

# City Council Proceedings

863

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

}

City Council Meeting  
Monday, April 3, 2017

Mayor Nickolay called the Meeting to order at 6:03 p.m. with the following members present: Nickolay, Bruzek, Jirik, Tuma  
Absent: Ryan

Staff Present: Ken Ondich, Jim Gareis, Glen Sticha, Patty Solheid, and Deb Wegner

Others present: Robert Adams, Fire Chief Tikalsky, Mr. Dumont from Kwik Trip, Stacy Crakes and Jo Foust from the Scott County CDA - First Stop Shop, and Julie Siegert from the Scott County CDA

It was moved by Bruzek and seconded by Jirik to approve the Agenda. All voted in favor of the motion. (4-0)

It was moved by Nickolay and seconded by Bruzek to approve RESOLUTION #17-04-03-01 RESOLUTION RECOGNIZING ROBERT ADAMS RETIREMENT. All voted in favor of the motion. (4-0)

Mayor Nickolay presented a plaque to Robert Adams recognizing him for serving the City of New Prague in the position of Golf Course Superintendent. Robert then transferred to the Street Department as a Maintenance Employee. Robert's mechanical skills, his talents and abilities at the Golf Course and throughout the Public Works areas of the City, have enabled the City to provide quality services in both of those departments. Roberts work experience over the past 33+ years will be tremendously missed. Robert will be retiring on April 5, 2017.

Fire Chief Tikalsky stated that Doug Pomije retired from the New Prague Fire Department after 18 years of service leaving a vacant position. Due to this retirement, Fire Chief Tikalsky has recommended the appointment of Nicolas Peters as a New Prague Volunteer Firefighter effective April 4, 2017. All voted in favor of the motion. (4-0)

Finance Director Solheid informed the Council that upon the promotion of Deb Wegner to Planning Technician, the full-time position of Clerk/Receptionist became vacant. After reviewing and rating all of the 130 applicants, both telephone and personal interviews were then conducted. It was the consensus to offer the Clerk/Receptionist position to Margaret Bartyzal whereby she will be moving from her current position of part-time Customer Service/Accounting Clerk position to Clerk/Receptionist position with an effective starting date of April 4, 2017.

It was moved by Tuma and seconded by Bruzek to approve Margaret Bartyzal to the current position of Clerk/Receptionist. All voted in favor of the motion. (4-0)

Planning/Community Development Director Ondich referred to the KWIK Trip Development items A-C asking to approve the Resolution Approving the Preliminary and Final Plat of the New Prague KWIK Trip Addition separate from the Resolution Approving Conditional Use Permit #C1-2017 and Resolution Approving Variance #V1-2017.

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

}

City Council Meeting  
Monday, April 3, 2017

Planning/Community Development Director Ondich reviewed the request KWIK Trip has made application for a Preliminary and Final Plat of which will be called the New Prague KWIK Trip Addition Planning Commission which contains one lot on 2.5 acres

At the March 22, 2017 Planning Commission meeting the Planning Commission unanimously recommended (4-0) that the City Council approve the Preliminary and Final Plat of the New Prague Kwik Trip Addition.

The reason the plat is necessary is because, while the property that makes up the site is platted, there are multiple lots that make up the development site in total. The multiple platted lots cannot be administratively combined and therefore the properties must be platted into a single lot.

The site is proposed to be redeveloped by demolishing the existing former grocery store building (Econo Foods owned by Don Werner) and constructing approximately a 7,300 sq. ft. convenience store, 1,700 sq. ft. detached car wash and associated fuel canopies for both gasoline and diesel.

After further discussion it was moved by Bruzek and seconded by Tuma to approve the RESOLUTION #17-04-03-02 APPROVING THE PRELIMINARY AND FINAL PLAT OF THE NEW PRAGUE KWIK TRIP ADDITION. All voted in favor of the motion. (4-0)

Planning/Community Development Director Ondich reviewed the request for a conditional use permit by Kwik Trip Inc., to allow the construction of a new 7,300 sq. ft. convenience store, 1,700 sq. ft. detached car wash and two associated fueling canopies at 104 4<sup>th</sup> Ave NW in the B-3 Highway Commercial Zoning District. The Planning Commission, voted unanimously (4-0) to forward to the City Council for recommendation.

It was moved by Bruzek and seconded by Nickolay to approve the RESOLUTION #17-04-03-03 APPROVING CONDITIONAL USE PERMIT #C1-2017. All voted in favor of the motion. (4-0)

Planning/Community Development Director Ondich reviewed the request for variance by Kwik Trip, Inc., to allow a reduction in the minimum front setback from 40' to 14' along West Main Street (TH19) for a detached carwash, to allow reduced access in spacing from TH19 from 150' to 88' on 4<sup>th</sup> Ave NW and finally to allow reduced access spacing from 1<sup>st</sup> St NW from 100' to 97'11" on 4<sup>th</sup> Ave NW. This building setback variance request would allow the car wash to be located as far away as possible from the residential zoned and used property to the North and West. The access spacing would allow two (2) accesses on 4<sup>th</sup> Ave NW for the majority of the vehicle trips into and out of the site. Staff notes that previously variances have been given to nearby gas stations (Casey's Gas Station and the Super America) which are also located in the B-3 Highway Zoning Districts.

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

}

City Council Meeting  
Monday, April 3, 2017

Council member Tuma asked the question of whether the car wash door will be open. Planning/Community Development Director Ondich recommends that it be included in the variance that the car wash door be open during the drying period. The door faces away from the residential area to downtown and should not be an issue.

Council member Bruzek asked Mr. Dumond how this Kwik Trip compares in size to others in the surrounding areas like Rochester, Twin Cities, and Belle Plaine. Mr. Dumond said this will be the largest in the area due partly to the increase of inside sales on items as fresh fruit, ready to eat sandwiches, dairy, meats etc. In some areas Kwik Trips are considered neighboring grocery stores vs. just a convenience store. Mr. Dumond stated that more than likely this will be a 2018 project.

The Planning Commission met on March 22, 2017, and voted unanimously (4-0) to forward this matter to the City Council with a recommendation for approval.

It was moved by Nickolay and seconded by Tuma to approve the RESOLUTION #17-04-03-04 APPROVING VARIANCE #V1-2017. All voted in favor of the motion. (4-0)

Planning/Community Development Director Ondich reviewed the vacation request. City Staff and Chart met to discuss the future of the water line and determined that the easement should be vacated and any future repair and maintenance, including ownership of the line, will be Chart's responsibility. Staff notes, however, that the water line does continue to the west side of the railroad tracks within an easement, but easement cannot be vacated as a public sanitary sewer line is located there. The City attorney has drafted a separate agreement "Water Service Line Agreement" to be entered into between the City and Chart to clarify that the water service line is private, even in the easement west of the railroad tracks and cannot be vacated. This came about recently where the City and Chart had a repair and maintenance situation with the existing water line in the former right of way. Repair was needed that led to a dispute between the City and Chart over who should pay for the repair. This water line services only Chart and no other facilities but is located within the remaining drainage and utility easement.

A Public Hearing is set for May 1, 2017. A resolution was approved to introduce RESOLUTION #17-04-03-05 FOR VACATION OF A UTILITY EASEMENT LOCATED IN NEW PRAGUE OUTLOTS as proposed by the City of New Prague. A public notice would be published April 13 and April 20, 2017 in the New Prague Times.

It was moved by Nickolay and seconded by Bruzek. All voted in favor of a Public Hearing set for May 1, 2017. (4-0)

After further discussion the City has determined that the easements are not being used for sewer, drainage, electric etc. Furthermore it has been determined that vacation of the easements is in the public

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

}

City Council Meeting  
Monday, April 3, 2017

interest because they are no longer needed for public utilities and vacating the easements will allow Chart to be solely responsible for the maintenance of the private water line. It was moved by Bruzek and seconded by Jirik to introduce ORDINANCE #297 VACATING DRAINAGE AND UTILITY EASEMENTS ON CERTAIN REAL PROPERTY. All voted in favor of the motion. (4-0)

At this time no action is needed for the REVIEW DRAFT WATER SERVICE LINE MAINTENANCE AGREEMENT WITH CHART INC., until the final adoption of the easement vacation is considered.

The consent items were moved ahead of the presentation on "Life - Cycle Housing"

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

- A. Approve March 20, 2017 Meeting Minutes
- B. Approve Claims for Payment
- C. Approval of Severance Payment (Retirement) Benefit for Mary Jo Hruby
- D. Approve Request for Assistance for the New Prague Half Marathon and Related Runs from Chamber of Commerce
- E. Approve Memorial Day Parade Request for Assistance and Road Closure for American Legion Post 45
- F. Approve Liability Coverage Waiver Form with the League of Minnesota Cities Insurance Trust

All voted in favor of the motion. (4-0)

Planning/Community Development Director Ondich noted that in Memorial Park the restoration of the Log Cabin will begin around April 10 or 11, 2017.

Discussion as to when interviews will be set for the Boards and Commission Application. Currently there are 7 openings and as of today we have received 3 applications. Applications close April 10, 2017. It has been determined based on the number of applications to meet April 17 and May 1 prior to the City Council meetings around 5:15 - 5:30 pm.

Scott County CDA gave a presentation about "Life Cycle Housing". Housing demands has been a recent topic of discussion as it relates to the approval of townhomes in 2016 and more recently with the proposal of a 90 unit senior housing project. With the recent release of the Scott County Housing Study from Maxfield now is a time to discuss life cycle housing and how it relates to the City's Comprehensive Plan. The presentation took a look at how different life stages, resident employment and jobs compare to current and projected housing needs.

With no further discussion it was moved by Nickolay and seconded by Bruzek to adjourn the meeting at 8:10 P.M. All voted in favor of the motion. (4-0)

City Council Proceedings

867

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

}

City Council Meeting  
Monday, April 3, 2017

---

Charles L. Nickolay, Mayor

ATTEST:

---

Michael J. Johnson  
City Administrator