



CITY COUNCIL MEETING AGENDA

City of New Prague

Monday, April 15, 2024 at 6:00 PM

City Hall Council Chambers - 118 Central Ave N

OPTIONAL ONLINE CONNECTION. MEETINGS ARE IN PERSON.

Log in information for city councilmembers, staff and members of the public:

Please join my meeting from your computer, tablet or smartphone: <https://meet.goto.com/364246853>

You can also dial in using your phone: Access Code: 364-246-853 | United States: +1 (571) 317-3122

Get the app now and be ready when your first meeting starts: <https://meet.goto.com/install>

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. March 18, 2024, City Council Meeting Minutes - Closed
- ii. April 1, 2024, City Council Meeting Minutes
- iii. April 1, 2024, City Council Meeting Minutes - Closed

b. Claims for Payment: **\$181,100.71**

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

d. Premises Permit Extension for Giesenbrau on May 11, 2024

e. Surplus City Property

f. Select Contractor for DNR Grant Funded Settlers Park Prairie Restoration Project

g. Appointment of Police Officer

h. Large Assembly Permits for New Prague Chamber of Commerce:

- i. Czech Out New Prague in Memorial Park on August 1, 2024
- ii. Dozinky Days in Main Street and Memorial Park on September 20-21, 2024
- iii. Parade of Lights in Main Street and Memorial Park on December 6, 2024

i. Monthly Financial Summary

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

(Speakers limited to 5 minutes.)

5. CITY ENGINEER PROJECTS UPDATE

- a.** April 15, 2024

6. PUBLIC HEARING(S) – 6:00 PM

- a.** Partially Vacate Certain Easements in the Plat of Suerai

7. ORDINANCE(S) FOR INTRODUCTION

8. ORDINANCE(S) FOR ADOPTION

- [a.](#) Ordinance #348 - Partially Vacating Certain Easements in the Plat of Suerai

9. RESOLUTIONS

- [a.](#) Resolution #24-04-15-01 - Approving Interim Use Permit #I1-2024 to Allow a Religious Institution in the I-1 Light Industrial Zoning District at 100 2nd Ave SW, as Proposed by Faith, Recovery & Music
- [b.](#) Resolution #24-04-15-02 - Approving Variance (#V1-2024) from the Fence Regulations in the RL 90 Single Family Residential Zoning District at 509 Pershing Ave N, as Proposed by Taylor and Dustin Filan, New Prague, Minnesota
- [c.](#) Resolution #24-04-15-03 - Minnesota Housing Finance Agency Application for the Workforce Housing Development Program

10. GENERAL BUSINESS

11. MISCELLANEOUS

- [a.](#) Meeting Minutes
 - i. Planning
- [b.](#) Discussion of Items not on the Agenda

12. ADJOURNMENT

UPCOMING MEETINGS AND NOTICES:

April 23	6:30 p.m. Golf Board
April 24	6:30 p.m. Planning Commission
April 24	6:30 p.m. Cedar Lake Water & Sanitary Sewer District
April 29	3:30 p.m. Utilities Commission
May 6	6:00 p.m. City Council
May 8	7:30 a.m. EDA Board
May 13	12:00 p.m. Community Center Board
May 14	6:00 p.m. Park Board



SPECIAL CITY COUNCIL MEETING - CLOSED MINUTES

City of New Prague

Monday, March 18, 2024 at 6:05 PM

City Hall Council Chambers - 118 Central Ave N

Mayor Jirik called the Closed portion of the meeting to order at approximately 8:05 p.m.

PRESENT

- Mayor Duane Jirik
- Councilmember Shawn Ryan
- Councilmember Maggie Bass
- Councilmember Rik Seiler
- Councilmember Bruce Wolf
- City Administrator Josh Tetzlaff
- Planning/Community Development Director Ken Ondich

1. **CLOSED SESSION:** Went into Closed session at approximately 8:05 p.m. to conduct a closed City Council meeting to determine the asking price and to consider strategies and to develop or consider offers or counteroffers for the purchase of the following properties and to review confidential appraisal information for such properties:

PIN No. 24.934.1770
 PIN No. 24.934.0020.

2. **ADJOURNMENT**

Motion made by Councilmember Seiler, Seconded by Councilmember Bass to adjourn the meeting at 8:33 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

CITY COUNCIL MEETING MINUTES



City of New Prague

Monday, April 01, 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: Planning/Community Development Director Ken Ondich, Finance Director Robin Pikal, Police Chief Tim Applen, Public Works Director Matt Rynda, and Fire Chief Steve Rynda

Others present: City Attorney Scott Riggs

- a. Pledge of Allegiance

2. APPROVAL OF REGULAR AGENDA

Motion made by Councilmember Seiler, Seconded by Councilmember Ryan 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 Ryan, Seconded by Councilmember Seiler 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. March 4, 2024, City Council Meeting Minutes
 - ii. March 11, 2024, City Council / Planning Commission Joint Meeting Minutes
 - iii. March 18, 2024, City Council Meeting Minutes
- b. Claims for Payment: **\$316,157.58**
- c. Appointment of Two Firefighters
- d. Appointment of Wastewater Treatment Plant Operator Position
- e. Appointment of Streets Position
- f. 1-Day Temporary On-Sale Liquor License for Giesenbrau Bier Co on May 4, 2024

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

Gary Whiteis, 1406 9th St SE, addressed the Council.

5. CITY ENGINEER PROJECTS UPDATE

a. April 1, 2024

City Engineer Chris Knutson provided a memo regarding various project updates taking place around the city.

6. MAIN STREET RECONSTRUCTION PROJECT

a. Change Order #31

Motion made by Councilmember Wolf, Seconded by Councilmember Bass to approve the Change Order as presented.

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

Motion carried (5-0).

7. MHFA WORKFORCE HOUSING PROGRAM

a. 54-Unit Apartment Complex Project

Planning/Community Development Director Ken Ondich provided a brief overview. Baker Tilly Municipal Advisor Director Mikaela Huot addressed the Council and stood for questions. City Council is in support of up to a 100% local match in funding.

8. PUBLIC HEARING(S) – 6:00 PM**9. ORDINANCE(S) FOR INTRODUCTION****10. ORDINANCE(S) FOR ADOPTION****11. RESOLUTIONS**a. Resolution #24-04-01-01 - Providing for the Issuance and Sale of General Obligation Bonds, Series 2024A, in the Proposed Aggregate Principal Amount of \$4,745,000.

Motion made by Councilmember Ryan, Seconded by Councilmember Bass to approve Resolution #24-04-01-01.

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

Motion carried (5-0).

12. GENERAL BUSINESS

a. Police Department Policy Manual Update

Police Chief Tim Applen provided background and updates. Motion made by Councilmember Seiler, Seconded by Mayor Jirik to adopt the police policy manual update.

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

Motion carried (5-0).

13. MISCELLANEOUS

a. Discussion of Items not on the Agenda

- Councilmember Wolf inquired whether the City Center area parcel is going to be used as a staging area for the street improvements. Public Works Director Matt Rynda said no.

Councilmember Wolf also asked about what portion of the water main the City is responsible for.

Public Works Director Rynda advised that Utilities is responsible for the portion from the water main into the house. Previously, Utilities was responsible for the portion from the water main to the road right of way (or curb box).

14. ADJOURNMENT

Motion made by Councilmember Ryan, Seconded by Councilmember Seiler to adjourn the meeting at 7:13 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, April 01, 2024 at 6:05 PM

City Hall Council Chambers - 118 Central Ave N

Mayor Jirik called the Closed portion of the meeting to order at approximately 7:21 p.m.

PRESENT

- Mayor Duane Jirik
- Councilmember Shawn Ryan
- Councilmember Maggie Bass
- Councilmember Rik Seiler
- Councilmember Bruce Wolf
- City Administrator Josh Tetzlaff
- Planning/Community Development Director Ken Ondich
- Attorney Scott Riggs, Kennedy & Graven

1. **CLOSED SESSION:** Went into Closed session at approximately 7:20 p.m. to conduct a closed City Council meeting to determine the asking price and to consider strategies and to develop or consider offers or counteroffers for the purchase of the following properties and to review confidential appraisal information for such properties:

PIN No. 24.934.1770
 PIN No. 24.934.0020.

2. **ADJOURNMENT**

Motion made by Councilmember Wolf, Seconded by Councilmember Seiler to adjourn the meeting at approximately 7:39 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

CITY OF NEW PRAGUE
 ACCOUNTS PAYABLE
 4/15/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
FUND 101 - GENERAL FUND			
<u>RURAL FIRE - TO BE REIMBURSED</u>			
ACME TOOLS	DEWALT BATTERIES	\$39.00	
ACME TOOLS	SAWZALL BLADES	\$45.00	
BEVCOMM	TELEPHONE	\$88.64	
CENTRAL FIRE PROTECTION INC	WATER FIRE EXTINGUISHER	\$160.50	
DELL MARKETING LP	FIRE COMPUTERS	\$2,669.52	
ERIC HOFFMAN	HOTEL / MILEAGE	\$359.60	
LAKERS NEW PRAGUE SANITARY	TRASH - RURAL	\$21.04	
MUNICIPAL EMERGENCY SERVICE	HELMET	\$196.31	
MUNICIPAL EMERGENCY SERVICE	LEATHER BOOT	\$236.18	
PARKVIEW MEDICAL CLINIC	PRE-EMPLOYMENT PHYSICAL	\$55.00	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$16.60	
STAR GROUP LLC.	O-RINGS	\$0.99	
TOTAL:			<u>\$3,888.38</u>
<u>COUNCIL</u>			
AMAZON CAPITAL SERVICES	NAMEPLATE	\$13.83	
SUEL PRINTING	COUNCIL MINUTES	\$1,328.00	
TOTAL:			<u>\$1,341.83</u>
<u>ADMINISTRATION</u>			
ABDO	2023 AUDIT SERVICES	\$15,901.40	
AMAZON CAPITAL SERVICES	PRINTER RIBBON	\$4.29	
AMERICAN MAILING MACHINES	POSTAGE SUPPLIES	\$171.35	
BEVCOMM	TELEPHONE	\$98.95	
GRAINGER	BATTERIES	\$16.57	
VETERAN SHREDDING	CONTRACTED SERVICES	\$8.50	
TOTAL:			<u>\$16,201.06</u>
<u>TECH NETWORK</u>			
COMPUTER TECHNOLOGY SOLUTIONS	COMPUTER SUPPORT	\$5,064.83	
COMPUTER TECHNOLOGY SOLUTIONS	OFFICE 365 / FIREWALL	\$1,402.43	
COMPUTER TECHNOLOGY SOLUTIONS	SERVER UPGRADE	\$1,046.11	
INTERSTATE BATTERIES	FIBER SWITCH BATTERIES	\$363.84	
TOTAL:			<u>\$7,877.21</u>
<u>ATTORNEY</u>			
SCOTT COUNTY ATTORNEY'S OFFICE	MARCH COURT FINES	\$1,250.19	
TOTAL:			<u>\$1,250.19</u>
<u>PLANNING</u>			
AMERICAN MAILING MACHINES	POSTAGE SUPPLIES	\$14.35	
BEVCOMM	TELEPHONE	\$43.47	
SUEL PRINTING	BUILDING PERMITS	\$246.70	
SUEL PRINTING	LEGAL ADS	\$432.00	
TOTAL:			<u>\$736.52</u>
<u>GOVERNMENT BUILDING</u>			
AMAZON CAPITAL SERVICES	CLOCK	\$23.98	
GRAINGER	BATTERIES	\$16.57	
JANI-KING OF MINNESOTA INC	CLEANING SERVICES	\$1,286.63	
LAKERS NEW PRAGUE SANITARY	TRASH - CITY HALL	\$86.87	
MEI TOTAL ELEVATOR SOLUTIONS	ELEVATOR MAINTENANCE	\$66.30	
NORTHLAND CHEMICAL CORP	FLOOR WAX	\$291.84	
SUNDE LAND SURVEYING LLC	POLICE STATION SCHEMATIC DESIGN	\$6,850.00	
WOLD ARCHITECTS AND ENGINEERS	POLICE FACILITY SCHEMATIC DESIGN	\$24,675.00	
TOTAL:			<u>\$33,297.19</u>

CITY OF NEW PRAGUE
ACCOUNTS PAYABLE
4/15/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
<u>POLICE</u>			
AMERICAN MAILING MACHINES	POSTAGE SUPPLIES	\$10.29	
AT&T MOBILITY	WIRELESS CELLS	\$567.13	
BEVCOMM	TELEPHONE	\$105.59	
GRAINGER	BATTERIES	\$23.87	
INTERSTATE BATTERIES	SQUAD BATTERY	\$318.95	
JEFF BELZER NEW PRAGUE FORD	OIL CHANGE	\$136.68	
MN CHIEFS OF POLICE ASSOC.	HANDGUN PERMITS	\$77.00	
PETERSON COUNSELING AND CONSULTING	CONSULTING SERVICE/RETAINER FEE	\$125.00	
TACTICAL SOLUTIONS	RADAR / TUNING FORKS / LASER	\$261.00	
TARGET SOLUTIONS LEARNING	GUARDIAN TRACKING	\$864.08	
TRANSUNION RISK AND ALTERNATIVE	TLO CHARGES	\$75.00	
VERIZON WIRELESS	SQUAD BROADBAND	\$200.05	
VETERAN SHREDDING	CONTRACTED SERVICES	\$42.50	
TOTAL:			\$2,807.14
<u>FIRE</u>			
ACME TOOLS	DEWALT BATTERIES	\$39.00	
ACME TOOLS	SAWZALL BLADES	\$45.00	
BEVCOMM	TELEPHONE	\$88.64	
CENTRAL FIRE PROTECTION INC	WATER FIRE EXTINGUISHER	\$160.50	
CUSTOMIZED FIRE RESCUE TRAINING INC	TRAINING	\$3,870.00	
ERIC HOFFMAN	HOTEL / MILEAGE	\$359.60	
ERIC HOFFMAN	TRAINING	\$285.00	
LAKERS NEW PRAGUE SANITARY	TRASH - FIRE	\$21.03	
MUNICIPAL EMERGENCY SERVICE	HELMET	\$196.31	
MUNICIPAL EMERGENCY SERVICE	LEATHER BOOT	\$236.18	
PARKVIEW MEDICAL CLINIC	PRE-EMPLOYMENT PHYSICAL	\$55.00	
STAR GROUP LLC.	O-RINGS	\$0.99	
TOTAL:			\$5,357.25
<u>BUILDING INSPECTOR</u>			
BEVCOMM	TELEPHONE	\$43.47	
TOTAL:			\$43.47
<u>EMERGENCY MANAGEMENT</u>			
INTERSTATE BATTERIES	SIREN BATTERIES	\$1,343.60	
TOTAL:			\$1,343.60
<u>STREET</u>			
AMAZON CAPITAL SERVICES	TOOLBOX MOUNTING KIT	\$10.99	
BEVCOMM	TELEPHONE	\$73.98	
HYDRA POWER HYDRAULICS	HYD. CYLINDER ROD	\$565.08	
LAKERS NEW PRAGUE SANITARY	TRASH - STREETS	\$122.80	
NOVAK COMPANIES	F550 WING REPAIR	\$121.00	
O'REILLY AUTOMOTIVE INC	WOOD CHIPPER PARTS	\$3.21	
PARKVIEW MEDICAL CLINIC	PRE-EMPLOYMENT PHYSICAL	\$110.00	
ROCK OIL REFINING INC	DISPOSAL OF OIL / FILTERS	\$210.00	
TIM'S SMALL ENGINE SERVICE	CHAINSAW RECOIL	\$40.00	
TODDS AUTO PARTS INC	UTILITY KNIFE	\$13.75	
ZORO TOOLS INC.	RECOVERY STRAP	\$110.69	
TOTAL:			\$1,381.50
<u>PARKS</u>			
AMAZON CAPITAL SERVICES	LIFTING STRAPS	\$35.99	
AMERICAN MAILING MACHINES	POSTAGE SUPPLIES	\$4.76	
BEVCOMM	TELEPHONE	\$31.69	
FERTIMIX INC.	FERTILIZER	\$355.00	
GLOBAL INDUSTRIAL	WATER FILTER	\$158.89	
LAKERS NEW PRAGUE SANITARY	TRASH - PARKS	\$122.80	

CITY OF NEW PRAGUE
 ACCOUNTS PAYABLE
 4/15/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
LANO EQUIPMENT INC	FILTERS	\$252.68	
LE SUEUR COUNTY AUDITOR-TREASURER	PROPERTY TAXES	\$1,268.00	
MTI DISTRIBUTING INC	BLADES & SWITCH	\$54.27	
MTI DISTRIBUTING INC	LAWNMOWER BLADES	\$302.76	
O'REILLY AUTOMOTIVE INC	FILTRS / BRAKE CLEANER	\$66.25	
O'REILLY AUTOMOTIVE INC	WOOD CHIPPER PARTS	\$4.81	
RENT N SAVE PORTABLE SERVICES	PORTABLE RESTROOM	\$155.00	
SCOTT COUNTY	PROPERTY TAXES 412 5TH AVE NW	\$7,107.00	
STAR GROUP LLC.	TRUCK BED COATING	\$173.06	
TIM'S SMALL ENGINE SERVICE	SPARK PLUGS/AIR FILTERS/OIL	\$120.54	
TODDS AUTO PARTS INC	HYDRAULIC LINE	\$114.70	
TOMMY'S ELECTRIC	NEW PARKS GARAGE - ELECTRICAL	\$3,940.00	
TOTAL:			<u><u>\$14,268.20</u></u>
 <u>PARK BOARD</u>			
PARK WAREHOUSE LLC	6' ALUM PICNIC TABLES	\$10,000.00	
TOTAL:			<u><u>\$10,000.00</u></u>
 <u>LIBRARY</u>			
JANI-KING OF MINNESOTA INC	CLEANING SERVICES	\$743.27	
LAKERS NEW PRAGUE SANITARY	TRASH - LIBRARY	\$228.04	
TOTAL:			<u><u>\$971.31</u></u>
 <u>UNALLOCATED</u>			
LE SUEUR COUNTY AUDITOR-TREASURER	PROPERTY TAXES	\$32.00	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$327.00	
TOTAL:			<u><u>\$359.00</u></u>
GENERAL FUND TOTAL:			<u><u>\$101,123.85</u></u>
 FUND 233 - SPECIAL REVENUE - CRIME PREVENTION			
CREATIVE PRODUCT SOURCE INC	PENCILS	\$447.44	
TOTAL:			<u><u>\$447.44</u></u>
 FUND 499 - CAPITAL PROJECTS - GENERAL			
SCOTT COUNTY	PROPERTY TAX 505 5TH AVE NW	\$1,012.00	
TOTAL:			<u><u>\$1,012.00</u></u>
 FUND 602 - ENTERPRISE - SANITARY SEWER			
ABDO	2023 AUDIT SERVICES	\$7,712.26	
AMAZON CAPITAL SERVICES	CARBON MONOXIDE TESTER	\$37.22	
AMAZON CAPITAL SERVICES	CLIPBOARDS	\$24.45	
AMAZON CAPITAL SERVICES	SAFETY GLASSES	\$13.98	
BEVCOMM	TELEPHONE	\$206.17	
COMPUTER TECHNOLOGY SOLUTIONS	COMPUTER SUPPORT	\$1,321.78	
COMPUTER TECHNOLOGY SOLUTIONS	OFFICE 365 / FIREWALL	\$198.10	
COMPUTER TECHNOLOGY SOLUTIONS	SERVER UPGRADE	\$85.05	
GOPHER STATE ONE CALL	LINE LOCATES	\$22.27	
GRAINGER	VALVES	\$394.28	
INDUSTRIAL PNEUMATIC SYSTEM	FILTERS & SERVICE	\$882.31	
INTERSTATE BATTERIES	FIBER SWITCH BATTERIES	\$29.58	
LAKERS NEW PRAGUE SANITARY	TRASH - WWTP	\$244.62	
NEON LINK	ONLINE PAYMENT FEES	\$196.25	
PFC EQUIPMENT INC.	PULSAFEEDER PART	\$2,534.43	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$210.60	
SALTCO	MONTHLY SALT	\$2,102.24	
SOUTHERN MINNESOTA INSPECTION	CRANE INSPECTION	\$757.50	
STAR GROUP LLC.	V-BELT	\$19.74	
STASNEY ELECTRIC	METER REPAIR	\$186.20	

CITY OF NEW PRAGUE
 ACCOUNTS PAYABLE
 4/15/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
SWANSON FLO	ACTUATORS	\$5,459.37	
UNITED STATES PLASTIC CORP	TUBING	\$334.97	
UTILITY CONSULTANTS INC.	SAMPLES	\$2,163.68	
VETERAN SHREDDING	CONTRACTED SERVICES	\$8.50	
ZORO TOOLS INC.	BEARINGS	\$33.56	
ZORO TOOLS INC.	RETRACTABLE KNIFE	\$10.69	
ZORO TOOLS INC.	SMOKE DETECTOR TESTER	\$30.18	
TOTAL:		<u>\$25,219.98</u>	<u>\$25,219.98</u>
FUND 606 - ENTERPRISE - STORM UTILITY			
ABDO	2023 AUDIT SERVICES	\$610.55	
GOPHER STATE ONE CALL	LINE LOCATES	\$22.28	
NEON LINK	ONLINE PAYMENT FEES	\$23.55	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$3.60	
TOTAL:		<u>\$659.98</u>	<u>\$659.98</u>
FUND 651 - ENTERPRISE - AMBULANCE			
ABDO	2023 AUDIT SERVICES	\$66.84	
LAKERS NEW PRAGUE SANITARY	TRASH - AMBULANCE	\$21.04	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$10.20	
TOTAL:		<u>\$98.08</u>	<u>\$98.08</u>
TOTAL ACCOUNTS PAYABLE FOR COUNCIL APPROVAL:			\$128,561.33

Vendor Name	Net Invoice Amount
ACE HARDWARE & PAINT	
DUCT TAPE	\$12.99
SPRING WASHER NUTS	\$14.39
WATER HEATER ELEMENTS	\$77.99
ACUSHNET COMPANY	
CLOTHING	\$5,010.59
CLOTHING - DISCOUNT	\$143.97-
GOLF BALLS	\$746.00
GOLF MERCHANDISE	\$13,242.78
GOLF MERCHANDISE - DISCOUNT	\$352.39-
AMAZON CAPITAL SERVICES	
BATTERY CHARGER	\$179.90
TV MOUNTS	\$45.38
BEVCOMM	
TELEPHONE / CABLE / INTERNET	\$421.52
BREAKTHRU BEVERAGE MINNESOTA	
ALCOHOL	\$1,489.20
CALLAWAY GOLF	
CLOTHING	\$429.30
GOLF MERCHANDISE	\$1,605.80
CARD SERVICES/COBORNS	
FOOD	\$34.70
CENTERPOINT ENERGY	
NATURAL GAS	\$633.33
CENTRAL COMMUNICATIONS	
WIRELESS PA / SPEAKER SYSTEM	\$640.55
CENTRAL MCGOWAN INC	
CO2	\$672.28
LATE FEE	\$15.70
CIT GROUP	
CLOTHING	\$1,978.89
COLLEGE CITY BEVERAGE	
ALCOHOL	\$986.08
DR. FRESH TAP	
TAP CLEANING	\$75.00
ECOLAB INC	
DISHWASHER RENTAL	\$233.49
ECOLAB PEST ELIMINATION	
AIR QUALITY / PEST CONTROL	\$345.99
GFSI LLC	
CLOTHING	\$1,210.97
GOLF ASSOCIATES SCORECARD	
GOLF SCORECARDS	\$1,000.97
GOLF PROFESSIONAL ENTERPRISES LLC	
MANAGEMENT FEE	\$8,347.50
HERMEL WHOLESALE	
CLEANING SUPPLIES	\$187.68
FOOD	\$1,121.34
SUNDRIES	\$169.37
SUPPLIES	\$158.73
J&M GOLF	
GOLF MERCHANDISE	\$377.02
JOHN DEERE FINANCIAL	
ENCODER, RETRO KIT	\$1,244.17
JOSEPH ELLIOT USA LLC	
CLOTHING	\$333.00
GOLF MERCHANDISE	\$1,025.28

Section 3, Item b.

Vendor Name	Net Invoice Amount
LAKERS NEW PRAGUE SANITARY	
TRASH	\$401.98
MGCSA	
MEMBERSHIP RENEWAL	\$165.00
MTI DISTRIBUTING INC	
EQUIPMENT TRAINING	\$342.17
WHEEL STUD, LUG NUT	\$36.76
NEW PRAGUE CHAMBER OF COMMERCE	
DUES	\$82.50
NEW PRAGUE UTILITIES	
ELECTRIC UTILITIES	\$1,387.04
STORM SEWER UTILITIES	\$499.90
WATER UTILITIES	\$287.70
O'CONNOR INC	
CLOTHING	\$1,148.77
PROACTIVE SPORTS INC	
GOLF MERCHANDISE	\$832.00
QUILL CORPORATION	
OFFICE SUPPLIES	\$115.91
R & R PRODUCTS INC.	
BEARINGS, SEALS	\$943.51
SHAKOPEE BREWHALL	
ALCOHOL	\$180.00
SOUTHERN MINNESOTA INSPECTION	
HOIST INSPECTION	\$247.50
ST. ANDREWS PRODUCTS CO.	
GOLF MERCHANDISE	\$247.76
STAR GROUP LLC.	
CREDIT	\$24.38-
GOLF CART BATTERY	\$490.46
HYDRAULIC HOSE	\$91.77
MOWER BATTERY	\$155.36
OIL FILTER	\$20.17
OIL FILTER, RING TERMINALS	\$60.04
SOCKETS	\$58.50
TOW DISTRIBUTING CORP	
ALCOHOL	\$285.00
US BANK EQUIPMENT FINANCE	
COPIER LEASE	\$209.83
VETERAN SHREDDING	
DOCUMENT SHREDDING	\$550.00
VW GOLF	
GOLF MERCHANDISE	\$90.00
RANGE SUPPLIES	\$62.61
Grand Totals	<u>\$52,539.38</u>



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: MIDWEST COUNTRY MUSIC ORGANIZATION – 1-DAY TEMPORARY ON-SALE LIQUOR LICENSE
DATE: APRIL 3, 2024

Attached is an application for a 1-Day Temporary On-Sale Liquor License from Midwest Country Music Organization, requesting permission to serve alcoholic beverages at an event on June 1, 2024, at The Broz, 212 Main Street West, 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 Midwest Country Music Organization for an event on June 1, 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

Section 3, Item c.

**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization	Date of organization	Tax exempt number
MIDWEST COUNTRY MUSIC ORGANIZATION	8/8/2017	82-2166304

Organization Address (No PO Boxes)	City	State	Zip Code
6019 CREEKRIDGE COURT	MINNETONKA	MN	55345

Name of person making application	Business phone	Home phone
BOB KESELEY	612-387-7580	

Date(s) of event	Type of organization	<input type="checkbox"/> Microdistillery	<input type="checkbox"/> Small Brewer
6/01/2024	<input type="checkbox"/> Club	<input type="checkbox"/> Charitable	<input type="checkbox"/> Religious
	<input checked="" type="checkbox"/> Other non-profit		

Organization officer's name	City	State	Zip Code
BOB KESELEY	MINNETONKA	MN	55345

Organization officer's name	City	State	Zip Code
PAUL THOMAS	MAPLE GROVE	MN	55369

Organization officer's name	City	State	Zip Code
RYAN PILGRAM	WACONIA	MN	55382

Location where permit will be used. If an outdoor area, describe.
 212 MAIN ST. W, NEW PRAGUE 56071. EVENT WILL BE INDOORS AND OUTSIDE ON THE PROPERTY.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.
 1319 WOODFIRE TAVERN, 125 MAIN ST. E. NEW PRAGUE, MN 56071

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
 ATLAS INSURANCE BROKERS. 1,000,000.00

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

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

Date Approved

June 1, 2024

Permit Date

jrhoenwald@ci.new-prague.mn.us
 City or County E-mail Address

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, 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, Police Chief / Emergency Manager

Date: Tuesday April 9, 2024

Subject: Temporary Patio Extension request by Giesenbräu Bier Co LLC

Giesenbräu Bier Co LLC made a request for a premises extension for consumption of alcohol for Saturday May 11th from 3 p.m. – 9 p.m. This event is a lager festival, LagerLiebe. The event will be in a fenced in area on the west side of the building with access from the double doors on the west side of building. Music will be contained to the interior of the building (Taproom).

Erin Franklin Hutton provided a certificate of insurance as proof of extended liquor liability insurance for the outside property and provided the permit fees for the event. Consumption of alcoholic beverages in non-glass containers would be allowed inside the fenced in area. Serving of alcohol will be contained within the building. Attached is a map which indicates the fence placement. This event will have the same layout as the previously approved Oktoberfest and other fundraising and seasonal events.

The following conditions are set forth to control alcohol access for underage consumption:

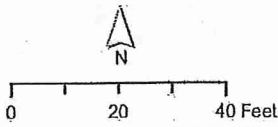
- Outdoor event will take place during business hours Friday, August 26th, 2023.
- Consumption of alcoholic beverages in non-glass sealed containers would be allowed in the fenced in area. All other serving of alcohol will be contained within the building.
- The fence will be installed prior to event, with contact points to the building (or semi-permanent structure) affixed in a manner that does not allow for easy access through that contact point.
- The “fenced in area” will be accessible through the business entrance. The business entry will be monitored by employees to aid in monitoring for unlawful consumption and maintaining control of the consumption area.
- All guests will be identified by photo id, to prevent underage sale of alcohol.

Action recommended: Approval of Temporary Patio Extension request on May 11th, 2024, from 3 p.m. – 9 p.m. by Giesenbräu Bier Co LLC with the above conditions.

Site Map



Prepared by:
City of New Prague
Planning Department
Date: 8/22/18
For Reference Purposes Only.



Disclaimer: This map was prepared using the City's GIS and is based on the County and City Street Data maintained by the County and City. While the City believes that the data is accurate, the City does not warrant that data in the GIS is error free and the City does not represent that the GIS data can be used for purposes such as navigation or any other purpose requiring the exact measurement of distance and direction or the precise depiction of geographic features. This disclaimer is pursuant to Minnesota Statutes 466.03 Subd. 21. The user of this map acknowledges that the City shall not be liable for any damages that may arise from this map or the information it contains.



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: MATT RYNDA – PUBLIC WORKS DIRECTOR
SUBJECT: SURPLUS CITY PROPERTY
DATE: APRIL 8, 2024

The City has the following item that is no longer being used and would like the Council’s approval to sell an old rental house furnace.



Recommendation:

Staff recommends that the City Council declare the old rental house furnace as surplus property and authorize to sell this item.



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: SELECT CONTRACTOR FOR DNR GRANT FUNDED SETTLERS PARK PRAIRIE RESTORATION PROJECT
DATE: APRIL 11, 2024

In 2023, New Prague was awarded \$40,475 through the DNR Conservation Partners Legacy Grant Program for the Settlers Park Prairie and Wetland Restoration project. Of the awarded funds, \$39,875 may be allocated to contracted work and native prairie seeds. The remaining amount of the project funds will go towards signage. The objective of the project is to convert the western portion of Settlers Park into native prairie land as it was originally intended when the park was founded.

Proposals were solicited by posting the RFP on the League of Minnesota Cities website, New Prague Times notices, and the City Website during the month of February with a due date of March 8th. A total of 3 proposals were received. Planning/Community Development Director Ondich, Park Maintenance Supervisor Calliguri, and Planner Chapman reviewed the proposals during the weeks of April 1st and April 8th.

According to the grant contract, the proposals must be subject to prevailing wages. Of the three firms, only two provided prevailing wages.

Firm	Fee
MNL Heal the Earth	\$46,520
Rock Leaf Water Environmental	\$35,362
RES	\$38,934

After considering the firms’ proposals, project estimates, and references, staff recommend the selection of Rock Leaf Water Environmental. Rock Leaf Water Environmental had good references from other organizations and had the lowest budget request. Furthermore, they are a DBE (Disadvantaged Business Enterprise) certified woman-owned business.

Staff Recommendation

Staff recommends that the City Council approve the selection of Rock Leaf Water Environmental to complete the Settlers Park Native Prairie and Wetland Restoration project and to approve the contract in an amount not to exceed \$35,362.

Settlers Park –
Prairie & Wetland Restoration, 2024-2026



1.0 COMPANY BACKGROUND INFORMATION

- **Business name** - Rock Leaf Water Environmental LLC
- **Mailing Address** - 13230 Island View Drive NW, Elk River, MN 55330
- **Office Location** - 281 Commerce Circle, Fridley, MN 55432
- **DBE/TG/CERT** - Certified Woman-Owned Business

2.0 KEY PERSONNEL

Rock Leaf Project Manager: Gabe Vasquez, Interim Natural Resources Specialist
Phone: 218-310-4295

Email: Gabe.Vasquez@rlwenvironmental.com

- Ecology & Field Biology B.S.
- Experience seeding native prairies using various techniques, including operation of no-till seed drilling.
- Licensed MN Pesticide Applicator.
- Knowledge and understanding of techniques to effectively use herbicide, including techniques to decrease herbicide drift.
- Maintained native prairies by spot mowing and herbicide treatment of non-native species.
- Four years of experience identifying and managing invasive species.
- Four years of experience removing and thinning trees.
- Four years of experience safely using equipment needed to fell, move, and chip trees.
- Maintained native woodlands by removing and thinning invasive tree and shrub species.
- Knowledge and understanding of principles that will ensure a decrease in the potential of spreading invasives in or out of the project area.

Nate Gillett, Natural Resource Crew Supervisor

Email: Nate.Gillett@rlwenvironmental.com

- Water Resources B.S. from Stevens Point, Watershed Science A.S.
- Licensed MN & WI Pesticide Applicator.
- BWSR Wetland Professional in Training Certification with two years of delineation experience.
- MNDOT Landscape Specialist Certification.
- Experience seeding native prairies using different techniques.
- Maintained native prairies by spot mowing and spot herbicide treatment of non-native species.
- Three years of experience identifying and managing invasive species.

Rock Leaf Admin: Nicole Schwartz, Business Assistant

Phone: 833-762-5532 x701

Email: Nicole.Schwartz@rlwenvironmental.com

Additional Rock Leaf environmental technicians will assist with site prep, seeding and management throughout the project.

Settlers Park –
Prairie & Wetland Restoration, 2024-2026



3.0 PRICE QUOTE

Rock Leaf understands that this contract is subject to Minnesota prevailing wage rates.

Contracted Task	Qty	Unit	Unit Cost	Total
Site Prep Herbicide	3	Trips	\$2,035.00	\$6,105.00
Site Prep Mow	1	Trip	\$1,975.00	\$1,975.00
Native Seeding: Wet Prairie	1.5	Acres	\$1,555.00	\$2,332.50
Native Seeding: Mesic Prairie	5	Acres	\$1,190.00	\$5,950.00
Management Mow	4	Trips	\$1,975.00	\$7,900.00
Management Spot Herbicide	3	Trips	\$3,700.00	\$11,100.00
PROJECT TOTAL				\$35,362.50

Settlers Park –
 Prairie & Wetland Restoration, 2024-2026



4.0 EQUIPMENT & SCHEDULE

Rock Leaf understands that all work must be completed before the end of June, 2026.

Contracted Task	Equipment	*Tentative Schedule
Site Prep Herbicide	UTV with broadcast sprayer Herbicide backpacks	Week of May 20th, 2024 Week of June 3rd, 2024 Week of May 19, 2025
Site Prep Mow	Zero turn ride-on mower Hand tools as necessary	Week of June 24, 2024
Native Seeding: Wet Prairie	Dew Drop No-Till Drill, UTV, Harrow Rake	Week of October 7, 2024
Native Seeding: Mesic Prairie	Dew Drop No-Till Drill, UTV, Harrow Rake	Week of October 7, 2024
Management Mow	Zero turn ride-on mower Hand tools as necessary	Week of May 19, 2024 Week of July 21, 2025 Week of September 22, 2025 Week of May 4, 2026
Management Spot Herbicide	Herbicide Backpacks	Week of June 16, 2025 Week of September 8, 2025 Week of May 18, 2026

*Exact days are subject to change

Settlers Park –
Prairie & Wetland Restoration, 2024-2026



5.0 VALUE ADDED ITEMS

Rock Leaf prides itself on being responsive and accessible to our clients. We keep clear, concise reports and/or maps on all projects and communicate frequently with clients to make sure they are receiving the highest level of service possible.

Rock Leaf Water Environmental has an all-encompassing insurance package of \$10,000,000, including pollution insurance.

We have a history of following through on our projects to completion and are readily available to continue the work for a fee after the completion of the proposed project.

We are also an emergency response company, which allows us flexibility in scheduling. If the weather or something else interrupts the project, we will be able to find another time to complete the project.

The restoration and maintenance of our natural resources are critical to the health of ourselves, our ecosystem, and our society. At Rock Leaf, we strongly agree with this statement, and we want to do all we can to improve our natural resources. Rock Leaf staff has the knowledge and experience to complete this project effectively and efficiently. Rock Leaf would be excited to be a resource for your current and future natural resource project needs.

Certified Woman Owned - We are a DBE, MN Targeted Vendor, and CERT certified company.

6.0 CERTIFICATIONS

*Copies of licenses and certifications are available upon request.

HAZWOPER 40
MN & WI Pesticide Applicators
MNDOT Landscape Specialists
BWSR MN Wetland Professionals in Training
UMN Ecological Restoration Certifications
National Environmental Trainer
Resource Conservation & Recovery Act (RCRA) Training
Environmental Safety Specialists
Stormwater Management Inspector
Industrial Safety Specialists
Wildland Firefighter Red Card

Settlers Park Prairie and Wetland Restoration Work RFP

Background

Settlers Park is a 10-acre park located in southeastern New Prague. The eastern half of the park consists of several amenities such as a playground, sun shelter, and two baseball fields. The western half of the park is designated as the “Green Meadow” (or “Zelena Louka” in Czech language), comprising of a stormwater pond, two natural wetland areas, and a paved path connecting to the sidewalk along 10th Ave SE. When Settlers Park was first founded in 2001, the western (“Green Meadow”) section of the park was intended to become native prairie land. Since then, woody vegetation including several invasive plants such as buckthorn, reed canary grass, and brome grass have grown in the park, negatively impacting the ecosystem. As a result, staff have cut down most invasive vegetation and undesirable trees.

In 2023, the City of New Prague received grant funding through the DNR ECP (Expedited Conservation Project) for the Settlers Park Prairie and Wetland Restoration project. The purpose of the project is to convert the western section of the park into a prairie as it was originally intended. The City is looking for contractors to conduct the remainder of the grant funded project. The following contracted work is needed: site prep herbicide, site prep mow, native seeding, management mow, and management spot herbicide.

Methods

Late last year and early 2024, the city has removed a majority of invasive and undesirable plants and trees. Some native trees were salvaged. The first phase of contracted work will begin in the spring of 2024 and consist of herbicide treatments to prevent regrowth of invasive species. Mowing will also be utilized with the herbicide treatments to reduce vegetation and encourage regrowth before another application. Preparation will ensure non-native vegetation is controlled prior to installing native seed. This process will occur over the growing season and may go into the next growing season.

Once adequate control is obtained, native seed will be installed, using a combination of equipment and hand seeding, depending on site access. Equipment will include a tractor and no till seed drill or broadcast seed spreader. Any hand seeding will be raked to ensure soil to seed contact. No straw mulch or other erosion control is expected to prevent any disruption to the soil. Tilling or discing will be avoided to prevent erosion and bringing weed seeds to the surface. Seed mixes will be a combination of mesic prairie in the upland areas and wet prairie around the existing wetlands. BWSR state mixes (Board of Water & Soil Resources) for mesic and riparian (35-241 and 34-262) will be used.

Location

Settlers Parks is located at 1114 9th St SE, New Prague MN 56071. All contracted work will occur in the western section of the park (6 acres), stretching from the west property line along 10th Ave SE to the end of the path near the parking lot.

Timeline

Contracted Task	Unit	Timeframe
Site Prep Herbicide	3 trips	Spring 2024, Summer 2024 (Possibly Spring 2025)
Site Prep Mow	1 trip	Between Spring 2024, Summer 2024, and Fall 2024
Native Seeding (Wet Prairie and Mesic Prairie)	Mesic Prairie Seed – 5 acres Wet Prairie Seed – 1.5 acres	Fall 2024/Winter 2025 (Possibly 2025 if needed)
Management Mow	4 trips	Spring 2025, Summer 2025, Fall 2025, Spring 2026
Management Spot Herbicide	3 trips	Summer 2025, Fall 2025, Spring 2026, Summer 2026

- All contracted work must be completed before the end of June 2026

Fees

The proposal shall contain “not to exceed” cost for the project. Proposals that do not include a “do not exceed” cost will not be accepted. It’s the responsibility of the contractor to estimate the amount of time needed to complete the work.

As a requirement of grant, the project is subject to prevailing wage rules per Minn. Stat. §§177.41 through 177.44. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. Information on prevailing wage requirements can be found on the Department of Labor and Industry (DOLI) website at <https://www.dli.mn.gov/business/employment-practices/prevailing-wage-information> or call DOLI at 651-284-5091.

Requested Information

In a PDF document, please write an estimate of how much each contracted task will cost and provide an anticipated timeframe (specific weeks) to complete these tasks. Please also list all

materials or equipment that you will utilize to conclude the work. In addition to the RFP, please fill out the prevailing wage form.

Proposal Due

Proposals must be submitted no later than 4:30pm on Friday, March 8th, 2024.

Submittal of Proposal

Please email your submission to both contacts below:

Kyra Chapman / Planner

Email: kchapman@ci.new-prague.mn.us

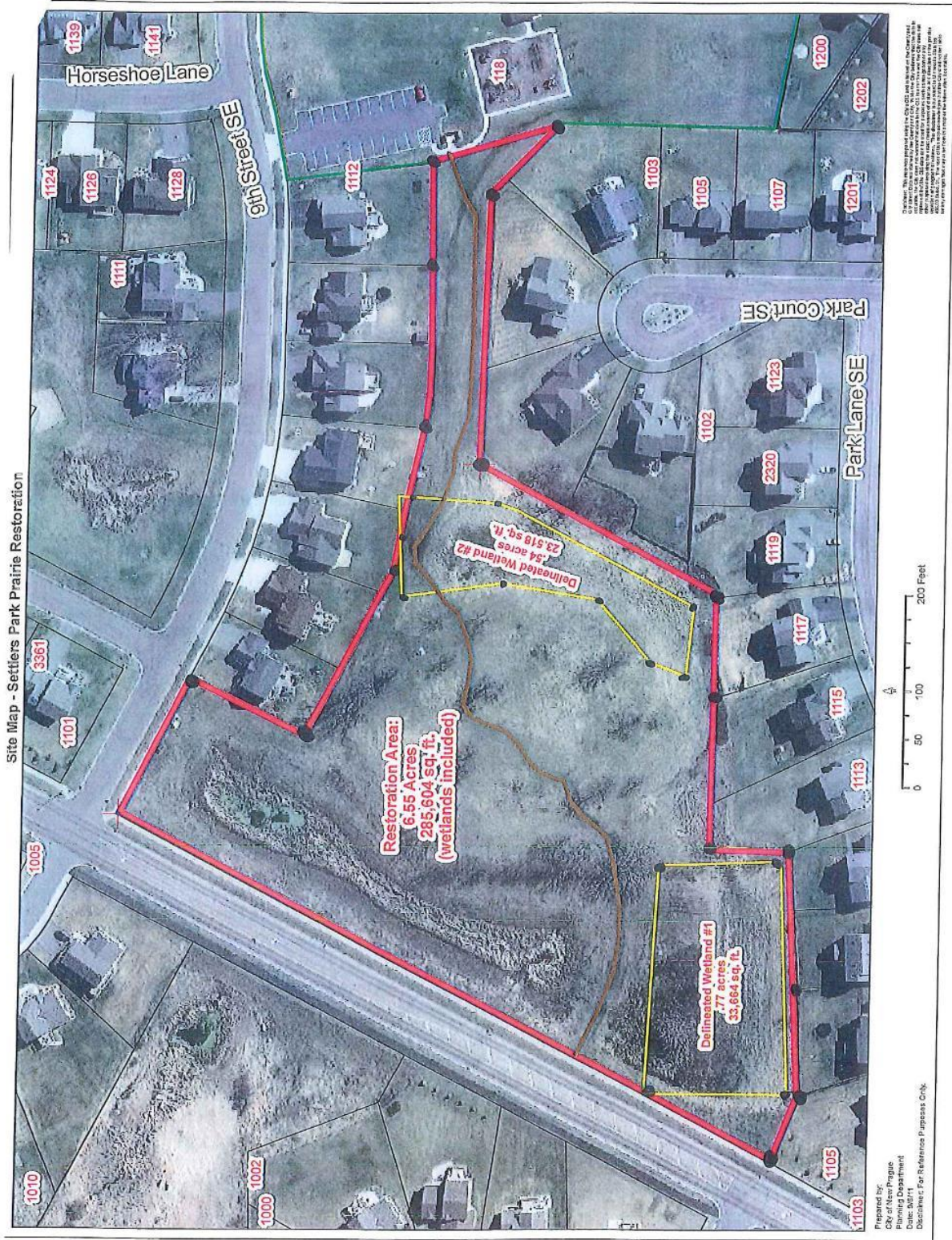
AND

Jim Calliguri / Parks Department Supervisor

E-mail: jcalliguri@ci.new-prague.mn.us

If you have specific questions, please call 952-758-4401.

Settlers Park Survey and Boundary Marker Locations



Settlers Park Native Seeding Zones Plan





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: Tuesday, April 9, 2024

Subject: Appointment of Nick Orrie for the Police Officer position.

City Staff advertised for a Police Officer position in the New Prague Times, on the League of Minnesota Cities website, MN Police Officer’s Opportunity Line website (MN POST website), and the City of New Prague Website. The posting remains ongoing until open positions are filled.

In an ongoing effort to fill open Police Officer positions interviews are conducted as qualified applications are received. Four applications were received in March 2024, interviews were conducted with three of the four applicants the week of April 1st, 2024. The fourth applicant withdrew from the process. Mr. Orrie’s education, professional experience, and demeanor will make him a great addition to the New Prague Police Department. He will serve the community with professionalism, dignity, and integrity.

An initial starting wage of \$38.57 per hour/Step 3 (\$80,225.60 per year) on the 2024 Police Union Agreement Schedule “A”.

I would recommend the appointment of Mr. Nick Orrie to Police Officer position with an effective starting date of May 1, 2024, based on the successful completion of all elements in the conditional offer.

RECOMMENDATION: Appointment of Mr. Nick Orrie as a Police Officer per the recommendation listed above.



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 TETZLAFF – CITY ADMINISTRATOR

FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN – PLANNER

SUBJECT: LARGE ASSEMBLY PERMITS FOR NEW PRAGUE CHAMBER OF COMMERCE:
CZECH OUT NEW PRAGUE, DOŽÍNKY AND HOLIDAY PARADE

DATE: APRIL 12, 2024

The New Prague Chamber of Commerce submitted applications on 4/1/24 for three Large Assembly Permits in Memorial Park which include:

- Czech Out New Prague in Memorial Park – 8/1/2024
- Dožínky on Main Street & in Memorial Park – 9/20/2024-9/21/2024
- Holiday Parade/Events on Main Street & in Memorial Park – 12/6/2024

This is the second year these events are being reviewed under the City’s new Large Assembly Permit process. City staff offers conditions for approval based on current information presented and past practice for these events.

At their April 9th, 2024 meeting, the Park Board unanimously recommended approval of the events in Memorial Park and Downtown with the conditions listed.

Staff Recommendation

Motion to approve of the Large Assembly Permits for the New Prague Chamber of Commerce for the following events with the conditions as listed:

1. Czech Out New Prague in Memorial Park – 8/1/2024
2. Dožínky on Main Street & in Memorial Park – 9/20/2024 - 9/21/2024
3. Holiday Parade/Events on Main Street & in Memorial Park – 12/6/2024

Conditions for Czech Out New Prague in Memorial Park – 8/1/2024

1. The City of New Prague shall be named as additional insured for the event since it is taking place in Memorial Park and shall also be provided a copy of the Certificate of Insurance. The City shall be held harmless for any injuries or damages occurring during the event.
2. All of Memorial Park shall be reserved for the event from 6 pm to 9pm on December 6th, 2024.
3. The City of New Prague will provide for up to 20 additional garbage receptacles in the park to be used by Chamber officials.
4. New Prague Chamber of Commerce shall provide notification of the event and associated activities to residential properties adjacent to Memorial Park at least one week prior to the event.
5. New Prague Chamber of Commerce shall be allowed to utilize the bathrooms in the park during the event if they are still operating.
6. Electrical provisions in the park and shelter areas are limited. Events that require large amounts of electricity may require temporary service connections or a portable generator. All temporary electrical connections or portable generators will be required to be inspected by the state electrical inspector. Event holders should contact the New Prague utilities to review the event requirements and any cost that may be incurred.
7. New Prague Chamber of Commerce shall provide for their own crowd control and parking attendance.
8. Live or recorded music must cease at 10 pm or earlier.
9. State/County road closure permit applications must be completed and submitted to, and approved by, the appropriate county or state entities.

Conditions for Dožínky on Main Street & in Memorial Park – 9/20/2024 - 9/21/2024

1. The City of New Prague shall be named as additional insured for the event since it is taking place in Memorial Park and shall also be provided a copy of the Certificate of Insurance. The City shall be held harmless for any injuries or damages occurring during the event.
2. All of Memorial Park shall be reserved for the event from 10am on September 20th, 2024 to the 21st at 5 pm.

3. The City of New Prague will provide additional garbage receptacles in the park and along Main Street to be used by the Chamber for garbage collection.
4. New Prague Chamber of Commerce shall provide notification of the event and associated activities to residential properties adjacent to Memorial Park at least one week prior to the event.
5. New Prague Chamber of Commerce shall be allowed to utilize the bathrooms in the park during the event but must also provide multiple locations of portable restrooms along Main Street.
6. Electrical provisions in the park and shelter areas are limited. Events that require large amounts of electricity may require temporary service connections or a portable generator. All temporary electrical connections or portable generators will be required to be inspected by the state electrical inspector. Event holders should contact the New Prague utilities to review the event requirements and any cost that may be incurred.
7. New Prague Chamber of Commerce shall provide for their own set up of the stages, crowd control and parking attendance.
8. New Prague Chamber of Commerce or any other vendor selling alcoholic beverages shall be limited to an area within the licensed premises, which is an area designated by barricades with controlled entry and exit points, for the specified time limit.
9. All glass containers are prohibited within the licensed premises and the licensee agrees to notify all liquor establishments authorized to sell or otherwise dispense alcoholic beverages during the assembly that only plastic or aluminum containers shall be allowed.
10. Live or recorded music must cease at midnight at the downtown stage.
11. State/County road closure permit applications must be completed and submitted to, and approved by, the appropriate county or state entities.
12. Main Street will be barricaded from 10th Ave. west to TH13/21 from 5pm on Friday September 20th to 5pm on Saturday, September 21st.

Conditions for Holiday Parade/Events on Main Street & in Memorial Park – 12/6/2024

1. The City of New Prague shall be named as additional insured for the event since it is taking place in Memorial Park and shall also be provided a copy of the Certificate of Insurance. The City shall be held harmless for any injuries or damages occurring during the event.

2. All of Memorial Park shall be reserved for the event from 6 pm to 9pm on December 6th, 2024.
3. The City of New Prague will provide for up to 20 additional garbage receptacles in the park to be used by Chamber officials.
4. New Prague Chamber of Commerce shall provide notification of the event and associated activities to residential properties adjacent to Memorial Park at least one week prior to the event.
5. New Prague Chamber of Commerce shall be allowed to utilize the bathrooms in the park during the event if they are still operating.
6. Electrical provisions in the park and shelter areas are limited. Events that require large amounts of electricity may require temporary service connections or a portable generator. All temporary electrical connections or portable generators will be required to be inspected by the state electrical inspector. Event holders should contact the New Prague utilities to review the event requirements and any cost that may be incurred.
7. New Prague Chamber of Commerce shall provide for their own crowd control and parking attendance.
8. Live or recorded music must cease at 10 pm or earlier.
9. State/County road closure permit applications must be completed and submitted to, and approved by, the appropriate county or state entities.

Unaudited Income Statement
Through February 29, 2024
Percent of year complete: 16.66%

Section 3, Item i.

	Prior Year 2023 Thru 2/28/2023	Actual Thru 2/29/2024	2022/2023 Variance YTD	Current Month 2/29/2024	2024 Adopted Budget	2024 Budget Balance	% Actual compared to Budget
General Fund							
REVENUES							
Property Taxes	\$ -	\$ -	\$ -	\$ -	\$ 3,749,628	\$ 3,749,628	0.00%
Local Government Aid	\$ -	\$ -	\$ -	\$ -	\$ 1,183,527	\$ 1,183,527	0.00%
Licenses and permits	\$ 21,711.58	\$ 68,835.80	\$ 47,124.22	\$ 57,256.95	\$ 250,255	\$ 181,419	27.51%
Intergovernmental	\$ 60,334.00	\$ 62,180.50	\$ 1,846.50	\$ -	\$ 383,672	\$ 321,492	16.21%
Charges for services	\$ 946.91	\$ 1,595.25	\$ 648.34	\$ 1,058.75	\$ 81,164	\$ 79,569	1.97%
Fines	\$ 4,406.78	\$ 3,174.49	\$ (1,232.29)	\$ 1,681.57	\$ 20,000	\$ 16,826	15.87%
Interest Income	\$ 41,207.44	\$ 69,145.72	\$ 27,938.28	\$ 60,854.54	\$ 125,000	\$ 55,854	55.32%
Miscellaneous revenue	\$ 44,135.25	\$ 8,446.58	\$ (35,688.67)	\$ 8,440.00	\$ 200,500	\$ 192,053	4.21%
Transfers In	\$ 7,500.00	\$ 6,666.66	\$ (833.34)	\$ 3,333.33	\$ 425,894	\$ 419,227	1.57%
TOTAL REVENUES	\$ 180,241.96	\$ 220,045.00	\$ 39,803.04	\$ 132,625.14	\$ 6,419,640.00	\$ 6,199,595.00	3.43%
EXPENSES							
Council	\$ 20,799.29	\$ 17,897.03	\$ (2,902.26)	\$ 12,153.31	\$ 76,142	\$ 58,245	23.50%
Administration	\$ 95,206.83	\$ 75,546.68	\$ (19,660.15)	\$ 40,471.82	\$ 461,644	\$ 386,097	16.36%
Tech Network	\$ 93,071.23	\$ 36,934.66	\$ (56,136.57)	\$ 19,995.14	\$ 207,383	\$ 170,448	17.81%
Elections	\$ 1,214.00	\$ 1,233.96	\$ 19.96	\$ 33.96	\$ 15,900	\$ 14,666	7.76%
Assessor	\$ -	\$ -	\$ -	\$ -	\$ 45,700	\$ 45,700	0.00%
Attorney	\$ 15,322.72	\$ 6,053.79	\$ (9,268.93)	\$ 1,681.57	\$ 70,000	\$ 63,946	8.65%
Engineer	\$ 680.00	\$ 113.00	\$ (567.00)	\$ 113.00	\$ 20,000	\$ 19,887	0.57%
Planning	\$ 41,810.48	\$ 42,364.92	\$ 554.44	\$ 22,823.65	\$ 405,723	\$ 363,358	10.44%
Government Building	\$ 14,276.95	\$ 50,629.48	\$ 36,352.53	\$ 29,644.94	\$ 174,138	\$ 123,509	29.07%
Police	\$ 410,978.36	\$ 405,860.02	\$ (5,118.34)	\$ 193,114.72	\$ 2,196,296	\$ 1,790,436	18.48%
Fire	\$ 33,250.38	\$ 40,103.74	\$ 6,853.36	\$ 25,835.26	\$ 252,332	\$ 212,228	15.89%
Building Inspector	\$ 45,342.19	\$ 48,304.36	\$ 2,962.17	\$ 24,797.36	\$ 341,054	\$ 292,750	14.16%
Emergency Management	\$ 489.00	\$ -	\$ (489.00)	\$ -	\$ 2,637	\$ 2,637	0.00%
Animal Control	\$ 3,900.00	\$ 3,900.00	\$ -	\$ -	\$ 15,750	\$ 11,850	24.76%
Public Works	\$ 20,989.98	\$ 19,631.74	\$ (1,358.24)	\$ 11,819.32	\$ 116,637	\$ 97,005	16.83%
Streets	\$ 189,727.77	\$ 177,539.06	\$ (12,188.71)	\$ 79,946.82	\$ 892,825	\$ 715,286	19.89%
Street Lights	\$ 14,978.76	\$ 13,345.23	\$ (1,633.53)	\$ 6,403.56	\$ 72,333	\$ 58,988	18.45%
Outdoor Swimming Pool	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
Aquatic Center	\$ 13,129.14	\$ 12,857.14	\$ (272.00)	\$ -	\$ 116,251	\$ 103,394	11.06%
Municipal Band	\$ -	\$ -	\$ -	\$ -	\$ 4,484	\$ 4,484	0.00%
Parks	\$ 314,719.24	\$ 107,552.47	\$ (207,166.77)	\$ 69,708.46	\$ 621,815	\$ 514,263	17.30%
Park Board	\$ -	\$ -	\$ -	\$ -	\$ 180,000	\$ 180,000	0.00%
Library	\$ 7,872.84	\$ 5,159.05	\$ (2,713.79)	\$ 2,074.75	\$ 33,265	\$ 28,106	15.51%
Unallocated	\$ 16,767.30	\$ 2,742.28	\$ (14,025.02)	\$ 757.00	\$ 97,331	\$ 94,589	2.82%
TOTAL EXPENSES	\$ 1,354,526.46	\$ 1,067,768.61	\$ (286,757.85)	\$ 541,374.64	\$ 6,419,640.00	\$ 5,351,871.39	16.63%
EXCESS REVENUES OVER EXPENSES	\$ (1,174,284.50)	\$ (847,723.61)	\$ 326,560.89	\$ (408,749.50)	\$ -	\$ 847,723.61	

Unaudited Income Statement
Through February 29, 2024
Percent of year complete: 16.66%

Section 3, Item i.

	Prior Year 2023 Thru 2/28/2023	Actual Thru 2/29/2024	2022/2023 Variance YTD	Current Month 2/29/2024	2024 Adopted Budget	2024 Budget Balance	% Actual compared to Budget
Ambulance							
TOTAL REVENUES	\$ 5,455.08	\$ 5,917.09	\$ 462.01	\$ 2,401.48	\$ 20,100	\$ 14,183	29.44%
TOTAL EXPENSES	\$ 5,844.45	\$ 3,061.77	\$ (2,782.68)	\$ 1,004.79	\$ 12,366	\$ 9,304	24.76%
EXCESS REVENUES OVER EXPENSES	<u>\$ (389.37)</u>	<u>\$ 2,855.32</u>	<u>\$ 3,244.69</u>	<u>\$ 1,396.69</u>	<u>\$ 7,734.00</u>	<u>\$ 4,878.68</u>	
EDA							
TOTAL REVENUES	\$ 1,071.94	\$ 2,084.55	\$ 1,012.61	\$ 1,634.58	\$ 75,250.00	\$ 73,165	2.77%
TOTAL EXPENSES	\$ 14,442.26	\$ 8,083.78	\$ (6,358.48)	\$ 4,151.35	\$ 75,250.00	\$ 67,166	10.74%
EXCESS REVENUES OVER EXPENSES	<u>\$ (13,370.32)</u>	<u>\$ (5,999.23)</u>	<u>\$ 7,371.09</u>	<u>\$ (2,516.77)</u>	<u>\$ -</u>	<u>\$ 5,999.23</u>	
EDA- INDUSTRIAL							
TOTAL REVENUES	\$ 473.48	\$ 919.99	\$ 446.51	\$ 721.17	\$ -	\$ (920)	0.00%
TOTAL EXPENSES	\$ 453.58	\$ 461.18	\$ 7.60	\$ (453.58)	\$ 1,773	\$ 1,312	26.01%
EXCESS REVENUES OVER EXPENSES	<u>\$ 19.90</u>	<u>\$ 458.81</u>	<u>\$ 438.91</u>	<u>\$ 1,174.75</u>	<u>\$ (1,773.00)</u>	<u>\$ (2,231.81)</u>	
WATER FUND							
TOTAL REVENUES	\$ 258,355.60	\$ 268,878.38	\$ 10,522.78	\$ 136,261.43	\$ 1,877,961.00	\$ 1,609,082.62	14.32%
TOTAL EXPENSES	\$ 268,835.16	\$ 317,635.41	\$ 48,848.18	\$ 148,313.16	\$ 1,589,904.00	\$ 1,272,286.78	19.98%
EXCESS REVENUES OVER EXPENSES	<u>\$ (10,479.56)</u>	<u>\$ (48,757.03)</u>	<u>\$ (38,325.40)</u>	<u>\$ (12,051.73)</u>	<u>\$ 288,057.00</u>	<u>\$ 336,795.84</u>	
ELECTRIC FUND							
TOTAL REVENUES	\$ 1,634,869.04	\$ 1,829,132.14	\$ 194,263.10	\$ 847,209.59	\$ 10,474,072.00	\$ 8,644,939.86	17.46%
TOTAL EXPENSES	\$ 1,475,872.33	\$ 1,518,616.43	\$ 42,455.90	\$ 812,713.79	\$ 10,076,160.00	\$ 8,557,831.77	15.07%
EXCESS REVENUES OVER EXPENSES	<u>\$ 158,996.71</u>	<u>\$ 310,515.71</u>	<u>\$ 151,807.20</u>	<u>\$ 34,495.80</u>	<u>\$ 397,912.00</u>	<u>\$ 87,108.09</u>	

Unaudited Income Statement
Through February 29, 2024
Percent of year complete: 16.66%

Section 3, Item i.

	Prior Year 2023 Thru 2/28/2023	Actual Thru 2/29/2024	2022/2023 Variance YTD	Current Month 2/29/2024	2024 Adopted Budget	2024 Budget Balance	% Actual compared to Budget
SANITARY SEWER							
TOTAL REVENUES	\$ 607,117.70	\$ 667,765.58	\$ 60,647.88	\$ 374,383.10	\$ 3,677,947.00	\$ 3,010,181.42	18.16%
TOTAL EXPENSES	\$ 1,075,455.64	\$ 967,687.26	\$ (107,768.38)	\$ 272,296.53	\$ 4,057,592.00	\$ 3,089,904.74	23.85%
EXCESS REVENUES OVER EXPENSES	<u>\$ (468,337.94)</u>	<u>\$ (299,921.68)</u>	<u>\$ 168,416.26</u>	<u>\$ 102,086.57</u>	<u>\$ (379,645.00)</u>	<u>\$ (79,723.32)</u>	
GOLF							
TOTAL REVENUES	\$ 128,376.61	\$ 135,787.91	\$ 7,411.30	\$ 30,784.94	\$ 1,392,982.00	\$ 1,257,194.09	9.75%
TOTAL EXPENSES	\$ 156,508.65	\$ 133,362.39	\$ (23,146.26)	\$ 67,516.79	\$ 1,408,833.11	\$ 1,275,470.72	9.47%
EXCESS REVENUES OVER EXPENSES	<u>\$ (28,132.04)</u>	<u>\$ 2,425.52</u>	<u>\$ 30,557.56</u>	<u>\$ (36,731.85)</u>	<u>\$ (15,851.11)</u>	<u>\$ (18,276.63)</u>	
STORM SEWER							
TOTAL REVENUES	\$ 69,542.66	\$ 73,774.99	\$ 4,232.33	\$ 38,395.96	\$ 401,040.00	\$ 327,265.01	18.40%
TOTAL EXPENSES	\$ 77,624.03	\$ 97,587.80	\$ 19,963.77	\$ 30,966.56	\$ 403,445.00	\$ 305,857.20	24.19%
EXCESS REVENUES OVER EXPENSES	<u>\$ (8,081.37)</u>	<u>\$ (23,812.81)</u>	<u>\$ (15,731.44)</u>	<u>\$ 7,429.40</u>	<u>\$ (2,405.00)</u>	<u>\$ 21,407.81</u>	



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: April 11, 2024

RE: Project Updates

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

2023 STREET AND UTILITY IMPROVEMENTS

The project has reached substantial completion and is on hold until the spring. A preliminary punch list review has been completed. The contractor indicated they'd like to complete concrete repairs the week of April 22nd when the subcontractor is in the area.

2024 STREET AND UTILITY IMPROVEMENTS PROJECT

Work by the contractor is expected to start on April 19th with reclamation of the Phase 1 streets. Work the following week will likely include removals, temporary water, and starting sanitary sewer installation on Lyndale Avenue. N. Centerpoint has been installing new gas mains and services ahead of BCM Construction and has slightly slowed the start of the street project by a few days.

The contractor will have two pipe crews on Lyndale Avenue with one starting at 4th Street NE and the other starting at Main Street, both working there way toward 2nd Street NE installing sanitary sewer.

HSIP 10TH AVENUE SE-1ST STREET SE RRFB

The project is substantially complete with the RRFB functional. Project closeout will come next. A pay application is expected with the next council meeting.

MAIN STREET (TH19) RECONSTRUCTION PROJECT

The approved change order and final pay application has been sent to S.M. Hentges for review and signature. It will then go to the City and then MnDOT for approval. This may be approved at the next council meeting.

cdk
x:\ko\newpr\common\council meetings\041524 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: PUBLIC HEARING AND ADOPTION OF ORDINANCE #348 FOR PARTIAL VACATION OF CERTAIN EASEMENTS IN THE PLAT OF SUERAI, AS PROPOSED BY THE CITY OF NEW PRAGUE
DATE: APRIL 5, 2024

In 2020, the final plat for Suerai was approved which divided one large single family with an existing home into three total lots. As part of the platting process, drainage and utility easements were required around the perimeter of the plat. As is typical during a plat review, a condition was added that stated the following regarding minimum easements that must be provided for on the plat: “Drainage and utility easements must be established on the lots as described: Twenty foot wide drainage and utility easements must be centered on rear and front lot lines. Ten foot wide utility easements must be centered on side lot lines, unless the side lot line abuts a public right-of-way where the easement must be 20 feet wide.”. When the plat arrived for signatures, staff noted the easements were drawn in the plat at double the required width and because the matter occurred during the Covid pandemic which was causing delays with certain projects, the plat was ultimately signed and filed with the understanding that the City would partially vacate the unnecessary easement width at a later date.

Staff does not believe there to be any utility lines (public or private) located in the easements being vacated at this time. At the time of writing this memo, staff had not received any comments regarding the vacation of the easements.

At the March 18th City Council meeting, a public hearing was scheduled for tonight’s meeting and the ordinance which would vacate the described drainage and utility easements was introduced. Since that time, a notice was published twice in the New Prague Times and notices were mailed directly to utility companies so they could provide comments, if any, on the easement vacation request.

Staff Recommendation

Staff recommends holding the required public hearing and subject to comments received at the public hearing should adopt the ordinance titled “An Ordinance Partially Vacating Certain Easements in the Plat of Suerai”.

EXHIBIT A - PARTIAL EASEMENT VACATION

SUERA I

NOTARIZATION OF RESOLUTION: Know all persons that Jeffrey A. McLaughlin, a single person, the County and First National Bank of Le Center, a Minnesota Corporation, mortgage of the following described property situated in the County of Scott, State of Minnesota to-wit:

Lot 1, 2, 3, and 4, Block 3, PARK ADDITION, Scott County, Minnesota.

has caused and caused to be signed and attested as follows and placed as public use the drainage and utility easements as amended by this act.

I, Notary Public, Jeffrey A. McLaughlin, a single person, do hereby certify that the foregoing was signed and attested as follows and placed as public use the drainage and utility easements as amended by this act.

NOTARY CERTIFICATE
 COUNTY OF SCOTT
 My Commission Expires: 2/28/2020

In witness whereof and Jeffrey A. McLaughlin, a single person, has hereunto set his hand this 27th day of July, 2020.

NOTARY CERTIFICATE
 COUNTY OF SCOTT
 My Commission Expires: 2/28/2020

In witness whereof and First National Bank of Le Center, a Minnesota Corporation, has caused these presents to be signed by its proper officer this 27th day of July, 2020.

NOTARY CERTIFICATE
 COUNTY OF SCOTT
 My Commission Expires: 2/28/2020

NOTARY CERTIFICATE
 COUNTY OF SCOTT
 My Commission Expires: 2/28/2020

NOTARY CERTIFICATE
 COUNTY OF SCOTT
 My Commission Expires: 2/28/2020

VICINITY MAP
 PART OF SEC. 34, TWP. 15, RANG. 23
 SCOTT COUNTY, MINNESOTA
 (NO SCALE)

LEGEND

- (S) SHOWN TO BE THE PROPERTY SET AND
- (M) MARKED BY LOT OR ALIENATION AS
- (D) DEDICATED FROM PREVIOUS RECORD AS
- (C) CROSSED SHOWN RECORD AS
- (P) DEDICATED TO BE USED FOR PUBLIC USE

APPROVALS

This act was approved and accepted by the Planning Commission of the City of New Prague, Minnesota, approved the 27th day of July, 2020.

Be it known that on this 27th day of July, 2020, the Council of New Prague, Minnesota, did duly approve this act of vacation and is in compliance with the provisions of Minnesota Statutes, Section 55A.03, Subd. 2.

I hereby certify that I have examined the plat of SUERA I and do hereby recommend the plat for approval as to form this 27th day of September, 2020.

NOTARY CERTIFICATE
 COUNTY OF SCOTT
 My Commission Expires: 12/31/2026

NOTARY CERTIFICATE
 COUNTY OF SCOTT
 My Commission Expires: 2/28/2020

NOTARY CERTIFICATE
 COUNTY OF SCOTT
 My Commission Expires: 2/28/2020

COUNTY RECORDS
 I hereby certify that this plat was filed in the office of the 8th day of October, 2020, 12:15 P.M., as Document number A 1103878.

Judith Hansen, by Janice Jones, Deputy
 Scott County Recorder

ORDINANCE #348

**AN ORDINANCE
PARTIALLY VACATING CERTAIN EASEMENTS IN THE PLAT OF SUERAI**

WHEREAS, the New Prague City Council previously passed Resolution #24-03-18-01 noting the City of New Prague’s interest in partially vacating certain drainage and utility easements as identified in the resolution and the exhibit to the resolution, pursuant to Section 12.06 of the New Prague City Charter, legally described as follows:

The east 10’ of the 20’ drainage and utility easement adjacent to the west line of Lots 1, 2 and 3, Block 1, Suerai, Scott County, Minnesota.

The west 10’ of the 20’ drainage and utility easement adjacent to the east line of Lots 1, 2, and 3, Block 1, Suerai, Scott County, Minnesota.

The south 5’ of the 10’ drainage and utility easement adjacent to the north line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The south 5’ of the 10’ drainage and utility easement adjacent to the north line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The south 5’ of the 10’ drainage and utility easement adjacent to the north line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

The north 5’ of the 10’ drainage and utility easement adjacent to the south line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The north 5’ of the 10’ drainage and utility easement adjacent to the south line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The north 10’ of the 20’ drainage and utility easement adjacent to the south line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

(with such easements hereinafter referred to as the “Property”); and

WHEREAS, a public hearing to consider the vacation of the Property was held on the 15th day of April, 2024, before the City Council in the City Hall located at 118 Central Avenue North, New Prague, Minnesota, after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 19th day of March, 2024 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the Property proposed to be vacated, reserves the right to continue the same or to enter upon such Property, way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the partial vacation of the Property will benefit the public interest because the Property will no longer be used for easement purposes as the extraneous easement area is not necessary for public purposes.

WHEREAS, a majority of all members of the City Council concur in this ordinance;

NOW, THEREFORE, THE CITY OF NEW PRAGUE, SCOTT AND LESUEUR COUNTIES, MINNESOTA, ORDAINS:

SECTION 1. An uncodified City ordinance is adopted pursuant to Chapter 12.06 of the New Prague City Charter to provide as follows:

Subdivision 1. The recitals set forth in this Ordinance are incorporated into and made a part of this Ordinance.

Subdivision 2. The City controls the dedicated Property located in Scott County, Minnesota, with the legal description of the Property being as follows:

The east 10’ of the 20’ drainage and utility easement adjacent to the west line of Lots 1, 2 and 3, Block 1, Suerai, Scott County, Minnesota.

The west 10’ of the 20’ drainage and utility easement adjacent to the east line of Lots 1, 2, and 3, Block 1, Suerai, Scott County, Minnesota.

The south 5’ of the 10’ drainage and utility easement adjacent to the north line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The south 5’ of the 10’ drainage and utility easement adjacent to the north line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The north 10' of the 20' drainage and utility easement adjacent to the south line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

Subdivision 3. The City Council has determined that vacation of the Property will further the public interest and welfare.

Subdivision 4. As provided by Section 12.06 of the New Prague City Charter, the City Council authorizes and grants the vacation of the Property such that the Property described as follows is hereby vacated:

The east 10' of the 20' drainage and utility easement adjacent to the west line of Lots 1, 2 and 3, Block 1, Suerai, Scott County, Minnesota.

The west 10' of the 20' drainage and utility easement adjacent to the east line of Lots 1, 2, and 3, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The north 10' of the 20' drainage and utility easement adjacent to the south line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

Subdivision 5. The Mayor and City Administrator, staff and consultants are hereby authorized and directed to sign all documents or take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Ordinance.

SECTION 2. This ordinance shall take effect and be in force upon its publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, the 18th day of March, 2024.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on or before March 19th, 2024.

Passed by the City Council of the City of New Prague, Minnesota, this 15th day of April, 2024 and to be published on the 25th day of April, 2024.

Duane J. Jirik, Mayor

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

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

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

THIS INSTRUMENT DRAFTED BY:

Kenneth D. Ondich
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401

Exhibit A

EXHIBIT A - PARTIAL EASEMENT VACATION

SUERAI

INSTRUMENT OF DEDICATION. This Jeffrey A. McLaughlin, a single person, the owner of the National Bank of Le Center, a Minnesota Corporation, has caused the following described property situated in the County of Scott, State of Minnesota, to wit:

Lots 1, 2, 3, and 4, Block 3, PARK ADDITION, Scott County, Minnesota.

Has caused the same to be surveyed and platted as SUERAI and does hereby dedicate to the public for use as the drainage and utility easements as created by this plat.

I, Jeffrey A. McLaughlin, a single person, has hereunto set his hand this 24th day of August, 2020.

Jeffrey A. McLaughlin
 Jeffrey A. McLaughlin
 Notary Public, Minnesota
 My Commission Expires 03/31/2022

The instrument was acknowledged before me this 24th day of August, 2020, by Jeffrey A. McLaughlin (Signature) _____ (Print name) Jeffrey A. McLaughlin My Commission Expires 03/31/2022

In witness whereof and First National Bank of Le Center, a Minnesota Corporation, has caused their president to be signed by its proper officer this 12th day of AUGUST, 2020.

Signed: Gregory G. Traylor for First National Bank of Le Center
 Gregory G. Traylor, President
 My Commission Expires 03/31/2022

NOTARY'S CERTIFICATE. I, Gregory G. Traylor, Notary Public, Minnesota, do hereby certify that the foregoing instrument was acknowledged before me on the 12th day of AUGUST, 2020, by Gregory G. Traylor, President of First National Bank of Le Center, a Minnesota Corporation. The instrument was acknowledged before me on the 12th day of AUGUST, 2020, by Gregory G. Traylor, President of First National Bank of Le Center, a Minnesota Corporation. My Commission Expires 03/31/2022

SURVEYOR'S CERTIFICATE. I, Michael J. Johnson, a duly licensed and sworn-in Professional Land Surveyor, do hereby certify that the plat is a correct representation of the survey and that the same complies with the laws of Minnesota. My Commission Expires 03/31/2022

NOTARY'S CERTIFICATE. I, Michael J. Johnson, Notary Public, Minnesota, do hereby certify that the foregoing instrument was acknowledged before me on the 27th day of July, 2020, by Paul D. Nelson, Licensed Land Surveyor. My Commission Expires 03/31/2022

APPROVALS. I hereby certify that I have examined the plat of SUERAI and do hereby recommend the plat for approval as to form this 27th day of July, 2020. City Council Member
Paul D. Nelson
 Paul D. Nelson
 My Commission Expires 03/31/2022

I hereby certify that I have examined the plat of SUERAI and do hereby recommend the plat for approval as to form this 27th day of July, 2020.
Michael J. Johnson
 Michael J. Johnson
 My Commission Expires 03/31/2022

Pursuant to Minnesota Statutes, Chapter 369.09, Subd. 1, as amended, the plat has been reviewed and approved this 27th day of July, 2020.
Scott County Auditor
 Scott County Auditor
 My Commission Expires 03/31/2022

COUNTY AUDITOR AND TREASURER. I hereby certify that the correct and adequate fees on the same described within are paid and transfer is entered this 27th day of July, 2020.
Scott County Treasurer
 Scott County Treasurer
 My Commission Expires 03/31/2022

COUNTY RECORDER. I hereby certify the plat was filed in this office this 27th day of July, 2020, at 12:16 PM, in Document Number AL105878.
Jodi Johnson, by Jeni J. Jansky, Deputy
 Jodi Johnson, by Jeni J. Jansky, Deputy
 My Commission Expires 03/31/2022

LEGEND

- (S) CENTER LINE OF HIGHWAY
- (D) DITCHES
- (P) DISTRICT DISTANCE PER PLAT PANK ADDITION

VICINITY MAP
 PART OF SEC. 34, TWP. 10, R. 25
 SCOTT COUNTY, MINNESOTA

GRAPHIC SCALE
 SCALE IN FEET
 0 10 20 30 40

NOTES:

- CONCRETE SET IN PLACE FOR SET AND MARKED BY LICENSE NUMBER 4329
- DITCHES FROM INQUIRY FOUND AS LABELED
- DITCHES FROM INQUIRY FOUND AS LABELED
- DITCHES DISTANCE PER PLAT PANK ADDITION

2089



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: REQUEST FOR INTERIM USE PERMIT #I1-2024 TO ALLOW A RELIGIOUS INSTITUTION IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND AVE SW, AS PROPOSED BY FAITH, RECOVERY & MUSIC.
DATE: APRIL 5, 2024

Planning Commission Summary

At the Planning Commission meeting on April 3rd, 2024, the request for Interim Use Permit #I1-2024 to allow a religious institution in the I-1 Light Industrial District, located at 100 2nd Ave SW was recommended for approval by a unanimous vote of 4-0.

The public hearing did not generate any comments received.

General discussion from the Planning Commission indicated that they were ok with the proposed interim use permit and use, but that they would like to have staff notify the property owner that they would like to see an overall plan submitted which is reflected in the resolution as a “whereas” which states the following:

***WHEREAS**, the Planning Commission included a stipulation as part of their motion for approval 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” for the property; and,*

The recommendation for approval is contained in the drafted resolution for the Council’s consideration.

Recommendation

The Planning Commission recommends approval of the attached resolution “...Approving Interim Use Permit #I1-2024...”.

RESOLUTION #24-04-15-01

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING INTERIM USE PERMIT #I1-2024 TO ALLOW A RELIGIOUS
INSTITUTION IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND
AVE SW, AS PROPOSED BY FAITH, RECOVERY & MUSIC**

WHEREAS, Faith, Recovery & Music, applicant, and New Prague Mill, LLC, owner, of the following real estate in the County of Le Sueur to wit:

Parcel 1:
Lots 1, 2, 3, and 4 in Block No. 4, in the Village (now City) of New Prague, Le Sueur County, Minnesota.

Parcel 2:
Lot 4, Block 26, Syndicate Addition to New Prague, Le Sueur County, Minnesota, together with that part of the North half of the Vacated alley lying West of the Southerly extension of the East line of said Lot 4.

Parcel 3:
Block 22 of “Beans Re-Arrangement of Block 22 and 23 Syndicate Addition to New Prague”.

Parcel 4: Block 23 of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the vacated alley and the North half of vacated “L” street as shown on said Plat.

Parcel 5:
Lots 1 and 2, Block 23-1/2, of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the South half of vacated “L” Street as shown on said Plat.

Parcel 6:
Commencing with the intersection of the County Road with the line of the right way of the M. & St. L. Ry. Co., on the East side of their track, thence running East 70 feet, thence South 356 feet to a point 75 feet East of the said right of way line, thence west 75 feet to said right of way, thence

running North 356 feet to the point of beginning, being in the NW1/4 of NW1/4 of Sec. 3-112-23, Le Sueur County, Minnesota.

Parcel 7:

The tract of land lying and being in the County of Le Sueur and State of Minnesota, described as follows, to wit: Beginning at a point on the North line of Section Three (3), Township One Hundred Twelve (112) North, Range Twenty-three (23) West, said point being distant East, One Hundred Fifty (150) feet, measured along said section line from the original centerline of the Railways main track; thence Southwardly Four Hundred Nine and Five-Tenths (409.5) feet, to a point distant Easterly Sixty-Seven and Ninety-seven Hundredths (67.97) feet, measured at right angles thereto, from said centerline of main track, thence Northwardly, parallel with said centerline of main track, Three Hundred Seven and One-Tenth, (307.1) feet; thence eastwardly at right angles, Three and Six Tenths (3.6) feet; thence Northwardly about One Hundred (100) feet to a point on said Section line distant West Sixty-Nine and Seventy-Three Hundredths (69.73) feet from the point of beginning; thence East, upon and along said Section line Sixty-Nine and Seventy-three Hundredths (69.73) feet to the point of beginning.

Parcel 8:

That part of the NW1/4 NW1/4 of Section 3, Township 112 North, Range 23 West, City of New Prague, Le Sueur County, Minnesota, described as follows: Commencing at the intersection of the centerline of main track of the Union Pacific Railroad Company and the North line of Section 3; thence N. 90 degrees 00 minutes 00 seconds E. (assumed bearing) along the North line of Section 3, a distance of 150.00 feet; thence S. 07 degrees 06 minutes 51 seconds W., 409.64 feet to a point distant 67.97 feet Easterly of and measured at right angles from the centerline of said main track; thence N. 04 degrees 22 minutes 30 seconds W., parallel with the centerline of said main track, 307.10 feet; thence N. 85 degrees 37 minutes 30 seconds E., 3.60 feet; thence N. 00 degrees 28 minutes 52 seconds E., 67.01 feet to the Southerly right of way line of State Highway No. 19 (Main Street); thence N. 90 degrees 00 minutes 00 seconds W., along said right of way line, a distance of 27.32 feet to a point distant 50.00 feet Easterly of and measured at right angles to the centerline of said main track; thence S. 04 degrees 22 minutes 30 seconds E., parallel with the centerline of said main track, 464.37 feet; thence N. 07 degrees 06 minutes 51 seconds E., 90.22 feet to the point of beginning.

are requesting an interim use permit to allow a religious institution in the I-1 Light Industrial Zoning District at 100 2nd Ave. SW, 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 #I1-2024, a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 3rd day of April, 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 the matter to the City Council with a recommendation for approval subject to the findings and conditions contained in staff report #I1-2014 and as amended at the Planning Commission Meeting; and,

WHEREAS, the Planning Commission included a stipulation as part of their motion for approval 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” for the property; and,

WHEREAS, the New Prague City Council finds:

- A. The proposed interim use for a religious institution will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is tentatively guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed religious institution is acceptable in that it is utilizing an office area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years which could possibly include the use as either permitted or conditional, at which time this use will no longer need the “interim” label.
- C. The proposed religious institution will not hinder permanent development of the site as it is utilizing an existing former industrial office area of an existing building and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.
- D. The proposed religious institution will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.
- E. The proposed religious institution will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing office space and will have adequate off-street parking.
- F. The proposed religious institution will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing existing office space in an existing building.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed religious institution’s use.
- H. The proposed religious institution will not impose additional costs on the public if it is necessary for the public to take the property in the future.

WHEREAS, the New Prague City Council approves the request with the following conditions:

- 1. The proposed religious institution shall cease to operate at the site on 1/1/2026 if it is not rezoned to a “downtown flex” or similar zoning district where religious institutions are either a permitted or conditional use in said zoning district.
- 2. Except as otherwise authorized by the Zoning Ordinance, this interim use shall conform to this Ordinance as if it were established as a conditional use.
- 3. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
- 4. Approval is in general accordance with the area indicated on the floor plan included in the staff report (undated) on file with the Planning Department.
- 5. At least 10 off-street parking spaces, including required accessible space(s), must be available for the proposed use.
- 6. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
- 7. All lighting must conform to Section 704 of the Zoning Ordinance

- 8. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance.
- 9. WAC/SAC Charges are due and owed at the time of issuance of a building permit.
- 10. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, and acting on the application approved herein, including but necessarily limited to any fees charged by the city’s professional consultants in accordance with established rates.
- 11. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules, and regulations.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that Interim Use Permit #I1-2024, to allow a religious institution in the I-1 Light Industrial Zoning District at 100 2nd Ave. SW, is hereby **approved**.

This Interim Use Permit is approved effective immediately upon its passage and without publication.

Passed this 15th day of April, 2024.

Duane J. Jirik, Mayor

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

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

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

THIS INSTRUMENT DRAFTED BY:
Kenneth D. Ondich
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
SUBJECT: REQUEST FOR INTERIM USE PERMIT #I1-2024 TO ALLOW A RELIGIOUS INSTITUTION IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND AVE SW, AS PROPOSED BY FAITH, RECOVERY & MUSIC.
DATE: MARCH 21, 2024

Background

The New Prague Flouring Mill was first established in 1896 and was the main economic driver in the City, making New Prague a large manufacturer of flour for several years. However, in 2019 Miller Milling closed their business, later selling the property to current owners, New Prague Mill, LLC, who use the property largely for warehousing purposes with tenants from MVE Biological Solutions and Autowash Systems, Inc. and CVF Racing. Additionally, Conditional Use Permit #C5-2023 was approved by the City Council on 12/4/23 for a gun range in the very southern portion of the building.

The applicant is proposing to use approximately 780 sq. ft. of existing office space at the former mill building for their religious institution use which will comprise of two small offices (one approximately 12’ x 14’ in size and the other approximately 9’ x 14’ in size) and a room for gathering space for services and bible study (19’ x 23’ for possibly up to 30 people). The services are anticipated to take place Tuesday afternoons and Saturday evenings. It is likely that another day will be used for bible study. While there are two offices, there will only be one staff person on site. The owners of the building are allowing the applicant to use existing paved parking spaces located in front of the office area. The building owners are also planning to add an accessible ramp into the building.

Legal Description

Parcel 1:
Lots 1, 2, 3, and 4 in Block No. 4, in the Village (now City) of New Prague, Le Sueur County, Minnesota.

Parcel 2:
Lot 4, Block 26, Syndicate Addition to New Prague, Le Sueur County, Minnesota, together with that part of the North half of the Vacated alley lying West of the Southerly extension of the East line of said Lot 4.

Parcel 3:
Block 22 of “Beans Re-Arrangement of Block 22 and 23 Syndicate Addition to New Prague”.

Parcel 4: Block 23 of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the vacated alley and the North half of vacated “L” street as shown on said Plat.

Parcel 5:

Lots 1 and 2, Block 23-1/2, of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the South half of vacated “L” Street as shown on said Plat.

Parcel 6:

Commencing with the intersection of the County Road with the line of the right way of the M. & St. L. Ry. Co., on the East side of their track, thence running East 70 feet, thence South 356 feet to a point 75 feet East of the said right of way line, thence west 75 feet to said right of way, thence running North 356 feet to the point of beginning, being in the NW1/4 of NW1/4 of Sec. 3-112-23, Le Sueur County, Minnesota.

Parcel 7:

The tract of land lying and being in the County of Le Sueur and State of Minnesota, described as follows, to wit: Beginning at a point on the North line of Section Three (3), Township One Hundred Twelve (112) North, Range Twenty-three (23) West, said point being distant East, One Hundred Fifty (150) feet, measured along said section line from the original centerline of the Railways main track; thence Southwardly Four Hundred Nine and Five-Tenths (409.5) feet, to a point distant Easterly Sixty-Seven and Ninety-seven Hundredths (67.97) feet, measured at right angles thereto, from said centerline of main track, thence Northwardly, parallel with said centerline of main track, Three Hundred Seven and One-Tenth, (307.1) feet; thence eastwardly at right angles, Three and Six Tenths (3.6) feet; thence Northwardly about One Hundred (100) feet to a point on said Section line distant West Sixty-Nine and Seventy-Three Hundredths (69.73) feet from the point of beginning; thence East, upon and along said Section line Sixty-Nine and Seventy-three Hundredths (69.73) feet to the point of beginning.

Parcel 8:

That part of the NW1/4 NW1/4 of Section 3, Township 112 North, Range 23 West, City of New Prague, Le Sueur County, Minnesota, described as follows: Commencing at the intersection of the centerline of main track of the Union Pacific Railroad Company and the North line of Section 3; thence N. 90 degrees 00 minutes 00 seconds E. (assumed bearing) along the North line of Section 3, a distance of 150.00 feet; thence S. 07 degrees 06 minutes 51 seconds W., 409.64 feet to a point distant 67.97 feet Easterly of and measured at right angles from the centerline of said main track; thence N. 04 degrees 22 minutes 30 seconds W., parallel with the centerline of said main track, 307.10 feet; thence N. 85 degrees 37 minutes 30 seconds E., 3.60 feet; thence N. 00 degrees 28 minutes 52 seconds E., 67.01 feet to the Southerly right of way line of State Highway No. 19 (Main Street); thence N. 90 degrees 00 minutes 00 seconds W., along said right of way line, a distance of 27.32 feet to a point distant 50.00 feet Easterly of and measured at right angles to the centerline of said main track; thence S. 04 degrees 22 minutes 30 seconds E., parallel with the centerline of said main track, 464.37 feet; thence N. 07 degrees 06 minutes 51 seconds E., 90.22 feet to the point of beginning.

Neighborhood Conditions

North – Central Business District / Main Street and underutilized portions of the former mill building which are also zoned I-1 Light Industrial.

South – I-1 Light Industrial Zoned properties and to the southeast are some residential dwellings separated by public roads from the subject site.

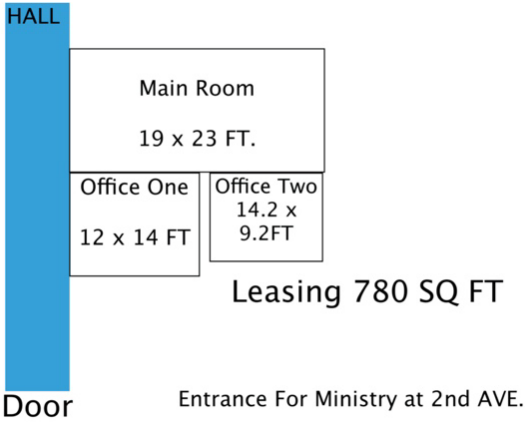
East – Mach Lumber which is zoned I-1 Light Industrial and single-family homes further east.

West – Union Pacific Railroad and beyond that is the B-3 Highway Commercial Zoning District and TH13/21.

Overall, the former mill property is very unique in that it is surrounded by many different zoning districts. It is also unique in that it is an industrial property located essentially in the downtown area which is evidenced by the many nearby bars/restaurants and other similar uses.

Applicant’s Statement

From the Application: “Using this location to serve as offices for the 501(c)3 nonprofit called Faith, Recovery & Music (www.fairecoverymusic.com) and host weekly faith based recovery services in the larger of the three rooms. Faith, Recovery & Music is a Christian faith-based ministry helping those who struggle with addictions.”



Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. Faith, Recovery & Music is proposing to utilize only 780 sq. ft. of the former mill office area, which has been vacant for many years. The office area was most recently remodeled in 2011 according to permit records.

Zoning

This property is zoned I-1 Light Industrial District. The purpose of the district is to provide for industrial uses for activities that, because of their nature, are not well suited for close proximity to residential and business areas of the community. Existing industry that is located close to residential areas is allowed to continue and must meet certain performance criteria when applicable. Industrial areas have good access to highway and railroad lines because of their need to receive and distribute products and goods.

It is preliminarily noted in the Comprehensive Plan Update (not yet adopted) that this property is anticipated to be rezoned from Industrial to “Downtown Flex”. The exact requirements for the downtown flex district have not yet been determined, but likely will allow office use including religious institutions as conditional uses, similar to the current B-1 Central Business District versus the current

zoning as I-1 Light Industrial. For this reason, staff suggested to the applicant that this land use request be processed as an “Interim Use Permit” which would allow the use to move forward now in an interim use permit approval situation until the final zoning is established once the Comprehensive Plan update is completed.

Interim Uses are listed under the I-1 Light Industrial Zoning District as: “Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety and welfare.”

Section 302 of the Zoning Ordinance defines Interim Uses as follows:

A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Parking

Religious Institutions require off-street parking. Parking is required as follows:

Religious Institutions require 1 parking space for every 3 seats (sanctuary seats only).

It is anticipated that up to 30 people would fit into the main room and therefore 10 parking spaces will be required for the proposed use.

Total minimum spaces required for the proposed interim use is 10.

The previously reviewed and approved plan of 52 striped parking stalls for the existing paved parking area was part of the approval of Conditional Use Permit #C5-2023 for the indoor firing range in another portion of the building. It was noted, however, that two additional parking spaces (above the 52 on the drawing) were provided in front of the indoor firing range area and that the previously approved use only required 24 parking spaces, leaving 30 of the spaces available for other uses. **Based on this, the proposed use would only utilize 10 of the 30 available spaces not dedicated to any other use, meaning there is ample parking available. Staff does note that the paved parking spaces must be striped as noted below and as shown on the parking plan drawing.** The parking conditions must be met as provided for in the previous conditional use permit for the indoor firing range.

Public Works /Utilities / Engineering Comments

Public Works, Utilities and Engineering were not solicited for new comments regarding this interim use permit application review.

Building Official Comments

Building Official Scott Sasse has noted that previous architectural drawings of the area of the building being used are on file from the 2011 remodel.

Police Chief Comments

The Police department was not solicited for comments regarding this interim use permit application review.

WAC/SAC Fees

The existing use of the space is for office while the new use is proposed as a religious institution type of use.

The City uses the Metropolitan Council SAC manual for determining credits and charges when uses change in buildings.

Office (including meeting rooms) is 2,650 sq. ft. for 1 WAC/SAC unit. 780 sq. ft. of existing office space = 0.29 unit credits.

Church/Worship (includes office, meeting rooms, etc.) is 2,300 sq. ft. for 1 WAC/SAC unit. 780 sq. ft of space = 0.34 unit credits owed.

This means that .05 units are owed for the increase in intensity of the utility demand.

0.05 x \$1,800 for WAC = \$90

0.05 x \$7,150 for SAC = \$357.50

Total WAC/SAC owed = \$447.50 (it is noted that the former mill site as a whole holds WAC/SAC credits and it's up to the building owner if they would like to allow the applicant to utilize any credits towards this use. This is a one-time fee).

Interim Use Permit Criteria

The City Council may consider an interim use permit for a use which is not specifically listed in this Ordinance as an interim use within the affected district and may grant a permit provided such interim use, after review by the Planning Commission and the City Council, is found to otherwise meet the criteria for granting an interim use permit within the affected district. The City Council shall make the following findings in order to approve an interim use:

- A. The proposed interim use will utilize property where it is not reasonable to utilize it in a manner provided for the City's Comprehensive Plan and Zoning Ordinance. (The proposed interim use for a religious institution will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is tentatively guided as "downtown flex" in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.)
- B. The proposed interim use is presently acceptable but, given anticipated development, will not be acceptable in the future. (The proposed religious institution is acceptable in that it is utilizing an office area of a former industrial use, but which will be rezoned, likely to "downtown flex" within the next couple of years which could possibly include the use as either permitted or conditional, at which time this use will no longer need the "interim" label.)
- C. The proposed use will not hinder permanent development of the site. (The proposed religious institution will not hinder permanent development of the site as it is utilizing an existing former industrial office area of an existing building and is anticipated to become "downtown flex" in the 2024 Comprehensive Plan.)

- D. The proposed use will not adversely impact implementation of the Comprehensive Plan for the area. (The proposed religious institution will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.)
- E. The proposed use will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare. (The proposed religious institution will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing office space and will have adequate off-street parking.)
- F. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area. (The proposed religious institution will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing existing office space in an existing building.)
- G. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities exist for the proposed religious institution’s use.)
- H. The date or event that will terminate the use has been identified with certainty. (The proposed religious institution shall cease to operate at the site on 1/1/2026 if it is not rezoned to a “downtown flex” or similar zoning district where religious institutions are either a permitted or conditional use in said zoning district.)
- I. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future. (The proposed religious institution will not impose additional costs on the public if it is necessary for the public to take the property in the future.)

In permitting a new interim use, the City Council may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. Any City Council approval of an interim use shall be subject to the following conditions:

- A. Except as otherwise authorized by this section, an interim use shall conform to this Ordinance as if it were established as a conditional use.
- B. The date or event that will terminate the interim use shall be identified with certainty. The City Council may require the applicant to deposit a cash amount with the City, or provide some other form of security, to ensure compliance.
- C. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

- D. Other conditions as the City Council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and policies of the Comprehensive Land Use Plan.

Staff Recommendation

Staff recommends approval of Interim Use Permit #I1-2024 to allow a religious institution in the I-1 Light Industrial District, located at 100 2nd Ave SW, as proposed by Faith, Recovery & Music, with the following findings:

- A. The proposed interim use for a religious institution will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is tentatively guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed religious institution is acceptable in that it is utilizing an office area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years which could possibly include the use as either permitted or conditional, at which time this use will no longer need the “interim” label.
- C. The proposed religious institution will not hinder permanent development of the site as it is utilizing an existing former industrial office area of an existing building and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.
- D. The proposed religious institution will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.
- E. The proposed religious institution will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing office space and will have adequate off-street parking.
- F. The proposed religious institution will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing existing office space in an existing building.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed religious institution’s use.
- H. The proposed religious institution will not impose additional costs on the public if it is necessary for the public to take the property in the future.

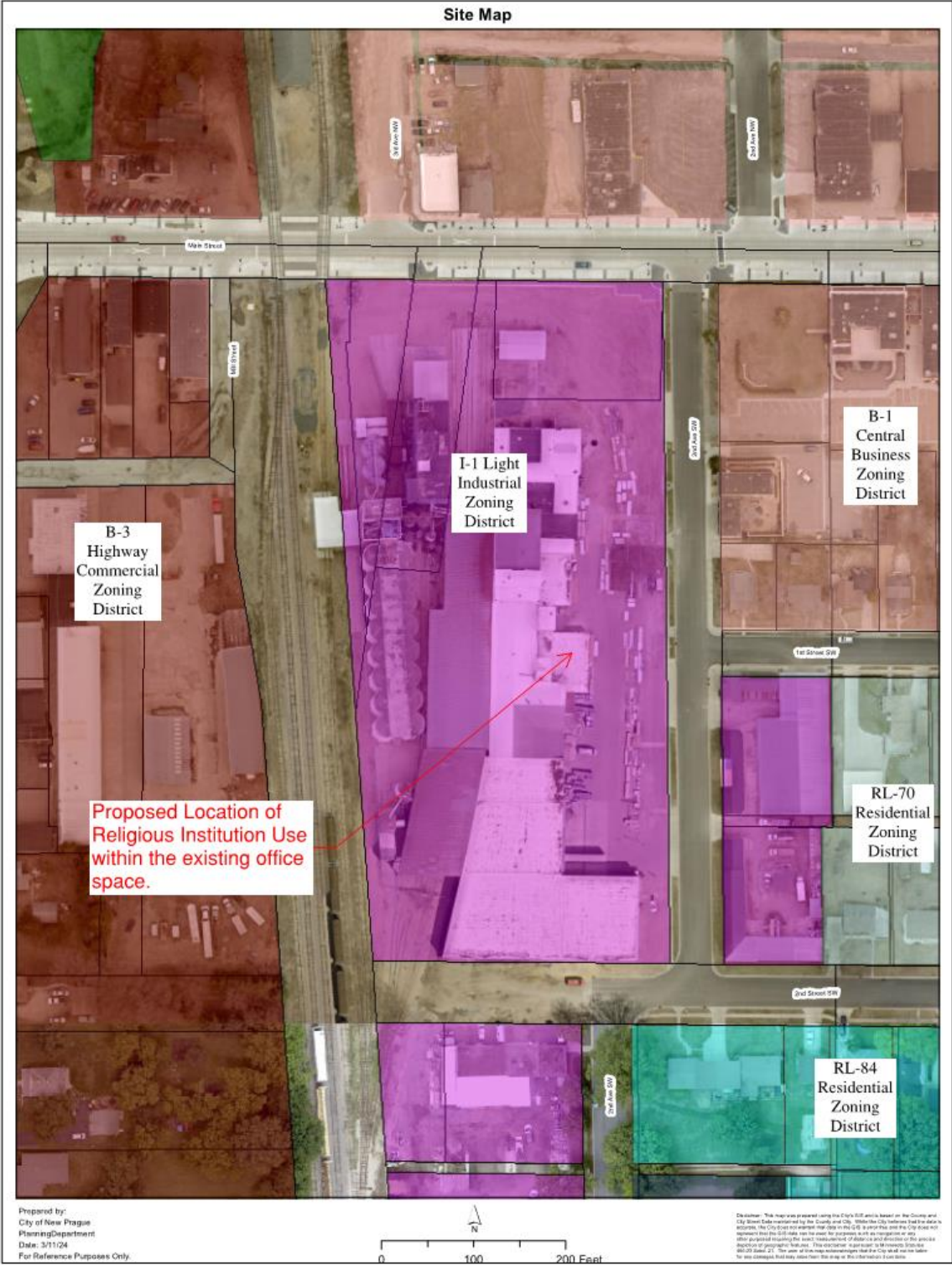
And with the following conditions:

1. The proposed religious institution shall cease to operate at the site on 1/1/2026 if it is not rezoned to a “downtown flex” or similar zoning district where religious institutions are either a permitted or conditional use in said zoning district.
2. Except as otherwise authorized by the Zoning Ordinance, this interim use shall conform to this Ordinance as if it were established as a conditional use.
3. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

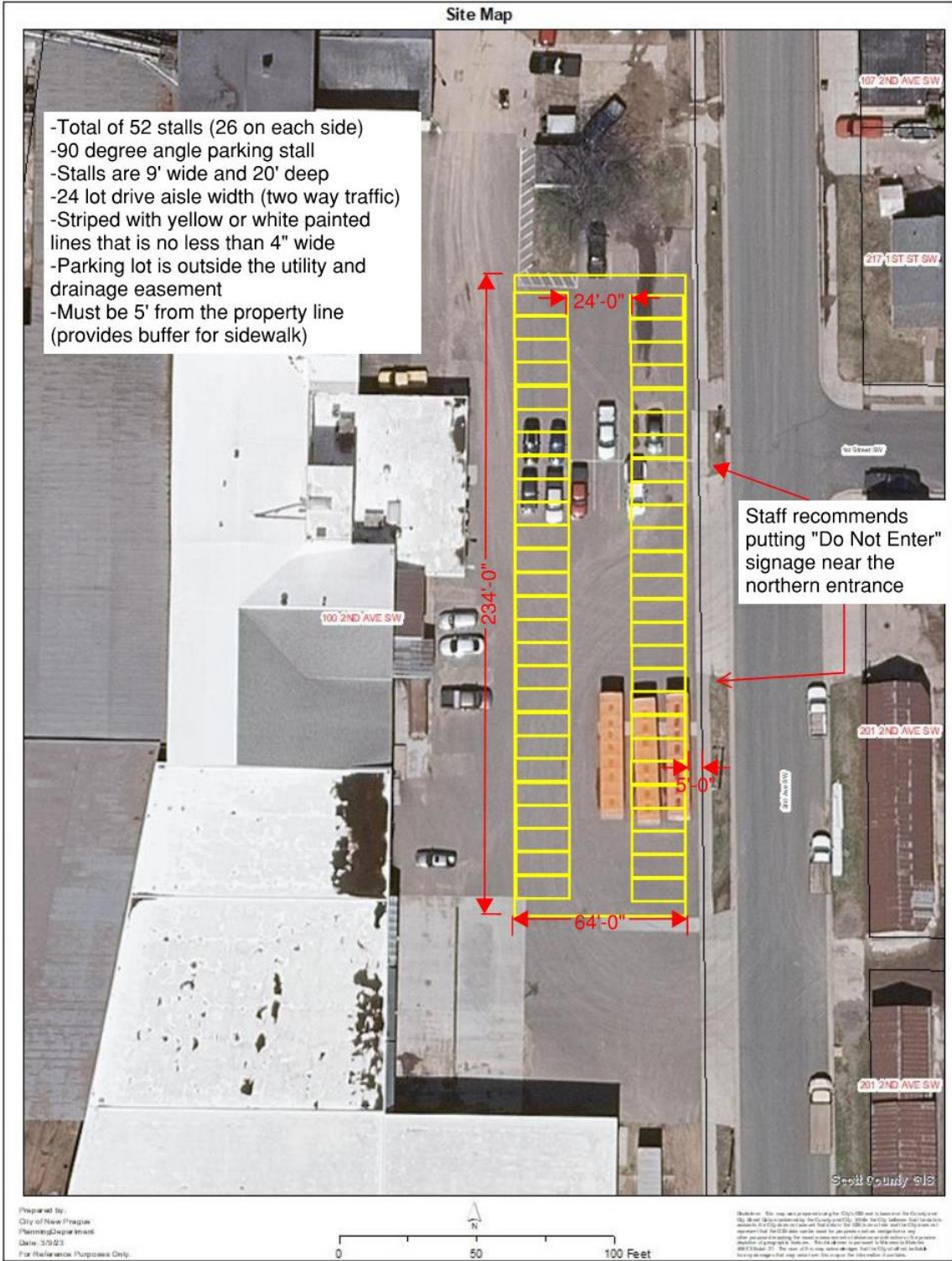
4. Approval is in general accordance with the area indicated on the floor plan included in the staff report (undated) on file with the Planning Department.
5. At least 10 off-street parking spaces, including required accessible space(s), must be available for the proposed use.
6. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
7. All lighting must conform to Section 704 of the Zoning Ordinance.
8. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance.
9. WAC/SAC Charges are due and owed at the time of issuance of a building permit.
10. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, and acting on the application approved herein, including but necessarily limited to any fees charged by the city's professional consultants in accordance with established rates.
11. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules, and regulations.

Attachments

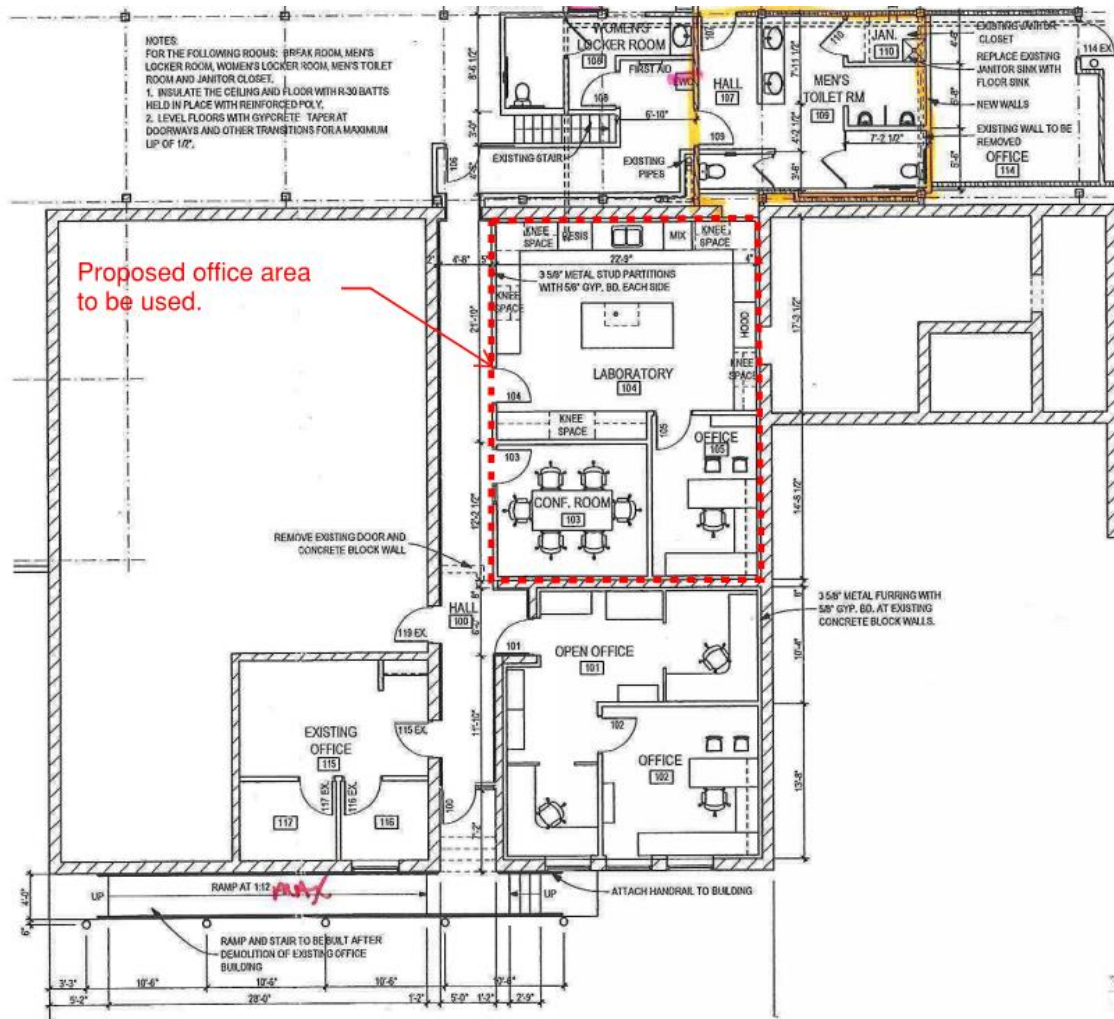
1. Site Map Aeria / Zoning – Dated 3/11/24
2. Previously Approved Parking Lot Diagram – Dated 3/9/23
3. Floor Plan - Undated
4. Pictures – Dated 11/1/23
5. Google Street View – Dated August 2023



Zoning Districts of Subject and Neighboring Properties



Previously Approved Parking Lot Layout Per CUP #C5-2023 – 10 spaces must be available for the proposed religious institution use.



2011 Floor Plan of Office Area Being Utilized (bottom of plan is facing east towards existing parking lot area).



Looking NW towards previously approved Indoor Firing Range – Main Entrance will be on the east elevation of the building along with 2 ADA Parking Spaces



Looking South along 2nd Ave. SW – parking area is this paved parking area. Entrance door to religious institution space is seen on the front of the building.



Looking south along 2nd Ave. SW.



Looking northwest along north end of the property towards Main Street.



Google Street view from August 2023 looking at office entrance.



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 #V1-2024 FROM THE FENCE REGULATIONS IN THE RL 90 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO ALLOW A 6' TALL FENCE TO BE LOCATED AT 509 PERSHING AVE N, AS PROPOSED BY TAYLOR AND DUSTIN FILAN.
DATE: APRIL 8, 2024

Planning Commission Summary

The Planning Commission heard the above variance request on April 3rd, 2024. The applicants, Taylor and Dustin Filan, are proposing to install a 6' tall wooden privacy fence 15' from the south property line along 4th St NE and to be 30' from the west property line along Pershing Ave N, located forward the nearest rear corner of the home. The request was made to add privacy, provide an area for their dog to be contained, secure their storm door, and limit animal access to their future vegetable garden. Under the current Zoning Ordinance, 6' tall fences may only be erected behind the nearest rear corner of the principal building. For corner lots, such as this, fences may only be erected at the 30' building setback line on the corner front side yard.

Staff does not recommend the applicant's request since it would alter the essential character of the neighborhood. Alternatively, staff recommend that a 6' tall fence should be installed with a 30' setback on the south property line and 57'6" up to the corner side property line on the west property line. This recommendation would create a cohesive fence line in the neighborhood while also allowing the applicant to better utilize their northern portion of their property.

The Planning Commission recommended approval of the variance request for staff's recommendation with a unanimous vote (4-0) based on the six findings listed in the attached resolution.

Staff Recommendation

Staff recommends approval of the attached resolution "...Approving Variance (#V1-2024)...".

RESOLUTION #24-04-15-02

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE (#V1-2024) FROM THE FENCE REGULATIONS IN THE RL 90 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 509 PERSHING AVE N, AS PROPOSED BY TAYLOR AND DUSTIN FILAN, NEW PRAGUE, MINNESOTA

WHEREAS, Taylor and Dustin Filan, owners of the following real estate in the County of Scott to wit:

Commencing at a point 360 feet Northwest corner of Block 4, Park Addition to the City of New Prague, according to the map or plat thereof on file and of record in the Office of the Register of Deeds, Scott County, Minnesota; thence East a distance of 152.5 feet; thence North a distance of 146.7 feet; thence West a distance of 152.5 feet; thence South a distance of 146.7 feet to the point of beginning.

All of the afore described parcel of land lying and being within the Southeast Quarter (SE ¼) of Section 34, Township 113, Range, Scott County, Minnesota.

are requesting a variance from the fence regulations in the RL 90 Single Family Residential Zoning District to allow a 6’ tall fence 15’ from south property line and 30’ from the west property line at 509 Pershing Ave N, which is located on the above-described real estate; and,

WHEREAS, staff does not support the applicant’s request because it would alter the essential character of the neighborhood. Alternatively, staff recommends that the 6’ fence should be installed with a 30’ setback on the south property line and 57’6” up to the corner side property line on the west property line.

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (#V1-2024), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 3rd day of April, 2024, after due consideration of presented testimony and information, voted unanimously (4-0) to forward staff’s recommendation to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

- A. The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL 90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.

- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL 90 Single Family Residential Zoning District.
- C. The applicant will continue to use the property in a reasonable manner not permitted by the ordinance in that only the height of the fence forward of the rear edge of the house exceeds the ordinance permitted 4' height.
- D. Unique circumstances apply to the property in that it is a corner lot abutting a road on two sides (front and corner side) with the roadway along the corner side being 4th St NE which is a local road. Additionally, the existing principal structure is setback further than most homes in the neighborhood.
- E. The variance does not alter the essential character of the neighborhood because the proposed 6' tall fence would be located on the corner side lot line and will not be located closer than the permitted 30' setback and portion of the fence that is forward of the nearest rear corner will be in line with where the home to the north would be allowed to have a 6' tall fence.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because the variance would provide the applicant privacy and security as well as prevent their dog from jumping the fence while not reducing the usable area of their backyard and while not changing the essential character of the neighborhood.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V1-2024 from the fence regulations in the RL 90 Single Family Residential Zoning District to allow a 6' tall fence with a 30' setback on the south property line and 57'6" up to the corner side property line on the west property line at 509 Pershing Ave N, is hereby approved based on the above findings.

This Variance approval becomes effective immediately upon its passage and without publication.

Passed this 15th day of April, 2024.

Duane J. Jirik, Mayor

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

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

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

THIS INSTRUMENT DRAFTED BY:
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 #V1-2024 FROM THE FENCE REGULATIONS IN THE RL 90 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO ALLOW A 6’ TALL FENCE TO BE LOCATED 15’ FROM THE SOUTH PROPERTY LINE ALONG 4TH ST NE AND ADDITIONALLY TO ALLOW A 6’ TALL FENCE TO BE LOCATED FORWARD OF THE NEAREST REAR CORNER OF THE HOME AT 509 PERSHING AVE N, AS PROPOSED BY TAYLOR AND DUSTIN FILAN.
DATE: FEBRUARY 29, 2024

Background / History

Taylor and Dustin Filan have applied for a fence variance to install a 6’ privacy fence that does not meet the residential fence requirements as written in Section 708 of the Zoning Ordinance. Specifically, they are seeking to have their 6’ tall fence 15’ from the south property line on the “corner front” side of the yard versus the ordinance requirement that requires a 6’ tall fence to be no less than 30’ from said property line as well as seeking to allow a 6’ tall fence forward of the nearest rear corner of the home. This variance would allow the applicants to more fully utilize their property. Without the variance, the homeowners would not be able to fence in approximately 6,600 sq ft of area in their front and side yards with a 6’ tall fence.

Under the current Zoning Ordinance, 6’ tall fences may only be erected behind the nearest rear corner of the principal building. For corners lots, such as this property, fences may only be erected at the 30’ building setback line on the corner front side yard. The applicants would like to build a 6’ tall fence that would surround their home to prevent their dog from jumping over the fence, and limit animal access to the future vegetable garden. Furthermore, the fence will provide more privacy, especially since pedestrian traffic will likely increase with the sidewalk construction expected along Pershing Ave N in 2025.

Legal Description

The Land is described as follows:

Commencing at a point 360 feet Northwest corner of Block 4, Park Addition to the City of New Prague, according to the map or plat thereof on file and of record in the Office of the Register of

Deeds, Scott County, Minnesota; thence East a distance of 152.5 feet; thence North a distance of 146.7 feet; thence West a distance of 152.5 feet; thence South a distance of 146.7 feet to the point of beginning.

All of the afore described parcel of land lying and being within the Southeast Quarter (SE ¼) of Section 34, Township 113, Range, Scott County, Minnesota.

Zoning & Fence Regulations

The subject property is located in the RL 90 Single Family Residential Zoning District and fences are permitted accessory uses in the district. The following are the residential fence regulations:

- 1. Fencing in all Districts.
 - A. Fences may be placed along property lines provided no damage of any kind results to abutting property. A clear zone of two feet shall be required for fences located adjacent to any sidewalk or trail edge and a clear zone of five feet shall be required for fences located adjacent to any alley or public roadway edge.

- 2. Residential Fences.
 - A. Fences may be located on any lot line to a height of four (4) feet and a fence up to six (6) feet in height may be erected behind the nearest rear corner of the principal building. The side of the fence considered to be the face (facing as applied to fence posts) shall face abutting property. For corner lots, a six (6) foot fence may only be erected at the 30' building setback line. A fence up to six (6) feet in height may also be erected behind attached garages where the location of the fence is not entirely erected behind the nearest rear corner of the principal building.

The 2025 CIP (Capital Improvement Project) will consist of the installation of a sidewalk along Pershing Ave N. Although staff are uncertain which side of the street the sidewalk will be installed, it will likely be built on the east side of Pershing Ave N due to the relatively flat elevation. According to Zoning Ordinance 708 (1) (A), fences must be built at least 2' away from the sidewalk. To anticipate the potential construction of the sidewalk, the fence must be at least 2' away from the west property line. Also listed in 708 (1) (A) of the Zoning Ordinance, the fence must be at least 5' away from the alley driving surface.

The applicants are proposing to install a 6' tall cedar plank privacy fence around their home. They would like the 6' tall fence to be 30' from the west property line, and 15' from the south property line. They're asking for a variance to allow the fence to be 15' from the south property line and 30' from the west property line. This proposed 6' tall fence would be in violation of the fence regulation that does not allow fences 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. Without the variance, the homeowners would not be able to fence in the approximately 6,600 sq ft of area in their front and side yard that they are proposing.

Neighborhood Conditions

The subject property as well as all adjacent properties are largely zoned single family residential homes.

North – RL90 - Single Family Residential District

South – RL70 – Single Family Residential District

West – RL 90- Single Family Residential District, RL 70 – Single Family Residential District, RH – High Density Residential District, RM – Medium Density Residential District

East – RL90 - Single Family Residential District, Northside Park

The subject property is unique in that it is a corner lot and is larger than most neighboring properties (0.51 acres large). Most homes in the neighborhood are built at or less than the 30’ front setback. For instance, 513 Pershing Ave N is 23’ and 506 Pershing Ave N is 26’ from their front property line. Since they are closer to their front property line, they have more space to build a 6’ tall fence behind the rear corner of their home. The subject home is 54’ from the south property line, almost twice the required front setback. The home is located in the center of the property, therefore, there is less area behind the rear corner of the house, which would allow a 6’ fence.

If 513 Pershing Ave N wanted to build a 6’ tall fence, it would be built behind the rear corner of their home, which is 57.5’ from their front (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. To create a cohesive fence line through the neighborhood, staff recommend that the subject property should have a 57.5’ setback on their front (west) property line and 30’ from front corner (south) property line.

Applicant’s Statement of Practical Difficulty

The applicants provided the following statement below on 2/11/2024, regarding their reason for requesting a 6’ privacy fence:

To whom it may concern,

It is our goal upon recently moving to 509 Pershing Ave N to fence in approximately half of the lot, and we are requesting the allowance of a complete 6ft fence due to enhanced security, neighborhood privacy, and family safety.

Our reasons are as follows:

- Along the north side of the house, you can see a storm door leading to our basement. We hope to conceal this for security reasons with the added height of the 6ft fence.
- The proposal of a sidewalk on Pershing Ave N only reinforces our request for added privacy, as we are expecting our first child this summer and hope to have a secure home environment for them to thrive. As my husband as a Police Officer in Shakopee, with added pedestrian traffic inevitably comes an increase in potential crime. We aim to limit this and protect our home as much as possible.
- A 6ft fence along the back end of the home would offer added security to the garage access, as well as the rear home entrance.

- The deck stairway is located on a corner, leading to both north and east sides of the home, not allowing us to cut off either side of the lot for fencing, which requires us to partially fence in both areas in order to enclose the lot.
- We currently have a dog that is unfortunately able to jump over a 4ft fence, which has also led to the need of adding fence height. Our goal is to enjoy the backyard with our family and pets without the concern of their children or dogs have access to the busy intersection at our corner.
- We plan to include a large vegetable garden to the lot and a 6ft fence will help limit animal access to this as well.

Our intention is to allow ample space between the property line and fence for our riding lawnmower to groom the property at ease, as well as ensure snow plows and city utility vehicles plenty of room as well. The location we hope to build around, would not limit any utility access or the construction of a future sidewalk.

This is a very large lot, much larger than most in the neighborhood, and we by no means intend to enclose the entirety of it, or limit the aesthetics of the property.

Our hope is to only expand and continue the beauty of 509 Pershing Ave N along with the neighborhood and community itself. Our intention is to fence the yard with cedar plank fencing that will complement the aesthetics for the home and landscape and only honor the pride in ownership that the Smith Family had before us.

We appreciate your time and consideration.

Taylor and Dustin Filan

Criteria for Granting Variance – 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.** Practical difficulties is a legal standard set forth if law that cities must apply when considering applications for variances. **To constitute practical difficulties, all three factors of the test must be satisfied, which are reasonableness, uniqueness and essential character.** The Zoning Ordinance’s criteria addresses these standards.

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 evaluated the established criteria for this specific request. Staff’s comments are highlighted in yellow below:

Applicant’s Request for a 6’ Tall Fence that is Setback 15’ from South Property Line and 30’ from West Property Line:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL 90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.)
- B. The variance is consistent with the comprehensive plan. (The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL 90 Single Family Residential Zoning District.)
- 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 will not continue to use the property in a reasonable manner not permitted by the ordinance because the fence will be located in front of the rear corner of the home and the height of the fence will be 6' tall within 30' or less of the right of way.)
- 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 the property in that it is a corner lot abutting a road on two sides (front and corner side) with the roadway along the corner side being 4th St NE which is a local road. Additionally, the principal structure is setback further than most homes in the neighborhood.)
- E. The variance does not alter the essential character of the neighborhood. (The variance will alter essential character of the neighborhood because it will be the only property in the neighborhood that will have a 6' fence in front of their rear corner of their home, providing privacy along a majority of both frontages).
- 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 difficulties because the 6' tall fence doesn't have to extend much further to encompass the storm door and provide privacy.)
- 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's Recommendation for a 6' Tall Fence that is Setback 30' from South (Front Corner) Property Line and 57' 6" from West Property Line:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL 90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.)

- B. The variance is consistent with the comprehensive plan. (The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL 90 Single Family Residential Zoning District.)
- 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 will continue to use the property in a reasonable manner not permitted by the ordinance in that only the height of the fence forward of the rear edge of the house exceeds the ordinance permitted 4' height.)
- 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 the property in that it is a corner lot abutting a road on two sides (front and corner side) with the roadway along the corner side being 4th St NE which is a local road. Additionally, the existing principal structure is setback further than most homes in the neighborhood.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because the proposed 6' tall fence would be located on the corner side lot line and will not be located closer than the permitted 30' setback and portion of the fence that is forward of the nearest rear corner will be in line with where the home to the north would be allowed to have a 6' tall fence.)
- 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 the minimum variance which would alleviate the practical difficulties because the variance would provide the applicant privacy and security as well as prevent their dog from jumping the fence while not reducing the usable area of their backyard and while not changing the essential character 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 **approval** of the variance from the fence regulations in the RL 90 Single Family Residential Zoning District if the 6' tall fence is installed with a 30' setback on the south property line and 57' 6" up to the corner side property line on the west property line at 509 Pershing Ave N, as proposed by Taylor and Dustin Filan, with the following findings:

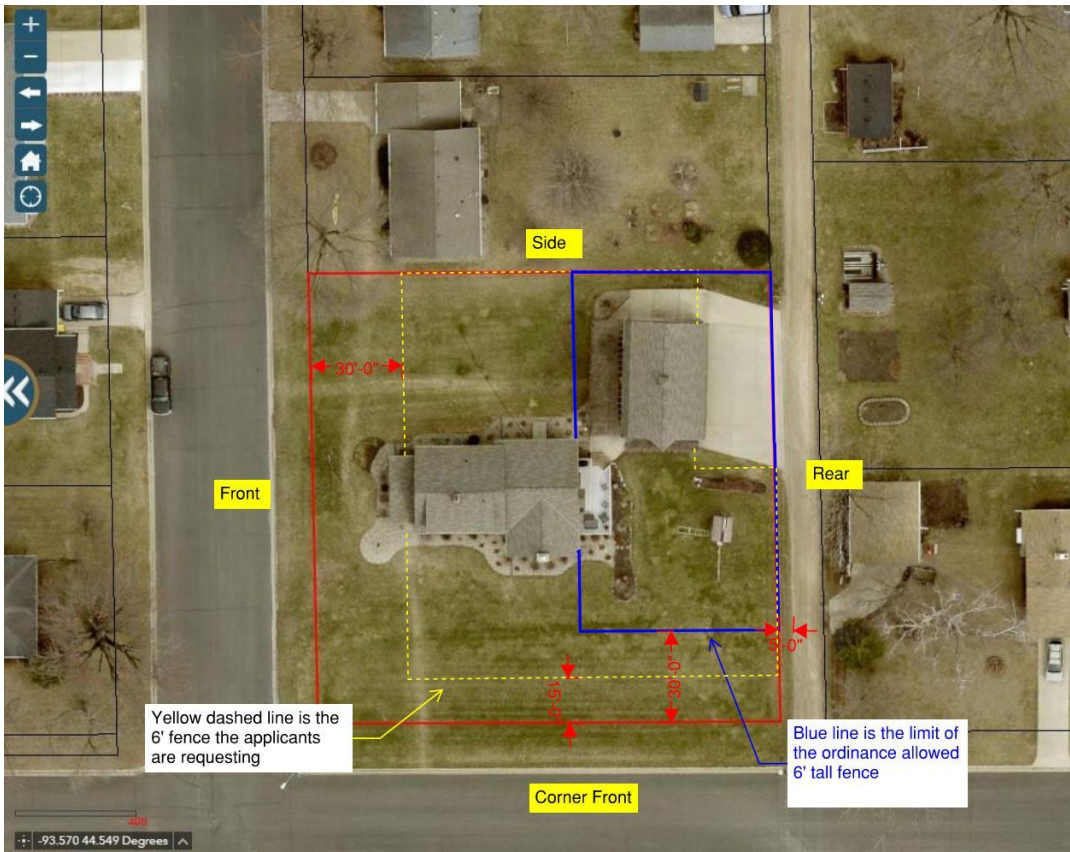
- A. The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL 90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL 90 Single Family Residential Zoning District.
- C. The applicant will continue to use the property in a reasonable manner not permitted by the ordinance in that only the height of the fence forward of the rear edge of the house exceeds the ordinance permitted 4' height.
- D. Unique circumstances apply to the property in that it is a corner lot abutting a road on two sides (front and corner side) with the roadway along the corner side being 4th St NE which is a local road. Additionally, the existing principal structure is setback further than most homes in the neighborhood.
- E. The variance does not alter the essential character of the neighborhood because the proposed 6' tall fence would be located on the corner side lot line and will not be located closer than the permitted 30' setback and portion of the fence that is forward of the nearest rear corner will be in line with where the home to the north would be allowed to have a 6' tall fence.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because the variance would provide the applicant privacy and security as well as prevent their dog from jumping the fence while not reducing the usable area of their backyard and while not changing the essential character of the neighborhood.

Attachments

- 1. Site Map Aerial – Dated 2/20/24
- 2. Zoning Map Aerial – Dated 2/20/24
- 3. Aerial Detail – Dated 2/20/24
- 4. Survey Detail Map – 2/23/2024
- 5. Neighborhood Fence Comparison – 2/27/2024
- 6. Staff's Recommendation – 2/23/2024
- 7. Pictures – Dated 2/29/24
- 8. Google Street View – August 2023
- 9. Oblique Aerials - Undated



Zoning of the Subject Site and Surrounding Properties



Applicant's Request vs. Ordinance Requirements for 6' Tall Fences



Neighborhood Comparison of 6' Tall Permissible Fences



Staff's Recommendation



Looking East Along Pershing Ave N



Looking North of 4th St NE



Looking Northeast of southern property line



Oblique Air Photo Looking North



Oblique Air Photo Looking East

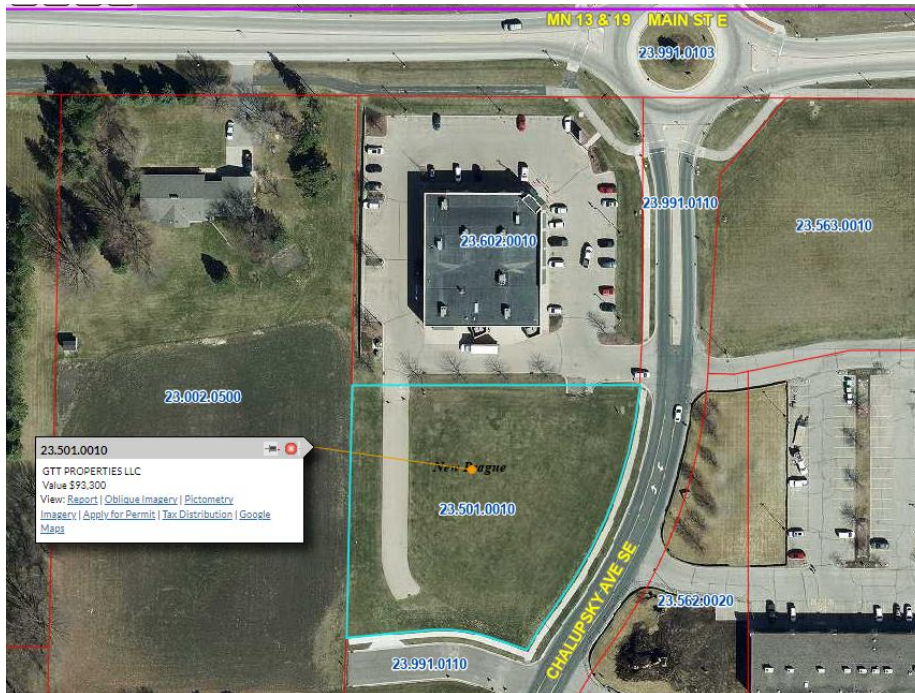


118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: POSSIBLE 54 UNIT APARTMENT BUILDING, MINNESOTA HOUSING FINANCE AGENCY APPLICATION FOR THE WORKFORCE HOUSING DEVELOPMENT PROGRAM AND POSSIBLE TAX ABATEMENT
DATE: APRIL 11, 2024

As introduced at the City Council Meeting on April 1st, Ebert Construction has approached the City regarding the possibility of constructing a 54-unit apartment building on PID 23.501.0010 (Lot 1, Block 1, Deutschland First Addition) which is the vacant lot immediately south of Walgreens.



At the April 3rd, 2024 Planning Commission Meeting, the Planning Commission discussed the possibility of amending the zoning ordinance or considering a variance application to vary from the City’s density and parking requirements with direction provided to the developer to go the route of a variance application.

Also as introduced at the April 1st City Council meeting, the developer asked the City about any incentives that might be available to make the project financially feasible and it was discussed that the state has the Workforce Housing Development Program assists eligible recipients (the City is an eligible recipient as a city in “greater Minnesota”) to finance qualified expenditures to develop market rate residential rental properties to address the lack of workforce housing in Greater Minnesota. Funds are awarded as deferred forgivable loans to eligible recipients that use the funds to make loans or grants to developers to create new market rate residential rental properties. As an applicant, the city would be required to secure funds that match one dollar for every two dollars in funding offered through this program.

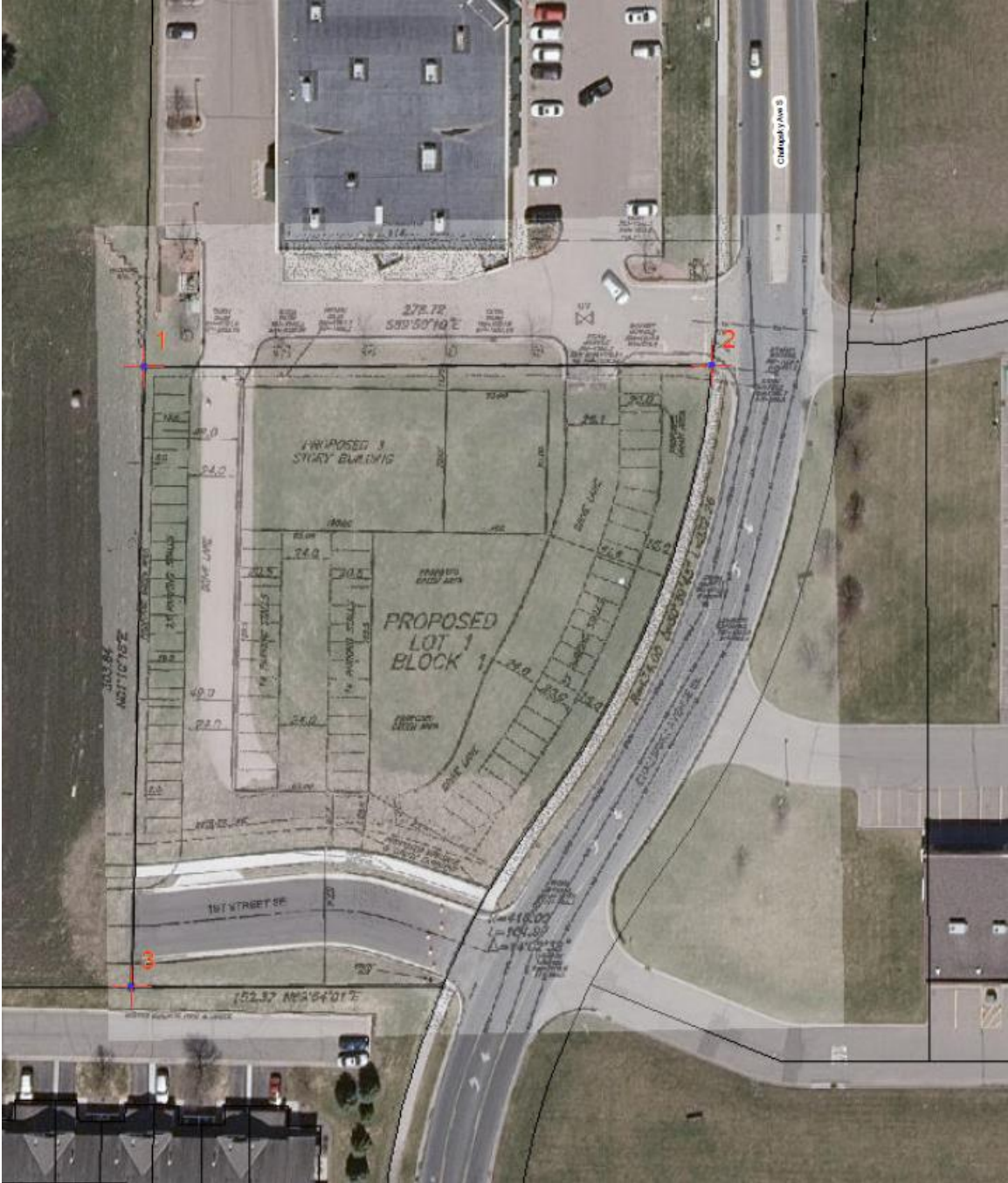
Based on the discussion from the meeting on April 1st for general consensus of a tax abatement of up to a 15 year term of 100% abatement of the City’s taxes, Mikaela Huot with Baker Tilly has provided an updated memo showing such scenario and additionally another scenario whereby the City, County and School District providing 50% abatement for each of their share of the taxes and what that could provide for abatement based on very preliminary discussions with the School and County regarding their possible participation.

The City is expected to apply for \$499,999 in program funds (this falling under the threshold that would trigger prevailing wages for the entire project) so the City’s match would be required at just under \$250,000 which would come from tax abatement funds.

Attached to this memo is a resolution that would be necessary for the City Council to pass to allow the application to be submitted for the workforce housing development program. This resolution would commit the city to local match of just under \$250,000 (from tax abatement funds). The actual approval of a tax abatement would not occur until its known of the city were awarded program funds.

Staff Recommendation

Staff recommends approval of the attached resolution titled “Minnesota Housing Finance Agency Application for the Workforce Housing Development Program”.



(Previously approved site plan for 43-unit apartment building – included setback variances)



(Example Building Elevation – indicative of style and materials only – building may have peaked reroof as shown or flat roof. Different and more appealing colors would be utilized.)



(Google street view of the lot in question)



Memo

To: Joshua Tetzlaff, City of New Prague
Ken Ondich, City of New Prague

From: Mikaela Huot, Director, BTMA

Date: April 15, 2024

Subject: Tax Abatement Revenue Projections for Proposed New 54-Unit Apartment Complex Project and Public Assistance

Background

The City of New Prague (the “City”) has been approached by Ebert Construction (the “developer”) regarding the proposed construction of a 54-unit multifamily apartment housing complex. The developer has estimated the total development cost to be approximately \$12.7 million and has requested the City apply for funding through the MHFA Workforce Housing Development Program (estimate of \$499,999 grant request) to assist with closing a financial gap that is anticipated to exist with development of the project site and new project. The developer has also requested the City consider the establishment of a tax abatement area that would provide additional gap financing as the local funding match as required for the grant application. The purpose of this memo is to provide a summary of the preliminary projected tax abatement revenues generated by the City.

Tax Abatement Analysis

The following assumptions were used to estimate the amount of projected tax abatement revenues:

- Total project area
 - Parcel ID: 23.501.0010
- Total estimated base value of \$93,000
 - Assumed existing land value would be calculated as ‘base’
 - Non-abated net tax capacity of \$1,163
- Estimated total taxable value upon completion
 - \$6,193,000 (\$112,963 per unit)
 - \$77,413 total net tax capacity
 - Residential rental classification
- Maximum term of tax abatement
 - Up to 20 years with one or two participating taxing entities
 - Up to 15 years with all three taxing entities
- Projected term of tax abatement based on MHFA application
 - *Total maximum assistance amount of \$499,999*
 - Scenario 1: Estimated 15 years with 100% City share pledged
 - \$485,259
 - Scenario 2: Estimated 15 years with 50% City, County and School District shares pledged
 - \$619,993
- Construction commences in 2025 and completes in 2026
 - 100% assessed in January of 2027 for taxes payable in 2028
- Tax rates, class rates and future market values remain constant

- Tax rates
 - City: 42.427%
 - County: 45.807%
 - School District: 20.180%
- Class rate of 1.25% for residential rental
- 0% annual market value inflator

Tax Abatement Revenue Estimates

Tax Abatement Revenue Projections		
	Scenario 1: City Only Participation	Scenario 2: City, County and School District Participation
Total Estimated Taxable Value	\$6,193,000	\$6,193,000
Participation Level	100%	50%
Estimated # of Years	15 years	15 years
City annual abatement	\$32,351	\$16,175
County annual abatement	\$0	\$17,464
School District annual abatement	\$0	\$7,694
Total estimated annual abatement	\$32,351	\$41,333
Estimated total projected revenues	\$485,259	\$619,993

There is a statutory limit on the total amount of property taxes that may be abated by a political subdivision. The City’s annual property tax abatement may not exceed (1) ten percent of the net tax capacity of the political subdivision for the taxes payable year to which the abatement applies, or (2) \$200,000, whichever is greater. We estimate the total City share of tax abatement from this project to be approximately \$32,351 assuming 100% or \$16,175 assuming 50% based on a taxable value of \$6,193,000. We recommend consideration for both existing abatements and potential future abatements as it relates to the City’s maximum participation level on an ongoing basis. The City’s 2023 adjusted taxable net tax capacity is \$11,371,733 allowing for the City’s total tax abatement capacity of approximately \$1,137,173.

Project Financing

There are generally two ways in which assistance can be provided for most projects, either upfront or on a pay-as-you-go basis. With upfront financing, the City would finance a portion of the applicant’s initial project costs through the issuance of bonds or as an internal loan. Future tax abatements would be levied for collection by the City and used to pay debt service on the bonds or repayment of the internal loan. With pay-as-you-go financing, the developer would finance all project costs upfront and would be reimbursed over time for a portion of those costs as revenues are available.

Pay-as-you-go-financing is generally more acceptable than upfront financing for the City because it shifts the risk for repayment to the developer. If revenues are less than originally projected, the developer receives less and therefore bears the risk of not being reimbursed the full amount of their financing. However, in some cases pay as you go financing may not be financially feasible. With bonds, the City would still need to make debt service payments and would have to use other sources to fill any shortfall of revenues. With internal financing, the City reimburses the loan with future revenue collections and may risk not repaying itself in full if revenues are not sufficient. The City has historically financed projects as pay-as-you-go for reimbursement to the developer of eligible costs.

Thank you for the opportunity to be of assistance to the City of New Prague. Please contact me at 651-223-3036 or mikaela.huot@bakertilly.com with any questions or to discuss.

Definition of Tax Abatement

Any political subdivision, including statutory cities, home rule charter cities, towns, counties, and school districts, is authorized to abate property taxes on selected parcels or defer the payments of the taxes and abate the interest and penalty that otherwise would apply, if:

- The benefits gained equal or exceed the cost to the political subdivision or the abatement phases in a property tax increase, and
- The abatement is in the public interest because it will:
 - increases or preserves the tax base;
 - provides employment opportunities;
 - provides or helps acquire or construct public facilities;
 - helps redevelop or renew blighted areas;
 - helps provide access to services;
 - finances or provides for public infrastructure;
 - phase in a property tax increase on the parcel resulting from an increase of 50% or more in one year on the estimated market value of the parcel, other than an increase due to improvement of the parcel; or
 - stabilize the tax base through equalization of property tax revenues for a specified time period with respect to a taxpayer whose real and personal property is subject to valuation under Minnesota Rules, chapter 8100.

Cities, counties, and school districts as combined jurisdictions may grant an abatement for no longer than 15 years (8 year maximum if no initial duration is specified), or for no longer than 20 years if two or fewer jurisdictions participate.

No back-to-back abatements. Eight years must pass before a new abatement can be applied on the same properties.

In any given year, the total amount of property taxes abated by a political subdivision for all parcels may not exceed the greater of (1) 10% of the net tax capacity of the political subdivision for the taxes payable year to which the abatement applies, or (2) \$200,000.

Property in a tax increment financing district is not eligible for abatement; however, a tax abatement can be established following a tax increment district.

Scenario 1: City only Participation (estimated 100% annual abatement)

Projected Tax Abatement Report

City of New Prague, Minnesota
 Proposed Tax Abatement Assistance
 54 Unit Apartment Complex
 Draft Abatement Revenues: \$6.193M new taxable value

Annual Period Ending	Total Market Value ⁽¹⁾	Total Net Tax Capacity ⁽²⁾	Less: Non-Abated Net Tax Capacity ⁽³⁾	Retained Captured Net Tax Capacity	Times: Tax Capacity Rate ⁽⁴⁾	Estimated Annual Property Taxes	Maximum Tax Abatement City * 42.43%	Maximum Tax Abatement County * 45.81%	Maximum Tax Abatement School * 20.18%	Estimated Project Abatement	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	
12/31/26	0	0	0	0	109.914%	0	0	0	0	0	
12/31/27	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/28	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/29	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/30	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/31	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/32	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/33	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/34	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/35	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/36	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/37	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/38	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/39	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/40	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
12/31/41	6,193,000	77,413	1,163	76,250	109.914%	83,809	100%	32,351	0%	0	
						\$1,340,944		\$485,259	\$0	\$0	\$485,259

⁽¹⁾ Total estimated market value based on preliminary value estimate following review by County Assessor very preliminary and subject to further review. Includes 0% annual market value inflator

⁽²⁾ Total net tax capacity based on rental class rate of 1.25%

⁽³⁾ Original net tax capacity based does include existing land value

⁽⁴⁾ Local tax capacity rate for the City of New Prague for taxes payable 2024

Scenario 2: City, County and School District Participation (estimated 50% annual abatement)

Projected Tax Abatement Report

City of New Prague, Minnesota
 Proposed Tax Abatement Assistance
 54 Unit Apartment Complex
 Draft Abatement Revenues: \$6.193M new taxable value

Annual Period Ending	Total Market Value ⁽¹⁾	Total Net Tax Capacity ⁽²⁾	Less: Non-Abated Net Tax Capacity ⁽³⁾	Retained Captured Net Tax Capacity	Times: Tax Capacity Rate ⁽⁴⁾	Estimated Annual Property Taxes	Maximum Tax Abatement City * 42.427%	Maximum Tax Abatement County * 45.807%	Maximum Tax Abatement School * 20.180%	Estimated Project Abatement
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
12/31/26	0	0	0	0	109.914%	0	0	0	0	0
12/31/27	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/28	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/29	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/30	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/31	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/32	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/33	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/34	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/35	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/36	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/37	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/38	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/39	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/40	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
12/31/41	6,193,000	77,413	1,163	76,250	109.914%	83,809	50% 16,175	50% 17,464	50% 7,694	41,333
						\$1,257,135	\$242,629	\$261,959	\$115,404	\$619,993

⁽¹⁾ Total estimated market value based on preliminary value estimate following review by County Assessor very preliminary and subject to further review. Includes 0% annual market value inflator

⁽²⁾ Total net tax capacity based on rental class rate of 1.25%

⁽³⁾ Original net tax capacity based does include existing land value

⁽⁴⁾ Local tax capacity rate for the City, County and School District for taxes payable 2024

RESOLUTION #24-04-15-03

**MINNESOTA HOUSING FINANCE AGENCY APPLICATION FOR THE
WORKFORCE HOUSING DEVELOPMENT PROGRAM**

WHEREAS, Recipient has submitted an application (the “Application”) for a project (the “Project”) pursuant to the Workforce Housing Development Program (“Program”) in order to obtain funding from the Minnesota Housing Finance Agency (“Minnesota Housing”).

WHEREAS, on this 15th day of April, 2024, there has been presented to the meeting of the New Prague City Council, a proposal for Recipient, upon selection by Minnesota Housing, to enter in to a Deferred Loan Agreement pursuant to the Program in order to obtain funding from Minnesota Housing.

NOW, THEREFORE, BE IT RESOLVED, that Recipient is authorized to enter into a Deferred Loan Agreement, substantially in the form as attached to this resolution as **Exhibit A**, pursuant to the Program in order to obtain funding from Minnesota Housing in an amount not to exceed \$499,999 (the “Loan”).

BE IT FURTHER RESOLVED, that Recipient is in an Eligible Project Area, as defined in Minnesota Statute Section 462A.39, subdivision 2, has the legal authority to apply for financial assistance, and has the institutional, managerial and financial capability to ensure adequate construction, operation, maintenance and replacement of the Project for its design life.

BE IT FURTHER RESOLVED, that Recipient certifies that it will use the Loan for qualified expenditures for the Project to serve employees of businesses located in the eligible project area or surrounding area.

BE IT FURTHER RESOLVED, that the Loan will be matched by the City of New Prague with at least \$1 for every \$2 provided.

BE IT FURTHER RESOLVED, that Recipient certifies that the average vacancy rate for rental housing located in the City of New Prague, and in any other city located within 15 miles or less of the boundaries of the area, has been five percent or less for at least the prior two-year period.

BE IT FURTHER RESOLVED, that the Loan will not exceed 50 percent of the Project costs.

BE IT FURTHER RESOLVED, that the Mayor and City Administrator, or their successors in office, are hereby authorized to execute the Deferred Loan Agreement and such other agreements, and amendments thereto, as are necessary to implement the Project on behalf of Recipient.

BE IT FURTHER RESOLVED, that Minnesota Housing is authorized to rely on the continuing force and effect of these Resolutions until receipt by the Commissioner of Minnesota Housing at its principle office of notice in writing from Recipient of any amendment or alteration of such Resolutions.

Passed by the City Council on this 15th day of April, 2024.

Duane J. Jirik, Mayor

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

Exhibit A – Deferred Loan Agreement

**MINNESOTA HOUSING FINANCE AGENCY
DEFERRED LOAN AGREEMENT**

This Deferred Loan Agreement is between the Minnesota Housing Finance Agency (“MHFA”) and **[GIVE THE FULL NAME OF THE BORROWER INCLUDING ITS ADDRESS]** (the "Borrower").

Recitals

1. Under [Minn. Stat. §462A.39](#), MHFA is empowered to enter into this Deferred Loan Agreement.
2. The MHFA is in need of the development of rental housing to serve the employees of local businesses (“Workforce Housing”) in **[COUNTY]**, City of **[CITY]** pursuant to MHFA’s Workforce Housing Development Program (the “Program”).
3. The Borrower represents that it is duly qualified and agrees to perform all activities described in this Deferred Loan Agreement to the satisfaction of MHFA. The Borrower agrees to minimize administrative costs as a condition of this Deferred Loan Agreement.

Deferred Loan Agreement

1 Term of Deferred Loan Agreement

1.1 Effective date:

The effective date of this Deferred Loan Agreement is **[SPELL OUT FULL DATE (e.g., July 1, 2022)]**. The Borrower must not begin work until this Deferred Loan Agreement is fully executed and MHFA's Authorized Representative has notified the Borrower that work may commence. No funds will be disbursed to the Borrower until this Deferred Loan Agreement is fully executed.

1.2 Construction period:

The construction period for the Program begins with the Effective Date of this Deferred Loan Agreement and continues through the later of **[SPELL OUT FULL DATE (e.g., June 1, 2025)]** or any extension of this period agreed to in writing by MHFA (the “Construction Period”). All funds provided through this Deferred Loan Agreement must be fully expended in compliance with this Deferred Loan Agreement by the end of the Construction Period.

1.3 Survival of Terms.

The following clauses survive the expiration or cancellation of this Deferred Loan Agreement: 8. Liability; 9. State Audits; 11. Publicity and Endorsement; 12. Governing Law, Jurisdiction, and Venue; and 14. Data Disclosure.

2 Duties and Contracts

2.1 Borrower’s Duties

The Borrower has made application to MHFA for the purpose of administering a Program project in the manner described in the Borrower's application (the “Project”) which is incorporated into this Deferred Loan Agreement by reference.

The Borrower, who is not a state employee, is awarded funds to provide financial assistance to address the need for Workforce Housing. The Project includes: **[INSERT BRIEF DESCRIPTION OF PROJECT INCLUDING TYPE (NEW CONSTRUCTION/ADAPTIVE REUSE, ETC.), AND NUMBER OF UNITS]**.

The Borrower will be in compliance with the Workforce Housing Development Program Guide, as amended (the “Program Guide”), which is incorporated into this Deferred Loan Agreement.

2.2 Provisions for Contracts and Sub-grants.

(a) Contract Provisions. The Borrower must include in any contract and subcontract, in addition to the provisions that define a sound and complete agreement, such provisions that require recipients and subrecipients to comply with applicable local, state and federal laws, rules, regulations and ordinances, as well as any applicable MHFA policies.

(b) Use of Program Funds. The Program Funds (as defined below) awarded under this Deferred Loan Agreement may only be used by the Borrower or awarded by the Borrower to third parties as grant funds or loans in accordance with the terms of the Program Guide. All Program Funds must be used by an Eligible Project Area for the Qualified Expenditures of a Market Rate Residential Rental Property (as such terms are defined in the Program Guide). If awarded as a loan, any fees or interest charged cannot unduly enrich any parties involved beyond the approximate cost of the administrative costs associated with the Project.

3 Time

The Borrower must comply with all time requirements described in this Deferred Loan Agreement and the Program Guide. In the performance of this Deferred Loan Agreement, time is of the essence. Project construction must commence and be completed within the Construction Period

4 Loan

4.1 Loan Amount.

The total principal loan amount by MHFA to the Borrower under this Deferred Loan Agreement will not exceed \$[ENTER AWARD AMOUNT] (the "Program Funds").

4.2 Repayment

The Borrower promises to pay to MHFA the Program Funds with simple interest, if any, of 0% per annum accruing on such amounts of principal as may be advanced from time to time.

Further, the Program Funds and all accrued interest, if any, less any amounts previously paid or forgiven, are due and payable in one lump sum on the earlier to occur of: (i) a Default (as described below); or (ii) the ____ day of ____, 20__ (the "Maturity Date").

A Default occurs upon written notice by MHFA to the Borrower of noncompliance with this Deferred Loan Agreement or the Program Guide and failure of the Borrower to cure the noncompliance to the satisfaction of MHFA within 30 days of such notice.

Repayment of the Program Funds will be forgiven upon the Maturity Date provided: (i) MHFA has not given the Borrower notice of a Default; and (ii) the Borrower is in full compliance with this Deferred Loan Agreement and the Program Guide.

All amounts due are payable at the offices of MHFA, 400 Wabasha Street North, Suite 400, St. Paul, MN 55102-1109, or such other place as MHFA may designate in writing.

If a failure to pay the amounts due under this Deferred Loan Agreement occurs, and if the same is submitted for collection by MHFA, its successor and assigns, the Borrower must pay all costs of collection, including reasonable attorney's fees.

All parties to this Deferred Loan Agreement, whether principal, surety, guarantor or endorser, hereby waive presentment for payment, demand, protest and notice of dishonor.

4.3 Disbursement

For all disbursements of Program Funds, the Borrower must be in compliance with this Deferred Loan

Agreement and the Program Guide and complete and submit a Workforce Housing Development Program Disbursement Request Form, attached to this Deferred Loan Agreement as **Exhibit** Section 9, Item c. MHFA for review and approval. MHFA will promptly pay the Borrower up to one third of the Program Funds on or after closing. The Borrower may request an additional one third of the Program Funds as needed upon commencement of Project construction. The remaining one third of the Program Funds will be withheld for final disbursement and will not be released until construction completion of the Project and upon completion of all reporting and monitoring requirements pursuant to this Deferred Loan Agreement.

4.4 *Return of Funds*

The Borrower must promptly return to MHFA any Program Funds that have: (i) not been accounted for in a financial report to MHFA due annually or at Deferred Loan Agreement closeout; or (ii) not been used in compliance with the Program Guide.

4.5 *Contracting and Bidding Requirements*

The Borrower must comply with all applicable prevailing wage requirements as further described in the Legal Addendum attached to the Program Guide.

The Borrower must not contract with vendors who are suspended or debarred in MN:

<http://www.mmd.admin.state.mn.us/debarredreport.asp>

4.6 *Prepayment*

The Program Funds may be prepaid in whole or in part at any time without premium or penalty; provided, however, that payment by Borrower to MHFA of the amount of the Program Funds or any portion thereof shall not be deemed to be or constitute a release of Borrower from the terms or requirements of this Deferred Loan Agreement.

5 **Conditions of Payment**

All activities performed by the Borrower under this Deferred Loan Agreement must be performed to MHFA's satisfaction, as determined at the sole discretion of MHFA's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Borrower will be responsible for repaying any Program Funds found by MHFA to be noncompliant with this Deferred Loan Agreement or used in violation of federal, state, or local law.

6 **Authorized Representative**

MHFA's Authorized Representative is **Sara Bunn, Program Manager, 651.296.9827, sara.bunn@state.mn.us, 400 Wabasha St N, Suite 400, St. Paul, MN 55102** or her successor, and has the responsibility to monitor the Borrower's performance under this Deferred Loan Agreement.

The Borrower's Authorized Representative is **[NAME, TITLE, ADDRESS, TELEPHONE NUMBER, EMAIL]**. If the Borrower's Authorized Representative changes at any time during this Deferred Loan Agreement, the Borrower must immediately notify MHFA.

7 **Assignment Amendments, Waiver, and Deferred Loan Agreement Complete**

7.1 *Assignment*

The Borrower shall neither assign nor transfer any rights or obligations under this Deferred Loan Agreement without the prior written consent of MHFA, approved by the same parties who executed and approved this Deferred Loan Agreement, or their successors in office.

7.2 *Amendments*

Any amendments to this Deferred Loan Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Deferred Loan Agreement, or their successors in office.

7.3 *Waiver*

If MHFA fails to enforce any provision of this Deferred Loan Agreement, that failure does not constitute a breach of this Agreement, and MHFA reserves its right to enforce any provision or MHFA's right to enforce it.

Section 9, Item c.

7.4 *Deferred Loan Agreement Complete*

This Deferred Loan Agreement contains all negotiations and agreements between MHFA and the Borrower. No other understanding regarding this Deferred Loan Agreement, whether written or oral, may be used to bind either party.

8 **Liability**

The Borrower must indemnify, save, and hold MHFA, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by MHFA, arising from the performance of this Deferred Loan Agreement by the Borrower or the Borrower's agents or employees. This clause will not be construed to bar any legal remedies the Borrower may have for MHFA's failure to fulfill its obligations under this Deferred Loan Agreement.

9 **State Audits**

Under [Minn. Stat. § 16B.98](#), Subd.8, the Borrower's books, records, documents, and accounting procedures and practices of the Borrower or any other party relevant to this Deferred Loan Agreement or transaction are subject to examination by MHFA and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Deferred Loan Agreement, receipt and approval of all final reports, or the required period of time to satisfy all MHFA program retention requirements, whichever is later.

10 **Workers Compensation**

The Borrower certifies that it is in compliance with [Minn. Stat. § 176.181](#), Subd. 2, pertaining to workers' compensation insurance coverage. The Borrower's employees and agents will not be considered MHFA employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way MHFA's obligation or responsibility.

11 **Publicity and Endorsement**

11.1 *Publicity*

Any publicity regarding the subject matter of this Deferred Loan Agreement must identify MHFA as the sponsoring agency and must not be released without prior written approval from MHFA's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Borrower individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Deferred Loan Agreement.

11.2 *Endorsement*

The Borrower must not claim that MHFA endorses its products or services.

12 **Governing Law, Jurisdiction, and Venue**

Minnesota law, without regard to its choice-of-law provisions, governs this Deferred Loan Agreement. Venue for all legal proceedings out of this Deferred Loan Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

13 **Termination**

MHFA may immediately terminate this Deferred Loan Agreement if MHFA finds that there has been a failure to comply with the provisions of this Deferred Loan Agreement or the Program Guide, that reasonable progress has not been made or that the purposes for which the funds were loaned have not been or will not be fulfilled. MHFA may take action to protect the interests of the State of Minnesota, including

the refusal to disburse additional funds and requiring the return of all or part of the funds already

14 Data Disclosure

Under [Minn. Stat. § 270C.65](#), Subd. 3, and other applicable law, the Borrower consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to MHFA, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Borrower to file state tax returns and pay delinquent state tax liabilities, if any.

15 Responsible Contractor Requirement

The Borrower agrees that it and its contractors will fully comply with all applicable provisions contained in [Minn. Stat. §16C.285](#), as amended.

2. BORROWER

The Borrower certifies that the appropriate person(s) has/have executed the Deferred Loan Agreement on behalf of the Borrower as required by applicable articles, bylaws, resolutions, or ordinances.

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

3. MINNESOTA HOUSING FINANCE AGENCY

By: _____

(with delegated authority)

Title: _____

Date: _____

Distribution:

Agency

Borrower

MHFA's Authorized Representative

EXHIBIT A

Section 9, Item c.

Workforce Housing Development Program Disbursement Request Form

Summary

This form must be completed, signed, and submitted to MHFA prior to receiving a disbursement of funds. To complete the form, enter the amount of funds you are requesting and a summary of what the funds will be used for. Have the form signed by an Authorized Representative. Submit the completed form to Sara Bunn at WorkforceHousingDevProg.MHFA@state.mn.us.

Disbursement Request and Justification

Amount Requested (not to exceed one-third of the total award): _____

Use the space below to document what the funds will be used for:

Authorized Representative Signature
--

Authorized Representative Name: _____

Authorized Representative Title: _____

Date Signed: _____

Authorized Representative
Signature: _____

4/2/24 unit mix as proposed (subject to change):

8 – “Alcove” units (not called studios, but they only have a short wall dividing off the bedroom from the rest of the unit) – 600 sq. ft. average size

26 – 1 Bedroom units – 750 sq. ft. average size

7 – 1 Bedroom +Den units (basically a one bedroom unit plus a den) – 850 sq. ft. average size

8 – 2 Bedroom units – 1,100 sq. ft. average size

5 – 2 Bedroom +Den units (basically a two bedroom unit plus a den – they don’t do 3 bedroom units as in the past they haven’t been able to rent them) – 1,250 to 1,350 sq. ft sizes

54 total units

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 staff's 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