



CITY COUNCIL MEETING AGENDA

City of New Prague

Monday, June 03, 2024 at 6:00 PM

City Hall Council Chambers - 118 Central Ave N

OPTIONAL ONLINE CONNECTION. MEETINGS ARE IN PERSON.

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1. CALL TO ORDER

- a. Pledge of Allegiance

2. APPROVAL OF REGULAR AGENDA

3. CONSENT AGENDA

(The following agenda items are considered to be non-controversial and routine in nature. They will be handled with one motion of the City Council. Council members may request that specific items be removed from the Consent Agenda and be acted upon separately.)

a. Meeting Minutes

- i. May 20, 2024, City Council Meeting Minutes
- ii. May 20, 2024, Special City Council Meeting Minutes - Closed

b. Claims for Payment: **\$140,722.96**

c. City Building Roof Replacement

d. 1-Day Temporary On-Sale Liquor License for the Church of St. Wenceslaus on August 11, 2024

e. Call for Public Hearing on the Issuance of an On-Sale Intoxicating Liquor License and Sunday Liquor License for The Rusty Spoke

f. Honeywell, Inc. Litigation

4. CITY ENGINEER PROJECTS UPDATE

a. June 3, 2024

5. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA

(Speakers limited to 5 minutes.)

6. PUBLIC HEARING(S) – 6:00 PM

7. ORDINANCE(S) FOR INTRODUCTION

8. ORDINANCE(S) FOR ADOPTION

9. RESOLUTIONS

- a. Joint Resolution #24-06-03-01 with Helena Township Annexing Robert Yost Property at 1536 W 280th Street

- [b.](#) Resolution #24-06-03-02 - Denying Variance #V2-2024 for a 21.2' Front Setback and a 5' Setback to the Edge of the Conservation Easement Located at 703 7th St NE, as Proposed by Michael Weinandt
- [c.](#) Resolution #24-06-03-03 - Governing Write-In Vote Counting for the City of New Prague
- [d.](#) Resolution #24-06-03-04 - Declaring the Official Intent of City of New Prague to Reimburse Certain Expenditures from the Proceeds of Tax-Exempt Bonds or Other Obligations and Establishing Procedures for Additional Declarations of Official Intent

10. GENERAL BUSINESS

- [a.](#) Appointment of Park Board Member
- [b.](#) Helena Township Space Request
- [c.](#) Fire Department/Air Pack Discussion

11. MISCELLANEOUS

- [a.](#) North Memorial Health Ambulance Statements
- [b.](#) Meeting Minutes
 - i. Utilities
 - ii. Park
 - iii. Planning
- [c.](#) Discussion of Items not on the Agenda

12. ADJOURNMENT

UPCOMING MEETINGS AND NOTICES:

June 10	12:00 p.m. Community Center Board
June 11	6:00 p.m. Park Board
June 12	7:30 a.m. EDA Board
June 12	6:30 p.m. Cedar Lake Water & Sanitary Sewer District
June 17	6:00 p.m. City Council
June 19	Holiday – City Offices Closed
June 24	3:30 p.m. Utilities Commission
June 25	6:30 p.m. Golf Board
June 26	6:30 p.m. Planning Commission
July 1	6:00 p.m. City Council
July 4	Holiday – City Offices Closed



CITY COUNCIL MEETING MINUTES

City of New Prague

Monday, May 20, 2024 at 6:00 PM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

Mayor Duane Jirik called the meeting to order at 6:00 p.m.

PRESENT

Mayor Duane Jirik

Councilmember Shawn Ryan

Councilmember Maggie Bass

Councilmember Rik Seiler

Councilmember Bruce Wolf

Staff present: City Administrator Josh Tetzlaff, Finance Director Robin Pikal, Planning/Community Development Director Ken Ondich, Police Chief Tim Applen, General Manager Bruce Reimers, Public Works Director Matt Rynda, and Fire Chief Steve Rynda

a. Pledge of Allegiance

2. APPROVAL OF REGULAR AGENDA

Motion made by Councilmember Ryan, Seconded by Councilmember Bass to approve the Regular Agenda.

Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf

Motion carried (5-0).

3. CONSENT AGENDA

Motion made by Councilmember Seiler, Seconded by Councilmember Bass to approve the Consent Agenda.

Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf

Motion carried (5-0).

a. Meeting Minutes

i. May 6, 2024, City Council Meeting Minutes

b. Claims for Payment: **\$290,962.01**

c. LG220 MN Lawful Gambling Application for Exempt Permit for Church of St. Wenceslaus on August 11, 2024, involving bingo, pull-tabs, and a raffle at 215 Main Street East

d. 1-Day Temporary On-Sale Liquor License for Giesenbrau - Ribfest on June 14, 2024, at Holy Trinity Lutheran Church, 1300 Main Street East

e. 1-Day Temporary On-Sale Liquor License for Midwest Country Music Organization on June 1, 2024

f. Appointment of Police Officer

g. Purchase of Police Department Duty Handguns

h. Quarterly Financial Summary Report

4. VIOLATION APPEAL

- a. 210 Central Avenue N
Steve Roiger addressed the Council. Motion made by Councilmember Seiler, Seconded by Councilmember Bass to pause the violation notice.
Voting Yea: Mayor Jirik, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).

5. CITY ENGINEER PROJECTS UPDATE

- a. May 20, 2024
Public Works Director Matt Rynda provided updates.

6. PRESENTATION AND ACCEPTANCE OF THE 2023 ANNUAL FINANCIAL (AUDIT) REPORT

- a. Abby Schmidt, Abdo
Abby Schmidt with Abdo presented the 2023 annual financial report to City Council.
Motion made by Councilmember Seiler, Seconded by Councilmember Wolf to approve the 2023 financial report.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).

7. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA

No members of the public spoke at this meeting.

8. PUBLIC HEARING(S) – 6:00 PM

- a. Ettlins Cafe at 208 4th Avenue SW - Approval of the Issuance of an On-Sale Intoxicating Liquor License and Sunday Liquor License
Mayor Jirik opened the public hearing. No comments were made. Motion made by Councilmember Ryan, Seconded by Councilmember Wolf to close the public hearing.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).
Motion made by Councilmember Bass, Seconded by Councilmember Ryan to approve the liquor license.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).

9. ORDINANCE(S) FOR INTRODUCTION**10. ORDINANCE(S) FOR ADOPTION**

- a. Ordinance #349 - Repealing Chapter 152 of the New Prague City Code and Replacing It with a New Chapter 152 Regarding Floodplain Regulations
Planning/Community Development Director Ondich provided background. Motion made by Councilmember Seiler, Seconded by Councilmember Bass for the second reading and adoption of Ordinance #349.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).

11. RESOLUTIONS

- a. Resolution #24-05-20-01 - Approving Publication of Ordinance #349 by Title and Summary
Motion made by Mayor Jirik, Seconded by Councilmember Ryan to approve Resolution #24-05-20-01.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler,
Councilmember Wolf
Motion carried (5-0).

12. GENERAL BUSINESS

- a. Appointment of Board/Commission Members
 - i. EDA Board
 - ii. Golf Board
 - iii. Park Board
 - iv. Planning Commission
 - v. Utilities Commission

City Administrator Tetzlaff provided an overview.

 - Motion made by Councilmember Bass, Seconded by Councilmember Wolf to reappoint Nick Slavik to the EDA Board.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).
 - Motion made by Councilmember Bass, Seconded by Councilmember Wolf to appoint Graham Kuehner and reappoint Bob Cuniff to the Golf Board.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).
 - Motion made by Councilmember Bass, Seconded by Councilmember Wolf to appoint Shannon Sticha to the four-year Park Board term and Jacob Bisek as the Park Board youth representative.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).
 - Motion made by Councilmember Bass, Seconded by Councilmember Wolf to reappoint Ann Gengel to the Planning Commission.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).
 - Motion made by Councilmember Bass, Seconded by Councilmember Wolf to appoint Chuck Nickolay to the Utilities Commission.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0).

13. MISCELLANEOUS

- a. Public Hearing for Draft Lower Minnesota River East Comprehensive Watershed Management Plan
Planning/Community Development Director Ondich provided details.
- b. Meeting Minutes
 - i. Park
- c. Discussion of Items not on the Agenda
 - Mayor Jirik received complaints and concerns regarding the property located at the northwest corner of 7th Street and Lexington Avenue. Planning/Community Development Director Ondich

advised that the city issued a buffer encroachment violation to the wetland to the property owner.

- Councilmember Ryan inquired why the police department is purchasing 14 duty handguns when they have 12 members. Police Chief Applen was no longer at the meeting, but Mayor Jirik advised he thought it was so the department has one extra, and the other would be used in the event there was ever an officer-involved shooting.
- City Administrator Tetzlaff reminded Council of the closed session following the regular meeting.
- General Manager Reimers shared that New Prague was part of a larger group who received a national energy star award. New Prague received it on behalf of SMMPA and because it met its goals for energy conservation spending for the past year. 1.5% of gross revenue needs to be spent toward energy saving products to its customers, and New Prague met that goal and received recognition for it.

14. ADJOURNMENT

Motion made by Councilmember Ryan, Seconded by Councilmember Seiler to adjourn the meeting at 7:06 p.m.

Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf

Motion carried (5-0).

ATTEST:

Duane J. Jirik
Mayor

Joshua M. Tetzlaff
City Administrator



SPECIAL CITY COUNCIL MEETING - CLOSED MINUTES

City of New Prague

Monday, May 20, 2024 at 6:05 PM

City Hall Council Chambers - 118 Central Ave N

Mayor Duane Jirik called the closed portion of the meeting to order at 7:15 p.m.

PRESENT

Mayor Duane Jirik
Councilmember Shawn Ryan
Councilmember Maggie Bass
Councilmember Rik Seiler
Councilmember Bruce Wolf

Staff present: City Administrator Josh Tetzlaff and Fire Chief Steve Rynda

Others present: Robert Alsop, Kennedy & Graven and Robert Shelquist, Lockridge Grindal Nauen

1. **CLOSED SESSION:** Motion made by Councilmember Seiler, seconded by Councilmember Bass, to immediately go into Closed session. All voted in favor. Motion carried (5-0). Went into closed session pursuant to attorney-client privilege to engage in confidential attorney-client communications and litigation strategy related to potential litigation against third parties concerning SCBA equipment, NOISH compliance, warranties and discontinuance of product and NOISH certification, etc.
2. **ADJOURNMENT:** Motion made by Councilmember Ryan, seconded by Councilmember Bass, to adjourn the meeting at 7:53 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

Duane J. Jirik
Mayor

Joshua M. Tetzlaff
City Administrator

Vendor Name	Net Invoice Amount
ACE HARDWARE & PAINT	
BATHROOM REPAIRS	\$30.31
CARWAX, NUTS AND BOLTS	\$16.03
COURSE MARKING PAINT	\$43.31
FINANCE CHARGE	\$2.39
FLOWERS	\$65.83
HOSE, KEYS	\$81.15
METAL SHEET NUTS AND BOLTS	\$40.73
ORGANIZER, NIPPLE, BUSHING	\$35.73
SCRUB BRUSHES, AIR FRESHNER	\$40.13
SPRINGS, CABLE, EXT CORD	\$41.14
SPRINGS, NOZZLES, BROOMS, NUTS	\$91.50
SUPPLIES	\$37.48
ACUSHNET COMPANY	
CLOTHING	\$1,345.56
CLOTHING - DISCOUNT	\$37.53-
GOLF MERCHANDISE	\$346.00
GOLF MERCHANDISE - DISCOUNT	\$6.32-
SPECIAL ORDER-JUNIOR GOLF	\$2,123.88
BREAKTHRU BEVERAGE MINNESOTA	
ALCOHOL	\$203.10
BEER	\$401.00
CALLAWAY GOLF	
GOLF MERCHANDISE	\$518.40
CARD SERVICES/COBORN'S	
DISTILLED WATER	\$20.67
FOOD	\$325.75
COLLEGE CITY BEVERAGE	
ALCOHOL	\$3,230.27
BEER	\$847.00
GCSAA	
MEMBERSHIP RENEWAL	\$115.00
HERITAGE LANDSCAPE SUPPLY GROUP	
FOAM MARKING	\$475.81
HERMEL WHOLESALE	
FOOD	\$696.19
SUPPLIES	\$581.14
LAU'S BAKERY	
BUNS	\$97.25
MOR GOLF AND UTILITY	
BATTERY FILL SYSTEM	\$403.44
PEPSI-COLA	
BEVERAGE - NON-ALCOHOL	\$2,427.97
RIVER COUNTRY COOP	
FUEL	\$2,348.96
TIM'S SMALL ENGINE SERVICE	
BUFFERS FILTERS	\$78.32
FILTERS SPARK PLUGS BAR BULB	\$204.87
TOW DISTRIBUTING CORP	
BEER	\$402.96
US BANK EQUIPMENT FINANCE	
COPIER LEASE	\$514.56
Grand Totals	\$18,189.98

CITY OF NEW PRAGUE
ACCOUNTS PAYABLE
6/03/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
FUND 101 - GENERAL FUND			
<u>RURAL FIRE - TO BE REIMBURSED</u>			
ALLIED PRODUCTS	FLAGS	\$81.12	
MUNICIPAL EMERGENCY SERVICE	SUPPLIES	\$551.34	
NEW PRAGUE UTILITIES	RURAL FIRE - UTILITES	\$474.98	
ST LOUIS MRO INC	PRE-EMPLOYMENT TESTING	\$20.00	
VERIZON WIRELESS	TELEPHONE	\$20.61	
TOTAL:			\$1,148.05
<u>OTHER - TO BE REIMBURSED</u>			
BELLE PLAINE BLOCK & TILE INC.	TILE	\$190.00	
KENNEDY & GRAVEN CHARTERED	EDA IND. PARK - BRICK'S BOATWORKS	\$84.00	
MIDWEST FENCE & MFG. CO.	FENCE - BASEBALL ASSOCIATION	\$5,587.00	
THE TESSMAN COMPANY	MOUND CLAY - NP BASEBALL ASSOC	\$856.80	
NORTHLAND RECREATION LLC	PARK BENCH - O'NEILL	\$2,495.00	
TOTAL:			\$9,212.80
<u>BUILDING PERMIT REFUND</u>			
WOLF RIVER ELECTRIC	REFUND PERMIT FEE	\$772.21	
TOTAL:			\$772.21
<u>COUNCIL</u>			
KENNEDY & GRAVEN CHARTERED	GENERAL - MARY LIEN MATTER	\$1,593.90	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$274.98	
VERIZON WIRELESS	TELEPHONE	\$82.44	
TOTAL:			\$1,951.32
<u>ADMINISTRATION</u>			
AMAZON CAPITAL SERVICES	FOLDERS	\$5.66	
AMAZON CAPITAL SERVICES	SHARPIES	\$11.49	
GREATAMERICA FINANCIAL SERVICES	POSTAGE MACHINE LEASE	\$63.12	
MN CITY/COUNTY MGMT ASSOCIATION	MEMBERSHIP RENEWAL	\$176.40	
US BANK CREDIT CARD	APA PLANNING CONFERENCE	\$350.00	
US BANK CREDIT CARD	LESUEUR COUNTY ADMIN MEETING	\$17.18	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$371.76	
VERIZON WIRELESS	TELEPHONE	\$53.59	
TOTAL:			\$1,049.20
<u>TECH NETWORK</u>			
COMPUTER TECHNOLOGY SOLUTIONS	COMPUTER SUPPORT	\$5,064.83	
COMPUTER TECHNOLOGY SOLUTIONS	OFFICE 365 / FIREWALL	\$1,768.17	
TOTAL:			\$6,833.00
<u>ATTORNEY</u>			
KENNEDY & GRAVEN CHARTERED	LEGAL SERVICES	\$18,151.30	
TOTAL:			\$18,151.30
<u>PLANNING</u>			
GREATAMERICA FINANCIAL SERVICES	POSTAGE MACHINE LEASE	\$10.28	
SCOTT COUNTY TREASURER	SCOTT COUNTY AIR PHOTOS	\$1,500.00	
US BANK CREDIT CARD	GO TO MY PC	\$41.20	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$27.18	
VERIZON WIRELESS	TELEPHONE	\$82.44	
TOTAL:			\$1,661.10
<u>GOVERNMENT BUILDING</u>			
CERTIFIED RECYCLING	CITY WIDE CLEAN-UP	\$1,245.00	
GRAINGER	FIRST AID SUPPLIES	\$6.33	
NEW PRAGUE UTILITIES	GOVT BUILDING - WATER/SEWER	\$103.04	
NEW PRAGUE UTILITIES	GOVT BUILDING -ELECTRIC	\$1,038.42	
TOTAL:			\$2,392.79

CITY OF NEW PRAGUE
ACCOUNTS PAYABLE
6/03/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
<u>POLICE</u>			
AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	\$88.97	
GREATAMERICA FINANCIAL SERVICES	POSTAGE MACHINE LEASE	\$16.95	
PARKVIEW MEDICAL CLINIC	PRE-EMPLOYMENT PHYSICAL	\$110.00	
US BANK CREDIT CARD	AMMO, BUSINESS CARDS	\$630.76	
US BANK CREDIT CARD	BCA TRAINING	\$75.00	
US BANK CREDIT CARD	BUSINESS CARDS	\$36.83	
US BANK CREDIT CARD	CHIEFS CONFERENCE, BCA TRAINING	\$727.90	
US BANK CREDIT CARD	COREY & TODD POST	\$180.00	
US BANK CREDIT CARD	PUBLIC SAFETY GRANT	\$393.89	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$279.14	
TOTAL:			\$2,539.44
<u>FIRE</u>			
ALLIED PRODUCTS	FLAGS	\$81.12	
MUNICIPAL EMERGENCY SERVICE	SUPPLIES	\$415.22	
MUNICIPAL EMERGENCY SERVICE	SUPPLIES	\$136.14	
NEW PRAGUE UTILITIES	FIRE - ELECTRIC	\$409.76	
NEW PRAGUE UTILITIES	FIRE - WATER/SEWER	\$65.23	
RIVERLAND COMMUNITY COLLEGE	TRAINING	\$560.00	
ST LOUIS MRO INC	PRE-EMPLOYMENT TESTING	\$20.00	
VERIZON WIRELESS	TELEPHONE	\$20.61	
TOTAL:			\$1,708.08
<u>BUILDING INSPECTOR</u>			
GREATAMERICA FINANCIAL SERVICES	POSTAGE MACHINE LEASE	\$1.27	
VERIZON WIRELESS	TELEPHONE	\$87.44	
TOTAL:			\$88.71
<u>STREET</u>			
AMAZON CAPITAL SERVICES	COMPUTER MOUSE	\$4.27	
AMAZON CAPITAL SERVICES	FIRST AID SUPPLIES	\$5.31	
AMAZON CAPITAL SERVICES	RAINSUIT	\$23.18	
AMAZON CAPITAL SERVICES	ROPE	\$14.95	
NEW PRAGUE UTILITIES	STREETS - ELECTRIC	\$334.32	
NEW PRAGUE UTILITIES	STREETS - WATER/SEWER	\$99.94	
ST LOUIS MRO INC	DRUG TESTING	\$20.00	
ST LOUIS MRO INC	PRE-EMPLOYMENT TESTING	\$20.00	
US BANK CREDIT CARD	CHIPPER WINCH LINE & TEETH	\$100.07	
US BANK CREDIT CARD	LTAP - ANTHONY	\$90.00	
US BANK CREDIT CARD	PARKING	\$3.50	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$81.00	
VERIZON WIRELESS	TELEPHONE	\$211.49	
TOTAL:			\$1,008.03
<u>STREET LIGHTS</u>			
NEW PRAGUE UTILITIES	STREETLIGHTS	\$3,753.55	
TOTAL:			\$3,753.55
<u>SWIMMING POOL</u>			
AMAZON CAPITAL SERVICES	OFFICE SUPPLIES	\$9.89	
TOTAL:			\$9.89
<u>PARKS</u>			
AMAZON CAPITAL SERVICES	COMPUTER MOUSE	\$4.27	
AMAZON CAPITAL SERVICES	FIRST AID SUPPLIES	\$5.30	
AMAZON CAPITAL SERVICES	SPRINKLER PARTS	\$128.76	
CROSS NURSERIES INC	CRAB APPLE TREES & DOGWOOD	\$189.85	
CROSS NURSERIES INC	EAB GRANT - TREES	\$1,543.75	
FASTENAL	SAFETY GLASSES	\$92.04	

CITY OF NEW PRAGUE
ACCOUNTS PAYABLE
6/03/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
GLACIAL RIDGE GROWERS INC	SMIF GRANT - FLOWERS	\$463.35	
GRAINGER	PUMP- BASEBALL FIELD SPRINKLER	\$1,184.68	
GREATAMERICA FINANCIAL SERVICES	POSTAGE MACHINE LEASE	\$9.95	
LOCKSAFE INC.	LOCKSMITH	\$888.00	
LONSDALE HARDWARE	WATERING WAND	\$19.99	
NEW PRAGUE UTILITIES	PARKS - WATER/SEWER	\$457.77	
NEW PRAGUE UTILITIES	PARKS -ELECTRIC	\$1,023.57	
US BANK CREDIT CARD	BACKPACK SPRAYER & PUMP	\$388.76	
US BANK CREDIT CARD	CHIPPER WINCH LINE & TEETH	\$150.11	
US BANK CREDIT CARD	EAB GRANT - LIFT RENTAL	\$2,161.41	
US BANK CREDIT CARD	PARKING	\$3.50	
US BANK CREDIT CARD	SPRAYER TANK	\$164.72	
VERIZON WIRELESS	INTERNET - PARKS	\$40.01	
VERIZON WIRELESS	TELEPHONE	\$118.00	
ZORO TOOLS INC.	MOUNTING RING	\$139.99	
ZORO TOOLS INC.	SEAL KIT FOR SPRINKLER SYSTEM	\$84.68	
TOTAL:			\$9,262.46
<u>LIBRARY</u>			
NEW PRAGUE UTILITIES	LIBRARY - ELECTRIC	\$785.31	
NEW PRAGUE UTILITIES	LIBRARY - WATER/SEWER	\$97.41	
TOTAL:			\$882.72
<u>UNALLOCATED</u>			
ROSS NESBIT AGENCIES INC.	UTILITY BOND	\$100.00	
TOTAL:			\$100.00
GENERAL FUND TOTAL:			\$62,524.65
FUND 230 - SPECIAL REVENUE - PARK EQUIPMENT			
MSA PROFESSIONAL SERVICES INC	SMALL AREA PLAN	\$5,000.00	
US BANK CREDIT CARD	DISC GOLF BASKET	\$337.49	
TOTAL:			\$5,337.49
FUND 423 - CAPITAL PROJECTS - CIP 2024			
KENNEDY & GRAVEN CHARTERED	CIP 2024 ASSESSMENTS	\$323.40	
TOTAL:			\$323.40
FUND 380 - DEBT SERVICE - HRA (PHILIPP SQUARE)			
US BANK	PHILIPP SQUARE HRA	\$5,500.00	
TOTAL:			\$5,500.00
FUND 602 - ENTERPRISE - SANITARY SEWER			
AMAZON CAPITAL SERVICES	BANDAIDS	\$6.36	
AMAZON CAPITAL SERVICES	COMPUTER MOUSE	\$4.28	
AMAZON CAPITAL SERVICES	FIRST AID SUPPLIES	\$5.31	
BOLTON & MENK INC.	SANITARY SEWER FEASIBILITY	\$10,234.00	
COMPUTER TECHNOLOGY SOLUTIONS	COMPUTER SUPPORT	\$1,321.78	
COMPUTER TECHNOLOGY SOLUTIONS	OFFICE 365 / FIREWALL	\$248.65	
ENVIRONMENTAL RESOURCE ASSOCIATES	PH TESTING	\$170.62	
GENERAL REPAIR SERVICE	DIAPHRAGM	\$2,092.13	
JOHN HENRY FOSTER	QUINCY AIR COMPRESSOR - REPAIR	\$1,677.85	
MN VALLEY TESTING LABS	TESTING ANALYSIS	\$136.50	
MWOA	JOSH - MWOA MEMBERSHIP	\$25.00	
NEON LINK	ONLINE PAYMENT FEES	\$196.15	
NEW PRAGUE UTILITIES	WWTP - ELECTRIC	\$23,854.04	
NEW PRAGUE UTILITIES	WWTP - WATER/SEWER	\$267.34	
RMB ENVIRONMENTAL LABORATORIES	WET TESTING	\$1,840.00	
ROBERT HALF	TEMP UTILITY BILLING EMPLOYEE	\$3,202.15	
SALTCO	MONTHLY RENTAL FEE - SALT	\$70.00	
ST LOUIS MRO INC	DRUG TESTING	\$40.00	

CITY OF NEW PRAGUE
ACCOUNTS PAYABLE
6/03/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
US BANK CREDIT CARD	BAF ACTUATOR SOLENOIDS	\$788.39	
US BANK CREDIT CARD	MESH FILTERS	\$63.22	
US BANK CREDIT CARD	MPCA CLASS - TOM	\$202.94	
US BANK CREDIT CARD	PRESSURE GUAGE	\$73.51	
US BANK CREDIT CARD	QUINCY COMP. OIL	\$552.12	
US BANK CREDIT CARD	STAINLESS STEEL FITTING	\$271.74	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$81.00	
VERIZON WIRELESS	TELEPHONE	\$145.15	
TOTAL:			\$47,570.23
FUND 606 - ENTERPRISE - STORM UTILITY			
NEON LINK	ONLINE PAYMENT FEES	\$23.54	
ROBERT HALF	TEMP UTILITY BILLING EMPLOYEE	\$800.53	
VERIZON WIRELESS	TELEPHONE	\$6.18	
TOTAL:			\$830.25
FUND 651 - ENTERPRISE - AMBULANCE			
NEW PRAGUE UTILITIES	AMBULANCE - ELECTRIC	\$409.76	
NEW PRAGUE UTILITIES	AMBULANCE - WATER/SEWER	\$37.20	
TOTAL:			\$446.96
TOTAL ACCOUNTS PAYABLE FOR COUNCIL APPROVAL:			\$122,532.98



Building a Better World
for All of Us®

May 20, 2024

RE: City of New Prague
City Building Roof Replacement
Bid Award Recommendation
SEH No. NEWPR 172651

Mr. Matt Rynda
City of New Prague
118 Central Avenue N.
New Prague, MN 56071

On Thursday, May 16, 2024, two bids were received for the New Prague City Building Roof Replacement Project. The low base bid for Bid Item A – Shingle Roof Replacement was submitted by GV Builders, Inc. in the amount of \$85,100 and the low bid for Bid Item B – Metal Roof Replacement was submitted by Heyn Brothers in the amount of \$285,000. A complete tabulation of the bids is attached for review.

After a review of the bids, it is our opinion that the lowest responsive and responsible bidders are as follows:

- Bid Item A – Shingle Roof Replacement: GV Builders, Inc.
- Bid Item B – Metal Roof Replacement: Heyn Brothers

We recommend awarding the bids for the New Prague City Building Roof Replacement Project to GV Builders and Heyn Brothers as noted above.

If you have any additional questions, please contact me at 952-215-8118 or bbergstrom@sehinc.com.

Sincerely,

Brian Bergstrom, AIA
Director of Architecture – Central Region | Principal

Attachment
c. Chris Otto – League of MN Cities



Building a Better World
for All of Us®

BIDS RECEIVED

City Building Roof Replacment Project
City of New Prauge
New Prauge, MN

SEH No. NEWPR 172651

Bid Date: Thursday, May 16, 2024, 2:00 P.M.

Page 1

Bidder	5% Bid Bond	Base Bid A (Shingle Roofs)	Base Bid B (Metal Roofs)	Total
GV Builders, Inc.	X	\$85,100	\$312,150	\$397,250
Heyn Brothers	X	\$152,000	\$285,000	\$437,000

x:\pt\p\plaim\172657\6-bid-const\ bidding docs\bids received.docx



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOSHUA TETZLAFF, CITY ADMINISTRATOR
SUBJECT: CHURCH OF ST. WENCESLAUS – 1-DAY TEMPORARY ON-SALE LIQUOR
LICENSE
DATE: MAY 28, 2024

Attached is an application for a 1-Day Temporary On-Sale Liquor License from the Church of St. Wenceslaus, requesting permission to serve alcoholic beverages at an event on August 11, 2024, at 215 Main Street East, New Prague.

All of the conditions of the Temporary On-Sale Liquor License application have been met by the applicant.

The Temporary On-Sale Liquor License is issued with the understanding that the Licensee is responsible to adhere to all liquor provisions found in Chapter 340A and any other statutes or rules that may apply in serving alcohol.

Recommendation

Staff recommends approval of the application and issuing a 1-Day Temporary On-Sale Liquor License to the Church of St. Wenceslaus for an event on August 11, 2024.



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division
445 Minnesota Street, Suite 1600, St. Paul, MN 55101
651-201-7507 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Section 3, Item d.

Name of organization Church of St. Wenceslaus		Date of organization 02/21/1885	Tax exempt number 41-0695519
Organization Address (No PO Boxes) 215 Main Street East	City New Prague	State MN	Zip Code 56071
Name of person making application Marcella Dvorak	Business phone 952-758-3225	Home phone 952-758-3995	
Date(s) of event August 11, 2024	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer <input type="checkbox"/> Club <input type="checkbox"/> Charitable <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other non-profit		
Organization officer's name Fr. Eugene J. Theisen	City New Prague	State MN	Zip Code 56071
Organization officer's name	City	State MN	Zip Code
Organization officer's name	City	State MN	Zip Code

Location where permit will be used. If an outdoor area, describe.
Between the Church and the School Building - 215 Main Street East

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

The Catholic Mutual Relief Society of America \$500,000

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City of New Prague
City or County approving the license
\$100
Fee Amount

Date Approved
August 11, 2024
Permit Date
jschoenwald@ci.new-prague.
City or County E-mail Address mn.us

Event in conjunction with a community festival ☒ Yes ☐ No
8,221
Current population of city

Josh Tetzlaff, City Administrator

Please Print Name of City Clerk or County Official

Signature City Clerk or County Official

CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event

No Temp Applications faxed or mailed. Only emailed.

ONE SUBMISSION PER EMAIL, APPLICATION ONLY.

PLEASE PROVIDE A VALID E-MAIL ADDRESS FOR THE CITY/COUNTY AS ALL TEMPORARY PERMIT APPROVALS WILL BE SENT BACK VIA EMAIL. E-MAIL THE APPLICATION SIGNED BY CITY/COUNTY TO AGE.TEMPORARYAPPLICATION@STATE.MN.US



New Prague Police Department

City of New Prague In the Counties of Scott & Le Sueur

118 CENTRAL AVENUE NORTH, SUITE 3, NEW PRAGUE, MINNESOTA 56071

• Phone: (952) 758-2791 • Fax: (952) 758-6279

• Website: www.ci.new-prague.mn.us

Tim Applen, Chief of Police

MEMORANDUM

To: Honorable Mayor, Duane Jirik; Members of the City Council, Shawn Ryan, Maggie Bass, Bruce Wolf, Rik Seiler and City Administrator, Joshua Tetzlaff

From: Tim Applen Chief of Police / Emergency Manager

Date: Wednesday May 29, 2024

Subject: Liquor License with Sunday Sales Application for Don't be Lion LLC – DBA: The Rusty Spoke

The New Prague Police Department conducted a background check pursuant to City Ordinance 110.16(B) on the licensee(s), Pauline Rachel Baldazo for Don't be Lion LLC – DBA: The Rusty Spoke provided to staff on May 24th, 2024.

Listed below is additional background and previous information provided by city staff to the council.

In December 2021, a background investigation was completed by Police Chief Gareis (Ret.) after receiving liquor license application from Pauline Baldazo for Don't be Lion LLC – DBA: The Rusty Spoke located at 329 W Main St. In reviewing that memorandum from Chief Gareis to the council, two disqualifiers were identified. The council denied the permit request based upon those disqualifiers.

The two disqualifiers in the application from December 2021 are listed below:

B. The applicant shall have good moral character and reputation. An applicant does not have good moral character and reputation if, based on past activities or criminal record, the applicant poses a threat to the public interest or to the effective regulation and control of alcohol or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and activities in the manufacture, sale, distribution, or possession for sale or distribution of alcohol or the carrying on of the business and financial arrangements incidental to the manufacture, sale, distribution, or possession for sale or distribution of alcohol.

D. Neither the licensee nor anyone with business interests in the entity pursuing licensure shall have had an interest in a license which was revoked within the last five years for a willful violation of any laws or ordinances, or any felony.

In both articles B and D Ricardo Manual Baldazo was identified as an interested party in the business. Pauline and Ricardo were in a marital relationship at the time of application. Ricardo was involved as business partners with Lisa Monet Zarza in the Alibi Drinkery in Lakeville. The Alibi Drinkery was subject of liquor violations and liquor license revocation by the state. Additionally, Ricardo Baldazo's criminal record displayed poor moral character and would be a disqualifier for a liquor license application.

A second application for liquor license with Sunday sale was made in November 2023 by Pauline Baldazo for Don't be Lion LLC – DBA: The Rusty Spoke located at 329 W Main Street. I along with city staff spoke with Pauline Baldazo about open building permits and unpaid property tax for the property located at 329 W Main St. These items would prevent the liquor license from being issued per New Prague Policy 110.19 Ineligibility. Pauline agreed that the city

would hold the license application until the permits were completed and taxes paid as she didn't have a desired date of opening. On April 15th, 2024, I was notified by city staff that all building/construction permits were closed, and that final inspection was completed. On April 23rd, 2024, I spoke with Pauline again, we discussed proceeding with the liquor license application. Pauline wished to proceed with the application and indicated everything was still active and correct on the application paperwork she had submitted. A check of property tax payment was current. I called to verify the liquor liability insurance was still current and active. I learned from the insurance carrier that the liquor liability insurance was cancelled in February 2024. Liquor liability is required to hold a liquor license in the state of Minnesota in accordance with MN Statute 340A.409. The New Prague city policy 110.01 Provisions of State Law Adopted follows MN Statute 340A for alcohol licensing, and therefore would also need liquor liability insurance for a liquor license to be issued. At the May 6th 2024 Council Meeting the liquor license application was denied by the council for lack of current liquor liability insurance.

Current Liquor License Application

Minnesota Criminal History: None

Minnesota Driver's License Check: Valid MN Driver's License

Business Organization Inquiry, MN Secretary of State: Member Active in Good Standing

After reviewing Minnesota Administrative Rule 7515.0410 Eligibility Requirements, the background check did not reveal any disqualifiers.

A. The applicant shall be over 21 years of age.

B. The applicant shall have a good moral character and reputation. An applicant does not have good moral character and reputation if, based on past activities or criminal record, the applicant poses a threat to the public interest or to the effective regulation and control of alcohol or creates or enhances the dangers of unsuitable, unfair, or illegal practices, methods and activities in the manufacture, sale, distribution, or possession for sale or distribution of alcohol or the carrying on of the business and financial arrangements incidental to the manufacture, sale, distribution, or possession for sale or distribution of alcohol.

C. The applicant shall not have been convicted within five years prior to the application of such license of any willful violation of law relating to the manufacture, sale, or possession for sale of alcoholic beverages or any felony.

D. Neither the licensee nor anyone with business interests in the entity pursuing licensure shall have had an interest in a license which was revoked within the last five years for a willful violation of any laws or ordinances, or any felony.

E. The off-sale licensee and anyone with an interest in the business shall not have any interest, direct or indirect, in another off-sale retail liquor store in the same municipality neither as proprietor, partner, or corporate stockholder.

F. The licensee cannot lease the business premises from anyone to whom no license could be issued, such as someone convicted of a willful violation of the Liquor Control Act.

G. No applicant shall refuse to serve alcoholic beverages to any person because of race, color, or national origin, and no applicant shall discriminate in the selection of its membership on the basis of race, color, or national origin.

There were no disqualifiers in articles A-G in the current application.

I spoke with Pauline about the current liquor license application in person and by email. I expressed my concern for the involvement of Ricardo Baldazo in the business and liquor license. Pauline told me that Ricardo was hired to complete the construction and remodel of the building. Pauline said that upon the business opening, Ricardo will not be employed by Don't be Lion LLC - DBA: The Rusty Spoke, and that she and Ricardo are now divorced. I was able to verify the divorce decree. Pauline has identified a family member to manage the business and will continue to hire bar and wait staff. The disqualifiers in previous background investigations have been resolved to date. Pauline indicated that she has no experience in bar/restaurant management or ownership and has invested a substantial amount of money into the renovations of the property. Pauline is the sole owner of the building with no other business partners or interests.

Recommendation: Approve On-Sale intoxicating Liquor License and Sunday Liquor License application to Don't be Lion LLC, dba – The Rusty Spoke.



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
445 Minnesota Street, Suite 1600, St. Paul, MN 55101-5133
Telephone 651-201-7525 Fax 651-297-5259 TTY 651-282-6555

Section 3, Item e.

Certification of an On Sale Liquor License, 3.2% Liquor license, or Sunday Liquor License

Cities and Counties: You are required by law to complete and sign this form to certify the issuance of the following liquor license types: 1) City issued on sale intoxicating and Sunday liquor licenses
2) City and County issued 3.2% on and off sale malt liquor licenses

Name of City or County Issuing Liquor License New Prague License Period From: 4/1/24 To: 3/31/25

Circle One: New License License Transfer _____ Suspension _____ Revocation _____ Cancel _____
(former licensee name) (Give dates)

License type: (check all that apply) ☒ On Sale Intoxicating ☒ Sunday Liquor ☐ 3.2% On sale ☐ 3.2% Off Sale

Fee(s): On Sale License fee: \$ _____ Sunday License fee: \$ _____ 3.2% On Sale fee: \$ _____ 3.2% Off Sale fee: \$ _____

Licensee Name: Don't be Lwn LLC DOB _____ Social Security # _____
(corporation, partnership, LLC, or Individual)

Zip Code 56071 County Scott Business Phone _____ Home Phone 612-281-0212

Business Trade Name The Rusty Spoke Business Address 329 Main st W City New Prague

Licensee's Federal Tax ID # 86-2774575
(To apply call IRS 800-829-4933)

If above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Home Address 5178 Lexington CT City Prior Lake Licensee's MN Tax ID # 7347330
Pauline Baldazo 5-14-77
Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Intoxicating liquor licensees must attach a certificate of Liquor Liability Insurance to this form. The insurance certificate must contain all of the following:

- 1) Show the exact licensee name (corporation, partnership, LLC, etc) and business address as shown on the license.
- 2) Cover completely the license period set by the local city or county licensing authority as shown on the license.

☐ Yes ☒ No During the past year has a summons been issued to the licensee under the Civil Liquor Liability Law?

Workers Compensation Insurance is also required by all licensees: Please complete the following:

Workers Compensation Insurance Company Name: Great American Insurance company Policy # WCF198381

I Certify that this license(s) has been approved in an official meeting by the governing body of the city or county.

City Clerk or County Auditor Signature _____ Date _____
(title)

ON SALE INTOXICATING LIQUOR LICENSEES ONLY, must also purchase a \$20 Retailer Buyers Card. To obtain the application for the Buyers Card, please call 651-201-7507, or visit our website at www.dps.mn.gov.



CC0515

Mailing Address:
PO Box 64217
St. Paul, MN 55164-0217

Email: dli.license@state.mn.us
Website: dli.mn.gov
Phone: (651) 284-5034

Certificate of Compliance Minnesota Workers' Compensation Law

This form must be completed by the business license applicant.

Print in ink or type

Minnesota Statutes § 176.182 requires every state and local licensing agency to withhold the issuance or renewal of a license or permit to operate a business in Minnesota until the applicant presents acceptable evidence of compliance with the workers' compensation insurance coverage requirement of Minn. Stat. chapter 176. If the required information is not provided or is falsely stated, it shall result in a \$2,000 penalty assessed against the applicant by the commissioner of the Department of Labor and Industry.

A valid workers' compensation policy must be kept in effect at all times by employers as required by law.

License or certificate number (if applicable)	Business telephone number 612-281-0212	Alternate telephone number	
Business name (Provide the legal name of the business entity. If the business is a sole proprietor or partnership, provide the owner's name(s), for example John Doe, or John Doe and Jane Doe.) Don't be Lion LLC			
DBA ("doing business as" or "also known as" an assumed name), if applicable The Rusty Spoke			
Business address (must be physical street address, no P.O. boxes) 329 Main St W	City New Prague	State MN	ZIP code 55372
County Scott	Email address		

You must complete number 1 or 2 below.

Note: You must resubmit this form to the authority issuing your license if any of the information you have provided changes.

1. ☒ I have a workers' compensation insurance policy.

Insurance company name (not the insurance agent) Great American Insurance Group		
Policy number: WCF 198381	Effective date: 5-24-24	Expiration date: 5-24-25
<input type="checkbox"/> I am self-insured for workers' compensation. (Attach a copy of the authorization to self-insure from the Minnesota Department of Commerce; see https://mn.gov/commerce/industries/insurance/licensing/self-insurance .)		

2. I am not required to have workers' compensation insurance because:

- ☐ I only use independent contractors and do not have employees. (See Minn. Stat. § 176.043 for trucking and messenger courier industries; Minn. Stat. § 181.723, subd. 4, for building construction; and Minnesota Rules chapter 5224 for other industries.)
- ☐ I do not use independent contractors and have no employees. (See Minn. Stat. § 176.011, subd. 9, for the definition of an employee.)
- ☐ I use independent contractors and I have employees who are not required to be covered by the workers' compensation law. (Explain below.)
- ☐ I only have employees who are not required to be covered by the workers' compensation law. (Explain below.) (See Minn. Stat. § 176.041 for a list of excluded employees.)

Explain why your employees are not required to be covered

I certify the information provided on this form is accurate and complete. If I am signing on behalf of a business, I certify I am authorized to sign on behalf of the business.

Print name: Pauline Baldazo

Applicant signature (required) Pauline Baldazo	Title Owner	Date 5-24-24
---	----------------	-----------------

If you have questions about completing this form or to request this form in braille, large print or audio.

State of Minnesota License Applicant Information

Under Minnesota law (M.S. 270.72), the agency issuing you this license is required to provide to the Minnesota Commissioner of Revenue your Minnesota business tax identification number and the Social Security number of each license applicant.

Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, we must advise you that:

- This information may be used to deny the issuance, renewal or transfer of your license if you owe the Minnesota Department of Revenue delinquent taxes, penalties, or interest;
- The licensing agency will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Act, the Department of Revenue is allowed to supply this information to the Internal Revenue Service;
- Failing to supply this information may jeopardize or delay the issuance of your license or processing your renewal application.

Please fill in the following information and return this form along with your application to the agency issuing the license. **DO NOT RETURN THIS FORM TO THE DEPARTMENT OF REVENUE.**

Please print or type

Name of license being applied for and license number (if renewal):		License Number #:	
On Sale Intoxicating, Sunday			
Licensing Authority (name of city, county, or state agency issuing license):			
City of New Prague, State of Minnesota			
License Renewal Date:		4/1/2025	

PERSONAL INFORMATION:			
Baldazo		Pauline R	
Applicant's last name		Applicant's first name and middle initial	
5178 Lexington Ct SE		Prior Lake MN 55372	
Applicant's address		City	State Zip Code

BUSINESS INFORMATION:			
Don't be Lion LLC			
Business name			
329 mainst w		New Prague MN 56071	
Business address		City	State Zip Code
7347330		86-2774575	
Minnesota tax identification number		Federal tax identification number	
If a Minnesota tax identification is not required, please explain on the reverse side of this form.			

Applicant Signature:

Pauline Baldazo	Owner	5-24-24
Signature	Title	Date



CERTIFICATE OF LIABILITY INSURANCE

Section 3, Item e.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Trusted Coverage Professionals Agency, LLC 21250 Hawthorne Blvd Ste 450 Torrance CA 90503	CONTACT NAME:
	PHONE (A/C, No, Ext): 310-379-7788 FAX (A/C, No):
License#: 6008301 DONTBEL-01	E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE
INSURED Don't Be Lion LLC DBA: The Rusty Spoke 329 Main St W New Prague MN 56071-1230	INSURER A: Kinsale Insurance Company
	INSURER B: Great American Insurance Co.
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES

CERTIFICATE NUMBER: 1259764321

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> LIQUOR LIABILITY GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			BOP05242410	5/24/2024	5/24/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WCF198381	5/24/2024	5/24/2025	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.I. EACH ACCIDENT \$ 1,000,000 E.I. DISEASE - EA EMPLOYEE \$ 1,000,000 E.I. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
*** PROOF ONLY ***

CERTIFICATE HOLDER

CANCELLATION

PROOF OF INSURANCE ONLY
THIS CERTIFICATE IS FOR
NO ADDITIONAL NAMED INSURED

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Amanda Felix

Robert K. Shelquist
rkshelquist@locklaw.com
Phone: 612-339-6900



MINNEAPOLIS
Suite 2200
100 Washington Avenue South
Minneapolis, MN 55401-2179
T 612.339.6900
F 612.339.0981

May 30, 2024

VIA E-MAIL AND U.S. MAIL

Joshua M. Tetzlaff
City Administrator
City of New Prague
118 Central Ave. North
New Prague MN 56071

**CONFIDENTIAL: Attorney-Client
Privileged**

Re: In Re Honeywell SCBA Litigation

Dear Honorable Mayor and City Council Members:

Thank you for your interest in the above-referenced investigation and potential contingent class action litigation. This letter confirms that the City of New Prague (“You”) agrees to retain Rob Shelquist of the law firm of Lockridge Grindal Nauen PLLP and Paul Napoli of the law firm of Napoli Shkolnik (collectively “Counsel”). This letter also confirms the terms of our representation.

You agree that Counsel will be responsible for your representation and may bring and prosecute this matter in your name. We intend to file this case as a class action. Other law firms may also be involved in prosecuting this action on your behalf or on behalf of other plaintiffs or class representatives that have joined this action through consolidation of actions individually or utilizing the Judicial Panel on Multidistrict Litigation process. By signing this letter, you also acknowledge, Counsel may associate with other lawyers or law firms as co-counsel in prosecuting this action on behalf of the class.

If there is a recovery of any kind in this matter for you and other members of the class pursuant to a class action, attorneys' fees of Counsel and any co-counsel will be paid from any award granted us by the Court in such amount as may be decided by the Court or by lead counsel. If there is a recovery of any kind for you in this matter outside of any recovery you may obtain as a member of the class, you agree Counsel and other co-counsel shall be paid jointly up to 25% of the total amount of such recovery or its monetary equivalent. Client hereby acknowledges that it has read, understands and consents to this division of fees by and among the Attorneys. Client hereby also acknowledges that he understands that the total fees charged by all of the law firms is not increased solely by reason of the provision for division of fees. If no recovery is made for you there will be no attorneys' fees.

Counsel will advance necessary costs and out-of-pocket disbursements and expenses for this litigation. If there is a recovery of any kind in this matter for you and other members of the

class pursuant to a class action, Counsel's out-of-pocket costs will be separately awarded by the court or paid by defendants. If there is a recovery of any kind for you in this matter outside of any recovery you may obtain as a member of the class, you agree that Counsel's out-of-pocket costs will be paid from said recovery before the contingent fee is calculated. If no recovery is made for you, either as part of or apart from the plaintiff class, you shall have no obligation to reimburse Counsel and co-counsel for such out-of-pocket costs.

You agree to cooperate and assist us in the prosecution of the litigation. We may request your records (including purchase records) and other information, and your participation in the litigation as necessary, including testimony in depositions and appearance at court hearings and trial. You agree to comply with our requests in a timely manner. You also agree to be guided by our views and advice regarding settlement.

We will advise you regularly of the progress of the lawsuit. You should feel free to contact us any time you have questions or otherwise wish to discuss the matter.

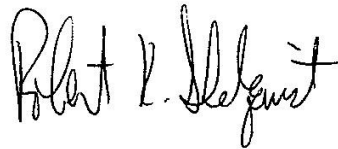
If the terms and conditions in this retainer agreement are acceptable, please sign and date where indicated below and return via e-mail.

If you have any questions regarding this agreement or any other matter, please do not hesitate to call.

We look forward to working with you toward a successful resolution of this matter.

Very truly yours,

LOCKRIDGE GRINDAL NAUEN PLLP



Robert K. Shelquist

RKS/brg

cc: Scott Riggs (via e-mail only; sriggs@kennedy-graven.com)

READ AND ACCEPTED by

By: _____

Print Name: _____

Date: _____



Building a Better World
for All of Us®

MEMORANDUM

TO: Mayor and City Council
Joshua Tetzlaff, City Administrator

FROM: Chris Knutson, PE (Lic. MN)

DATE: May 30, 2024

RE: Project Updates

See below for updates on current SEH Projects for the City of New Prague.

2024 STREET AND UTILITY IMPROVEMENTS PROJECT

The contractor is continuing to work on services and storm sewer on Lyndale Avenue N. With improved weather, they should be able to start subcut and restoration of the street section next week. The next work area will be 3rd Street NE and Sunset Avenue N as the contractor is required to maintain access to alleys and Lexington Avenue N construction cannot start until Lyndale Avenue is restored to gravel.

2025 STREET AND UTILITY IMPROVEMENTS PROJECT

Topographic survey has started and will continue in June. Notices to residents have been sent out and an RFP for geotechnical investigation (soil borings) was emailed to AET, Braun Intertec, and Chosen Valley Testing. The proposal for this service will be provided at the second council meeting in June.

cdk

x:\ko\in\newpr\common\council meetings\060324 cc project updates.docx



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT
DIRECTOR
SUBJECT: JOINT RESOLUTION WITH HELENA TOWNSHIP ANNEXING ROBERT
YOST PROPERTY AT 1536 W. 280TH STREET
DATE: 5/21/24

On April 15, 2024, the City received an annexation petition from Robert Yost to annex 1.12 acres of land from Helena Township into the City. The reason for the annexation request is to allow Mr. Yost to connect to the City's sanitary sewer due to his septic system failing. Per City Code, connection to city utilities is not allowed unless annexed. City Staff and the City Attorney drafted a joint resolution for orderly annexation under Minnesota Statutes 414.0325.

Helena Township met on May 15, 2024 to consider the Joint Resolution and approved said resolution as attached and executed the joint resolution at the meeting.

In order to continue the annexation process, the City Council needs to approve the joint resolution. Once it is executed by the City Council it will be filed with the state along with the required filing fee and the annexation order should be completed in no more than one month by the office of Municipal Boundary Adjustments.

Recommendation

I recommend that the City Council approve the attached joint resolution with Helena Township to annex the 1.12 acre parcel to allow Mr. Yost's property to be annexed and subsequently connect to city utilities.

CITY OF NEW PRAGUE
(Resolution No. _____)

HELENA TOWNSHIP
(Resolution No. 05152029)

JOINT RESOLUTION OF
THE CITY OF NEW PRAGUE, MINNESOTA
AND
TOWN BOARD OF HELENA, SCOTT COUNTY, MINNESOTA
IN THE MATTER OF ORDERLY ANNEXATION
UNDER MINNESOTA STATUTES SECTION 414.0325

WHEREAS, the Township of Helena (the "Township") and the City of New Prague (the "City") by joint resolution and agreement each dated June 19, 1978 (and amended on 12/20/2010) have established an orderly annexation area and the conditions for annexation within such area pursuant to Minnesota Statutes Section 414.0325; and

WHEREAS, all of Section 35, Township 113 North, Range 23 West is within the orderly annexation area; and

WHEREAS, the City and Township agree to provide for the immediate annexation of the proposed annexation area (as described in Exhibit A and hereinafter referred to as "Immediate Annexation Area") into the City pursuant to this resolution; and

WHEREAS, the parties find the Immediate Annexation Area is now or is about to become urban or suburban in character, is guided as future B-2 Community Commercial Zoning but is currently a single family home with a need to connect to municipal sanitary sewer due to a failing septic system, and is appropriate for orderly annexation immediately to allow the home to connect to city utilities; and

NOW THEREFORE IT IS JOINTLY RESOLVED by the City of New Prague, Minnesota and the Town of Helena, County of Scott, Minnesota:

1. **Conferring Jurisdiction.** Upon approval by the respective governing bodies of the City and Township, this Resolution shall confer jurisdiction upon the Chief Administrative Law Judge, as defined in Minnesota Statutes, section 414.011, subdivision 12 ("Chief Judge"), to accomplish the immediate annexation of the Immediate Annexation Area as provided in this Resolution.
2. **Review and Comment by the Chief Judge.** City and Township mutually agree and state that this Resolution sets forth all the conditions for annexation and that no consideration by the Chief Judge is necessary to accomplish the immediate annexation of the Immediate Annexation Area. Additionally, no alteration of the boundaries of the Immediate Annexation Area by the Chief Judge is appropriate. The Chief Judge may review and comment, but shall, within 30 days, order the annexation to the City of the property within the Immediate Annexation Area.

3. **Immediate Annexation.** The City and Town agree that all property within the Immediate Annexation Area, as described in Exhibit A and shown in Exhibit B and Exhibit C, shall immediately be annexed to the City pursuant to this Resolution. The Immediate Annexation Area consists of approximately 1.12 acres, the population is 1 and the current land use type is single family residential. The Immediate Annexation Area is now or about to become urban or suburban in character to allow the existing single family home to be annexed to allow it to connect to the City's sanitary sewer system due to a failing septic system and the city has sanitary sewer available at the NW property line, and the annexation would be in the best interest of the area.
4. **Tax Reimbursement.** Taxes payable to the Town in 2024 on the Property total \$389.84 and those taxes shall be paid to the Town. Pursuant to Minnesota Statutes, section 414.036, the City and the Town agree that upon annexation of the Property, the City shall reimburse the Town for additional property tax revenues according to the following schedule which is based on the 2024 taxes:
 1. 2024 taxes (100%) - \$389.84
 2. 2025 taxes (80%) - \$311.87
 3. 2026 taxes (60%) - \$233.90
 4. 2027 taxes (40%) - \$155.94
 5. 2028 taxes (20%) - \$77.97

For taxes payable in years 2024 through 2028, the City shall make a direct reimbursement payment to the Town no later than January 31 of each year and in accordance with the above schedule. There are no special assessments assigned by the Town to the Property, nor is there any debt incurred by the Town attributable to the Property. The City shall not be obligated to make any tax reimbursement payments for taxes payable in 2029 or thereafter, and all taxes collected shall be paid to the City.

5. **Effect of Annexation on Easements.** The City and Town agree, under Minnesota Statutes, section 414.039, that the Township's interest in all public easements annexed within the Immediate Annexation Area are transferred to and shall be held by the City.
6. **Complete Agreement.** This Resolution shall constitute the entire agreement between the City and Township with respect to immediate designation of the Immediate Annexation Area pursuant to Minnesota Statutes, section 414.0325 and shall amend, supersede and control over any other resolutions, agreements or understandings as may be needed in order to accomplish the annexation as provided herein. The exhibits attached hereto are incorporated in and made part of this Resolution.
7. **Filing.** That the City Administrator of the City is authorized and directed to submit this Resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings together with the applicable fees, which shall be paid by the City.

CITY OF NEW PRAGUE

The resolution offered by Council member _____ and moved for its adoption. Council member _____ seconded said resolution and upon roll call the following vote was recorded.

	Ayes	Nays
Jirik	_____	_____
Ryan	_____	_____
Bass	_____	_____
Wolf	_____	_____
Seiler	_____	_____

Thereupon Mayor Jirik declared said resolution adopted the ____ day of _____, 2024.

Duane J. Jirik
Mayor

Attest:

Joshua M. Tetzlaff
City Administrator

TOWN OF HELENA

The resolution offered by Board member John Wermeshtich and moved for its adoption. Board member Edward Pyles seconded said resolution and upon roll call the following vote was recorded.

Ayes	Nays
<u>1</u>	<u>0</u>
<u>1</u>	<u>0</u>
<u>N/A</u>	<u>N/A</u>

Thereupon ^{Acting} Chairperson Edward Pyles declared said resolution adopted the 15th day of May, 2024.

Edward Pyles
Chairperson

Attest:


Heather Taylor DuCharme
Clerk

EXHIBIT ALegal Description of Proposed Annexation Area

All that part of the East Half of the East Half of the Southwest Quarter ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $SW\frac{1}{4}$) of Section 35, Township 113 North, Range 23 West, Scott County, Minnesota, described as follows: Commencing at a point one hundred eighty-six and one-half ($186\frac{1}{2}$) feet west of the southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of Section Thirty-five (35), Township one hundred thirteen (113), Range Twenty-three (23), west, and running thence north three hundred seventy-five (375) feet, thence west one hundred thirty (130) feet, thence south three hundred seventy-five (375) feet, thence east one hundred thirty (130) feet to point of beginning.

Contains 1.12 acres of land.

EXHIBIT B

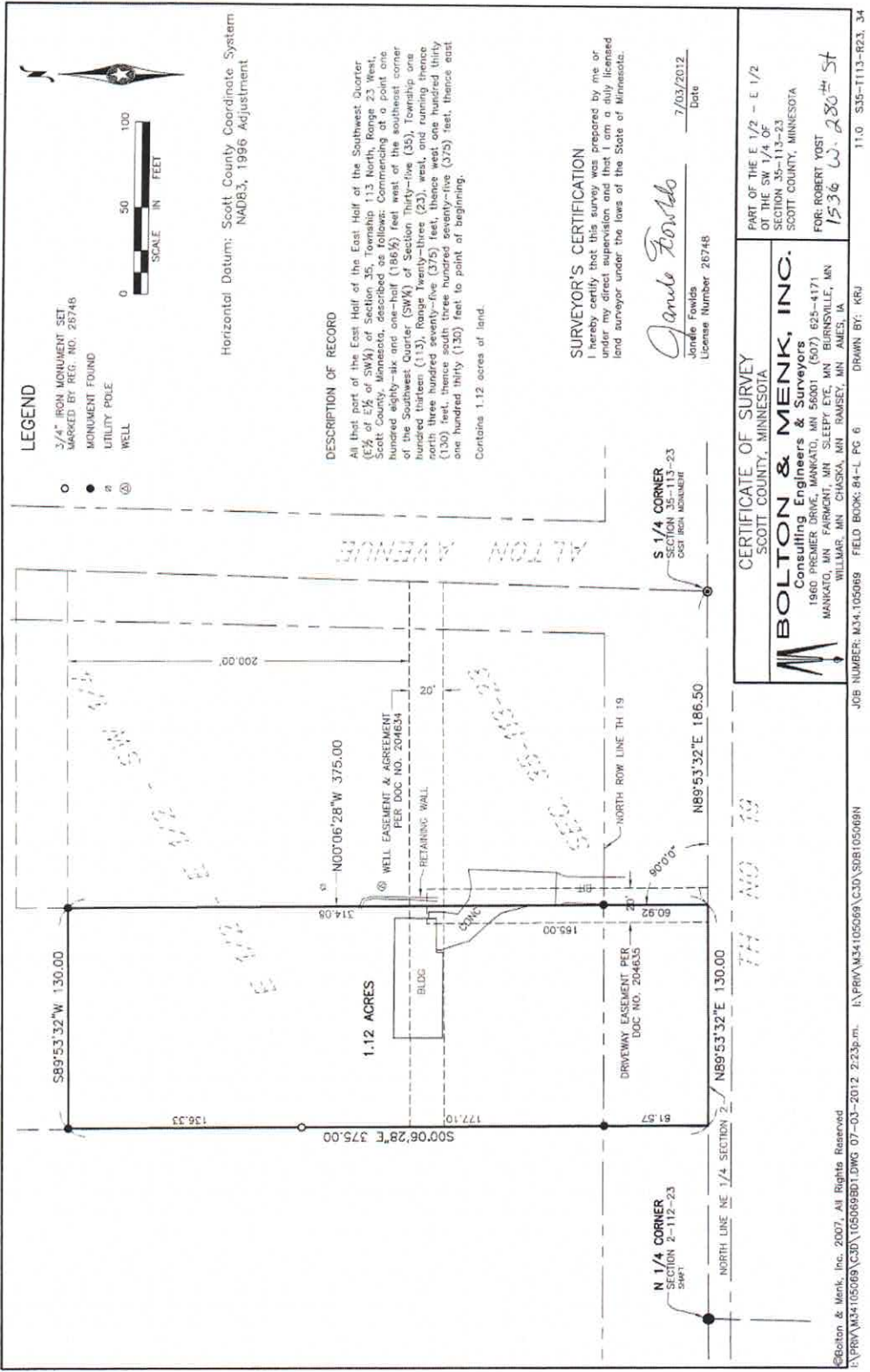
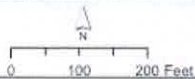


EXHIBIT C

Proposed Annexation Area - 1.12 Acres in E1/2 of E1/2 of SW1/4 of Sect. 35, T113, R23, Scott County, Minnesota.



Prepared by:
City of New Prague
Planning Department
Date: 5/5/24
For Reference Purposes Only.



Disclaimer: This map was prepared using GIS data and is intended for informational purposes only. It is not a legal document and should not be used for legal or financial decisions. The City of New Prague is not responsible for any errors or omissions in this map. For more information, please contact the City of New Prague Planning Department.



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN, PLANNER
SUBJECT: PLANNING COMMISSION SUMMARY - REQUEST FOR VARIANCE #V2-2024 FOR 21.2' FRONT SETBACK AND A 5' SETBACK TO THE EDGE OF THE EXISTING CONSERVATION EASEMENT LOCATED AT 703 7TH ST NE, AS PROPOSED BY MICHAEL WEINANDT.
DATE: MAY 28, 2024

Planning Commission Summary

The Planning Commission heard the above variance request on May 22nd, 2024. The applicant, Michael Weinandt, is proposing to build a single-family home with an attached garage, which would have a front setback of 21.2' and a 5' setback from the conservation easement. Currently there is a required 30' front setback and a 6' setback from the edge of the conservation easement as required by the conditions for approval for Pond Third Addition. Staff recommend denial because all neighboring homes currently meet the 30' front setback, therefore the variance would alter the character of the neighborhood.

During the public hearing, Weinandt stated that the wrong plans were submitted to staff. He explained that plan would consist of a 2-car garage, not a 3-car garage. Additionally, he clarified that the violation letter was for removing trees in the conservation easement. Staff clarified that the violation letter was for excavation in the conservation easement area, removal of the conservation easement signs and building without a permit for a basement. Staff and the Planning Commission also confirmed that the garage, whether called a two or three stall garage, still needed a variance to the front setback line.

The Planning Commission recommended denial of the variance request for with a unanimous vote (4-0) based on the findings listed in the attached resolution.

Staff Recommendation

Staff recommends approval of the attached resolution "...Denying Variance (#V2-2024)...".

RESOLUTION #24-06-03-02

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
DENYING VARIANCE #V2-2024 FOR A 21.2' FRONT SETBACK AND A 5' SETBACK
TO THE EDGE OF THE CONSERVATION EASEMENT LOCATED AT 703 7TH ST NE,
AS PROPOSED BY MICHAEL WEINANDT**

WHEREAS, Michael Weinandt, applicant, and owner of the following real estate in the County of Scott to wit:

Lot 1, Block 1, Pond Third Addition, according to the plat thereof, Scott County, Minnesota.

Is requesting a variance to build a residential home with an attached garage at 703 7th St NE in the RL-90 Single Family Residential Zoning District, which is located on the above real estate; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request #V2-2024, a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 22nd day of May, 2024, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously (4-0) to forward a recommendation to the City Council with a recommendation for denial subject to the findings contained in staff report #V2-2024; and,

WHEREAS, the New Prague City Council finds:

1. The proposed single-family home on the lot which would not be a reasonable use because although it would match the existing neighborhood area in terms of home size, it would not match the existing neighborhood in terms of the front setback being 30' for most other homes in the area.
2. The variance would alter the essential character of the neighborhood because there are currently very few, if any, homes that are less than 30' from the front setback.
3. The variance requested is not the minimum variance which would alleviate the practical difficulty because the building site plans could be adjusted or reduced to meet the setback requirements which would better fit the look of the neighborhood.

This variance permit is denied effective immediately upon its passage and without publication.

Duane J. Jirik, Mayor

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

Notary Public

State of Minnesota)
)ss. (CORPORATE ACKNOWLEDGMENT)
County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

Notary Public

Kyra J. Chapman
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN - PLANNER
SUBJECT: REQUEST FOR VARIANCE #V2-2024 FOR 21.2’ FRONT SETBACK AND A 5’ SETBACK TO THE EDGE OF THE EXISTING CONSERVATION EASEMENT LOCATED AT 703 7TH ST NE, AS PROPOSED BY MICHAEL WEINANDT.
DATE: MAY 15, 2024

Background / History

In 2023, Pond Third Addition was platted, dividing the single parcel into four lots. In the approved final plat, a shared private access driveway was required. This means that the subject property must share a driveway with the lot(s) directly to the east. The applicant, Michael Weinandt, is requesting a reduction from the front setback and setback from the conservation easement for the western most lot located at 703 7th Street in the RL-90 Single Family Residential Zoning District. Currently there is a required 30’ front setback and a 6’ setback from the edge of the conservation easement (as required by the conditions for approval for Pond Third Addition). To make room for a residential home with an attached garage, the applicant is requesting a 21.2’ front setback and a 5’ setback from the edge of the conservation easement.

Back in 2020, a variance was granted to allow construction to the conservation easement line, but this variance is no longer needed as the ordinance was amended to allow building construction to the conservation easement line and furthermore one of the conditions of the approval of Pond Third Addition required additional setback to the easement of 6’.

When the property was platted in 2018, a conservation easement was put into place as Document #A1059675. This conservation easement was required by the City’s zoning ordinance based on the assessment of the wetland’s condition. Signs were installed on the site by the applicant in 2019, and verified by the City, to delineate the edge of the easement. The conservation easement provides for a buffer of a minimum of 30’ from the delineated edge of the wetland and requires that the easement area be left in a natural state.

The wetland edge was delineated with the plat of the property and established the wetland edge as noted on the plat. With the applicable regular setbacks for a single family home plus conservation

easement plus an additional setback of 6' from said easement line, the lot is left with a building pad of just under 53' deep in areas of the lot which limits the style of home that could be constructed on the lot (most homes in the neighborhood are split level type homes, although the house to the west is not a split level style home). It is noted that staff does not believe this to be a substandard lot depth. It is noted, however, that during the platting of the property in 2023 that this lot would have a smaller than building pad depth than some other lots due to the additional conservation easement 6' setback.

Legal Description

Lot 1, Block 1, Pond Third Addition according to the plat thereof, Scott County, Minnesota.

Zoning

The subject property is located in the RL-90 Single Family Residential Zoning District.

Neighborhood Conditions Statement of Practical Difficulties

The subject property is located in the RL90 single family residential zoning district. Most properties in the neighborhood are similarly zoned. Most properties in the neighborhood are meeting the 30' front setback requirement.

Many other properties in this neighborhood also abut the wetland but have lot dimensions which did not limit the type of home that could be constructed on the lot or in the case of the property at 900 Lexington Ave. N., are considered a legal non-conforming home as they are located less than 30' from the delineated wetland edge. All other lots in the neighborhood were all platted prior to the City's requirement that conservation easements must be put in place around wetlands and also before the 50' setback to buildings from wetlands existed (or alternately the newer standard to build up to a conservation easement edge (or in the case of this lot 6' from the conservation easement edge per the plat condition).

While other lots in the neighborhood (other than those in the same plat) have deeper building pads than the depth of just under 53' on this lot, staff does not believe this to be a substandard lot depth to build a home comparable to others in the neighborhood.

Statement of Practical Difficulties

The applicant is requesting a front setback reduction to 21.2' to allow the construction of an attached garage and a setback reduction of 5' to the edge of the conservation easement to build a residential home. As required in Pond Third Addition Preliminary and Final plat, a shared driveway must be built on the subject property and the abutting east property. The shared driveway will impact the area of buildable space and the layout of the home. Furthermore, the applicant believes that the lot is an irregular shape with most of the lot unable to be built on due to the wetland. The applicant would like to construct a high-end home to fit the character of the neighborhood.

Wetland Setback Ordinance

In 2002, the Minnesota Pollution Control Agency required that the City of New Prague adopt a wetland buffer requirement. On April 1, 2002 the City of New Prague amended its Comprehensive Stormwater Management Plan to include the buffer strips as required by the PCA. The rules required a 40' strip of native vegetation (buffer) adjacent to a wetland and required that buildings be set back an additional 10' beyond the buffer area for a total of 50' from the delineated wetland edge. This setback has continued to exist since it was adopted in 2002 however it is now contained in Zoning Ordinance Section 734 (4)(D)(2) and 734(4)(E)(5) and provides a buffer based on the assessment of

the wetland, rather than a blanket number. The existing conservation easement covers this requirement.

Past Wetland Variances

Since the 50’ wetland setback to buildings went into effect in 2002 there have been six variances granted for properties which existed prior to the wetland setback going into effect and having issues pertaining to the wetland setback precluding the use of their backyards or precluding any additions to their homes. The most recent wetland setback variance was V2-2020 on the previous plat (Pond 2nd Addition-same land) for a home to be built up to the wetland buffer/conservation easement line. Although the variance was approved, it did not go into effect since the Zoning Ordinance was updated after the meeting, requiring a minimum of 25% of the site in natural conservation areas to be protected with conservation easements.

There were several other variances such as V1-2016 for a wetland setback variance to allow a new home to be constructed at 24’ feet (reduced to 14’ for a deck off the home) from the wetland edge, V4-2018 which allowed an above ground pool to be located 14’ from a wetland edge, and finally V5-2019 that allowed a new home to be constructed at 40’ from the edge of a wetland, but outside of the conservation easement area.

Public Works Comments

Public Works Director (Matt Rynda) and Utilities General Manager (Bruce Reimers) were not solicited for comments on this variance request as it does not involve any public works or utility related matters.

City Engineer Comments

City Engineer Chris Knutson was not solicited for comments on this variance request.

Building Official Comments

Building Official Scott Sasse was not solicited for comments on this variance request as no new home permit has actually been applied for at this time.

Criteria for Granting Variances – Section 507

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties.

The Zoning Ordinance identifies criteria for granting variances as noted below. These items must be evaluated by the Planning Commission and City Council when considering variance requests. It is important to note that variances should only be granted in situations of practical difficulties. A variance may be granted only in the event that all of the circumstances below exist. Staff has attempted to evaluate the established criteria for this specific request. Staff’s comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The requested variances to allow for new home construction to the within 5’ of the edge of the existing conservation easement and within 21.2’ from the front lot line is

in harmony with the general purposes and intent of this Ordinance because residential structures are a permitted use in the RL-90 Single Family Residential Zoning District.)

- B. The variance is consistent with the comprehensive plan. (The requested variance to allow for new home construction to within 5' of the edge of the existing conservation easement and within 21.2' from the front lot line is consistent with the comprehensive plan because the subject property can have a single family home as a permitted use in the RL-90 Single Family Residential Zoning District and the variance would provide for a buildable area to construct a single family home on the lot that is consistent with the type and size of home that exists in the neighborhood.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant intends to construct a single family home on the lot which would not be a reasonable use because although it would match the existing neighborhood area in terms of home size, it would not match the existing neighborhood in terms of the front setback being 30' for most other homes in the area.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to this property in that a shared driveway is required and it abuts a wetland.)
- E. The variance does not alter the essential character of the neighborhood. (The variance would alter the essential character of the neighborhood because there are currently very few if any homes that are less than 30' from the front setback.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is not the minimum variance which would alleviate the practical difficulty because the building site plans could be adjusted or reduced to meet the setback requirements which would better fit the look of the neighborhood.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (No additional conditions are imposed.)

Staff Recommendation

Staff recommends **denial** of Variance #V2-2024 from the required 30' front setback to 21.2' and from the required 6' conservation easement to 5' of the existing conservation easement to allow for a new home construction located on Lot 1, Block 1, Pond 3rd Addition, for the following reasons:

1. The proposed single family home on the lot which would not be a reasonable use because although it would match the existing neighborhood area in terms of home size, it would not match the existing neighborhood in terms of the front setback being 30' for most other homes in the area.
2. The variance would alter the essential character of the neighborhood because there are currently very few if any homes that are less than 30' from the front setback.
3. The variance requested is not the minimum variance which would alleviate the practical difficulty because the building site plans could be adjusted or reduced to meet the setback requirements which would better fit the look of the neighborhood.

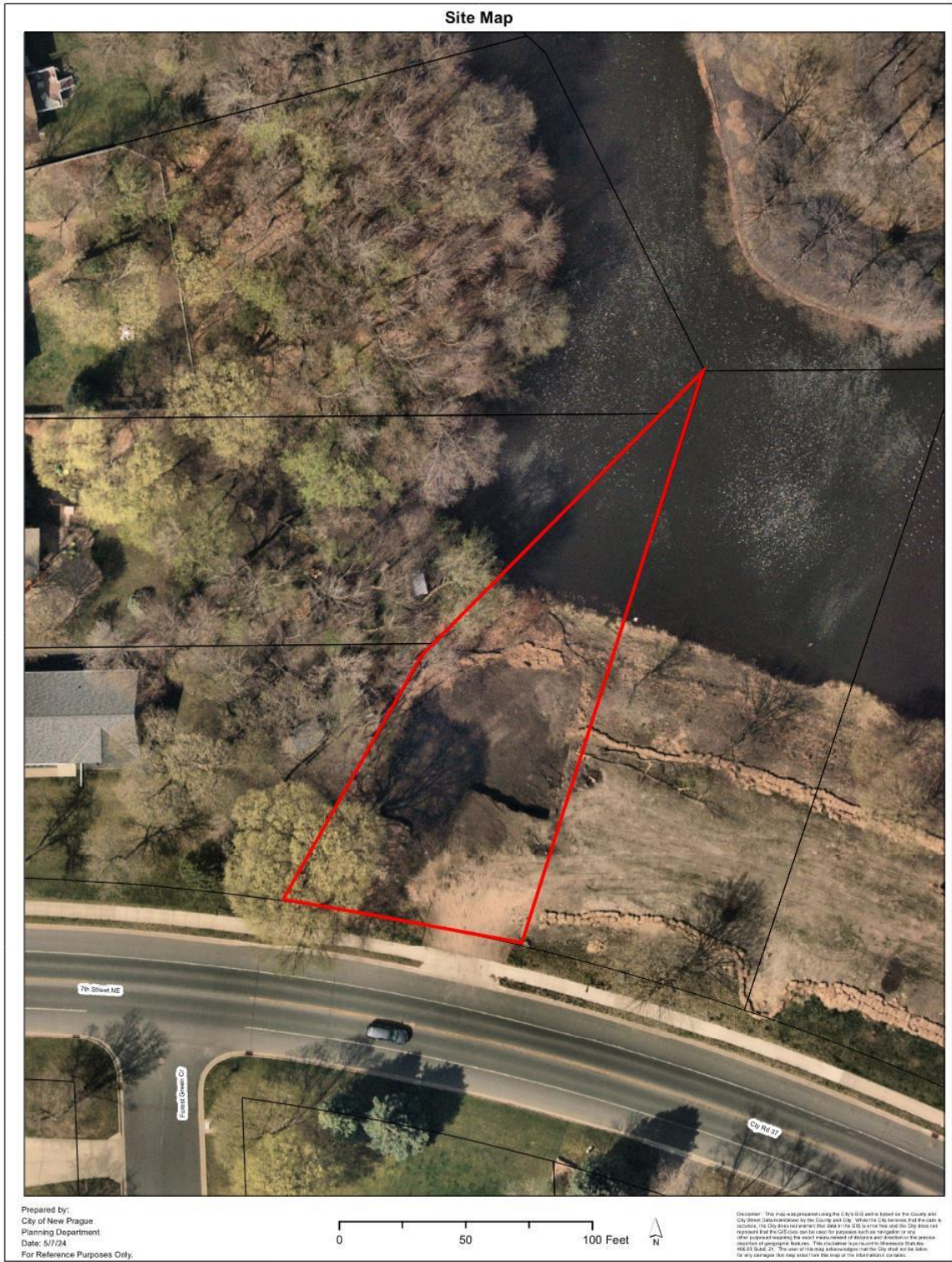
Attachments

- 1) Site Map Aerial – Dated 5/7/24
- 2) Enlarged View of Subject Site – Dated 5/7/24
- 3) Zoning Map – Dated 5/7/24
- 4) Survey – Undated
- 5) Survey Planning Comments – 5/15/24
- 6) Home Rendering – 4/28/24
- 7) Oblique Air Photo – Undated
- 8) Pictures – Dated 5/7/24



Aerial Site Map

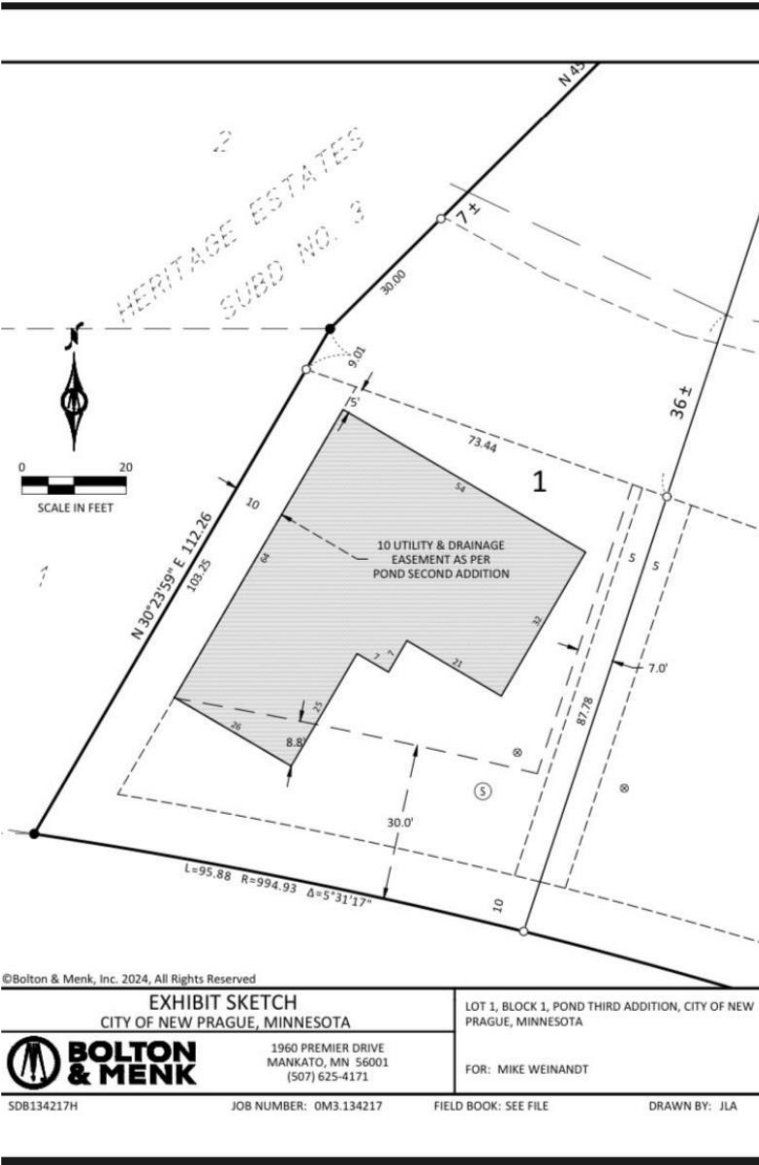
Variance #V2-2024
May 22, 2024 Planning Commission Meeting
Page 6 of 14



Enlarged View of the Subject Property



Zoning in the Neighborhood



Survey of 703 7th Street NE

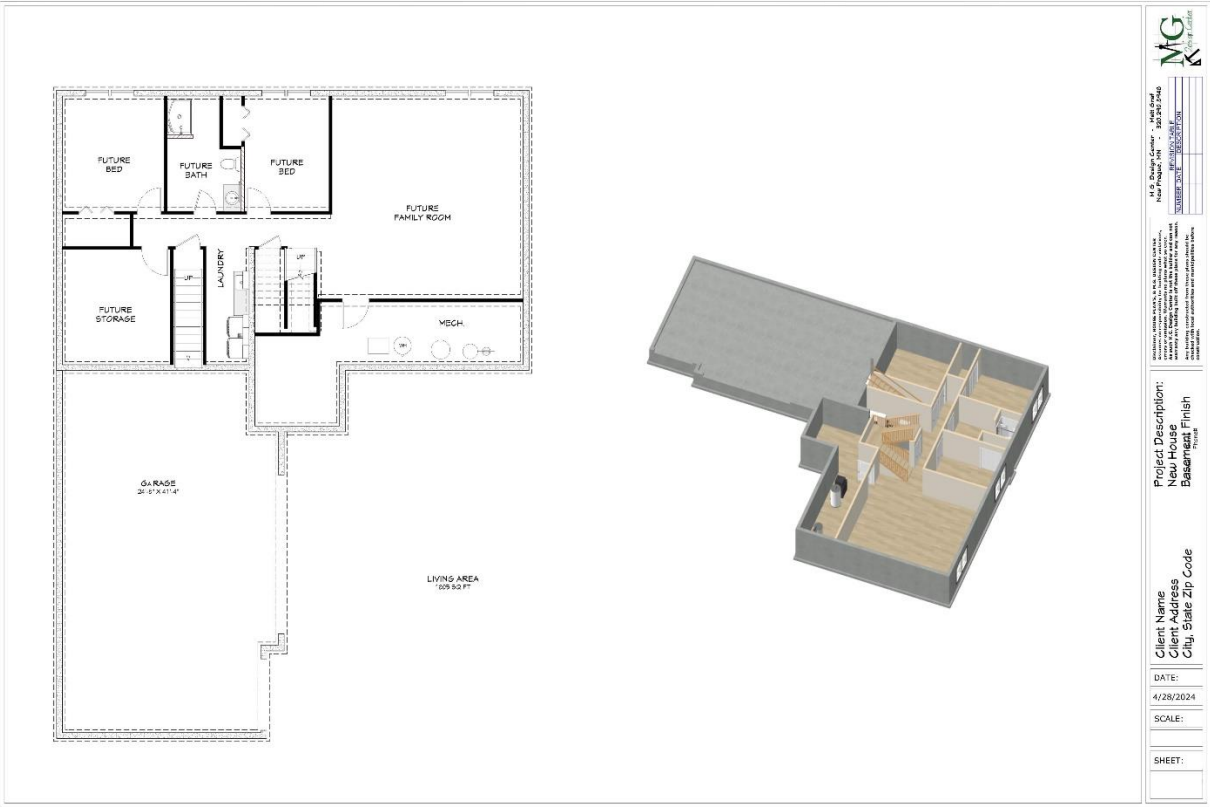
Variance #V2-2024
May 22, 2024 Planning Commission Meeting
Page 10 of 14



Home Rendering 1 of 3



Home Rendering 2 of 3



Home Rendering 3 of 3



Oblique Air Photo – Looking North at the Property



Looking North towards lot from 7th Street NE



Looking Northeast from the sidewalk on 7th Street NE



Looking Northwest from the sidewalk on 7th Street NE



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
ROBIN PIKAL – FINANCE DIRECTOR
SUBJECT: RESOLUTION GOVERNING WRITE-IN VOTE COUNTING FOR THE CITY OF
NEW PRAGUE
DATE: MAY 31, 2024

Minnesota Statute 204B.09, Subd. 3 was recently amended to allow cities to pass a resolution concerning the counting of write-in votes for local city election races.

In past elections, the counting of write-in votes has taken considerable time on election night for what amounts to many frivolous names being counted that have no impact on the outcome of the local election.

In order to save time and ultimately save costs for election administration, staff recommends passage of the attached resolution that would only require the counting of write-in votes for local races when the total number of write in votes for an office is equal to or greater than the fewest number of non-write-in votes for a ballot candidate for that same office.

Staff Recommendation

Staff recommends approval of the attached resolution titled “Governing Write-In Vote Counting for the City of New Prague.”

RESOLUTION #24-06-03-03
GOVERNING WRITE-IN VOTE COUNTING FOR
THE CITY OF NEW PRAGUE

WHEREAS, Minnesota Statute 204B.09, Subd. 3 authorizes a city to adopt a resolution governing the counting of write-in votes for local election races; and

WHEREAS, a city that adopts a resolution must do so before the first day of filing for office; and

WHEREAS, city officials spend considerable time and resources to count and individually record write-in votes cast, many of which are frivolous; and

WHEREAS, in order to save city and county time and resources, it is in the best interest of the City of New Prague, to enforce restrictions on the counting of write-in votes consistent with the provisions of Minnesota Statute 204B.09, Subd. 3.

NOW THEREFORE BE IT RESOLVED by the City Council for the City of New Prague, Counties of Scott and Le Sueur, and State of Minnesota that votes for write-in candidates for local races will only be individually recorded if the total number of write-in votes for an office is equal to or greater than the fewest number of non-write-in votes for a ballot candidate for that office.

BE IT FURTHER RESOLVED that pursuant to Minnesota Statute 204B.09, Subd. 3, this resolution shall remain in effect until a subsequent resolution on the same subject is adopted by the City of New Prague.

This resolution shall become effective upon its passage and without further publication.

Dated this 3rd day of June 2024.

Duane J. Jirik, Mayor

ATTEST: _____
Joshua M. Tetzlaff, City Administrator



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOSHUA TETZLAFF, CITY ADMINISTRATOR
SUBJECT: REIMBURSEMENT RESOLUTION
DATE: MAY 31, 2024

The Reimbursement Resolution declares the official intent of the City of New Prague to reimburse certain expenditures from the proceeds of tax-exempt bonds or other obligations and establishes procedures for additional declarations of official intent.

Reimbursed costs are related to the Police Station Addition and Renovation and include design work, schematic design fees, construction costs, testing, fees, surveys, soil boring, misc. project costs, furniture & equipment/technology costs.

Recommendation

Staff recommends approval of the reimbursement Resolution for costs related to the Police Station Addition and Renovation.

CITY OF NEW PRAGUE

RESOLUTION #24-06-03-04

**DECLARING THE OFFICIAL INTENT OF CITY OF NEW PRAGUE TO
REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS OF
TAX-EXEMPT BONDS OR OTHER OBLIGATIONS AND ESTABLISHING
PROCEDURES FOR ADDITIONAL DECLARATIONS OF OFFICIAL INTENT**

WHEREAS, the Internal Revenue Service has issued Treasury Regulations, Section 1.150-2, as the same may be amended or supplemented (the “Reimbursement Regulations”), that establish the requirements under which an allocation of a portion of the proceeds of tax-exempt bonds, as defined in Section 150 of the Internal Revenue Code of 1986, as amended (the “Code”), to an expenditure that is originally paid from a source other than such tax-exempt bonds will be treated as an expenditure of the proceeds of such tax-exempt bonds on the date of such allocation; and

WHEREAS, the Regulations require that (i) not later than sixty (60) days after payment of the original expenditure, the issuer of the tax-exempt bonds must adopt an official intent for the original expenditure (in any reasonable form, including issuer resolution or action by an appropriate representative of the issuer), (ii) the official intent generally describes the project for which the original expenditure is paid and states the maximum principal amount of obligations expected to be issued for the project, and (iii) on the date of the declaration of official intent, the issuer must have a reasonable expectation that it will reimburse the original expenditure with proceeds of the tax-exempt bonds; and

WHEREAS, the original expenditure must be a capital expenditure or a cost of issuance for the tax-exempt bonds, and the reimbursement allocation (except with respect to (i) costs of issuance; (ii) amounts not in excess of the lesser of \$100,000 or five percent of the proceeds of the tax-exempt bonds; and (iii) preliminary expenditures (as defined in Section 1.150-2(f)(2) of the Reimbursement Regulations) not in excess of twenty percent (20%) of the aggregate issue price of the tax-exempt bonds), must be made not later than eighteen (18) months after the later of (i) the date the original expenditure is paid, or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid; and

WHEREAS, the City of New Prague, a home rule city and municipal corporation of the State of Minnesota (the “City”), expects to incur certain expenditures with respect to the project described in EXHIBIT A to this Resolution (the “Project”) and such expenditures may be financed temporarily from sources other than tax-exempt bonds or other obligations; and

WHEREAS, the City expects to reimburse the expenditures with respect to the Project from the proceeds of tax-exempt bonds in the principal amount with respect to the Project as described in EXHIBIT A to this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL (“COUNCIL”) OF THE CITY AS FOLLOWS:

1. The City reasonably intends to make expenditures for the Project. A portion of such expenditures may be temporarily financed with cash assets of the City or from other sources. The City reasonably intends to reimburse itself for such expenditures from the proceeds of tax-exempt bonds or other obligations that are proposed to be issued by the City.

2. The Administrator of the City (the “City Official”) is hereby authorized to designate appropriate additions or changes to EXHIBIT A by a written statement supplementing this Resolution in the form attached in EXHIBIT B to this Resolution (an “Additional Declaration”), dated as of the date of such action, and any such Additional Designation shall be reported to the Council at the earliest practicable date and shall be filed with the official records of the Council. Each Additional Declaration shall comply with the following requirements: (i) each Additional Declaration shall be made not later than sixty (60) days after payment of the expenditure to be reimbursed; (ii) each Additional Declaration shall contain a reasonably accurate general description of the project with respect to which the expenditures to be reimbursed were made and shall state the maximum principal amount of obligations expected to be issued for such project; (iii) such Additional Declaration may be made only if the City reasonably expects that reimbursement bonds will be issued to reimburse such expenditures; and (iv) the City Official is authorized to consult with bond counsel with respect to the requirements of the Reimbursement Regulations and their application to the specific circumstances relating to the Additional Declaration.

4. This Resolution is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations and any successor law, regulation, or ruling.

5. This Resolution shall take effect immediately.

Adopted by the City Council of the City of New Prague on this 3rd day of June, 2024.

Duane J. Jirik
Mayor

ATTEST:

Joshua M. Tetzlaff
City Administrator

EXHIBIT A

THE PROJECT

<u>General Description of the Project</u>	<u>Maximum Principal Amount of Obligations to Finance Project</u>
The project includes costs related to a Police Station Addition and Renovation: Design work, schematic design fees, construction costs, testing, fees, surveys, soil boring, misc. project costs, furniture & equipment/technology costs.	\$1,000,000.00

EXHIBIT B

ADDITIONAL DECLARATION OF OFFICIAL INTENT

The undersigned, being the duly appointed and acting Administrator (the “City Official”) of the City of New Prague (the “City”) hereby states and certifies on behalf of the City, for the purposes of compliance with Treasury Regulations, Section 1.150-2 (the “Reimbursement Regulations”), as follows:

1. The City Official has been and is on the date hereof duly authorized by the City Council of the City to make and execute this Additional Declaration of Official Intent (the “Additional Declaration”) for and on behalf of the City.

2. This Additional Declaration relates to the following project, property, or program (the “Project”) and the costs thereof to be financed:

3. The City reasonably expects to reimburse itself for the payment of costs of the Project out of the proceeds of a bond issue or similar borrower (the “Bonds”) to be issued after the date of payment of such costs. AS of the date hereof, the City reasonably expects that the maximum principal amount of the Bonds which will be issued to finance the Project is \$_____.

4. Each expenditure to be reimbursed from the Bonds is or will be a capital expenditure or a cost of issuance, or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

5. As of the date hereof, the statements and expectations contained in this Additional Declaration are believed to be reasonable and accurate.

Dated: _____

Administrator
City of New Prague



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOSHUA TETZLAFF, CITY ADMINISTRATOR
SUBJECT: 2024 BOARD/COMMISSION APPOINTMENTS
DATE: MAY 31, 2024

On May 6th, May 13th, and May 20th, the City Council met to interview candidates for positions on the City’s boards and commissions. Now that the interviews have taken place, the City Council may appoint the people into the positions who it feels are the best fit for the open seats.

- **Park Board** – One 1-year partial term (expiring 5/31/2025)
 - Debra Tharaldson (new)

Recommendation

Staff recommends appointing Debra Tharaldson to the Park Board (1-year partial term).



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JOSHUA TETZLAFF, CITY ADMINISTRATOR
SUBJECT: HELENA TOWNSHIP SPACE REQUEST
DATE: MAY 31, 2024

As we continue down the path of looking to add an addition to the Fire Hall to that would move the Police Station to the same property, the Helena Township Board reached out to ask about the details that are known thus far, and to inquire as to whether a permanent space could be carved out for them. Presently, they use a meeting room within the Fire Station for board meetings and for elections and do not pay for that space. Within a new facility, they are wondering if a more permanent space could be made available to them.

My initial thoughts on this are that if the township is interested in a more permanent space, that the space could possibly come from a contribution to the City for its inclusion. My second thought is that the new New Prague Public Safety Center would not be the best place for that. The City Council has discussed, along with the completion of the Public Safety Center, that at some point a solution for City Hall is needed. The timeline for this hasn't been discussed. That being said, it would be during that time that I would recommend the City possibly work with Helena Township to include a small area of the building to be designated for them. In the interim period, the City can continue allowing the Township to use for board meetings and for elections.

Recommendation

Staff recommends continuing allowing Helena Township to use the Fire Hall for board meetings and elections, and take up the discussion of working together for a permanent space when the City moves on improving City Hall.

North Memorial Health

New Prague Income Statement

For Three Months Ended March 31, 2024

(Unaudited)

(\$000's)

	Actual YTD 2024	Budget YTD 2024	F(U) Actual vs Budget
Revenue:			
Ambulance Services Revenue	\$471	\$355	32.6%
Other Revenue	-	-	0.0%
Total Operating Revenue	\$471	\$355	32.6%
Direct Expense			
Compensation	452	408	-10.9%
Supplies	16	14	-16.6%
Purchased Services	28	28	0.7%
Utilities and Fuel	16	13	-20.4%
Maintenance and Repairs	43	11	-297.4%
Rental	4	4	2.0%
Tax & Insurance	30	8	-256.2%
Other Expense	7	3	-143.7%
Depreciation	5	5	-0.1%
Billing	-	-	
Dispatching	-	-	
Total Direct Expense	\$601	\$494	-21.7%
Indirect Expense			
Indirect Expense (10%)	60	49	-21.7%
Total Indirect Expense	\$60	\$49	-21.7%
Total Operating Expense	\$662	\$544	-21.7%
Net Operating Income (Loss)	(\$190)	(\$188)	-1.0%
Net Operating Margin	-40.4%	-53.0%	12.6%
Unit of Service			
Key Stat / Transports	466	338	37.9%
FTE's	21.2	18.2	-16.0%

North Memorial Health

New Prague Income Statement

For the Year Ended December 31, 2023
(Unaudited)
(\$000's)

	Actual YTD 2023	Budget YTD 2023	F(U) Actual vs Budget
Revenue:			
Ambulance Services Revenue	\$1,838	\$1,660	10.7%
Other Revenue	1	-	0.0%
Total Operating Revenue	\$1,838	\$1,660	10.8%
Direct Expense			
Compensation	1,452	1,540	5.7%
Supplies	54	48	-12.6%
Purchased Services	107	106	-1.0%
Utilities and Fuel	60	66	7.8%
Maintenance and Repairs	38	38	2.0%
Rental	7	16	57.3%
Tax & Insurance	36	31	-17.6%
Other Expense	15	4	-326.4%
Depreciation	31	31	-0.7%
Total Direct Expense	\$1,800	\$1,879	4.2%
Indirect Expense			
Indirect Expense (10%)	180	188	4.2%
Total Indirect Expense	\$180	\$188	4.2%
Total Operating Expense	\$1,980	\$2,066	4.2%
Net Operating Income (Loss)	(\$142)	(\$407)	65.2%
Net Operating Margin	-7.7%	-24.5%	16.8%
<u>Unit of Service</u>			
Key Stat / Transports	1,814	1,530	18.6%
FTE's	17.6	16.6	-5.8%



UTILITIES COMMISSION MEETING MINUTES

City of New Prague

Monday, April 29, 2024 at 3:30 PM

Power Plant - 300 East Main St

1. CALL TO ORDER

The meeting was called to order by Commission President Dan Bishop on Monday, April 29, 2024, at 3:29 p.m.

Commissioners present: Dan Bishop, Dick Jordan, Tom Ewert, Paul Busch, and Bruce Wolf

Staff present: GM Bruce Reimers, EOS Ken Zweber, and Finance Director Robin Pikal

2. APPROVAL OF AGENDA

Motion made by Commissioner Jordan, seconded by Commissioner Wolf, to approve the agenda as presented. Motion carried (5-0).

3. APPROVAL OF MINUTES

a. March 25, 2024, Utilities Meeting Minutes

Motion made by Commissioner Jordan, seconded by Commissioner Ewert, to approve the March minutes. Motion carried (5-0).

4. UTILITY AND SMMPA BILLS

a. Approval of accounts payable in the amount of **\$146,478.65** and the SMMPA billing of **\$484,044.84**.

Motion made by Commissioner Ewert, seconded by Commissioner Busch, to approve the SMMPA and utility bills as presented. Motion carried (5-0).

5. FINANCIAL REPORTS

a. Investment Report

b. Financial Report

c. Water and Kilowatt Hours Sales

Motion made by Commissioner Ewert, seconded by Commissioner Busch, to approve the financial reports as presented. Motion carried (5-0).

6. APPROVE HIRING OF UTILITY BILLING CLERK

a. Memo

GM Reimers and Finance Director Pikal informed the commission that due to the resignation of the Utility Billing Clerk a temporary staff position has been secured through the Robert Half staffing agency on a temporary basis. GM Reimers requested that the commission approve the hiring of a replacement Billing Clerk prior to the next commission meeting in May and that management will provide the commission with the final negotiated pay step in the designated pay grade and name of the candidate at next month's meeting. A motion to allow management staff to hire a replacement Billing Clerk was made by Commissioner Jordan and seconded by Commissioner Busch. Motion carried (5-0).

7. SMMPA BOARD OF DIRECTORS MEETING

a. March 13, 2024

GM Reimers informed the commission on the following:

- SMMPA staff has been working on acquiring energy contracts for the upcoming season.
- A performance report was given on the operation of the SHERCO power plant and future maintenance of the unit.

8. GENERAL MANAGER'S REPORT

GM Reimers reported on the following:

- The generation department hosted the MMUA Generation School at the plant and it was well attended.
- The water department has completed the annual hydrant flushing with over 500 hydrants being operated.
- Staff is working with our well contractor on the replacement of a failed pump.
- Electric distribution staff has been working on the NE overhead to the underground project.
- Utilities will be energizing a new 2,000 amp service to be used for car charging at Jeff Belzer's Ford.

9. OTHER BUSINESS

None.

10. ADJOURNMENT

Motion made by Commissioner Ewert, seconded by Commissioner Jordan, to adjourn the April 29, 2024, meeting at 4:18 p.m. Motion carried (5-0).

NEXT COMMISSION MEETING – Monday, May 28, 2024

Respectfully Submitted,

Bruce Reimers
General Manager

**Meeting Minutes
New Prague Park Board
Tuesday, April 9th, 2024
6:00 PM**

1. Call Meeting to Order

The regular meeting was called to order at City Hall at 6:02 PM by Chair Joe Barten. Members present were Joe Barten, Christine Wolf, Matt Becka, and Jessica Dohm. Absent was Al Hansen and Maggie Bass. Staff present were Ken Ondich – Planning / Community Development Director and Kyra Chapman – Planner.

**2. Approve Previous Meeting Minutes
March 12, 2024 Regular Meeting**

A motion was made by Wolf seconded by Becka, to approve the March 12, 2024, regular meeting minutes. Motion carried (4-0).

3. Review Financial Reports

Planning Director Ondich presented the March financial report. The park fees were collected from two commercial building projects and from two new residential home permits so far this year. Some of the park revenue is not reflected in the financial that's in the packet. Approximately \$5,800 needs to be added to the Park Equipment Fund 230. This will be updated for the next park board meeting.

A motion was made by Becka, seconded by Dohm, to approve the financial reports. Motion carried (4-0).

4. Creek Clean Up Discussion

Planner Chapman explained that the creek clean up flyer and information has been posted on the City's Facebook page and posted in the hallway on April 7th. Staff will also post this on the City's news and announcements webpage. Property owners who signed the Temporary Access Agreements were also sent flyers, inviting them to the event.

Barten explained that he posted the flyer on Facebook's New Prague Happenings. He suggested that he could do some door knocking for gaps of property owners.

Planner Chapman said she could print off Temporary Access Agreement forms.

Barten stated that by Wednesday, there will be a better understanding of the number of volunteers. The Park Board will be able to split into separate group leaders. The public could be notified on the Friday before.

Dohm stated that individuals could meet up and park at Autowash Systems Inc.

Dohm asked if the registration link for the creek clean up could be sent to the Park Board members.

Barten suggested that all Park Board members should arrive at 9:00am at ASI parking lot.

5. Wold Recreation Needs Study – Review Council Presentation

Planning Director Ondich introduced the Wold Recreation Needs Study. Wold conducted a study that reviewed the existing athletic fields/facilities as well as their condition, scheduling, and usage. The objective of the study was to determine if the recreational facilities meet the needs of the community. In the study, peak usage was from 5-7pm and vacant for the majority of the day. The results of the study found that New Prague has adequate facilities based on the city's population. The study will be added as an addendum to the Comprehensive Plan. As the City continues to grow, the City will look at the fields and determine their demand. In the future, the City and the New Prague Area School District may need to partner together to identify a potential field house.

Barten mentioned that there is a lack of wayfinding field signs. For instance, the sports game may be held on field 4 but there is no signage that identifies this.

6. Large Assembly Permit Requests

Planning Director Ondich stated that the Chamber of Commerce will be hosting the Czech Out New Prague, Dozinky Festival, and Holiday Parade Event again this year. All the event details and conditions are the same as last except for date changes.

Park Board expressed their gratitude for the good work that the Chamber of Commerce does to host these events.

A motion was made by Barten, seconded by Dohm to recommend approval of the three large assembly permits to the city council. Motion carried (4-0).

Planning Director Ondich provided an update on the Run New Prague Event which was a large assembly permit the Park Board approved earlier this year. MnDOT did not approve the permit to close highway 19 for the requested two hours. As a solution, runners will begin the race at Central Plaza. For the event, there will be temporary no parking signs in the south parking lane and people will run in the parking lane. MnDOT does not have control over the parking lane.

7. Miscellaneous

a. Possible Historical Society Improvement Near Centennial Cabin

Planning Director Ondich shared that the New Prague Area Historical Society would like to add a raised concrete platform near the Centennial Cabin in Memorial Park. They intend to install it near north/northwest of the cabin near where an existing tree is marked for removal.

Barten inquired what kind of tree will be removed.

Planning Director Ondich clarified that it's an old oak tree that has a hole near the base of the trunk.

Dohm inquired what the concrete stage will be.

Planning Director Ondich replied that it would be a concrete pad that may be about a foot tall. They intend to put a tent on the pad during the demonstrations.

Becka asked if the Historical Society hosts a lot of events.

Planning Director Ondich believed that they wanted to host more events. They have school groups that go out there occasionally, and during Dozinky, and Parade of Lights.

Dohm asked who would pay for the concrete.

Planning Director Ondich stated that the Historical Society would pay for the concrete.

Barten inquired what the master plan or the ultimate vision of the area. He believed that the northwest location of the concrete pad would be an odd place since it's in the opposite direction of where you access the cabin.

Wolf stated that concrete pad doesn't go with the site. If it's supposed to be historical, it takes away from the cabins.

Becka stated that it would look better if the raised stage looked more natural. For instance, it could be gravel with landscaping and it would look better.

The Park Board wanted a plan for what the site intends to look like in the future.

- b. POPS Update**— Planner Chapman explained that in the most recent POPS newsletter, POPS Gala II will occur on Friday October 4th from 6:00pm-9:00pm at the Park Ballroom. There will be live music, and silent auctions. Last year's gala raised \$20,000 in funds. So far, POPS has received \$830,000 in pledges. On Saturday June 1st from 1:00pm-4:00pm there will be an event called Bourbon and Broz, where there will be a live performance, whiskey tasting, 1319 appetizers, and cigars.
- c. Disc Golf Course Update** – Planner Chapman stated that staff will begin ordering the vegetation, landscaping features, and baskets for the disc golf course in the next few weeks. Some landscaping features include blanket flowers, butterfly milkweed, small pavestone retaining wall, mulch, and rocks. This project

was made possible through the Southern Minnesota Initiative Foundation's Small Town Grant.

- d. **2024 Tree Giveaway Update** – Planner Chapman explained that as of 4/9/24 there were only three Common Hackberry trees left. The American Plum and Red Oak trees are all sold out. Reminder emails will be sent out to residents who preordered a day or two before the event. The Tree Giveaway will occur on April 27th from 10am-12pm.

Barten explained that at Dakota County SWCD, if several people sign up for the landscaping for the clean water program, they'll send out emails to those participants of future lake water monitoring volunteer events. For the past two or three years, there has been a lot of interest. The City could potentially send emails to people who have signed up for the Tree Giveaway regarding the creek clean p event.

- e. **Dog Park Update** – Planning Director Ondich explained that at no cost, the New Prague Utilities Commission agreed to provide a wooden light pole and lighting for the parking lot/entrance. Staff contacted Scott County regarding the possibility of creating a pedestrian crossing to the dog park area. Scott County replied that they do not want a painted/signed pedestrian crossing at uncontrolled (non-stop condition) intersections, especially at multi-lane environments. They would consider permitting them, subject to a pedestrian engineering study that would determine if a crossing is appropriate. If the study found that a crossing was needed, it would require advanced signage and a rapid flashing beacon sign (similar to what the city just installed via a grant at 10th Ave SE/1st St SE).

Dohm inquired if the speed limit could be reduced.

Planning Director Ondich responded that the City could request a traffic study. Speed must be set by what the 85th percentile of traffic is going. He suggested that city staff could set up the traffic counter to see how fast vehicles are traveling to get an idea of current speeds of vehicles. The County would have to do their own speed study to lower or increase the speed limit.

Dohm has heard that residents have shared their concerns regarding speed since it's near residential properties, it's approaching two school zones and a roundabout. The turn lane would be a good location to decrease the speed limit. She inquired what the process of reducing the speed limit.

Planning Director Ondich stated that the traffic study would have to be done by Scott County. According to state law, if the study finds that the vehicles are driving faster than the posted speed limit, the speed limit would increase. However, if the vehicles are found driving slower, the speed limit would decrease. The current posted speed limit along 12th St NE is 55 mph.

Planning Director Ondich added that the waterline at the dog park is nearly complete. The waterline work was taking longer to complete. There is a sanitary sewer line from Ceder Lake that comes in near the dog park site. There was no tracer wire on it and staff were guessing when doing borings. If the city had hired out, it would have likely cost between \$12,000-\$14,000 for boring.

- f. Settlers Park Prairie Restoration Update** – Planner Chapman explained that the city received three RFPs for the Settlers Park project and is in the process of reviewing them. The three firms are RES, Rock Leaf Water Environmental, and MNL Heal the Earth. Staff intend to make a recommendation to City Council for their April 15th meeting.

Barten asked how the firms are ranked or scored.

Planning Director Ondich stated that the City will consider the lowest bids and review their references.

Barten recommended that the City should consider getting estimates of maintenance plans for three years after the work is completed.

Planning Director Ondich stated that Settlers Park had a lot of internally rotting trees that were in need of removal.

Barten inquired how much money the grant has set aside for contractor work.

Planner Chapman stated that there is about \$39,000 in grant funding for contractor work and the purchase of seeds.

A motion was made by Barten seconded by Becka to allocate a maximum of \$15,000 for establishment period and maintenance for up to 3 years. Motion carried (4-0).

- g. Comprehensive Plan Update / Small Area Plan** – Planning Director Ondich stated that the Comprehensive Plan update is on hold while the Sanitary Sewer Feasibility Study and Small Area Plan are completed. The second Steering Committee meeting for the Small Area Plan will occur on Wednesday April 10th at 6pm at City Hall.

Barten asked if there have been discussions with adjacent landowners.

Planning Director Ondich stated that staff will start discussions soon. As of right now, some of MSA's concept maps of the city center have shown the use of the adjacent landowner's property.

8. Adjournment

The meeting was adjourned at 7:09 PM by order of Chair Barten.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kyra J. Chapman". The signature is written in a cursive, flowing style.

Kyra J. Chapman
Planner

Meeting Minutes
New Prague Planning Commission
Wednesday, February 28, 2024

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Vice Chair Brandon Pike with the following members present Jason Bentson and Shawn Ryan. Absent were Ann Gengel and Dan Meyer.

City Staff Present: Ken Ondich – Planning / Community Development Director, and Kyra Chapman – Planner

2. Approval of Meeting Minutes

A. January 24th, 2024 Regular Meeting

A motion was made by Ryan seconded by Bentson to approve the January 24th regular meeting minutes. Motion carried (3-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Conditional Use Permit #C1-2024 – Relocate a Single Family Home to the vacant lot located at 303 Lyndale Ave N

Planner Chapman introduced the #C1-2024 conditional use permit to relocate a single family home onto an existing vacant lot at 303 Lyndale Ave N. The home is currently located in Lakeville at Otting House Movers and the home is approximately 1,199 sq ft large with a 451 sq ft detached two car garage. The garage was removed from the principal structure and the front porch has since been removed. Various improvements will need to be made as well as meeting Minnesota State Building Code such as new windows, siding, fascia, soffit, roof repair, plumbing, smoke and CO detectors, etc. The property is zoned as RL-70 Single Family Residential Zoning District and within the district, relocating homes is listed as a conditional use. Conditional use permits for relocated structures must meet three criteria as follows:

1. Whether the structure is at such a variance with the established or expected pattern of development in the neighborhood that it would destroy the overall appearance of the neighborhood.

- Staff believes the age and appearance of the proposed relocated 1970s home would fit in well with the neighborhood which is of an older nature with a variety of home

styles that exist. The proposed home will also utilize parking/garage access from the alley, similar to the homes on either side of it.

2. The extent of variance, if any, of the proposed structure with the existing age, bulk, architectural style and quality of construction; and

- Staff believes that the home will fit in well due to its age (constructed in 1970s) and design, which is a mix of other homes on the block. North of the property (at 315 Lyndale Ave N), a home was built in 1980 and a home to the south (301 Lyndale Ave N) was built in 1890. A large majority of the homes on the block are rambler style and built in the 1950s and 60s.

3. The structure will not substantially diminish or impair property values within the neighborhood.

- Staff believes that the structure will fit in well at 1,199 sq ft on the main level which is just under the above ground sq ft average on the block of 1,363 sq ft, be brought up to current building codes and have a new foundation, all of which will not diminish or impair property values within the neighborhood.

Ryan inquired what was previously on the lot before.

Applicant Doug Pint from 40072 Lake Volney Ln, Le Center, stated that the property originally had a shed and a garden. The property was platted in 2020 and does not have utilities.

Ryan seconded by Pike made a motion to open the public hearing at 6:44pm. Motion carried (3-0).

Pike asked why the structure is being relocated rather than being built new.

Pint explained that it was more affordable to relocate the home than to construct the home from scratch. To relocate the home, it will be in the high \$200,000s or low \$300,000s compared to \$400,000 to construct a new home. The home was also selected because it had updated electric.

Pike asked what the plan for the building was and if Pint would be occupying the home.

Pint replied that he intends to make improvements to the home and sell it. The home will likely be transported along Main Street since it is a 10-ton road but the transportation route and time will have to be coordinated with the City and Otting House Movers.

Jason asked if the basement will be constructed.

Pint replied that the basement will be built prior to the transporting of the home.

Pike inquired what the road restrictions would be.

Planning Director Ondich responded that road restrictions are related to spring thaw.

Ryan wondered if a time limitation should be added to the conditional use permit.

Planning Director Ondich stated that a timeframe isn't needed. The \$5,000 escrow is an incentive for contractors to complete the code requirements.

A motion was made by Ryan, seconded by Bentson to close the public hearing at 6:49pm.
Motion carried (3-0).

A motion was made by Ryan and seconded by Bentson, to approve and forward Conditional Use Permit #C1-2024 to City Council with the following conditions:

1. This conditional use permit is only valid for moving in the specifically proposed home that is currently located at Otting House Movers at 27626 Pillsbury Ave, Lakeville MN.
2. All requirements of Section 713 of the Zoning Ordinance for relocating structures must be met.
3. In accordance with the Preliminary and Final plat of Suerai Addition, the developer is responsible for the cost and installation of water, sewer, and electric services to the lot.
4. Property owner should limit site work within the Lyndale Avenue N right of way until reconstruction project is substantially complete. The street location and elevation will change from the existing condition.
5. Property owner should provide staging and access plan on how delivery and placement will occur. The site has steeper boulevard grades on Lyndale Avenue N. Trees and overhead wire may interfere with the alley.
6. Any damage to new street will be the responsibility of the property owner. Installation before street reconstruction would be best (if possible).
7. The placement of the home must be in general compliance with the submitted site plan dated 2/7/24.
8. The proposed parking area from the alley must be paved as required by the Zoning Ordinance.
9. The following improvements must be made to the home before it can be occupied:
 - Home must meet Minnesota State Building Code requirements
 - New windows in bedrooms 2 & 3
 - Closet moved to east wall in bedroom 3
 - Staircase extended to meet code
 - Siding, fascia, soffit, roof repair, and paint as needed
 - New full basement to be finished later
 - Possible deck off master bedroom
 - New window to be placed in dining room
 - Patio door to be placed in master bedroom
 - New laundry location on main floor
 - Install smoke and CO detectors
 - Plumbing installed
 - Garage: frame wall and install fascia, soffit, and siding

And making the following findings to approve the conditional use permit:

- A. The proposed relocated single-family home is an expected use of the lot which is zoned RL-70 Single Family Residential and will not burden existing parks, schools, streets or other public facilities.
- B. The proposed relocated single-family home is fully compatible with the adjacent residential properties and will not cause a depreciation in their value.
- C. The proposed relocated single-family home will not have an adverse effect upon adjacent residential homes in that it is of a similar era, style and size to other homes on the block.
- D. The proposed relocated single-family home is reasonable related to the overall needs of the City and to the existing land use as it is utilizing a residential lot that has been vacant since it was platted in 2020 and for many years prior to its platting and will fit in with the surrounding homes.
- E. The proposed relocated single-family home is consistent with the zoning ordinance as a single-family home is a permitted use in the RL-70 Single Family residential zoning district.
- F. The proposed relocated single-family home is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the RL-70 Single Family Residential Zoning District.
- G. The proposed relocated single-family home will not cause traffic hazard or congestion as it is a use typical of a residential lot.
- H. The proposed relocated single-family home will be located on an existing residential lot with adequate roads and existing utility stubs, which will be completed with the 2024 CIP project.

Motion carried (3-0).

B. Concept Review – Floodplain Ordinance Update

Planning Director Ondich explained that the new FEMA Flood Insurance rate Maps (FIRMs) become effective on July 17, 2024. The Le Sueur County maps updates will include all of New Prague as well as the portions of the city that's in Scott County. The DNR recently contacted the City, explaining that they need to adopt a new floodplain ordinance to continue to participate in the flood insurance program once the new maps take effect. The DNR provided two model ordinance models for confirming the ordinance: the "simplified model floodplain ordinance" and the typical "model floodplain ordinance". Of the two ordinances, the City's current ordinance most closely aligns to the typical model ordinance. However, the DNR recommended that the City consider using the simplified model ordinance since New Prague has had little to no floodplain development in flood zones. As of today, there are very few structures that exist within the floodplain in New Prague. By July 17, 2024 the City must have a new ordinance adopted. Furthermore, the City must submit a draft ordinance to the DNR for review before April 17th, 2024.

Ryan asked for clarification of what constitutes a floodplain.

Planning Director Ondich stated that floodplain are areas near a watercourse that occasionally flood. There are various types of floodplains such as the 100-year floodplain and the 500-year floodplain. A 100-year floodplain means there is a 1% chance of the area

flooding in a given year. A 500-year floodplain means there is a 0.2% (1 in 500 chance) of flooding.

Planning Director added that New Prague currently allows variances for structures to be built in the floodplain but would require floodplain proofing such as using stilts. Compared to other cities, New Prague has few floodplains. He clarified that the simplified model floodplain ordinance would prevent construction from occurring in the floodplain.

Pike observed that the comprehensive plan land use map shows floodplains east of New Prague. As the City expands eastward, there will be more floodplain areas, which could make it difficult to build. The City could always switch back to the typical model ordinance.

The Planning Commissioners showed an interest in pursuing the simplified model ordinance.

5. Miscellaneous

A. Annual Community Development Reports

The annual community development reports were reviewed as information only.

B. HF 4009 Minnesota State Bill

Ryan inquired if there were any updates on the HF 4009 Minnesota State Bill.

Planning Director Ondich explained that the HF 4009 State Bill would take away the community’s local zoning control for multi-family housing. If passed, multi-family housing would not have to meet zoning requirements in communities that have populations over 10,000 people. In other words, multi-family homes could be built on a commercial lot and be 150 feet tall in some cases.

Pike asked what caused this Bill.

Planning Director Ondich responded that the discussions came from Minneapolis and were intended as a way to provide affordable housing. The proposed bill may work in large cities in Minneapolis but not all communities. The bill would limit the number of parking stalls and prevent communities from controlling the appearance of the structure. There isn’t anything in the bill about housing affordability. All the multi-family housing units could be market rate. There are several communities that can’t even reach full occupancy today.

C. Monthly Business Updates

In the month of February, there were 0 new home permits issued, however, staff did receive a new home permit last week for a single family home on Grant Ave NW. Bargain Lodge has moved into the former location of Chalk It Up. A building permit was issued for

internal alteration at the old Mill, which will be used by CVF Racing for storage. Dan Bishop received a building permit for a new office building at 1305 1st St NE. Although not directly business related, the City Council approved MSA to be the consultant for the City Center Small Area Plan for the POPS facility. The consultant will determine how to incorporate the stormwater facilities and maximize the space for future construction. The Small Area Plan is supposed to be complete by July 1st and become an addendum to the new Comprehensive Plan.

D. Comprehensive Plan Update

Planning Director Ondich mentioned that the final joint Planning Commission/Council meeting for the Comprehensive Plan Workshop will take place on Monday 11th at 5:00pm.

E. Move March Planning Commission Meeting to Wednesday April 3rd

The Planning Commissioners did not have an issue with the March 27th Planning Commission meeting being moved to April 3rd, 2024.

6. Adjournment

A motion was made by Ryan, seconded by Bentson, to adjourn the meeting at 7:18 pm. Motion carried (3-0).

Respectfully submitted,



Kyra J. Chapman
Planner

Meeting Minutes
New Prague Planning Commission
Wednesday, April 3, 2024

1. Call Meeting to Order

The meeting was called to order at 6:31 p.m. by Chair Dan Meyer with the following members present were Ann Gengel, Shawn Ryan, Dan Meyer, and Brandon Pike. Absent was Jason Bentson.

City Staff Present: Ken Ondich – Planning / Community Development Director, and Kyra Chapman – Planner

2. Approval of Meeting Minutes

A. February 28th, 2024 Regular Meeting

A motion was made by Ryan seconded by Pike to approve the February 28th regular meeting minutes. Motion carried (4-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Interim Use Permit #I1-2024 – Religious Institution at 100 2nd Ave SW

Planning Director Ondich introduced the #I1-2024 interim use permit for a religious institution called Faith, Recovery & Music at the former flouring mill at 100 2nd Ave SE. Last December, the City approved conditional use permit C5-2023 allowing the gun range in the southern portion of the building. Faith, Recovery & Music intends to utilize 780 sq ft of existing office space inside the mill, north of where the gun range intends to inhabit. The office space will comprise of two small offices and a gathering space for services and bible study. The services are anticipated to take place on Tuesday afternoons, Saturday evenings, and possibly another day. An accessible ramp will be added to the building entrance. One employee will be at the site while in operation.

Planning Director Ondich added that the Comprehensive Plan preliminarily anticipates the site to be rezoned from industrial to “Downtown Flex”. The specific requirements for the downtown flex district have not been determined yet but will likely allow office use including religious institutions as conditional uses. As a result, staff suggested that the applicant apply for an interim use permit, which would allow the use to move forward until the final zoning is established in the updated Comprehensive Plan.

Pike asked how wide the ADA ramp will be.

Planning Director Ondich stated that the ramp will be 4' wide. Furthermore, he explained that the proposed religious institution shall cease if the site is not rezoned to downtown flex by 1/1/2026 or similar zoning distance where religious institutions are either permitted or a conditional use in the zoning district.

Gengel inquired if Urban Flea Market would like to return.

Planning Director Ondich stated that Urban Flea Market is still using the Mill for warehousing purposes. Urban Flea Market has purchased property in Faribault for a new location.

A motion was made by Pike, seconded by Ryan to open the public hearing at 6:51pm. Motion carried (4-0).

A motion was made by Ryan, seconded by Pike, to close the public hearing at 6:51pm. Motion carried (4-0).

Pike suggested that when redeveloping, it would be good to have continuity or visual appeal such as landscaping or painting the building. For instance, you could add prairie grass in front of the office space so it doesn't look like you're driving into a back alley.

Planning Director concurred and believed that those discussions will happen. The IUP is an interim solution at this point and could possibly add that as a condition but that applies more to the building owner.

Pike stated that there could be more vehicle traffic and congestion in the parking lot as more businesses move into the mill. Without the continuity of something more substantial than just parking lot stripping, it could possibly become chaotic.

Ryan inquired if the Planning Commission has any leverage in approving cases such as the gun range at the mill.

Planning Director Ondich stated that the City could mandate this.

Ryan suggested that there could be stipulations added. For instance, if 50% of the available space of a building is occupied or rented, it then requires the owners to provide aesthetic requirements.

Planning Director Ondich stated that will also come into play. They'll eventually need a stormwater plan when parking is added.

Ryan explained that he has no issue with the proposed use but has concerns about the overall vision and how to address the blight. He inquired if changing the use to downtown flex will provide more flexibility and become more open to interpretation.

Pike read off the most recently proposed definition for the downtown flex from the Comprehensive Plan Steering Committee. It includes public, commercial, residential properties that are currently in the downtown area along Main Street E between 21 and Memorial Park. It will allow a variety of uses to continue to work cohesively together.

Planning Director Ondich clarified that the proposed district won't be too different than the existing B1 Central Business District. There will be building aesthetic requirements and maintaining historic features.

Ryan recommended that once the structure is 35% occupied by tenants, there needs to be some plan or overall vision for the property. Perhaps once it becomes 50% occupied, it becomes a much larger requirement. It would allow the city to have more of a say.

Meyer stated that there might be future demolitions of part of the building such as the silos.

Planning Director Ondich mentioned that they are removing a metal roof near the railroad.

A motion was made by Ryan, seconded by Gengel to approve interim use permit I1-2024 to allow a religious institution in the I1-light industrial zoning district with the stipulation that the City let ownership know that once they hit 35% occupancy of the building space that they will need to submit to the city an overall "aesthetic", site and building plan. Motion carried (4-0).

B. Request for Variance #V1-2024 – Fence Setback Variance

Planner Chapman introduced variance V1-2024, which requests the installation of a 6' tall fence 15' from their south property line and 30' from their west property line at 509 Pershing Ave N. Last year, Taylor and Dustin Filan moved to the property with hopes of erecting a 6' privacy fence for added security. Under the current Zoning Ordinance, their proposed fence would not meet zoning ordinance requirements since fences cannot be within 30' of a property line along a roadway to be taller than 4' or allow fences taller than 4' to be located forward of the rear corner of the house. The applicants have multiple reasons for wanting a 6' tall fence which include wanting to enclose their storm door, preventing their dog from jumping the fence, and preventing animals from being able to access their vegetable garden.

Planner Chapman added that if their neighbor at 513 Pershing Ave N wanted to build a 6' tall fence, it would have to be built behind the rear corner of their home which is 57.5' from their west property line. If 505 4th St Ne wanted to build a 6' tall fence, it would have to be 30' from their front corner (south) property line. Staff does not agree with the applicant's proposal because it will alter the essential character of the neighborhood. Staff recommended that the 6' tall fence should be 57.5' from their front (west) property line and 30' from their front corner (south) property line. This would create a more cohesive fence line through the neighborhood and still provide them more access of their northern portion of their property.

Ryan asked if the applicants known about staff’s recommendation.

Planner Chapman replied that the applicants are aware. They are okay with staffs’ recommendation as it would be less limiting than what the Zoning Ordinance currently requires.

Pike explained that if the fence extended further south on their property, visibility along the alley would be lost.

A motion was made by Pike, seconded by Ryan to approve variance V1-2024 to allow a 6’ tall fence that is 30’ from their south property line and 57.5’ from their west property line at 509 Pershing Ave N. Motion carried (4-0).

C. Concept Review of Possible Zoning Ordinance Amendments Relating to RH High Density Residential Zoning District Density, Minimum Lot Area, Useable Open Space and Parking Requirements for Apartment Units

Planning Director Ondich introduced the concept review for a possible 54-unit apartment building south of Walgreens. The current owner, GTT Properties platted the property and installed a portion of 1st Street NE, rezoned the property, obtained setback variances and amended the zoning ordinance to allow a 43-unit apartment building on the property in 2020. Ebert Construction would like to construct a 54-unit apartment building on the parcel versus the previously approved 43-unit apartment building. The proposed units will be smaller than the previously proposed units. The proposed 54-unit building would not meet the density limit or parking stall requirement that the city has. The Zoning Ordinance currently allows 32 units per acre and 2 parking stalls per unit whereas a 54-unit building would be 40 units per acre and 1.7 parking stalls per unit. Ebert Construction intends to construct a variety of units such as alcove (aka studio), 1 bedroom, 1 bedroom + den, 2 bedrooms, and 2 bedrooms + den. Ebert Construction has done similar buildings in other communities such as Sand Creek in Jordan as well as Delano and Farmington.

Ryan asked who will own and manage the property.

Planning Director Ondich explained that GTT Properties intends to sell the land to Ebert Construction. Ebert Construction could sell the property after the building is constructed.

Planning Director Ondich stated that the City is looking at the Minnesota Housing Finance Agency’s (MHFA) Workforce Housing Development Program which could utilize state funds to support the project. There is a limited amount of funding of roughly \$32 million. The program is for market rate not section 8 housing. If awarded, a local match to the funds could be required through a tax abatement from the City, which would rebate tax funds to Ebert Construction for acquisition, connection fees for water and sewer, and construction to develop the market rate apartment units. At the last council meeting, there was a consensus for possibly up to a 15-year period to abate 100% of city taxes. There will still be county and school district taxes that could also be abated if they agree to do so. The proposed apartment building is approximately \$6 million which is equivalent to \$90,000

in taxes per year. Of that \$90,000, approximately a third will go to the city, then another third to school district, and the county. The New Prague Area School District Superintendent and County Administrator have shown interest in the abatement, but they will have to speak with their boards for approval.

Pike asked if it's an anomaly for multi-family housing projects to work through tax incentives.

Planning Director Ondich stated that Ebert's construction interest rate is approximately 7%. If Ebert Construction were given \$1 million through the MHFA grant, it would go in their pocket and be forgiven 100% after a 3-year period.

Pike asked if this would be setting a precedent for future multi-family housing projects.

Planning Director Ondich did not believe it would necessarily set a precedent for all cases since the subject property had already been previously set up for intentions to build a multi-family building. They weren't starting from scratch.

Meyer mentioned that it's hard to believe that three-bedroom apartments can't be rented out unless of course they were priced too high.

Planning Director Ondich received a support letter from the Mayo Health Clinic and the New Prague Area Schools for the apartment complex. They want their employees to have housing in town. A number of their employees live outside of city limits.

Ryan asked for clarification on the change of the density limit of increasing the units per acre from 32 units to 40.

Planning Director Ondich stated that the proposed project would be a one-time variance to allow increased density limit since it is a unique property.

Ryan was concerned about parking stalls.

Planning Director Ondich stated that from Ebert Construction's analysis that with their small unit sizes and mix of units, they don't see profits from units larger than two-bedroom units. In Delano, Ebert Construction has a very similar apartment complex with a similar parking stall requirement and noticed that their parking lot is full about a third of the time, not including holidays.

Ryan was under the impression that once the subject property is built, 1st St SE will be built connecting from Chalupsky Ave SE to 10th Ave SE through Beckius's property.

Planning Director Ondich explained that once Beckius's property is developed, the road will be installed.

Ryan shared concerns of people parking along 3rd St and Chalupsky, especially if 1st St SE cannot be extended until Beckius develops. He also suggested that the City could extend the road if the City helped pay Beckius.

Planning Director Ondich replied that the City would have to utilize eminent domain to condemn the property or Beckius would have to develop on their land to initiate the build out of the road.

Pike explained that if he were a resident in the apartment and parking was crowded, he'd likely park in Walgreens before he parks on the road.

Planning Director Ondich explained that there was a traffic impact study done at New Prague Commons, however, the apartment complex doesn't trigger a traffic study according to the zoning ordinance.

Pike observed that there appears to be two access points with Walgreens and the stub along 1st SE and noted there will be underground parking.

Planning Director Ondich mentioned that the parking lot creates a loop, which is a requirement for fire safety reasons.

Pike inquired if the underground parking lot only has one direction.

Planning Director Ondich confirmed this and stated that it's located on the south side of the property.

Pike explained that those who are parking underground will likely exit south on 1st St SE. Renters may also exit and enter using the north two driveways attached to Walgreens. It shows that exits and entrance will be equally utilized.

Planning Director Ondich added that the school district is mainly concerned that they don't have enough housing in town for their school staff.

Meyer explained that there may be increased foot traffic to Coborn's along Chalupsky Ave SE.

Planning Director Ondich stated that a pedestrian flashing beacon could be installed similar to the one near Praha Village and Hy-Vee.

Ryan explained that there are some concerns that will need to be addressed.

Gengel asked what the timeline is for the project.

Planning Director Ondich stated that the MHFA grant application would have to be submitted by the end of April. Applicants will be notified of their grant status by roughly mid-August. Then City Council would have to discuss the formal approval of the tax

abatement, which could take 60 days. Ebert Construction would submit a variance request and site plans. If everything went perfectly, Ebert Construction could start building in the winter, however, most developers prefer to start construction in the spring.

Consensus of the Planning Commission was to process the request as a variance versus a zoning ordinance amendment.

5. Miscellaneous

A. Monthly Business Update

Planning Director Ondich stated that in February, the City received one new home permit and Autowash Systems was issued a building permit for their new storage building. Starlight Productions is temporarily utilizing the former NP Power Nutrition space due to the fire that happened earlier this year. Bargain Lodge recently opened in the previous Chalk It Up building.

6. Adjournment

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 8:15 pm. Motion carried (4-0).

Respectfully submitted,



Kyra J. Chapman
Planner

Meeting Minutes
New Prague Planning Commission
Wednesday, May 1, 2024

1. Call Meeting to Order

The meeting was called to order at 6:33 p.m. by Chair Dan Meyer with the following members present were Ann Gengel, and Jason Bentson. Absent were Shawn Ryan, and Brandon Pike.

City Staff Present: Ken Ondich – Planning / Community Development Director, and Kyra Chapman – Planner

2. Approval of Meeting Minutes
A. April 3rd, 2024 Regular Meeting

A motion was made by Gengel seconded by Bentson to approve the April 3rd regular meeting minutes. Motion carried (3-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Review of Zoning Ordinance Amendment – Floodplain Ordinance

Planning Director Ondich explained that the city was recently notified by FEMA that the Le Sueur County FEMA Flood Insurance Rate Maps (FIRMs) will become effective on July 17th, 2024. This map update will cover all of New Prague. To continue participation in the National Flood Insurance Program (NFIP), the City must be in compliance and update the floodplain ordinance with FEMA floodplain regulations by July 17th, 2024. There are two main floodplains in New Prague. One is near Southside Park and the other at the School District’s Living Lab. On February 28th, there was a consensus with the Planning Commission to forward with a public hearing with the simplified floodplain ordinance. New Prague has little to no developments in the floodplain and no one has asked for a variance to build in the floodplain in the past 20 years. Adopting the simplified model would make the community consistent.

Meyer stated that the old tattoo shop seems close to the floodplain.

Planning Director Ondich clarified that the structure is outside the floodplain but there is a lot of erosion on the creek bank and potential future erosion. It may be the only building in danger in the future to preserve the shoreline. Although the maps don’t show it, the floodplains extend

further past the city boundary lines on the Scott County side. The FEMA floodplain maps only show floodplains within city boundaries, but the city would like a map that shows the surrounding floodplains since the city will continue to grow and annex land.

A motion was made by Gengel, seconded by Meyer to open the public hearing at 6:45pm. Motion carried (3-0).

No public comment received.

A motion was made by Bentson, seconded by Gengel, to close the public hearing at 6:46pm. Motion carried (3-0).

A motion was made by Bentson, seconded by Meyer to forward a recommendation to approve the simplified floodplain ordinance to the City Council. Motion carried (3-0).

5. Miscellaneous

A. Monthly Business Update

Planning Director Ondich stated that in March, one single family home permit was issued. Bargain Lodge has since moved into their new location. The City Council formally approved the interim use permit for Faith, Recovery & Music to utilize some office space in the former mill. A variance application will likely be submitted in the near future to allow the construction of the 54-unit apartment south of Walgreens. Staff recently submitted an application for the Minnesota Housing Finance Agency's Workforce Housing Development Program that would potentially fund up to \$499,999 for the apartment complex.

B. Comprehensive Plan / Small Area Plan Update

Planning Director Ondich explained that the open house for the city center small area plan will occur on May 8th from 5-7pm at the Broz (212 Main St W). The open house will allow the public to provide input on the two proposed site plans. The City Center site must have a housing component on the north portion of the lot, a stormwater pond, and POPS. So far, the two plans additionally incorporate trails and public parking. In a previous meeting, the mayor recommended the idea of having a community center, which has caught traction in some of the site plans.

Benston asked if there was any news on the Rusty Spoke.

Planning Director Ondich stated that they have applied for a liquor license. They hope to open around Memorial Day but it's contingent on the liquor license approval.

C. Expiring Terms

Planning Director Ondich noted that Ann Gengel's term will expire on May 31st, 2024. He stated that Gengel should have or will receive a phone call soon to set up an interview.

6. Adjournment

A motion was made by Gengel, seconded by Bentson, to adjourn the meeting at 6:58 pm. Motion carried (3-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kyra J. Chapman". The signature is written in a cursive, flowing style.

Kyra J. Chapman
Planner