil stated that he also likes the idea of having smaller spacing between the slats on the fence. He stated that this area will keep people off the street. He stated that staff should send another letter to bar owners for the purpose of keeping Main Street safe and clean for all people.

Gilman stated that the cops were there watching and did nothing about the situation on the street. He stated that he was amazed that nothing was done.

Gengel stated that the Council controls the situation and they will be informed.

Remfert stated that the first line of defense against this is to go to the bar owners.

Gengel stated that people should not have to live with the noise and distraction. He stated that it is not the residents' job to patrol the area.

Wilcox stated that she is in support of the enclosure for smoking but is not sure about the proposed aluminum fence. She stated that an aluminum fence might not be safe for children to hang on. She stated that a permanent fence on both ends of the patio with egress emergency exits only should be allowed. She stated that there is a door on the south side for delivery purposes. She stated that the Police Chief should come to the next Council Meeting so they can discuss the drinking on Main Street and the "corral effect" the patio might have.

Gilman stated that he agrees with Commissioner Wilcox. He stated that no smoking should be allowed outside of Miller's Tap. He stated that the bar owners should also hose down the sidewalk/street to remove unwanted puke and other body fluids. He stated that it will be hard to grow landscaping in the alley.

Gengel stated that cedar planks could be placed on the fence vs. adding more landscaping plants.

Kratochvil stated that the patio should have egress on both ends for emergency purposes.

It was moved by Kratochvil, seconded by Gilman to recommend **approval** to allow for the construction of an outdoor patio for eating and drinking services, at 114 West Main Street New Prague, MN, in the B1 Central Business Zoning District, with alternative landscaping/fencing plan (option #1), with the following findings:

- A. The proposed patio for outdoor eating and drinking services will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area, as the additional area will accommodate more areas for outdoor seating only.
- B. The business is adjacent to business uses on its east, west, and north side, which are zoned in the same B-1 zoning district. The proposed patio will not cause concern to existing residential properties to the south. Therefore, the patios will blend with the current structure and will be sufficiently compatible with residential homes in the area.
- C. The proposed patio and site will have a similar appearance and will blend with existing building, the appearance of which has not had an adverse impact on adjacent residential property in the past.
- D. The business use has already been established on the site and no new uses other than the outdoor patio, as defined by the zoning ordinance, will be established as a result of the proposed patio for outdoor eating and drinking services.
- E. The use is consistent with the zoning ordinance because restaurants are specifically listed as a conditional use within the B-1 zoning district, and the proposed patio conforms to Outdoor Seating Performance Standards identified in Outdoor Seating for Food Service Businesses and Drinking Establishments set forth in the zoning ordinance.
- F. The use is not in conflict with the comprehensive plan because restaurants and outdoor patio areas are specifically listed as conditional use within the B-1 district, the land use which the property is guided to in the Comprehensive Plan.
- G. In this case no unreasonable traffic hazards or congestion will be created due to the additional seating.
- H. Adequate utilities have been or will be provided.

And with the following conditions:

- 1. All patio areas must have permanent and attractive fencing at a minimum of 6' in height along the north and south sides with landscaping/fencing to achieve at least 50% opacity.
- 2. Landscaping/fencing must provide 50% opacity year round.
- 3. A minimum 4' walkway around all structures (permanent and temporary) must be maintained in the outdoor patio.

4. The landscaping/fencing plan will need to be reviewed by Planning Staff before approval will be granted.
5. Conditions set forth by the City Building/Code Enforcement Official shall be met as stated in the letter dated 5-2-08.
6. Approval of the patio area is granted in accordance with the site plan showing the patio location dated 5-2-08.
7. The patio must have emergency egress on both ends of the patio area.
8. Miller's Tap and subsequent establishments at this property are authorized to serve alcohol in the enclosed patio area as indicated on the site plan dated 5/2/08.

Motion carried: Ayes 5 Nays 0

#### **4. Variance #V2-2008 – Setbacks for new non-conforming home Florence A. Treuer - applicant**

Planning Intern Streff presented the staff report. He stated that Florence A. Treuer has submitted an application for a variance (#V2-2008) to construct a home on the same parcel and general location as the existing non-conforming home at 211 Central Avenue North, in the RL-84 Single Family Residential District. He stated the construction would replace the existing home and a majority of the foundation. He stated the existing home has a partial basement under the kitchen area. He stated that the walls of this foundation (under kitchen area) on the east and west may be used along with the new foundation to make a complete basement under the entire new home. He stated the use of the existing foundation would be used only if the walls were found to be structurally sound both before and after demolition of the home. He stated that the existing structure is encroaching into the required 30' front setback by 23' and is encroaching into the required 7' side yard setback by 3'. He stated the new home would not encroach any further into the required front setback and would meet the side setback requirement of 7'. He stated that a survey is being completed to verify the current setbacks of the home. He stated the property is 5,377.41 sq. ft. which is under the minimum lot area requirement of 8,400 for the RL-84 Single Family Residential District. (Section 404 addresses Non-Conforming Lots) He stated that if a home can be placed on the exact location without modifications to the foundation a variance is not required. He stated in this case foundation walls are being modified to fit the new home, which triggers the variance process. (Section 403 Nonconforming Uses and Structures) He stated the proposed two story home will have an approximate building pad of 26' by 38', which is slightly larger than the existing nonconforming home that is 29.3' by 34.4'. He stated the main floor and basement will each be approximately 988 sq. ft. with the second story being slightly smaller at approximately 730 sq. ft. He stated the east side along with half of the north side will have a 6' covered porch attached to the structure. He stated that this proposed design does not have a porch or access door located on the street side (Central Avenue) of the home. He stated staff would like to point out that the property is generally smaller in size than other lots in the RL-84 Single Family Residential District. He stated staff would also like to note that other homes in the area encroach on the front yard setback requirement. He stated this encroachment is due to the nature of this older neighborhood. He stated the physical structure itself would not cause concerns with other residential homes in the area but the design of the exterior wall facing Central Avenue may cause concerns to neighboring residents. He stated staff would like to see a better design of the exterior wall that faces Central Avenue. He stated the proposed design will leave the home with little curb appeal on the west side. He stated this side of the home is lacking

one or a combination of the following, which include an access door, porch, larger windows or window dormers. He stated staff would like to note that generally most homes in the neighborhood have an access door or some type of porch on the street side exterior wall. He stated this allows the home to encroach the front yard setback 23' into the 30' front yard setback requirement. He stated the foundation may include the use of existing/new foundations if permitted by Building Official otherwise all new foundations will be constructed. He stated having the new home meet the side yard/alley setback requirement would result in one less variance issued by the city. He stated that staff would like to see the side yard/alley setback maintained so emergency and maintenance vehicles can access the alley efficiently. He stated that staff recommends **approval** of the variance to encroach the front yard setback requirement to allow the construction of a new home to be placed at 211 Central Ave North with the findings listed in the staff report.

Florence Treuer, applicant, presented a drawing that would spruce up the appearance of Central Ave. She stated that the plumbing broke and destroyed the house. She stated that the home was built in 1891 and she hates the idea of demolishing the house but she has to.

Gengel asked if the home was going to be the same size as the current structure.

Treuer stated that the home would be slightly larger to the north.

Gengel asked if the access would be from the north.

Treuer stated that the access would be from the east.

Gengel stated that he recalls that a home has to have its principle entrance on the street of its address.

Wilcox stated that this is just an assumption that has always been made.

Wilcox asked if it was possible to work with the layout of the home and have the main entrance off of Central.

Treuer stated that she has lived in the home for 15 years and has never used the door or the patio on the west side.

Kratochvil stated that this is a unique situation.

Gengel stated that this home will be an improvement to the neighborhood.

Gengel asked what kind of exterior would be installed on the house.

Treuer stated that she is going to put vinyl siding on the house.

Remfert stated the new drawing is much better than the original building plans. He stated that the only other option is to move the house to the north east.

Wilcox stated that the drawing is a good addition to the property.

It was moved by Remfert, seconded by Kratochvil to recommend **approval** of the variance to encroach into the front yard setback requirement by 23' to allow the construction of a new home to be placed at 211 Central Ave North, in the RL-84 Single Family Residential Zoning District, with the upgraded drawings of the west face of the home and with the following findings:

1. Exceptional or extraordinary circumstances do apply to the property because the size of the lot is generally smaller in size as compared to other lots in the vicinity.
2. Literal interpretation of the provisions of this ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same area because the size of the applicant's lot is much smaller and if a home of the same size was built no place on the lot would allow it to comply with the setback requirements.
3. Special conditions and circumstances do not result from the actions of the applicants because when the lot was divided years ago these types of setbacks were not in place.
4. Granting of the variance requested will not confer on the applicant a special privilege that is denied by the zoning ordinance to owners of other lands, structures or buildings in the same district due to the circumstances of this particular lot.
5. The variance requested is the minimum variance which would alleviate the hardship because there are not alternative locations for a home of this size to locate on the lot to make the structure comply with the current setback requirements.
6. The variance would not be materially detrimental to the purpose of this ordinance and would not adversely affect the neighborhood as it would allow a non-conforming residential structure to be rebuilt on the same site as the existing structure, but would not increase the level of nonconformity that exists today.
7. The variance for the home to encroach into the minimum required 30' front yard setback is reasonable based on the fact that the structure is already nonconforming due setback requirements and the space left on the lot after setbacks are accented for would not allow any useable size dwelling to be constructed.

And with the following conditions, **which are in the best interest of the neighborhood:**

1. The exterior wall that faces Main Street will be improved to include one or a combination of the following improvements which include an access door, porch, larger windows or window dormers.
2. The front yard setback will not encroach more than 23' (original foundation line on west side of the property) into the required 30' setback requirement.
3. The side yard setback requirement will meet or exceed the required 7' setback.

Motion carried: Ayes 5 Nays 0

#### **5. Follow up: Conditional Use Permit #C1-2007 – Auto Repair Garage – Dann Kirschman, applicant**

Planner Ondich presented the staff report. He stated that Conditional Use Permit C1-2007 was approved by the City Council on March 5, 2007 to allow automotive repair in the garage on the property. He stated that various conditions of approval were to be complied with and none of these conditions have been followed or completed to satisfaction. He stated that staff considers the CUP null and void having not been utilized and complied with in over a year's time.

He stated that planning staff performed a follow up site inspection on Wednesday April 30, 2008 regarding the previously approved conditional use permit. He stated staff found that numerous conditions of the conditional use permit were not being complied with. He stated the following conditions and their status which are listed below:

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. (It appears that the conditional use permit has never actually been utilized as none of the conditions has been complied with so staff would consider the permit null and void at this point.)
2. The Conditional Use Permit is issued in accordance with the site plan dated 1/19/07 on file with the New Prague Planning Department. (None of the parking spaces or improvements have been completed nor has screening been planted as required).
3. The applicants, Dann and Lorrie Kirschman, must comply with all recommendations of the Public Works Director. (N/A)
4. The required parking stalls shall be striped with white or yellow paint lines not less than 4” wide providing for parking spaces at a size of 9’ x 20’ on a concrete or bituminous paved surface with a perimeter curb, as required by Section 717 of the New Prague Zoning Ordinance, within one year of approval of the conditional use permit. (As of April 30, 2008, the parking stalls were not provided nor paved as required above – this is in violation of this condition as the one year time period ended on March 5, 2008.)
5. All waste oil or 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. (Unable to determine if this is being complied with.)
6. There shall be no exterior storage allowed on the site, other than vehicles waiting for repair. (There were only vehicles parked around the garage and also a dumpster - see below for more info on the dumpster).
7. Not more than four vehicles may be parked outside at any time. (During the site inspection there were only 3 vehicles parked outside – none were in designated parking spaces as shown in the site plan.)
8. Screening shall be required for a distance of 70’ along both the north and south property lines to provide a buffer between the proposed business use and the adjacent residential properties. Such screening may consist of a fence which is at least 50% opaque and between 5’ and 6’ in height, or landscaping which is at least 50% opaque with leaf off conditions. (No screening has been provided as specified above.)
9. All signs must conform to Section 718 of the Zoning Ordinance. (N/A)
10. All lighting must conform to Section 704 of the Zoning Ordinance. (N/A)
11. The repair of vehicles shall only take place within the garage stalls, and shall be prohibited outside. (Unable to determine.)
12. All dumpsters, garbage containers or refuse bins shall be screened from view in accordance with Section 703 of the Zoning Ordinance. (The dumpster is not screened in any way and is sitting outside of the garage and is clearly visible from TH13/21.)
13. The ADA accessible portable bathroom, if placed on the site, shall not be placed in front of the garage used for the business. (The lack of an ADA bathroom on the site is in violation of the building code per a prior review by former New Prague Building Official Gary Staber).



He stated many conditions are not being complied with and Planning Staff considers the Conditional Use Permit now null and void which means the property is no longer permitted to operate an automotive repair business from this garage other than for their own personal vehicles. He stated that staff **recommends revoking** Conditional Use Permit #C1-2007 based on the numerous conditions of approval not being complied with. He stated that a civil injunction or criminal action can be brought towards the landowner for failure to comply with the CUP or the revocation of the CUP.

Dann Kirschman (applicant) stated that he had full intentions of complying with the CUP. He stated that he was planning on moving to a larger building but the owner of the building did not want to bring the building up to code so it ended up for sale. He stated that he was getting estimates on the project until he received the packet in the mail. He stated that at that time he discontinued the project. He stated that he might need to find a different building and move out of town.

Gengel stated that they do not want to force him to move out of town. He stated that he should have stayed in touch with the city. He stated that the city is doing what it has to do and that means enforcing the conditions of the CUP.

Kirschman stated that you do what you have to do. He stated that he has been working somewhere else. He stated that he has only been working in the garage as a hobby at nights and on the weekend.

Gengel asked that if the CUP is revoked what does he plan to do.

Kirschman stated that he has some other options but had planned on moving into that other building. He stated that the owner of this building led him on to thinking that he would be able to move in. He stated that the owner was having problems with the building inspector and could not afford to do the repairs to the building.

Gengel stated that he understands how it all came about but the train wreck came about when the city found about it and at that time it was already too late. He stated that the time has expired and it seems to be an open and shut case.

Kirschman asked what is the use of coming and asking for an extension if it is already to late.

Gengel stated that he does not want to chase business out of town.

Kirschman stated that he has not heard from the builders where he received quotes. He stated that the estimates are done and all he needs to do is call them up and have them send the paper work to begin work.

Wilcox stated that when Mr. Kirschman is ready we are willing to entertain a new CUP. She stated that it is a waste of your time and ours to go through this whole process and then have it expire. She asked that if this CUP expires what is going to happen to the automotive business.

Kirschman stated that within 30 days or by the next meeting he should be able to have all the estimates, permits and other information together.

Gengel stated that it will be on next months agenda or it will have to be revoked.

Wilcox asked if extensions are legal.

Ondich stated that they are legal if the council is agreeable to doing so.

Kratochvil asked if we need to extend the CUP because it is already expired.

Gilman stated that the CUP was declared dead on March 30<sup>th</sup>.

Kratochvil stated that he thinks we need to extend the CUP because right now it is in violation.

Gengel asked staff if the CUP is revoked right know.

Ondich stated that the CUP is not revoked until we have an actual resolution from City Council revoking it, which is then filed with the county.

Gengel stated that we should have the City Council discuss it and make sure they know what we are doing and if they are not comfortable doing this then they need to take action and revoke the CUP. He stated that we should pass it on to City Council for recommendation.

Kratochvil stated that we should put together a timeline for the extension. He stated if we extend this we need to get some type of commitment from Kirschman. He stated if he comes back next month with all the information we can allow this but then he should have to start within the next 30 days or it would be revoked. He stated he is not sure if we can legally do that or not.

Gengel stated that if this happens and Mr. Kirschman comes back in 30 days and has all the information they are going to ask to begin work within the next 30 days and have it completed within a certain period of time.

It was moved by Kratochvil, seconded by Gilman to **table revoking** the CUP and have the Council consider the request to have the CUP revocation put on next Planning Commission agenda.

Motion carried: Ayes 5 Nays 0

## **6. Request for Final Plat Approval – Clearwater Addition – City of New Prague, applicant**

Planner Ondich presented the staff report. He stated the City is proposing to construct a new wastewater treatment plant at the site of the existing plant. He stated the City Council previously approved the Preliminary Plat on March 3, 2008. He stated that various Conditions of Preliminary Plat approval have been satisfied and include the following;

1. Approval is granted in accordance with the preliminary plat drawing (dated 2/11/08) and Final Plat drawing (dated 5/12/2008) on file with the New Prague Planning Department.

2. Approval is subject to all recommendations of the Public Works Director and Scott County Highway Department.
3. Drainage and Utility Easements must be shown on the final plat to cover delineated wetlands and their associated 40' wetland buffer areas. (Completed)
4. The drainage and utility easement in the NW corner of the site (Yard Waste Site Area) must be reduced to only cover the delineated wetland and associated 40' wetland buffer area and not the entire Yard Waste Site as currently shown on the Preliminary Plat drawing. (Completed)
5. The final plat must be recorded within 90 days of the date of the City Council granting approval.
6. A wetland delineation report must be completed prior to approval and recording of the final plat. (Completed)
7. A title opinion must be completed prior to final plat approval. (Completed)

Planner Ondich stated that a restrictive covenant is noted in SW corner from a DNR Grant requirement stipulating perpetual use of the land for recreational purposes. He stated other easements signify the 40' wetland buffer areas around the delineated wetlands. He stated that staff recommends approval of the Final Plat.

It was moved by Kratochvil, seconded by Gilman to recommend **approval** of final plat of Clearwater Addition, consisting of 1 lot on 91.83 acres in the RL-90 Single family Residential with the following findings:

1. The preliminary plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirements of the RL-90 Single Family Zoning District in which it is located.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing (dated 2/11/08) and Final Plat drawing (dated 5/15/2008) on file with the New Prague Planning Department.
2. Approval is subject to all recommendations of the Public Works Director and Scott County Highway Department.
3. The final plat must be recorded within 90 days of the date of the City Council granting approval.

And noting the following variance:

1. Park land dedication is not being required because the site contains 23 acres of land currently used as the Sliding Hill Skate Park and recorded as a deed restriction on the property.

Motion carried: Ayes 5 Nays 0

## **7. Miscellaneous**

### **A. Pint Annexation Update**

Gengel asked the commissioners if they have received any rush of opinion on the project.

Wilcox stated that it seemed like most people that attended the City Council meeting that night were for the project. She stated a couple of ladies in the back started a movement to oppose it but nothing was said. She stated that other than one e-mail that Jerry sent to the City Council about a young man that moved to town and did not want a Wal-Mart it seemed like most other comments were positive.

Gengel stated that his daughter told him that a Facebook page was started for “No Wal-Mart in New Prague”.

Wilcox stated that she thought that the page was not current.

Remfert stated that most people think that the majority of Wal-Mart employees get paid minimum wage and this is not the case. He stated that the draw to New Prague is 20,000 without Wal-Mart and it is 48,000 with it.

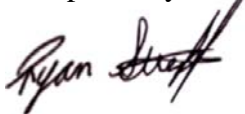
Kratochvil stated that he does not think it should be here.

Wilcox stated that she thinks that an underpass connection at Raven Stream should be explored. She stated that the underpass connection is an important part to our trail system. She stated that if we do not make the underpass connection now it will never get done.

## **8. Adjournment**

The meeting was adjourned at 8:35 PM by order of Chair Gengel.

Respectfully submitted,



Ryan Streff  
Planning Intern