

# City Council Proceedings

430

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



City Council Meeting  
Monday, March 4, 2013

Mayor Nickolay called the meeting to order at 7:00 p.m. with the following members present: Nickolay, Bartusek, Ryan and Scripture, Absent: Bruzek

Staff Present: Mike Johnson, Ken Ondich, Mark Vosejпка and Mary Jo Hruby

The Pledge of Allegiance was recited.

Mayor Nickolay opened the Public Hearing at 7:02 p.m. on the Issuance of On-Sale Liquor License, Off-Sale Liquor License and Sunday Liquor License for Bonnie L. Fullerton (Prairie Pond Vineyard and Winery, Inc.) dba Prairie Pond Vineyard and Winery.

City Administrator Johnson reviewed the new liquor license application. There is an ownership change to the legal entity that will be holding the liquor license at this location. The current liquor license at this location is held by Michael Fullerton dba Prairie Pond Vineyard and Winery.

With no public comments, it was moved by Nickolay and seconded by Bartusek to close the Public Hearing at 7:03 p.m. All voted in favor of the motion except Bruzek who was absent. (4-0)

It was moved by Ryan and seconded by Scripture to approve the issuance of an On-Sale Intoxicating Liquor License, Off Sale Intoxicating Liquor License and Sunday Liquor License to Bonnie Fullerton (Prairie Pond Vineyard and Winery, Inc.) dba Prairie Pond Vineyard and Winery. All voted in favor of the motion except Bruzek who was absent. (4-0)

It was moved by Nickolay and seconded by Ryan to approve the Agenda. All voted in favor of the motion except Bruzek who was absent. (4-0)

City Administrator Johnson reviewed the new application received from Ulrich and Christina Ettlín (C and U Investments, LLC) dba The Ettlín's Café for an On-Sale Wine License and On-Sale Beer License and recommended calling for a Public Hearing on March 18, 2013. The reason for the new liquor license application and Public Hearing is that there is an ownership change to the legal entity that will be holding the liquor licenses at this location. The current liquor license at this location is held by Ettlíns Rancho Supper Club Inc. dba Ettlíns Café.

It was moved by Bartusek and seconded by Scripture to call for a Public Hearing for March 18, 2013 at 7:00 p.m. on the issuance of an On-Sale Wine License and On-Sale Beer License for Ulrich and Christina Ettlín (C and U Investments, LLC) dba The Ettlín's Café. All voted in favor of the motion except Bruzek who was absent. (4-0)

City Administrator Johnson reviewed the Resolution approving the final financing plan for the Wastewater Treatment Plant that amends the City Council's original wastewater financing on December 10, 2008 with the Minnesota Public Facilities Authority.

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



City Council Meeting  
Monday, March 4, 2013

It was moved by Nickolay and seconded by Scripture to approve RESOLUTION #13-03-04-01 APPROVING THE FINAL FINANCING PLAN; APPROVING AMENDMENTS TO THE BOND PURCHASE AND PROJECT LOAN AGREEMENT BETWEEN THE CITY AND THE MINNESOTA PUBLIC FACILITIES AUTHORITY; APPROVING AMENDMENTS TO THE GENERAL OBLIGATION WASTEWATER TREATMENT FACILITY REVENUE NOTE OF 2008; AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE AGREEMENT, THE NOTE, AND RELATED DOCUMENTS. All voted in favor of the motion except Bruzek who was absent. (4-0)

Planning Director Ondich provided follow-up on the two homeowners associations that have property abutting the private road Village Street SE regarding dedication of the private roadway to the City so that it can be maintained as a public road. On October 18, 2010, the City Council approved a list of seven conditions that must be completed before Village Street SE would be accepted as a public roadway. In addition to completing all items, the association has also paid all its bills related to the completion of the items. City Staff and City Attorney Scott Riggs have reviewed the completed items and advise that the City Council can now consider a final action to accept the current private Village Street SE as a public roadway.

It was moved by Bartusek and seconded by Scripture to approve RESOLUTION #13-03-04-02 RESOLUTION ACCEPTING OWNERSHIP OF AND MAINTENANCE RESPONSIBILITIES FOR VILLAGE STREET SE AND APPROVING THE STREET TRANSFER AGREEMENT. All voted in favor of the motion except Bruzek who was absent. (4-0)

Homeowner Association Residents Gary Eagan and Jackie Frolund thanked Planning Director Ken Ondich and everyone else for their assistance in making this happen.

Planning Director Ondich reviewed the Preliminary and Final Plat of New Prague Commons Second Addition consisting of two lots and one outlot on 4.28 acres in the B-2 Community Commercial Zoning District as proposed by New Prague Commons, LLC. At the February 27, 2013 Planning Commission meeting, they unanimously recommended approval of the preliminary and final plat with 2 findings and 11 conditions listed in the Resolution.

It was moved by Scripture and seconded by Bartusek to approve RESOLUTION #13-03-04-03 RESOLUTION OF THE NEW PRAGUE CITY COUNCIL GRANTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT OF NEW PRAGUE COMMONS SECOND ADDITION CONSISTING OF TWO LOTS AND ONE OUTLOT ON 4.28 ACRES, NEW PRAGUE, MINNESOTA with the 2 findings and 11 listed conditions. All voted in favor of the motion. (4-0)

Planning Director Ondich reviewed the request from New Prague Commons, LLC, owner of Outlot A, New Prague Commons for a variance from the sign regulations in the B-2 Community Commercial Zoning District to allow up to four individual lots with TH19 (Main Street) frontage to each have one individual 50 sq. ft. monument sign with signage related to the principal use on the lot. Under the current sign ordinance, the individual 4 lots would not each be allowed to have their own

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



City Council Meeting  
Monday, March 4, 2013

monument sign based on a 250' minimum spacing requirement between signs on the site.

It was moved be Scripture and seconded by Bartusek to approve RESOLUTION #13-03-04-04 RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE (V1-2013) FROM THE SIGN REGULATIONS IN THE B-2 COMMUNITY COMMERCIAL ZONING DISTRICT AS PROPOSED BY NEW PRAGUE COMMONS, LLC NEW PRAGUE, MINNESOTA. All voted in favor of the motion except Bruzek who was absent. (4-0)

Planning Director Ondich reviewed the "Release of Easement in Raven Stream Village 2<sup>nd</sup> Addition" document to be recorded with Scott County. It was found that a trail easement document (Document #A771959) failed to mention which block the easement was intended for and only listed the lot numbers. The Release of Easement document will release the easement on Blocks 2 through 9 of Raven Stream Village 2<sup>nd</sup> Addition while keeping the easement document in effect on Block 1 where it must remain.

It was moved by Nickolay and seconded by Ryan to approve Release of Easement in Raven Stream Village 2<sup>nd</sup> Addition. All voted in favor of the motion except Bruzek who was absent. (4-0)

City Administrator Johnson informed the Council that Chard Tiling and Excavating, Inc. has satisfactorily completed the 2011 Street and Utility Improvement Project in accordance with the contract. It is recommended the City Council approve the Resolution accepting work and authorize the final payment with the release of all retainage to Chard Tiling and Excavating, Inc. for the 2011 Street and Utility Improvement. The 2 year warranty period would go to March 4, 2015.

It was moved by Ryan and seconded by Bartusek to approve RESOLUTION #13-03-04-05 ACCEPTING WORK FOR 2011 STREET AND UTILITY IMPROVEMENT PROJECT. All voted in favor of the motion except Bruzek who was absent. (4-0)

Planning Director Ondich reviewed the Historic Context Study Grant Project. The City was awarded a \$7,000 grant from the Minnesota Historical Society through a Minnesota Historical and Cultural Heritage Grant Program. This grant is provided so that the City can hire a consultant to complete a Historic Context Study of New Prague which is a baseline document that can be used for further historic preservation planning efforts. Because of the grant, there will be no direct financial cost to the City to complete the Historic Context Study. Request for proposals for a consultant were solicited and four proposals were received. Staff recommends that the City Council approve the selection of Smith & Main and MacDonald & Mack Architects as consultant to complete a Historic Context Study.

It was moved by Scripture and seconded by Nickolay to approve the selection of Smith & Main and MacDonald & Mack Architects as consultant to complete a Historic Context Study of the City of New Prague to be paid for by the Minnesota Historical and Cultural

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



City Council Meeting  
Monday, March 4, 2013

Heritage Grant of \$7,000. All voted in favor of the motion except Bruzek who was absent. (4-0)

Planning Director Ondich reported that Chart, Inc. have been working over the past several months to finalize the Plat of Chart Inc. Second Addition such that it can properly be filed with Scott County. The required filing date for the Plat was extended by Council action last November and an Agreement for the Issuance of an Early Building Permit No. 2 on December 17, 2012 which allowed Chart Inc. to proceed with certain elements of construction prior to the filing of the Plat. While the efforts of City Staff, the City attorney and representatives of Chart Inc. have moved the date for filing of the Plat closer to completion, issues still exist that are out of control of both the City and Chart, Inc. that prevent the Plat from being filed. Issues related to the Plat (including but not limited to vacated alleys and the extent to which such vacated alleys are incorporated into the Plat) are still not resolved and it is once again necessary to extend the Plat filing deadline and the expiration date of the Early Building Permit by 90 days.

It was moved by Bartusek and seconded by Ryan to approve request from Chart, Inc. to extend the filing period for Chart Inc. Second Addition to June 3, 2013 and to approve the First Amendment to Agreement for the Issuance of an Early Building Permit No. 2. (revising the term of the Agreement to June 3, 2013). All voted in favor of the motion except Bruzek who was absent. (4-0)

City Administrator Johnson informed the Council that last summer the swimming pool boiler started leaking water from the heat exchanger and developed major control issues. Staff researched various boilers and contacted several local plumbing and heating contractors for proposals for a new pool boiler. It is the recommendation of staff to authorize the purchase and installation of a Raypak Xtherm 1505 Commercial Pool Heater from Lange's Plumbing and Heating, Belle Plaine, MN for \$35,153.00. In addition to the pool boiler, a chemical storage addition will still be necessary to protect the new boiler from contact with chemical fumes. The cost for the chemical building addition is estimated at \$7,000.

It was moved by Ryan and seconded by Nickolay to approve the purchase and installation of a Raypak Xtherm 1505 Commercial Pool Heater from Lange's Plumbing and Heating, Belle Plaine, MN for \$35,153.00. All voted in favor of the motion except Bruzek who was absent. (4-0)

Police Chief Mark Vosejпка reviewed with the Council the 2012 Police Department Annual Report.

City Administrator Johnson suggested the Council consider holding a workshop on special assessments in order to properly address questions being raised and to provide an educational overview of the special assessment process. In attendance would be Chris Cavett (City Engineer), Scott Riggs (City Attorney) and an appraiser from Patchin Messner & Dodd.

# City Council Proceedings

434

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



City Council Meeting  
Monday, March 4, 2013

After lengthy discussion, it was moved by Nickolay and seconded by Bartusek to hold a workshop on special assessments on March 18, 2013 from 5:30-6:45 p.m. Nickolay, Bartusek, Scripture voted in favor, Ryan voted against and Bruzek was absent. (3-1)

City Administrator Johnson informed the Council that SCALE Education Team (formerly LEGO'S Team) is offering Cities in Scott County the opportunity for an educational workshop on Economic Development Case Studies. The workshop is proposed for members of the City Council, Economic Development Authority and Planning Commission.

Consensus of the Council is to schedule the SCALE Education Workshop on April 1, 2013 from 5:00-7:00 p.m.

Mayor Nickolay reported on the Regional sales tax for transit and the proposal to increase the sales tax for transit purposes by  $\frac{1}{4}$  cent in the Seven County Metropolitan Area.

After discussion, it was moved by Nickolay and seconded by Bartusek to write a letter in support of the Regional Sales Tax for Transit and the proposal to increase the sales tax for transit purposes by  $\frac{1}{4}$  cent in the Seven County Metropolitan Area. Nickolay and Bartusek voted in favor, Ryan and Scripture voted against, Bruzek was absent (2-2) Motion failed.

City Administrator Johnson presented seventeen (17) liquor, beer, wine, miscellaneous licenses and dance permits for the period April 1, 2013 to March 31, 2014. There are two establishments that hope to be on the agenda for approval at the March 18, 2013 meeting.

It was moved by Scripture and seconded by Bartusek to approve the following 2013-2014 liquor, beer, wine, miscellaneous licenses and dance permits. All voted in favor except Bruzek who was absent. (4-0)

New Prague Baseball Assn.	On-sale beer
Mark Michel's Pioneer Saloon Inc. d/b/a/ Mark Michel's Pioneer Saloon	On-sale liquor, off-sale liquor
Knights Building Commission a/k/a Knights of Columbus Hall	On-sale beer, dance permit, On-sale wine, set up license
New Prague Golf Club d/b/a New Prague Golf Club	On-sale liquor, Sunday liquor, dance permit,
City Club Bar, Inc. d/b/a City Club Bar	On-sale liquor, off-sale liquor, Sunday liquor
MKNB Inc. d/b/a Corner Bar	On-sale liquor, off-sale liquor, Sunday liquor, dance permit
J & C Picka Inv. Inc. d/b/a West End Liquors	Off-sale liquor

*City Council Proceedings*

435

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



City Council Meeting  
Monday, March 4, 2013

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
Patoon Inc. d/b/a Fishtale Grill	On-sale liquor, Sunday liquor
Flipside Pub & Grill, Inc. d/b/a Flipside Pub & Grill	On-sale liquor, off-sale liquor, Sunday liquor, dance permit
Coborn's Inc. d/b/a Coborn's Liquor	Off-sale liquor
Los Tequilas Inc., d/b/a El Tequila	On-sale liquor, Sunday liquor
Czech Emporium LLC, d/b/a Broz Hotel	On-sale liquor, Sunday liquor, dance permit
Chameleon's Inc. d/b/a Chameleon's	Set-Up License
Pauly's Pub, LLC, d/b/a Pauly's Pub	On-sale liquor, Off-sale liquor, dance permit, Sunday Liquor
New Prague Chamber of Commerce	1 to 4 Day Temporary On-Sale Liquor License on July 12, 2013 and September 20 & 21, 2013

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

- A. Approve previous meeting minutes
- B. Approve claims for payment
- C. Approve Minnesota Lawful Gambling LG220 Application for Exempt Permit for American Legion to conduct gambling at the Park Ballroom on May 17, 18, and 19, 2013

All voted in favor of the motion except Bruzek who was absent. (4-0)

It was moved by Ryan and seconded by Bartusek to adjourn at 9:11 p.m. All voted in favor of the motion except Bruzek who was absent. (4-0)

\_\_\_\_\_  
Charles L. Nickolay, Mayor

ATTEST:

\_\_\_\_\_  
Michael J. Johnson  
City Administrator