



CITY COUNCIL MEETING AGENDA

City of New Prague

Monday, October 07, 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/237148989>

You can also dial in using your phone: Access Code: 237-148-989 | United States: +1 (646) 749-3122

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. September 3, 2024 City Council Meeting Minutes
 - ii. September 3, 2024 Special City Council Meeting Minutes
 - iii. September 16, 2024 City Council Meeting
 - iiii. September 16, 2024 Special City Council Meeting Minutes - Closed
- b. Claims for Payment: **\$734,100.04**
- c. Personnel Handbook Updates

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

(Speakers limited to 5 minutes.)

5. CITY ENGINEER PROJECTS UPDATE

- a. October 7, 2024

6. PUBLIC HEARING(S) – 6:00 PM

- a. None

7. SOUTHERN VALLEY ALLIANCE - DOMESTIC AWARENESS MONTH

- a. Presentation Purple Patch Program
- b. Proclamation Domestic Violence Awareness Month

8. YELLOW TREE ABATEMENT REQUEST

- a. Tax Abatement Discussion

9. ORDINANCE(S) FOR INTRODUCTION

10. ORDINANCE(S) FOR ADOPTION

11. RESOLUTIONS

- a.** Resolution #24-10-07-01 Approving Certification of Mowing and Property Maintenance Charges to Property Tax Roll
- b.** Resolution #24-10-07-02 Approving Certification of Unpaid Service Charges Municipal Utility Billing Charges to Property Tax Roll
- c.** Resolution #24-10-07-03 Interim Use Permit #I2-2024 - Exterior Storage at Former Mill Located at 100 2nd Ave. SW as proposed by New Prague Mill, LLC
- d.** Resolution #24-10-07-04 Conditional Use Permit #C4-2024 - Outdoor Seating at Sugar Rose Bakeshop at 120 Main St. W. as proposed by Jody Breathwaite
- e.** Resolution #24-10-07-05 Variance #V8-2024 - 5' Tall Fence at 1232 Olivia Street SE as proposed by Mark and Christine Shaw

12. GENERAL BUSINESS

13. MISCELLANEOUS

- a.** Meeting Minutes

 - i. Planning Commission
 - ii. Golf Board
 - iii. Park Board
 - iv. EDA Board
- b.** Discussion of Items not on the Agenda

14. ADJOURNMENT

UPCOMING MEETINGS AND NOTICES:

October 8	6:00 p.m. Park Board
October 9	7:30 a.m. EDA Board
October 9	6:30 p.m. Cedar Lake Water & Sanitary Sewer District
October 14	12:00 p.m. Community Center Board
October 21	6:00 p.m. City Council
October 22	6:30 p.m. Golf Board
October 23	6:30 p.m. Planning Commission
October 28	3:30 p.m. Utilities Commission
November 4	6:00 p.m. City Council

CITY COUNCIL MEETING MINUTES



City of New Prague

Tuesday, September 03, 2024 at 6:00 PM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

PRESENT

- Mayor Duane Jirik
- Councilmember Shawn Ryan
- Councilmember Rik Seiler
- Councilmember Bruce Wolf

ABSENT

Councilmember Maggie Bass

STAFF PRESENT: City Administrator Joshua Tetzlaff, Planning/Community Development Director Ken Ondich, Finance Director Robin Pikal, Police Chief Tim Applen, Public Works Director Matt Rynda, Steve Rynda Fire Chief

- a. Pledge of Allegiance

2. APPROVAL OF REGULAR AGENDA

Motion made by Councilmember Ryan, Seconded by Councilmember Wolf to Approve the Regular Agenda and move the Public Hearing after the Consent Agenda

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

Motion carried (4-0)

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.)

Motion to Approve Consent Agenda

Motion made by Councilmember Seiler, Seconded by Councilmember Ryan.

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

Motion carried (4-0)

- a. Meeting Minutes
 - i. August 19, 2024, City Council Meeting Minutes
 - ii. August 19, 2024, Special City Council Meeting Minutes
- b. Claims for Payment: **\$245,712.75**
- c. New Prague Schools Homecoming Parade Request
- d. Appointment of Administrative Assistant
- e. Satisfaction of SCDP Housing Repayment Agreement
- f. Police Facility GeoTechnical Evaluation
- g. Underage Tobacco Sales Violation
- h. Schultzy's Restaurant Group LLC - DBA: 1319 Woodfire Tavern THC Products Violation
- i. Premises Permit Extension Request for Giesenbräu Bier Co.
- j. Giesenbräu Bier Co. Alcohol Compliance Violation

4. PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA
(Speakers limited to 5 minutes.)

5. INTRODUCTION OF YELLOW TREE DEVELOPMENT 155-UNIT MARKET RATE APARTMENTS AND POSSIBLE TAX ABATEMENT

Planning/Community Director Ken Ondich & Mikaela Hout from Baker Tilly provide more context and answer questions.

Rob Lubenow, co-founder of Yellow Tree Development, provides more information and answers questions.

a. Presentation Materials

6. PUBLIC HEARING(S) – 6:00 PM

They Mayor was presented with a "Neighborhood petition to reconsider sidewalks for the 2025 street improvement plan" with 22 signatures on it.

Public Speakers:

Greg Bark, 210 Lincoln Ave N

Rachel Miller, 316 Lincoln Ave N

Bob Austin, 313 Lincoln Ave N

Ann Kristy, 305 Pershing

Wendy Matthewitz, 310 Lyndale

Donna Schumacher, 319 Pershing Ave N

Motion made by Councilmember Seiler, Seconded by Mayor Jiri to close the Public Hearing at 6:38 PM.

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

Motion carried (4-0)

a. Proposed 2025 Street and Utility Improvement Project

City Engineer Chris Knutson provided more context on the project and answered questions.

7. 2025 STREET AND UTILITY IMPROVEMENT PROJECT

a. Resolution #24-09-03-01 - Ordering Improvement and Preparation of Plans

Motion to adopt Resolution 24-09-03-01 - Ordering Improvement and Preparation of Plans

Motion made by Councilmember Seiler, Seconded by Councilmember Wolf.

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

Motion carried (4-0)

b. Proposal for Engineering Services

City Engineer Chris Knutson provides more context to the proposal and answers questions.

Motion to Approve the Contract Proposal for Engineering Services

Motion made by Councilmember Ryan, Seconded by Councilmember Seiler.

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

Motion carried (4-0)

8. CITY ENGINEER PROJECTS UPDATE

City Engineer Chris Knutson provides more information and answers questions.

a. September 3, 2024

9. ORDINANCE(S) FOR INTRODUCTION

10. ORDINANCE(S) FOR ADOPTION

a. Ordinance #351 - Amending Various Sections of the Zoning Ordinance Related to Public Buildings and Essential Services Structures

Motion to adopt Ordinance #351 to Amend Various Sections of the Zoning Ordinance Related to Public Buildings and Essential Services Structures

Motion made by Mayor Jirik, Seconded by Councilmember Seiler.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Seiler, Councilmember Wolf
Motion carried (4-0)

11. RESOLUTIONS

- a. Resolution #24-09-03-02 - Granting Approval of the Preliminary and Final Plat of Tracker Addition - 1 Lot on 8.31 Acres
Motion to adopt Resolution #24-09-03-02 to Approve the Preliminary and Final Plat of Tracker Addition - 1 Lot on 8.31 Acres
Motion made by Councilmember Ryan, Seconded by Councilmember Wolf.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Seiler, Councilmember Wolf
Motion carried (4-0)
- b. Resolution #24-09-03-03 - Approving Variance #V5-2024 - Parking Setback and Stall Size for Ten Nineteen Development, LLC
Motion to adopt Resolution #24-09-03-03 to Approve Variance #V5-2024 - Parking Setback and Stall Size for Ten Nineteen Development, LLC
Motion made by Mayor Jirik, Seconded by Councilmember Ryan.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Seiler, Councilmember Wolf
Motion carried (4-0)
- c. Resolution #24-09-03-04 - Approving Variance #V6-2024 - Driveway Setback Variance for New Prague Mill, LLC
Motion to adopt Resolution #24-09-03-04 to Approve Variance #V6-2024 - Driveway Setback Variance for New Prague Mill, LLC
Motion made by Councilmember Ryan, Seconded by Councilmember Seiler.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Seiler, Councilmember Wolf
Motion carried (4-0)
- d. Resolution #24-09-03-05 - Approving Variance #V7-2024 - Sign Size Variance for New Prague Community Center Association
Motion to adopt Resolution #24-09-03-05 to Approve Variance #V7-2024 - Sign Size Variance for New Prague Community Center Association
Motion made by Councilmember Seiler, Seconded by Councilmember Wolf.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Seiler, Councilmember Wolf
Motion carried (4-0)

12. GENERAL BUSINESS

13. MISCELLANEOUS

- a. Meeting Minutes
 - i. Utilities
 - ii. Golf
 - iii. Park
- b. Discussion of Items not on the Agenda

14. ADJOURNMENT

Motion made by Councilmember Seiler, Seconded by Councilmember Wolf to adjourn the meeting at 8:09 PM.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Seiler, Councilmember Wolf
Motion carried (4-0)

ATTEST:

Duane J. Jirik
Mayor

Joshua M. Tetzlaff
City Administrator



SPECIAL CITY COUNCIL MEETING MINUTES

City of New Prague

Tuesday, September 03, 2024 at 6:05 PM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

PRESENT

Mayor Duane Jirik

Councilmember Shawn Ryan

Councilmember Rik Seiler

Councilmember Bruce Wolf

ABSENT

Councilmember Maggie Bass

2. APPROVAL OF REGULAR AGENDA

Motion to Approve the Regular Agenda

Motion made by Councilmember Wolf, Seconded by Councilmember Ryan.

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

Motion Carried (4-0)

3. GENERAL BUSINESS

Discussion was had regarding the 2025 budget. No action was taken.

a. 2025 Budget Discussion #2

4. MISCELLANEOUS

a. Discussion of Items not on the Agenda

5. ADJOURNMENT

Motion made by Councilmember Ryan, Seconded by Councilmember Seiler to adjourn the meeting at approximately 9:20 p.m.

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

Motion carried (4-0)

ATTEST:

Duane J. Jirik
Mayor

Joshua M. Tetzlaff
City Administrator

CITY COUNCIL MEETING MINUTES



City of New Prague

Monday, September 16, 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/991337053>

You can also dial in using your phone: Access Code: 991-337-053 | United States: +1 (224) 501-3412

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

1. CALL TO ORDER

Mayor Duane Jirik called the meeting to order at 6:02 PM.

PRESENT

Mayor Duane Jirik

Councilmember Shawn Ryan

Councilmember Maggie Bass

Councilmember Rik Seiler

Councilmember Bruce Wolf

Staff present: City Administrator Joshua Tetzlaff, Planning/Community Development Director Ken Odich, Finance Director Robin Pikal, Police Chief Tim Applen, Public Works Director Matt Rynda

a. Pledge of Allegiance

2. APPROVAL OF REGULAR AGENDA

Motion to approve the Regular Agenda:

Motion made by Councilmember Ryan, Seconded by Councilmember Seiler.

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

Motion carried (5-0)

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.)

Motion to approve the Consent Agenda

Motion made by Councilmember Bass, Seconded by Councilmember Wolf.

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

Motion carried (5-0)

- a. Claims for Payment: \$965,126.41
- b. Financial Summary Report
- c. Premise Extention - Ettlins Cafe Oktoberfest
- d. Temporary On-Sale Liquor License - St. Wenceslaus/St. John the Evangelist
- e. Firemen's Relief Association Bylaw Update

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

(Speakers limited to 5 minutes.)

No members of the public present to speak.

5. CITY ENGINEER PROJECTS UPDATE

City Engineer Chris Knutson provided a brief update.
a. September 16, 2024

6. 2024 STREET & UTILITY IMPROVEMENT PROJECT

Motion to adopt Resolution #24-09-16-01
Motion made by Councilmember Ryan, Seconded by Councilmember Seiler.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0)
a. Resolution #24-09-16-01 - Declaring Cost to be Assessed, Ordering Preparation of Proposed Assessment, and Calling for Hearing on Proposed Assessment

7. PUBLIC HEARING(S) – 6:00 PM

a. None

8. ORDINANCE(S) FOR INTRODUCTION

9. ORDINANCE(S) FOR ADOPTION

10. RESOLUTIONS

Motion to adopt Resolution #24-09-16-02
Motion made by Mayor Jirik, Seconded by Councilmember Wolf.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0)
a. Resolution #24-09-16-02 - Adopting 2024 Property Tax Levy for Taxes Payable 2025

11. GENERAL BUSINESS

- a. 2025 Health & Dental Insurance
City Administrator Joshua Tetzlaff presented his recommendation for the 2025 Health & Dental Insurance Changes.
Motion to adopt the 2025 Health & Dental Insurance Recommendations
Motion made by Mayor Jirik, Seconded by Councilmember Seiler.
Voting Yea: Mayor Jirik, Councilmember Seiler
Voting Nay: Councilmember Ryan, Councilmember Bass, Councilmember Wolf
Motion failed (2-3)
Second Motion to Approve the recommendation with the following compromise:
HSA Contribution Single \$1125 & Family \$2250
Motion made by Councilmember Wolf, Seconded by Councilmember Bass.
Voting Yea: Mayor Jirik, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Voting Nay: Councilmember Ryan
Motion carried (4-1)
- b. Tax Abatement for 54 Unit Market Rate Apartment and Call for Hearing
Motion to Call for Hearing for Tax Abatement for 54 Unit Market Rate Apartment
Motion made by Councilmember Bass, Seconded by Councilmember Ryan.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0)
- c. Charter Commission Recommendation
Motion to Call for Public Hearing for changing the Mayoral Term from two-year to four-years
Motion made by Councilmember Ryan, Seconded by Councilmember Bass.
Voting Yea: Mayor Jirik, Councilmember Ryan, Councilmember Bass, Councilmember Seiler, Councilmember Wolf
Motion carried (5-0)

12. MISCELLANEOUS

- a. North Memorial Health Ambulance Q2 2024 Update
Mayor Jirik provided context as to North Memorial's Update
- b. Discussion of Items not on the Agenda
Finance Director Robin Pikal relayed information about Early Voting.

13. ADJOURNMENT

Motion made by Councilmember Bass, Seconded by Councilmember Seiler to adjourn the meeting at 7:12 PM.
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, September 16, 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 7:17 PM.

PRESENT

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

Staff Present:

City Administrator Joshua Tetzlaff, Finance Director Robin Pikal

1. CLOSED SESSION:

Went into closed session at 7:17 p.m. to conduct a closed City Council meeting to consider strategy for labor negotiations, including negotiation strategies or developments, or discussion and review of labor negotiation proposals, conducted pursuant to Sections 179A.01 to 179A.25.

Motion made by Councilmember Seiler, Seconded by Councilmember Bass to come out of closed session at 7:55 p.m.

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

Motion carried (5-0)

2. ADJOURNMENT

Motion made by Councilmember Seiler, Seconded by Councilmember Bass to adjourn the meeting at 7:55 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
 10/07/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
FUND 101 - GENERAL FUND			
<u>RURAL FIRE - TO BE REIMBURSED</u>			
BOUND TREE MEDICAL LLC	GLOVES	\$165.40	
DEHMER / CENTRAL FIRE PROTECTION INC	FIRE EXTINGUISHER RECHARGE	\$85.00	
MACQUEEN EQUIPMENT	SCBA EYE PIECES	\$171.12	
NEW PRAGUE UTILITIES	RURAL FIRE - UTILITES	\$586.61	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$16.60	
VERIZON WIRELESS	TELEPHONE	\$20.69	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$376.17	
TOTAL:			\$1,421.59
<u>OTHER - TO BE REIMBURSED</u>			
KENNEDY & GRAVEN CHARTERED	TRACKER ADDITION	\$248.40	
NEW PRAGUE FIRE DEPARTMENT	KNOX BOX - THE MILL	\$474.00	
TOTAL:			\$722.40
<u>ESCROW REFUNDS</u>			
KUEHNER, EMMALEE	ESCROW - 803 1ST AVE NW	\$1,650.00	
RIVIERA HOMES INC	ESCROW - 407 MUSIC ST NW	\$1,650.00	
SHIMOTA PROJECT MANAGEMENT	ESCROW - 1206 GRANT AVE NW	\$150.00	
TOTAL:			\$3,450.00
<u>COUNCIL</u>			
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$274.98	
VERIZON WIRELESS	TELEPHONE	\$82.76	
TOTAL:			\$357.74
<u>ADMINISTRATION</u>			
LEAGUE OF MINNESOTA CITIES	CITY MEMBERSHIP DUES	\$3,273.00	
MN SECRETARY OF STATE - NOTARY	NOTARY APPLICATION	\$120.00	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$369.72	
VERIZON WIRELESS	TELEPHONE	\$53.79	
TOTAL:			\$3,816.51
<u>TECH NETWORK</u>			
US BANK CREDIT CARD	DOMAIN	-\$177.81	
TOTAL:			-\$177.81
<u>ELECTIONS</u>			
US BANK CREDIT CARD	ELECTION MEALS	\$315.36	
TOTAL:			\$315.36
<u>ATTORNEY</u>			
KENNEDY & GRAVEN CHARTERED	GENERAL LEGAL SERVICES	\$4,219.40	
SCOTT COUNTY ATTORNEY'S OFFICE	AUGUST COURT FINES	\$1,348.99	
TOTAL:			\$5,568.39
<u>PLANNING</u>			
KEN ONDICH	MILEAGE REIMBURSEMENT	\$133.46	
LE SUEUR COUNTY RECORDER	RECORDING FEE	\$138.00	
SCOTT COUNTY RECORDER	RECORDING FEE	\$46.00	
TIKALSKY LASER ENGRAVING	PARK BOARD NAME PLATES	\$38.70	
US BANK CREDIT CARD	APA CONFERENCE & MEMBERSHIP	\$581.28	
US BANK CREDIT CARD	GO TO MY PC	\$20.60	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$27.18	
VERIZON WIRELESS	TELEPHONE	\$82.76	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$29.76	
TOTAL:			\$1,097.74

CITY OF NEW PRAGUE
 ACCOUNTS PAYABLE
 10/07/2024

Section 3, Item b.

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>TOTAL</u>
<u>GOVERNMENT BUILDING</u>			
NEW PRAGUE UTILITIES	GOVT BUILDING - WATER/SEWER	\$642.18	
NEW PRAGUE UTILITIES	GOVT BUILDING -ELECTRIC	\$1,591.03	
SEH	CITY CENTER GRADING	\$3,208.40	
WOLD ARCHITECTS AND ENGINEERS	POLICE FACILITY SCHEMATIC DESIGN	\$26,513.56	
TOTAL:			<u><u>\$31,955.17</u></u>
<u>POLICE</u>			
AMAZON CAPITAL SERVICES	SHIPPING TAPE	\$12.30	
JEFF BELZER NEW PRAGUE FORD	SQUAD MAINTENANCE #120	\$254.79	
SCOTT COUNTY SHERIFF'S OFFICE	DOZINKY ASSISTANCE - RESERVE UNIT	\$700.00	
TRANSUNION RISK AND ALTERNATIVE	TLO CHARGES	\$75.00	
US BANK CREDIT CARD	SHIPPING & BUSINESS CARDS	\$205.86	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$279.14	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$1,185.01	
TOTAL:			<u><u>\$2,712.10</u></u>
<u>FIRE</u>			
BOUND TREE MEDICAL LLC	GLOVES	\$165.40	
DEHMER / CENTRAL FIRE PROTECTION INC	FIRE EXTINGUISHER RECHARGE	\$85.00	
MACQUEEN EQUIPMENT	SCBA EYE PIECES	\$171.13	
NEW PRAGUE UTILITIES	FIRE - ELECTRIC	\$340.03	
NEW PRAGUE UTILITIES	FIRE - WATER/SEWER	\$246.59	
VERIZON WIRELESS	TELEPHONE	\$20.69	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$304.71	
TOTAL:			<u><u>\$1,333.55</u></u>
<u>BUILDING INSPECTOR</u>			
AMAZON CAPITAL SERVICES	METAL CLIPBOARD	\$26.49	
BRIAN PETERSEN	RIVERBEND INSPECTION MEETING	\$15.34	
DEB WEGNER	RIVERBEND MEETING	\$15.34	
SCOTT SASSE	RIVERBEND MEETING	\$15.34	
US BANK CREDIT CARD	MN DEPT OF LABOR	\$170.00	
VERIZON WIRELESS	TELEPHONE	\$92.76	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$113.26	
TOTAL:			<u><u>\$448.53</u></u>
<u>ANIMAL CONTROL</u>			
MINNESOTA CRITTER GETTER	ANIMAL CONTROL - QTR 3	\$3,900.00	
TOTAL:			<u><u>\$3,900.00</u></u>
<u>STREET</u>			
AMAZON CAPITAL SERVICES	HITCH PINS	\$8.99	
EARL F. ANDERSEN	SIGNS	\$1,101.45	
ENVIRONMENTAL EQUIPMENT & SERVICES INC	SWEEPER - HOSE	\$169.75	
ENVIRONMENTAL EQUIPMENT & SERVICES INC	SWEEPER - SPRING	\$8.75	
NEW PRAGUE UTILITIES	STREETS - ELECTRIC	\$264.76	
NEW PRAGUE UTILITIES	STREETS - WATER/SEWER	\$114.24	
RIVER COUNTRY COOP	DIESEL	\$1,584.88	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$89.10	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$89.10	
VERIZON WIRELESS	TELEPHONE	\$155.66	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$785.50	
ZIEGLER INC.	CAT LOADER - PARTS	\$952.58	
TOTAL:			<u><u>\$5,324.76</u></u>
<u>STREET LIGHTS</u>			
NEW PRAGUE UTILITIES	STREETLIGHTS	\$4,080.95	
TOTAL:			<u><u>\$4,080.95</u></u>

CITY OF NEW PRAGUE
 ACCOUNTS PAYABLE
 10/07/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
<u>PARKS</u>			
AMAZON CAPITAL SERVICES	FIBER - ENCLOSURE	\$86.66	
AMAZON CAPITAL SERVICES	FIBER - MINI CONVERTOR	\$126.00	
AMAZON CAPITAL SERVICES	PARKS - FIBER	\$20.99	
BORDER STATES ELECTRIC SUPPLY	SOFTBALL FIELD - FUSES	\$987.56	
CORE & MAIN	HYDRANT REPAIR - SKATE PARK	\$227.17	
EARL F. ANDERSEN	DISC GOLF GRANT - SIGNS	\$338.85	
FERTIMIX INC.	FERTILIZER	\$470.00	
NEW PRAGUE UTILITIES	PARKS - WATER/SEWER	\$1,083.25	
NEW PRAGUE UTILITIES	PARKS -ELECTRIC	\$891.40	
SCOTT COUNTY	PROPERTY TAXES 412 5TH AVE NW	\$7,107.00	
US BANK CREDIT CARD	DOORS & ANTI-FREEZE	\$766.43	
US BANK CREDIT CARD	EAB GRANT - TREE BAGS	\$479.98	
VERIZON WIRELESS	INTERNET - PARKS	\$40.01	
VERIZON WIRELESS	TELEPHONE	\$118.66	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$1,148.56	
WASHA TRUCKING SERVICES INC	HAULING AG LIME	\$230.00	
WM. MUELLER & SONS INC.	ASPHALT	\$407.20	
ZORO TOOLS INC.	SOFTBALL FIELD FUSES	\$106.88	
TOTAL:			\$14,636.60
<u>LIBRARY</u>			
NEW PRAGUE UTILITIES	LIBRARY - ELECTRIC	\$836.32	
NEW PRAGUE UTILITIES	LIBRARY - WATER/SEWER	\$100.67	
TOTAL:			\$936.99
<u>UNALLOCATED</u>			
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$327.00	
SEH	CITY ROOF DAMAGE	\$560.00	
TOTAL:			\$887.00
GENERAL FUND TOTAL:			\$82,787.57
FUND 423 - CAPITAL PROJECTS - CIP 2024			
BCM CONSTRUCTION INC.	CIP 2024 PAY AP #6	\$534,603.31	
CHOSEN VALLEY TESTING INC	CIP 2024 - MATERIALS TESTING	\$3,800.00	
KENNEDY & GRAVEN CHARTERED	BOND COUNSEL 2024A	\$4,500.00	
SEH	CIP 2024	\$51,922.20	
TOTAL:			\$594,825.51
FUND 424 - CAPITAL PROJECTS - CIP 2025			
SEH	CIP 2025	\$915.10	
TOTAL:			\$915.10
FUND 499 - CAPITAL PROJECTS - GENERAL			
SCOTT COUNTY	PROPERTY TAXES	\$1,012.00	
TOTAL:			\$1,012.00
FUND 602 - ENTERPRISE - SANITARY SEWER			
A.P. TUPY MECHANICAL LLC	LAB A/C REPAIR	\$852.50	
AMAZON CAPITAL SERVICES	PHONE CASE	\$49.98	
BOLTON & MENK INC.	SANITARY SEWER FEASIBILITY	\$160.00	
CEMSTONE PRODUCTS COMPANY	FLOOR STAIN	\$6,385.70	
GRAINGER	MOTOR SHEAVE	\$221.20	
KENNEDY & GRAVEN CHARTERED	BOND COUNSEL 2024A	\$1,530.00	
MN VALLEY TESTING LABS	TESTING ANALYSIS	\$136.50	
NEW PRAGUE UTILITIES	WWTP - ELECTRIC	\$24,098.29	
NEW PRAGUE UTILITIES	WWTP - WATER/SEWER	\$321.34	
RIVER COUNTRY COOP	DIESEL GEN #12	\$1,295.33	
ROBERT HALF	TEMP UTILITY BILLING EMPLOYEE	\$2,975.19	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$210.60	
SALTCO	MONTHLY SALT FEE	\$70.00	
US BANK CREDIT CARD	DATA LOGGER	\$2,211.93	
US BANK CREDIT CARD	MAU 6 & AIR HEATER PARTS	\$2,180.15	
US BANK EQUIPMENT FINANCE	COPIER LEASE	\$81.00	

CITY OF NEW PRAGUE
 ACCOUNTS PAYABLE
 10/07/2024

Section 3, Item b.

VENDOR	DESCRIPTION	AMOUNT	TOTAL
VERIZON WIRELESS	TELEPHONE	\$187.07	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$86.67	
TOTAL:			\$43,053.45
FUND 606 - ENTERPRISE - STORM UTILITY			
CORE & MAIN	RISER - GREEN STORM BOX	\$100.44	
ENVIRONMENTAL EQUIPMENT & SERVICES INC	SWEEPER - HOSE	\$509.25	
ENVIRONMENTAL EQUIPMENT & SERVICES INC	SWEEPER - SPRING	\$26.25	
KENNEDY & GRAVEN CHARTERED	BOND COUNSEL 2024A	\$900.00	
ROBERT HALF	TEMP UTILITY BILLING EMPLOYEE	\$746.31	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$3.60	
UNDERGROUND TECHNOLOGIES OF MN	TELEVISIONING STORM LINES	\$750.00	
VERIZON WIRELESS	TELEPHONE	\$6.21	
VOYAGER FLEET SYSTEMS	MOTOR FUELS	\$6.95	
TOTAL:			\$3,049.01
FUND 651 - ENTERPRISE - AMBULANCE			
NEW PRAGUE UTILITIES	AMBULANCE - ELECTRIC	\$340.03	
NEW PRAGUE UTILITIES	AMBULANCE - WATER/SEWER	\$225.73	
ROSS NESBIT AGENCIES INC.	AGENCY FEE	\$10.20	
TOTAL:			\$575.96
TOTAL ACCOUNTS PAYABLE FOR COUNCIL APPROVAL:			\$726,218.60

Vendor Name	Net Invoice Amount
CINTAS	
TOWELS / LINEN	\$494.56
CIT GROUP	
SPECIAL ORDER - RYDER CUP	\$2,637.81
CLESENS	
KNOCK ON FITTINGS	\$744.82
PVC ELBOW 90	\$45.62
CUSHMAN MOTOR COMPANY INC	
SWITCH ASSY	\$47.69
ECOLAB INC	
DISHWASHER RENTAL	\$466.98
HERMEL WHOLESALE	
FOOD	\$11.00-
LAU'S BAKERY	
BUNS	\$77.80
MTI DISTRIBUTING INC	
FILTERS SPARK PLUG MOUNTS	\$264.66
GASKET	\$26.45
SHAFT REBUILD KIT BAFFLE	\$313.21
PEPSI-COLA	
BEVERAGE - NON-ALCOHOL	\$456.84
RONS NORTHFIELD REFRIGERAT	
COOLER DRAIN LINE HEATER	\$2,009.00
TOW DISTRIBUTING CORP	
BEER	\$307.00
Grand Totals	<u>\$7,881.44</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: PERSONNEL HANDBOOK UPDATES
DATE: OCTOBER 2ND, 2024

Attached is a proposed update to the Personnel Policy Handbook, updating language regarding stand-by duty for wastewater personnel, insurance benefit eligibility and updating the probationary period.

The update to stand by duty language is a change from 30 minutes to 45 minutes for wastewater personnel. This proposal is due to most of the plant being on the SCADA software and not requiring an onsite visit for each notification. In the scenario an onsite visit is required, the additional 15 minutes will not cause an issue. This change could also attract a wider applicant pool for those commuting.

The update to insurance benefits is to indicate when employee benefit coverage begins. Past practice has been eligibility the month following hire but was not indicated within the handbook.

The update to the probationary period is from 90 days to 180 days, this is to allow ample time for employee training and supervisor evaluation or performance and suitability. Additionally, I propose to remove the sentence stating employees are not eligible for City benefits during the probationary period as our practice has been eligibility on the 1st of the month after the hire date.

Recommendation

Staff recommend approval of the changes to stand-by duty and the probationary period within the Personnel Policy Handbook.

Page 21

STAND BY DUTY

Stand-by is defined as being on-call for a consecutive seven (7) days, each day after normal scheduled hours. Stand-by personnel must respond within ten minutes and report to work within thirty minutes of the original page. [Stand-by personnel for wastewater must respond within ten minutes and report to work within forty five minutes of the original page.](#)

Duty personnel for the public works and utility departments will be paid stand-by pay at the employees regular hourly rate for: one and one-half (1.5) hour for each weekday and two (2) hours for Saturdays, Sundays and each City observed holiday that occurs during the standby week.

Page 28

INSURANCE BENEFITS

Eligible employees may enjoy a wide range of benefits in addition to their salary. A number of programs prescribed by law, such as social security, Medicare, and unemployment, cover all employees. Benefit eligibility is based on employee classification and length of employment.

Outlined below is a brief summary of the types of employee benefits currently available through the City. It is not intended to, nor is it to be interpreted to, create an express or implied contract, covenant, promise, or representation between the City and the employee. These benefits are subject to change at the discretion of the City, in accordance with applicable law. In the event of any discrepancy between the benefits outlined below and the plan itself, the plan will govern. Any questions about employee benefits should be directed to the Human Resources representative.

Group Healthcare Insurance

All regular full-time employees and regular 3/4-time employees who work 30 or more hours each week may be eligible for health care coverage after completing the required period of continuous service to the City. Policy information is described in a separate booklet. Such benefits may be subject to change in the future. [Coverage begins the month following hire.](#)

Group Dental Insurance

All regular full-time employees and regular 3/4-time employees who work 30 or more hours each week may be eligible for dental coverage after completing the required period of continuous service to the City. Policy information is described in a separate booklet. Such benefits may be subject to change in the future. [Coverage begins the month following hire.](#)

Group Life Insurance

All regular full-time employees and regular 3/4-time employees who work 30 or more hours each week may be eligible for group life insurance upon meeting eligibility requirements. See the Human Resources representative for more information. [Coverage begins the month following hire.](#)

Page 55

Probationary Period

The period of time, typically lasting ninety (~~90~~[180](#)) days, when new or transferred employees and the City will assess whether the new job is a good fit for the employee. This (~~90~~[180](#)) day period may be shortened or lengthened in the discretion of management. Upon completion of this period, the employee will be considered a "regular" employee. [Employees are usually not eligible for City benefits during the Probationary Period.](#)



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: October 2, 2024

RE: Project Updates

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

2023 STREET AND UTILITY IMPROVEMENTS PROJECT

Some punch list items remain, primarily regarding the trail through the park. These may be addressed as warranty items to allow final payment to occur soon.

2024 STREET AND UTILITY IMPROVEMENTS PROJECT

The contractor will complete utility work this week and has started reconstruction of the street section. They hope to have it graveled and drivable before the weekend. Concrete crews should be here next week with paving expected the following week. All other street areas are near substantial completion with minor punchlist work needed.

2025 STREET AND UTILITY IMPROVEMENTS PROJECT

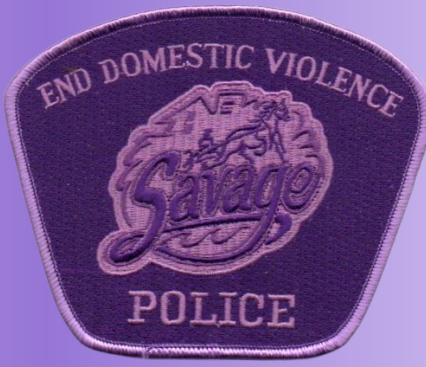
Final design of the project has started. 30% plans are expected later this month.

CITY CENTER GRADING PLAN – PHASE 1

Work on this project has been paused. It is expected to be bid for completion next spring.

cdk

x:\ko\newpr\common\council meetings\091624cc project updates.docx



Section 7, Item a.



PURPLE PATCH PROGRAM



Buy a patch to support Southern Valley Alliance!

Scott and Carver county law enforcement agencies have partnered with SVA to sell Domestic Violence Awareness Month patches with proceeds supporting domestic abuse services in our community.

\$15 Each | Set of all 10 for \$135

Domestic shipping is included
Purchase at SVAMN.ORG
or use the QR code:





Office of the Mayor
New Prague, Minnesota

Domestic Violence Awareness Month

In the City of New Prague in recognition of the critical work being done by domestic violence advocates in service of the survivors and victims they serve, I encourage all citizens to actively engage in the work and events sponsored by Southern Valley Alliance and other organizations working toward the elimination of domestic violence.

Whereas, 1 in 4 women and 1 in 7 men in the US have been the victim of severe physical violence by an intimate partner in their lifetime;

Whereas, more than 23,000 calls are placed to domestic violence hotlines nationwide every day;

Whereas, calls to our local domestic abuse crisis line, Southern Valley Alliance, have increased 23% in the last year;

Whereas, calls to our local domestic abuse crisis line, Southern Valley Alliance, have increased 23% in the last year;

Whereas, the City of New Prague joins with others across the state of Minnesota, and nationwide, in supporting domestic violence victims and survivors, the advocates and organizations who serve them, and holding offenders accountable in New Prague.

Now Therefore, I, Duane J. Jirik, Mayor of the City of New Prague, Minnesota do hereby proclaim **Monday, October 7, 2024** to be:

Domestic Violence Awareness Month!

Dated this 7th day of October, 2024

Duane J. Jirik, Mayor
City of New Prague, Minnesota



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: CALL FOR PUBLIC HEARING FOR POSSIBLE TAX ABATEMENT FOR +/- 155 UNIT MARKET RATE APARTMENT BUILDING– AS PROPOSED BY YELLOW TREE
DATE: OCTOBER 2, 2024

At the City Council meeting on September 3rd, 2024, Yellow Tree introduced their possible +/- 155-unit market rate apartment development that could occur on PID 25.113.0050 (Outlot C, Raven Stream Village Third Addition) which is a 4.86-acre vacant lot near Raven Stream Elementary. At the meeting, the City Council expressed interest in the project and a possible tax abatement and directed staff to contact Scott County and School District regarding their possible interest in participating in the tax abatement.

Since the meeting on September 3rd, staff met with County staff and learned that the County does not participate in housing tax abatements, and they instead suggested looking at a TIF district instead. Additionally, staff discussed with School District staff that it was unlikely that they would participate in another tax abatement beyond the Ebert tax abatement already in motion.

That said, staff continued discussions with Yellow Tree, and we have narrowed down the request for tax abatement to a 75% abatement of City taxes only for a 15-year period. Attached is a memo from Mikaela Huot with Baker Tilly, who is the City’s financial consultant, regarding the tax abatement request and how said request could be accommodated per the noted terms. Ms. Huot will also be in attendance at the meeting to discuss her memo.

As a refresher, the current owner of the property is JRD Holdings, LLC with whom Yellow Tree has a purchase agreement. The property is currently zoned RM Medium Density Residential and has utilities directly adjacent to the site. Since the property is currently an outlot, it does need to be platted and the site would also need to be rezoned to RH High Density Residential (which is a recommendation of the draft Comprehensive Plan update) to accommodate +/- 155 units (the plan attached to this memo actually shows 167 units of apartments and possibly an additional 18 rental townhome units, but both are subject to change).



The developer is currently completing their due diligence on the property, and this includes an inquiry to the City Council regarding their request for Tax Abatement to close the financial gap that exists to make the project a reality. Also attached to this memo is Yellow Tree’s Company Profile which includes a listing of awards and publications that they have appeared in.

New information included, in addition to the updated memo from Baker Tilly, is a concept site plan and renderings of Yellow Tree’s apartment project that is under construction in Farmington as a depiction of the type of product that they would build in New Prague.

Staff believes that the apartment building would provide the City with needed rental units, particularly for those seeking some additional amenities and that the long-term tax benefits to the City would outweigh the short-term abatement of property taxes.

Staff Recommendation

Staff recommends that the City Council determine if they would like to schedule a public hearing for the November 4th City Council meeting to consider a tax abatement at 75% of City Taxes for 15 years for the possible +/- 155-unit market rate apartment building.



Memo

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

From: Mikaela Huot, Director, BTMA

Date: October 7, 2024

Subject: Preliminary Tax Abatement Revenue Projections and Financial Analysis for Proposed New 155-Unit Multifamily Market Rate Housing Project

Executive Summary

The City of New Prague (the “City”) has received a request for tax abatement assistance from Yellow Tree (the “developer”) to assist with financing a portion of the costs associated with construction of an approximate 155-unit multifamily residential rental market rate housing development in the City. The total development cost of the project has been estimated to be \$39,870,000. The City received preliminary taxable value estimates from Scott County for the project that range from \$34,875,000 - \$37,200,000 and would result in total taxes of \$449,432 and \$479,394, respectively. The developer requested tax abatement assistance from the City (and inquired as to possible participation of the County and School District) that would provide additional cash flow to the project as necessary to meet minimum debt coverage and equity returns. The developer initially requested up to 100% of the annual tax abatements based on City share of taxes, that may be adjusted both on an annual basis, as well as potential participation from other taxing entities. Potential participation from one or more other taxing entities could reduce the request of City’s share of tax abatement. Additional analysis and discussion with other taxing entities has resulted in a proposed tax abatement (City only) of up to 75% share of City taxes. 75% of the City’s share of taxes is estimated to be approximately \$138,193 per year and \$2,072,894 over 15 years.

Tax abatement is a financing tool the City may consider utilizing to provide cash flow assistance to the project. The incremental taxes generated from the new development may be rebated back to the developer based on each taxing entity’s share of taxes. Subject to specific terms of granting a tax abatement and participating entities, all or a portion of the taxes paid by the developer would be rebated back and limited to a total number of years and/or amount. Each taxing entity chooses to participate on its own following a public hearing that is noticed more than ten days prior to the public hearing.

Prior to granting a tax abatement, the City will need to determine that the benefits gained equal or exceed the cost to the City and the abatement is in the public interest. There is not a statutorily required ‘but-for test; however, many communities consider incorporating a determination that the project as proposed would not proceed without public assistance (meeting the “but-for” test) as well as consideration of increased market value of the property to be developed. When reviewing requests for financial assistance it is important to understand how the level of financial assistance would impact the ability of the project to proceed as proposed and maximize new value created on the current project site.

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and controlled subsidiary of Baker Tilly Advisory Group, LP. Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, operate under an alternative practice structure and are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm and provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms. ©2024 Baker Tilly Municipal Advisors, LLC

Review of the sources and uses and operating proforma based on the developer assumptions with pay-as-you-go assistance as compared to no assistance provides an understanding of financial feasibility for this project and need for public assistance. The purpose of the analysis is to test the level of assistance that may be needed using those assumptions and if the recommended structure is reasonable while remaining consistent with the City's objectives for providing assistance.

Based on the financial analysis and available financing assumptions, without financial assistance, the project does not appear to be feasible due to the projected cash flow projections. Without assistance, the projected cash flow is less than what would be necessary to support the level of debt financing and equity investment required for this type of project. The analysis indicates that the provided financing structure without assistance would not be financially viable without one or more of the following: 1) reduction in project costs 2) additional annual cash flow (tax abatement revenues, reduced financing rates or equity returns), and/or 3) additional funding sources. With annual public assistance through tax abatement, the project is projected to be more financially feasible by providing additional cash flow to the project. Public assistance is projected to have a positive impact on what the projected returns for the project could be as compared to no assistance.

The purpose of the memorandum is to provide a summary of the financial review of the development project costs and sources of revenue and operating pro forma as provided by the developer to provide preliminary tax abatement revenue projections based on up to 75% participation levels by the City and assist the City with understanding if public assistance is necessary. The other taxing entities have indicated they do not wish to participate so any tax abatement assistance would be based on city share only. Should the City choose to provide assistance, annual tax abatement revenues generated by the project would be remitted back to the developer to provide additional cash flow.

Developer Request for Assistance

The developer has requested assistance from the City through tax abatement with an estimated annual amount of approximately \$299,650 based on taxes due of \$399,534. The total development costs are approximately \$39,870,000. Upfront funding sources to support development costs include construction financing and developer equity. The primary loan is approximately 70% of total funding sources and investor equity would be 30%. We would expect to see the primary debt financing percent in the range of 60-75%, subject to availability of net operating income with the remaining sources as secondary mortgage, equity or grants, as applicable. The overall project performance without assistance is lower than what lenders and investors would tolerate, thus resulting in a financial gap. Due to the current market environment and interest rates, annual debt service payments are higher with increased interest costs and lower overall funding amounts.

Total project costs that cannot be supported solely by the project alone could justify the need for public financial assistance and allow the project to proceed as proposed. In addition, current market conditions of increased interest rates requiring reduced debt financing and increased equity amounts have resulted in higher funding gaps. Tax abatement from the City would provide an additional funding source to the project that would facilitate the developer being able to obtain an appropriate level of upfront debt and equity funding and meet minimum debt coverage and investor return metrics. Summary of the sources and uses of funds is illustrated in Table 1 below.

The recommendation for a reasonable level of public assistance is balanced by a combination of public benefit and projected financial cash flow performance of the project, public policy guidelines/considerations and potential financial parameters as further outlined below:

- Return on Investment: *(City benefits)*
- Purchase price and other development costs: *(reasonable ranges and supported by project)*
- Public to private investment: *(public participation limit of 10%)*
- Public assistance and private equity: *(public does not exceed private equity)*
- Extraordinary costs: *(new development)*
- Financial gap: *(limit on private debt and equity)*
- Market conditions *(financing limitations)*

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and controlled subsidiary of Baker Tilly Advisory Group, LP. Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, operate under an alternative practice structure and are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm and provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms. ©2024 Baker Tilly Municipal Advisors, LLC

- Term of assistance: (up to 15-20 years)
- Other identified public improvements: (case by case basis to be determined)

Sources and Uses of Funds

The proposed total development cost of the project is estimated to be \$39,870,000 and is summarized below.

Table 1: Sources and Uses of Funds

<u>Sources</u>			<u>Uses</u>		<u>Percent</u>	<u>Per Unit</u>
Bank Loan	27,909,000	70.00%	Land	1,100,000	2.76%	7,097
Equity	11,961,000	30.00%	Construction	32,550,000	81.64%	210,000
Grants	-	0.00%	Construction Contingent	1,000,000	2.51%	6,452
Deferred Developer Fee	-	0.00%	Soft Costs	1,270,000	3.19%	8,194
			Construction Loan Interest	1,800,000	4.51%	11,613
			Closing Costs	500,000	1.25%	3,226
			Operating Reserve	250,000	0.63%	1,613
			Developer Fee	1,400,000	3.51%	9,032
			Other		0.00%	-
					0.00%	-
					0.00%	-
					0.00%	-
Total	39,870,000	100.00%	Total	39,870,000	100.00%	257,226

Operating Assumptions

The developer provided a breakdown of the projected revenues from the individual unit types for the residential housing units based on number of bedrooms (studio, 1, 1+, 2, 2+ and 3-bedrooms). The estimated range is rents for each unit type of \$1,275, \$1,400, \$1,650, \$1,900, \$2,200 and \$2,300. The estimated operating revenues and expenditures include 3% annual inflationary increases and 5% stabilized vacancy rates (revenues). Total operating expense ratio for the residential project component is approximately 40% annually. Assumptions utilized for the operating proforma are generally reasonable as compared to industry standards and may warrant additional analysis as the project proceeds.

Tax Abatement Analysis

The following assumptions were used to estimate the amount of projected tax abatement revenues based on the respective taxing entity participants:

- Total project area
 - Parcel ID: 24.113.0050
- Total estimated base value of \$131,200
 - Assumed existing land value would be calculated as 'base'
- Estimated total taxable value upon completion (including base)
 - \$34,875,000 classified as residential rental
- Maximum term of tax abatement
 - 15 years with 3 taxing entity participation (City, County and School District)
 - 20 years with 1 or 2 taxing entity participation
- Anticipated term of tax abatement based on initial review
 - Up to 15 years with 75% City only
 - Sliding scale (reduced percentages in future years anticipated for all scenarios subject to further analysis and discussion)
- Construction commences in 2025 and completes in 2026

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and controlled subsidiary of Baker Tilly Advisory Group, LP. Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, operate under an alternative practice structure and are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm and provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms. ©2024 Baker Tilly Municipal Advisors, LLC

- 100% assessed in January of 2027 for taxes payable in 2028
- Tax rates, class rates and future market values remain constant
 - Tax rates
 - City share: 42.427%
 - County share: 26.126%
 - ISD #721 share: 20.264%
 - 1.25% class rates for residential rental
 - 0% annual market value inflator

Table 2: Tax Abatement Revenue Estimates

Tax Abatement Revenue Projections	
Total Estimated Taxable Value	\$34,875,000
Scenario 1: City Only Participation 75% 15 Years	
City Share Total Estimated Annual Revenue Full Buildout	\$138,193
County Share Total Estimated Annual Revenue Full Buildout	\$0
School Share Total Estimated Annual Revenue Full Buildout	\$0
Total Gross Revenues	\$138,193
Estimated City Share (15 Years)	\$2,072,895
Estimated County Share (15 Years)	\$0
Estimated School District Share (15 Years)	\$0
Total over 15 Years	\$2,072,895

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 could be up to \$184,257 with 100% participation based on a taxable value of \$34,875,000. 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 2024 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

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and controlled subsidiary of Baker Tilly Advisory Group, LP. Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, operate under an alternative practice structure and are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm and provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms. ©2024 Baker Tilly Municipal Advisors, LLC

eligible costs. The request for assistance as related to this project would be as annual reimbursement/remittance based on a determination of a certain percentage of pledged annual abatements.

Conclusion

The developer has requested financial assistance as related to construction of a new 155-unit multifamily housing project that would include studios, 1 bedroom, 1 plus den, 2 bedrooms, 2 plus den and 3-bedroom units. The total development cost for the project is \$39,870,000 and the request for financial assistance is annual tax abatement assistance with an estimated annual amount of \$299,650. The project would be funded by approximately 70% debt (based on LTC ratio) with remaining sources being private equity or public assistance. The project has a financial gap and is seeking financial assistance from the City to close it. Through submission of the tax abatement request and supporting financial information, the developer has indicated that the project would not occur as proposed without financial assistance from the City due to below market rates of equity returns and debt financing.

Following analysis of the developer’s financing assumptions and considering current market environment, without financial assistance, the project would not be financially feasible. However, the level of public assistance as requested is projected to have positive impact on the project performance. Without any public assistance, the projected debt coverage ratios are projected to be below industry standards. The analysis indicates that the provided financing structure would not be financially viable without one or more of the following: 1) reduction in project costs 2) additional annual cash flow (tax abatement revenues, reduced financing rates or equity returns), and/or 3) additional funding sources.

With public assistance through tax abatement assistance with additional annual cash flow, the project is projected to achieve higher debt coverage and returns. The project is projected to have sufficient cash flow after debt service and a structure that provides additional annual revenues. There are ranges of what would be considered market returns and are generally subject to the project type, market indicators, investor demands and financing structure. The level of public assistance is expected to have positive impact on projected returns for the project.

Considered parameters for level of public assistance include the following:

- Return on Investment: *(City benefits)*
- Purchase price and other development costs: *(reasonable ranges and supported by project)*
- Public to private investment: *(public participation limit of 10%)*
- Public assistance and private equity: *(public does not exceed private equity)*
- Extraordinary costs: *(new development)*
- Financial gap: *(limit on private debt and equity)*
- Market conditions *(financing limitations)*
- Term of assistance: *(up to 15-20 years)*
- Other identified public improvements: *(case by case basis to be determined)*

The developer has requested tax abatement from the City as a method of providing additional cash flow revenues required to achieve financial feasibility. Assistance may be provided through a pledge of annual tax abatement to provide additional cash flow to support debt repayment, enhance cash flow and increase the developer’s return. We typically review both the annual (upon stabilization) and longer-term (10-year period) investment returns to understand financial performance and verification of need for public assistance, as well as identifying those costs considered extraordinary to the project.

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.

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.

The State will not reimburse school districts for lost taxes resulting from abatement.

Property in a tax increment financing district is not eligible for abatement; however, a tax abatement can be established following a tax increment district (as the proposed financing structure for this project).

Projected Tax Abatement Report

**City of New Prague, Minnesota
 Proposed Tax Abatement Assistance
 155 Unit Apartment Complex
 Draft Abatement Revenues: \$34.875M 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 * 26.13%	Maximum Tax Abatement School * 20.26%	Estimated Project Abatement		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)		
12/31/28	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/29	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/30	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/31	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/32	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/33	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/34	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/35	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/36	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/37	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/38	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/39	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/40	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/41	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
12/31/42	34,875,000	435,938	1,640	434,298	91.649%	398,031	75%	138,193	0%	0	0	138,193
						\$5,970,465		\$2,072,894		\$0	\$0	\$2,072,894

⁽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, Scott County and ISD 721 for taxes payable 2024

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and controlled subsidiary of Baker Tilly Advisory Group, LP. Baker Tilly Advisory Group, LP and Baker Tilly US, LLP, trading as Baker Tilly, operate under an alternative practice structure and are members of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. Baker Tilly US, LLP is a licensed CPA firm and provides assurance services to its clients. Baker Tilly Advisory Group, LP and its subsidiary entities provide tax and consulting services to their clients and are not licensed CPA firms. ©2024 Baker Tilly Municipal Advisors, LLC

PROJECT ADDRESS

ZONING
 CURRENT PRIMARY ZONING XXX
 PROPOSED REZONING PUD

SITE*
 TOTAL AREA 201,701 SF*
 SITE AREA - BUILDING FOOTPRINT 51,045 SF
 *Site area estimated from Scott County Property Map

SITE IMPERVIOUS AREA
 TOTAL AREA 201,701 SF*
 SITE AREA - PERVIOUS X,XXX SF - XX%
 SITE AREA - IMPERVIOUS X,XXX SF - XX%

FAR
 (insert primary zoning) ALLOWED X.X + (add bonuses if any) = X.XX (XX,XXX SF)
PROPOSED FAR = XX,XXX**/X,XXX = X.XX

PARKING REQUIRED
 PARKING REQUIRED 334 STALLS (2 PER UNIT)
PARKING PROVIDED 258 STALLS (1.58 PER UNIT)

BIKE PARKING REQUIRED XX SPACES
PROVIDED XX SPACES

BUILDING HEIGHT (INSERT ZONING) - ALLOWED XX'-0" / 4 STORIES
PROPOSED 3 STORY / 4 STORY ON EAST PART

REQUIRED APPLICATIONS
 -PUD

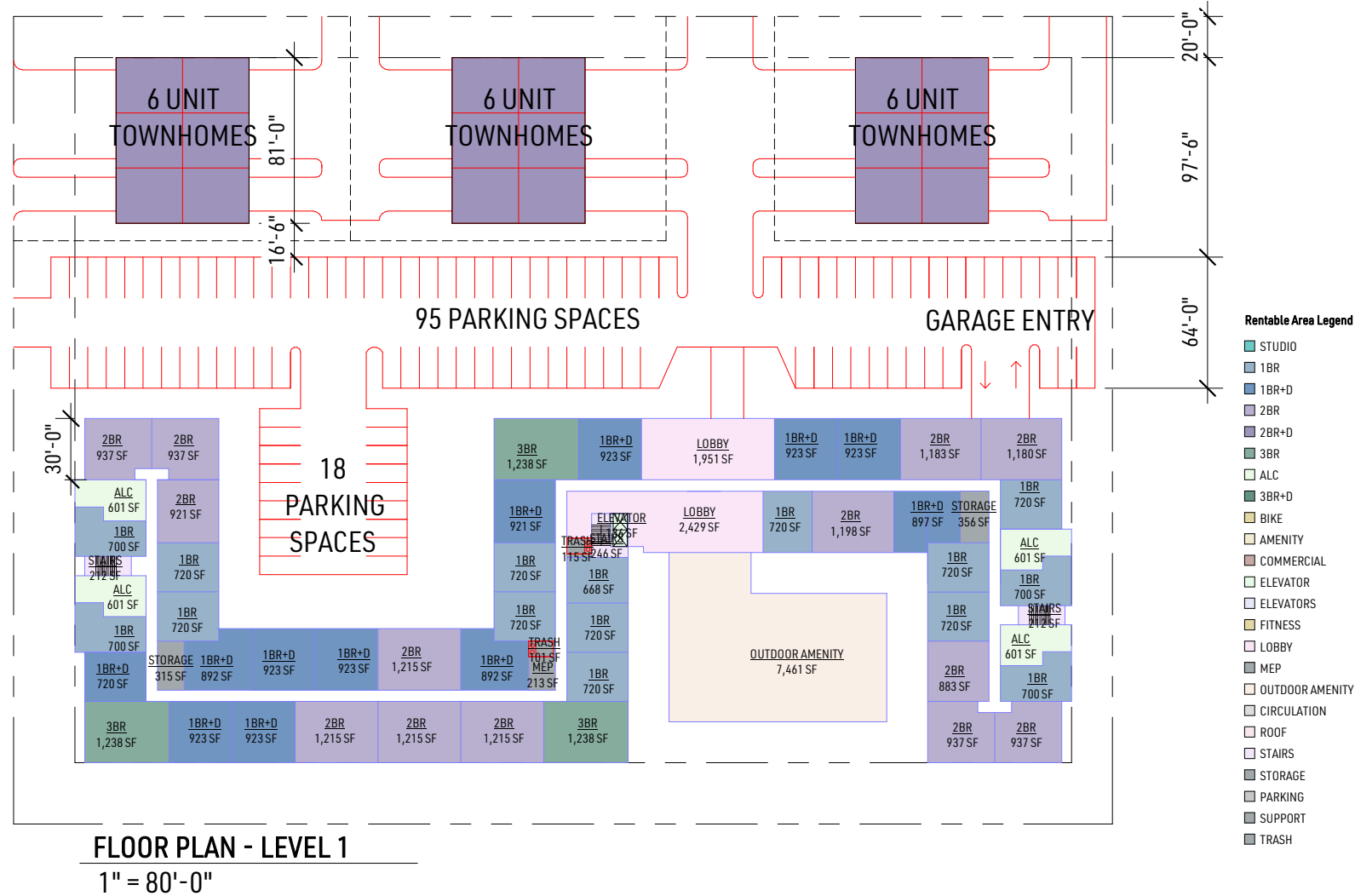


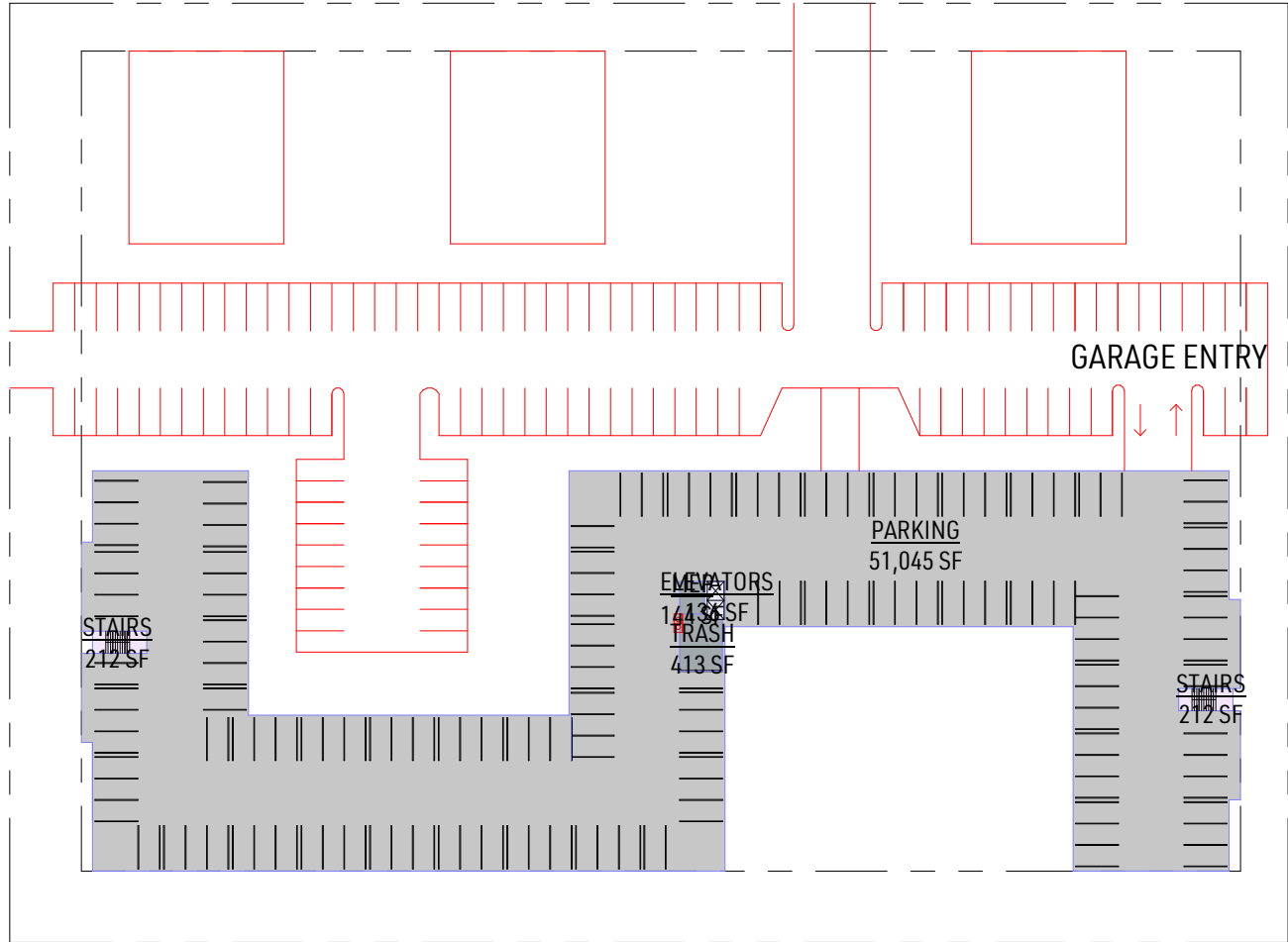
Scott Co Prop Map
 1" = 40'-0"

APARTMENTS AREA SCHEDULE (GROSS)		
Name	Level	Area
ELEVATORS	LEVEL P1	136 SF
MEP	LEVEL P1	144 SF
PARKING	LEVEL P1	51,045 SF
STAIRS	LEVEL P1	425 SF
TRASH	LEVEL P1	413 SF
LEVEL P1		52,162 SF
1BR	LEVEL 1	10,666 SF
1BR+D	LEVEL 1	10,779 SF
2BR	LEVEL 1	13,972 SF
3BR	LEVEL 1	3,713 SF
ALC	LEVEL 1	2,402 SF
ELEVATOR	LEVEL 1	136 SF
LOBBY	LEVEL 1	4,380 SF
MEP	LEVEL 1	213 SF
OUTDOOR AMENITY	LEVEL 1	7,461 SF
STAIRS	LEVEL 1	671 SF
STORAGE	LEVEL 1	670 SF
TRASH	LEVEL 1	216 SF
LEVEL 1		55,280 SF
1BR	LEVEL 2	11,439 SF
1BR+D	LEVEL 2	13,547 SF
2BR	LEVEL 2	13,972 SF
3BR	LEVEL 2	3,819 SF
ALC	LEVEL 2	2,402 SF
CIRCULATION	LEVEL 2	4,388 SF
ELEVATOR	LEVEL 2	136 SF
LOBBY	LEVEL 2	599 SF
MEP	LEVEL 2	313 SF
STAIRS	LEVEL 2	682 SF
STORAGE	LEVEL 2	670 SF
TRASH	LEVEL 2	195 SF
LEVEL 2		52,162 SF
1BR	LEVEL 3	11,439 SF
1BR+D	LEVEL 3	13,547 SF
2BR	LEVEL 3	13,972 SF
3BR	LEVEL 3	3,819 SF
ALC	LEVEL 3	2,402 SF
CIRCULATION	LEVEL 3	4,388 SF
ELEVATOR	LEVEL 3	136 SF
LOBBY	LEVEL 3	599 SF
MEP	LEVEL 3	313 SF
STAIRS	LEVEL 3	682 SF
STORAGE	LEVEL 3	670 SF
TRASH	LEVEL 3	195 SF
LEVEL 3		52,162 SF
1BR	LEVEL 4	3,782 SF
1BR+D	LEVEL 4	6,506 SF
2BR	LEVEL 4	3,560 SF
3BR	LEVEL 4	1,344 SF
ALC	LEVEL 4	601 SF
AMENITY	LEVEL 4	2,936 SF
CIRCULATION	LEVEL 4	1,872 SF
ELEVATOR	LEVEL 4	136 SF
LOBBY	LEVEL 4	611 SF
MEP	LEVEL 4	100 SF
ROOF	LEVEL 4	29,594 SF
STAIRS	LEVEL 4	671 SF
STORAGE	LEVEL 4	356 SF
TRASH	LEVEL 4	94 SF
LEVEL 4		52,162 SF
Grand total		263,929 SF

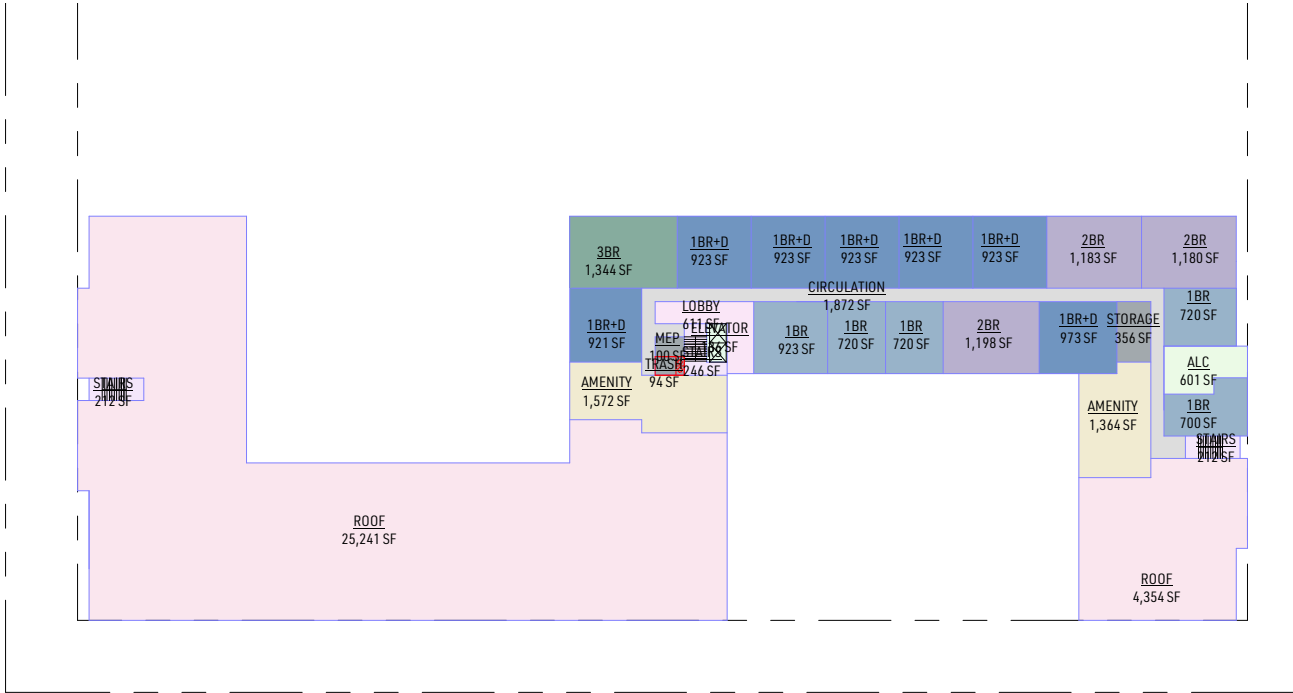
APARTMENTS UNIT COUNT BY TYPE	
UNIT TYPE	COUNT
1BR	52
1BR+D	49
2BR	42
3BR	10
ALC	13
ROOF	1
Unit Count: 167	

AREA SCHEDULE (RENTABLE)			
Name	Level	Count	Area
1BR	LEVEL 1	15	10,666 SF
1BR+D	LEVEL 1	12	10,779 SF
2BR	LEVEL 1	13	13,972 SF
3BR	LEVEL 1	3	3,713 SF
ALC	LEVEL 1	4	2,402 SF
47			41,532 SF
1BR	LEVEL 2	16	11,439 SF
1BR+D	LEVEL 2	15	13,547 SF
2BR	LEVEL 2	13	13,972 SF
3BR	LEVEL 2	3	3,819 SF
ALC	LEVEL 2	4	2,402 SF
51			45,178 SF
1BR	LEVEL 3	16	11,439 SF
1BR+D	LEVEL 3	15	13,547 SF
2BR	LEVEL 3	13	13,972 SF
3BR	LEVEL 3	3	3,819 SF
ALC	LEVEL 3	4	2,402 SF
51			45,178 SF
1BR	LEVEL 4	5	3,782 SF
1BR+D	LEVEL 4	7	6,506 SF
2BR	LEVEL 4	3	3,560 SF
3BR	LEVEL 4	1	1,344 SF
ALC	LEVEL 4	1	601 SF
ROOF	LEVEL 4	1	4,310 SF
18			20,102 SF
Grand total: 167			151,991 SF

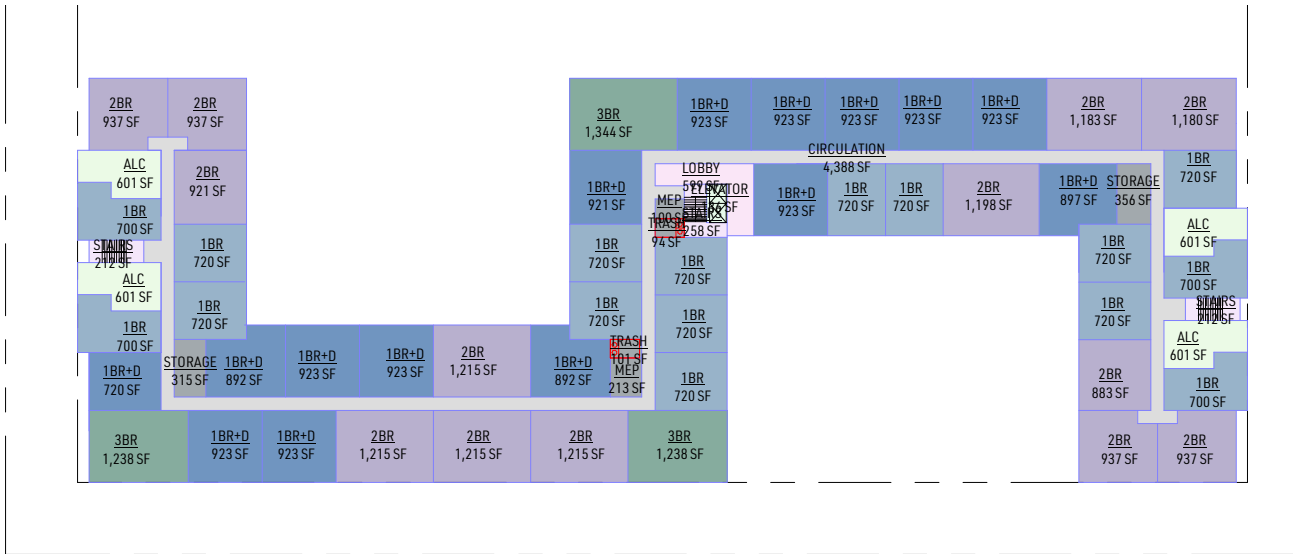




LEVEL P1
1" = 80'-0"



04 - Rentable Area
1" = 80'-0"



TYPICAL FLOOR PLAN 2-4
1" = 80'-0"

DJR



SITE PLAN REVIEW

05.03.2024

FARMINGTON APARTMENTS

Farmington, Minnesota

24-009.00



VIEW FROM DUSHANE PARKWAY TOWARD NORTHEAST CORNER

Exterior Rendering

A3.0

DJR



SITE PLAN REVIEW
05.03.2024

FARMINGTON APARTMENTS

Farmington, Minnesota
24-009.00

Exterior Rendering

A3.1



VIEW TOWARD MAIN PARKING ENTRY

DJR



SITE PLAN REVIEW

03.29.2024

FARMINGTON APARTMENTS

Farmington, Minnesota

24-009.00

VIEW OF OUTDOOR AMENITY AREA

Exterior Rendering

A3.2

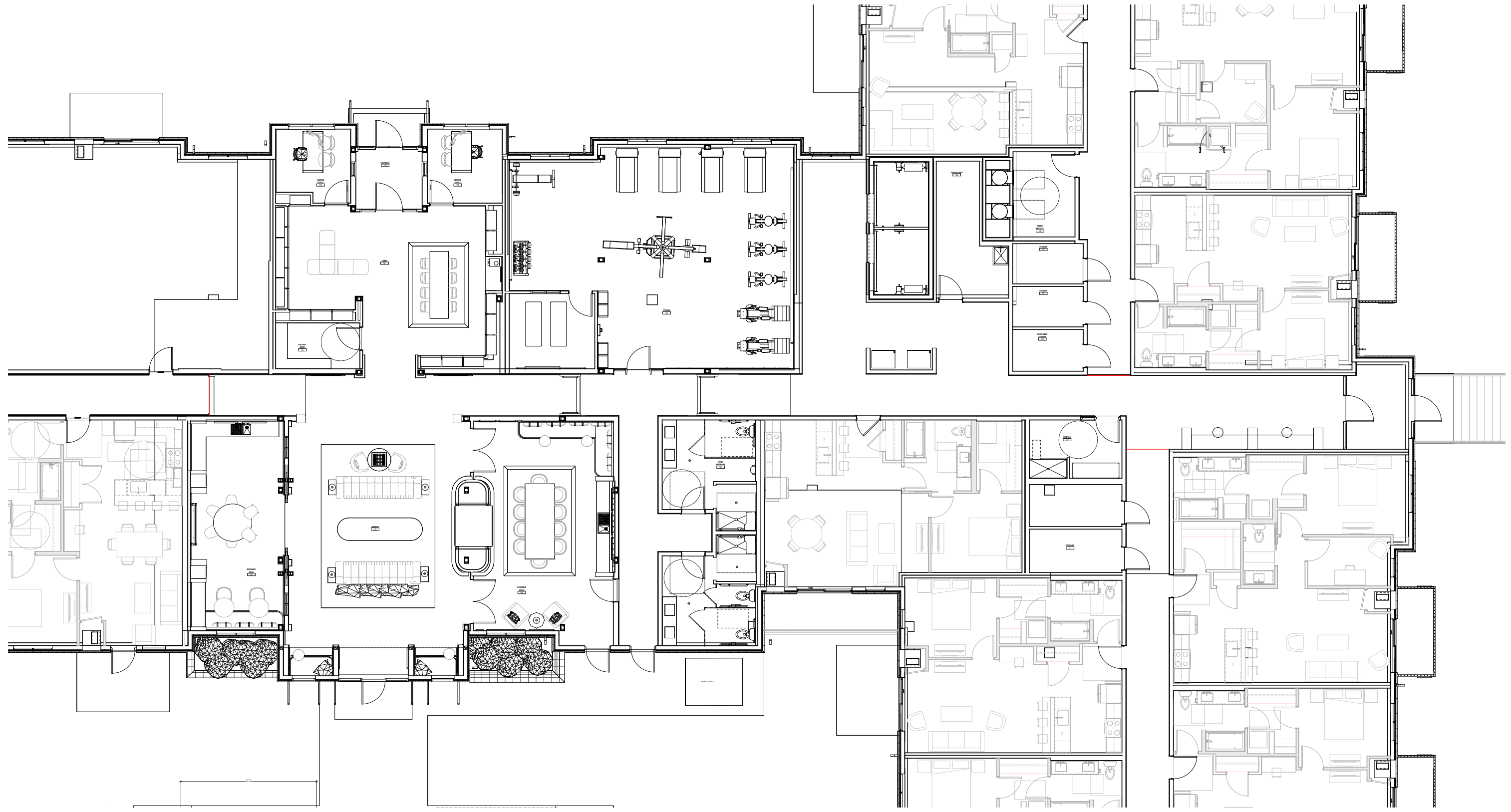
FARMINGTON APARTMENTS

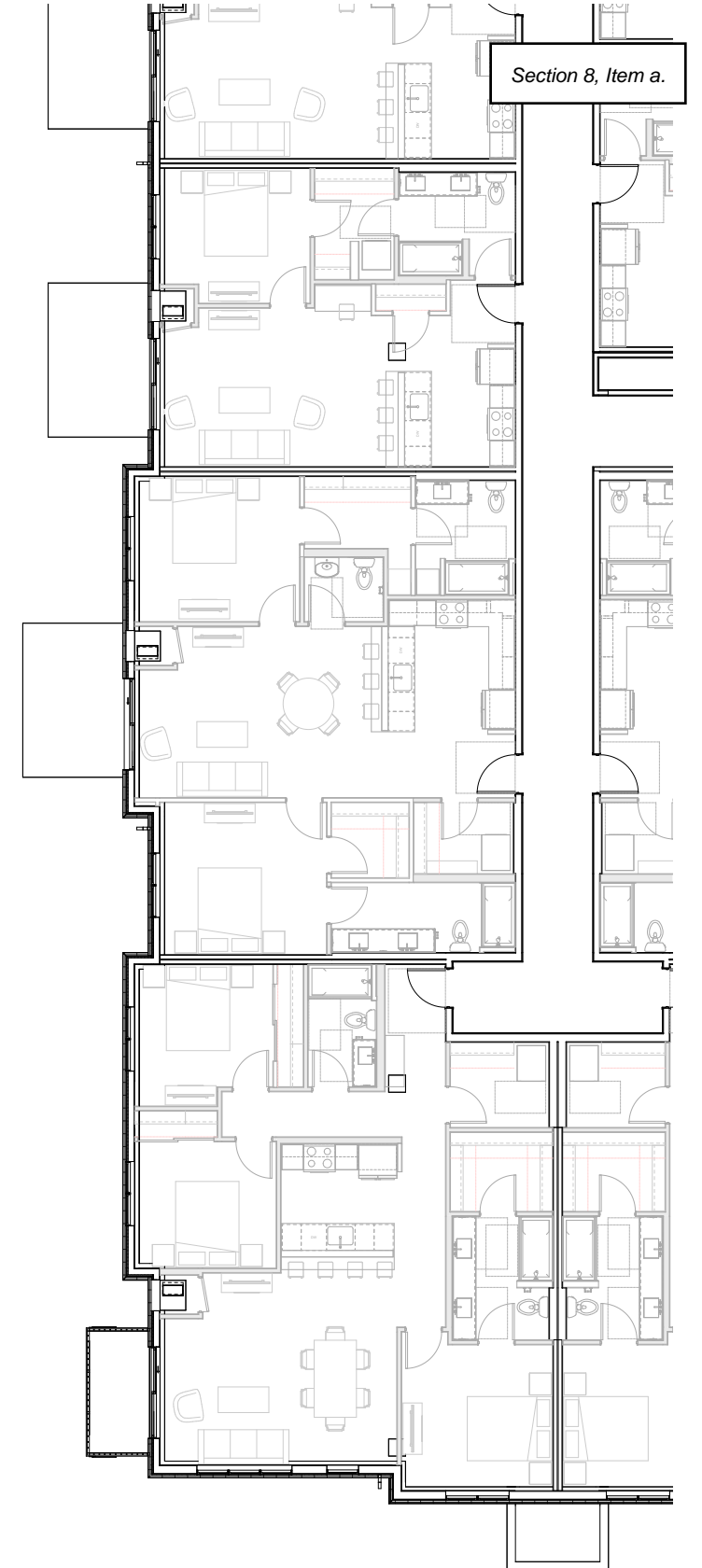
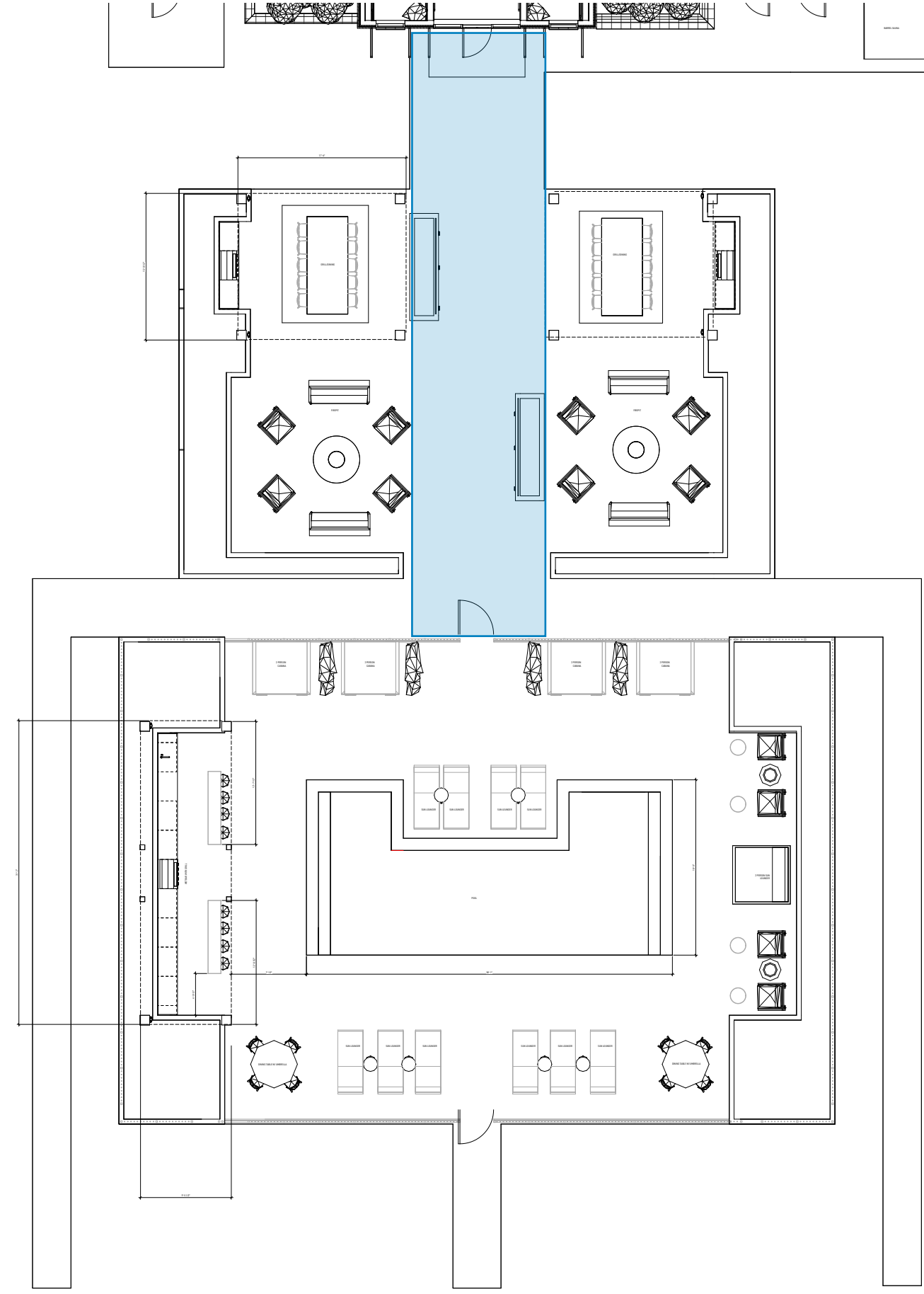
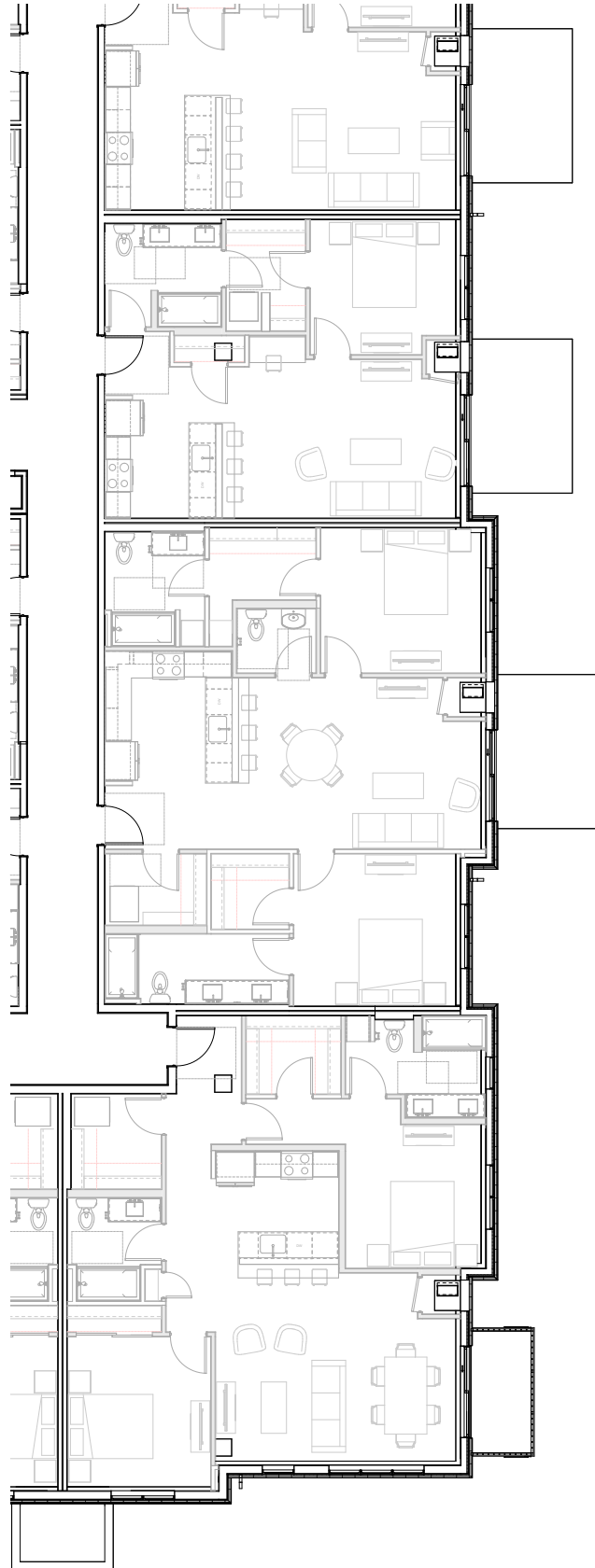


INTERIOR DESIGN - DD
9.17.24

DJR







Section 8, Item a.

FLOORING

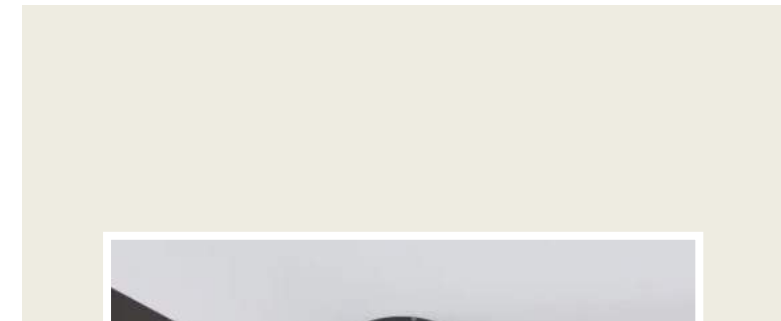


WALLS



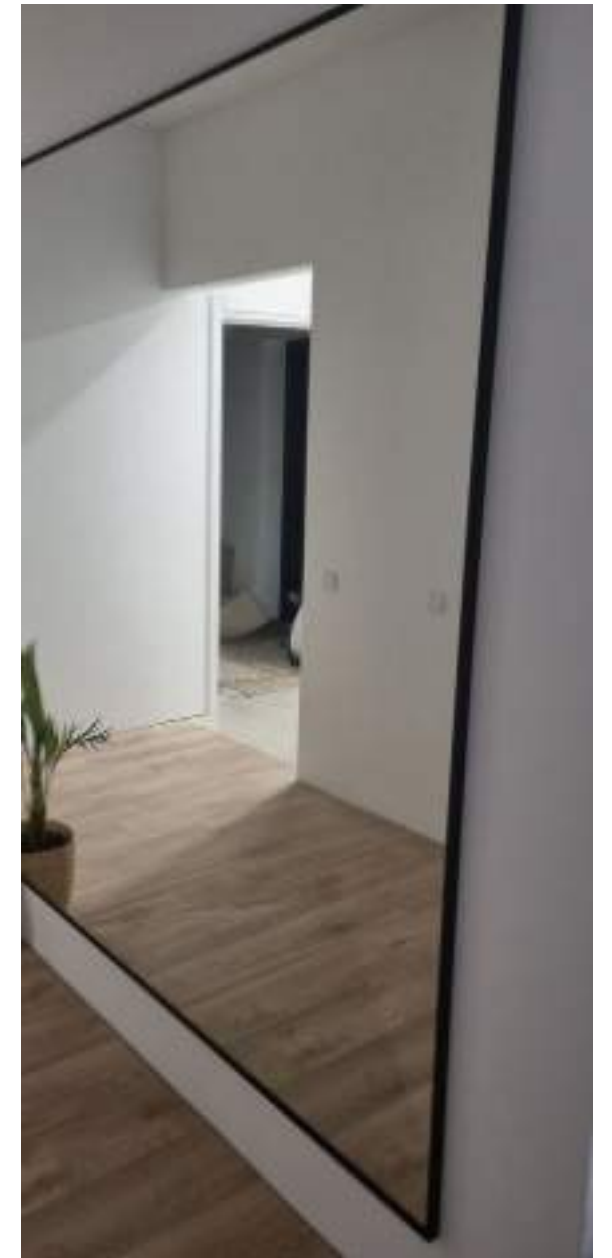
WELNESS BAR

CEILING

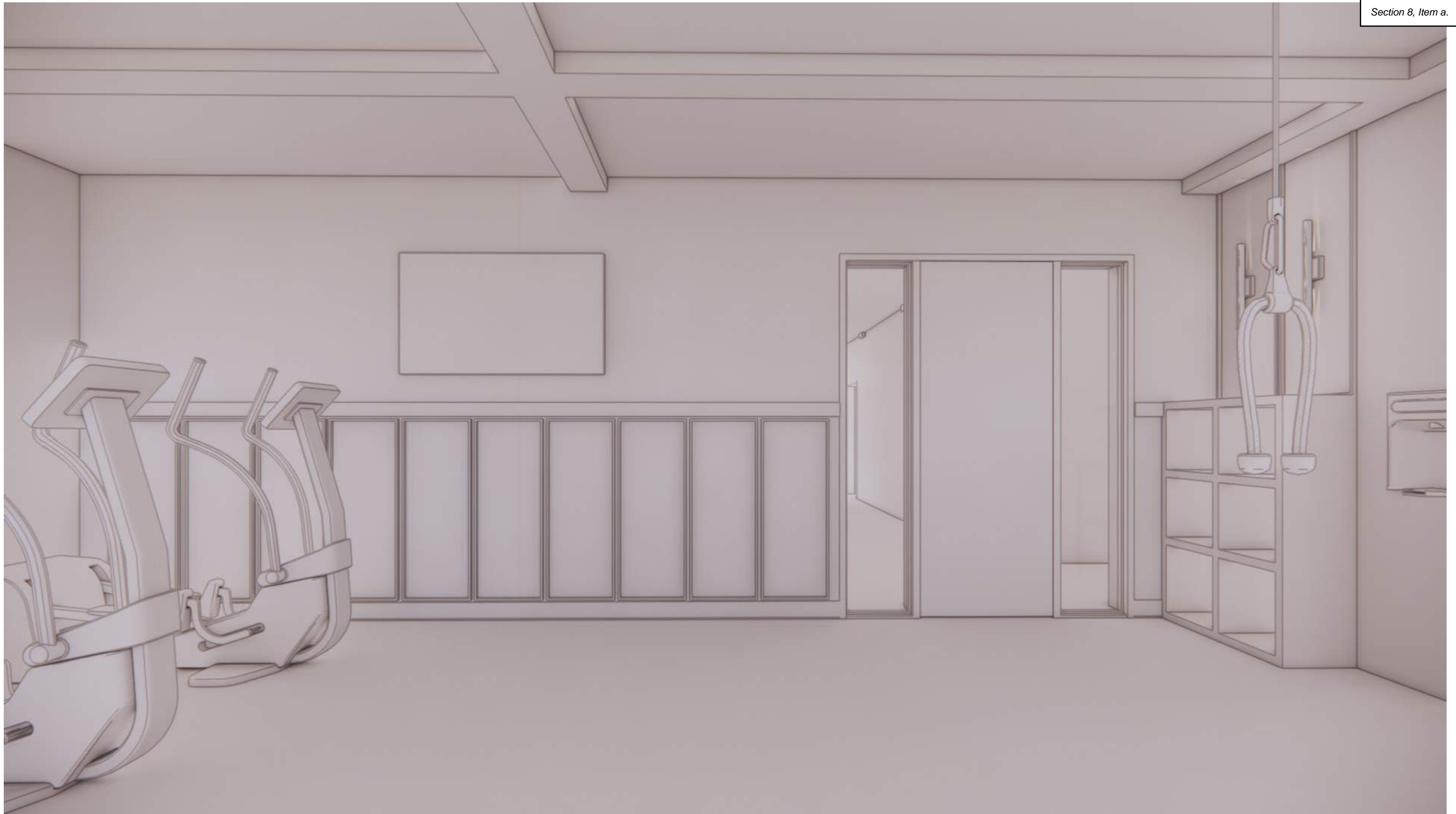


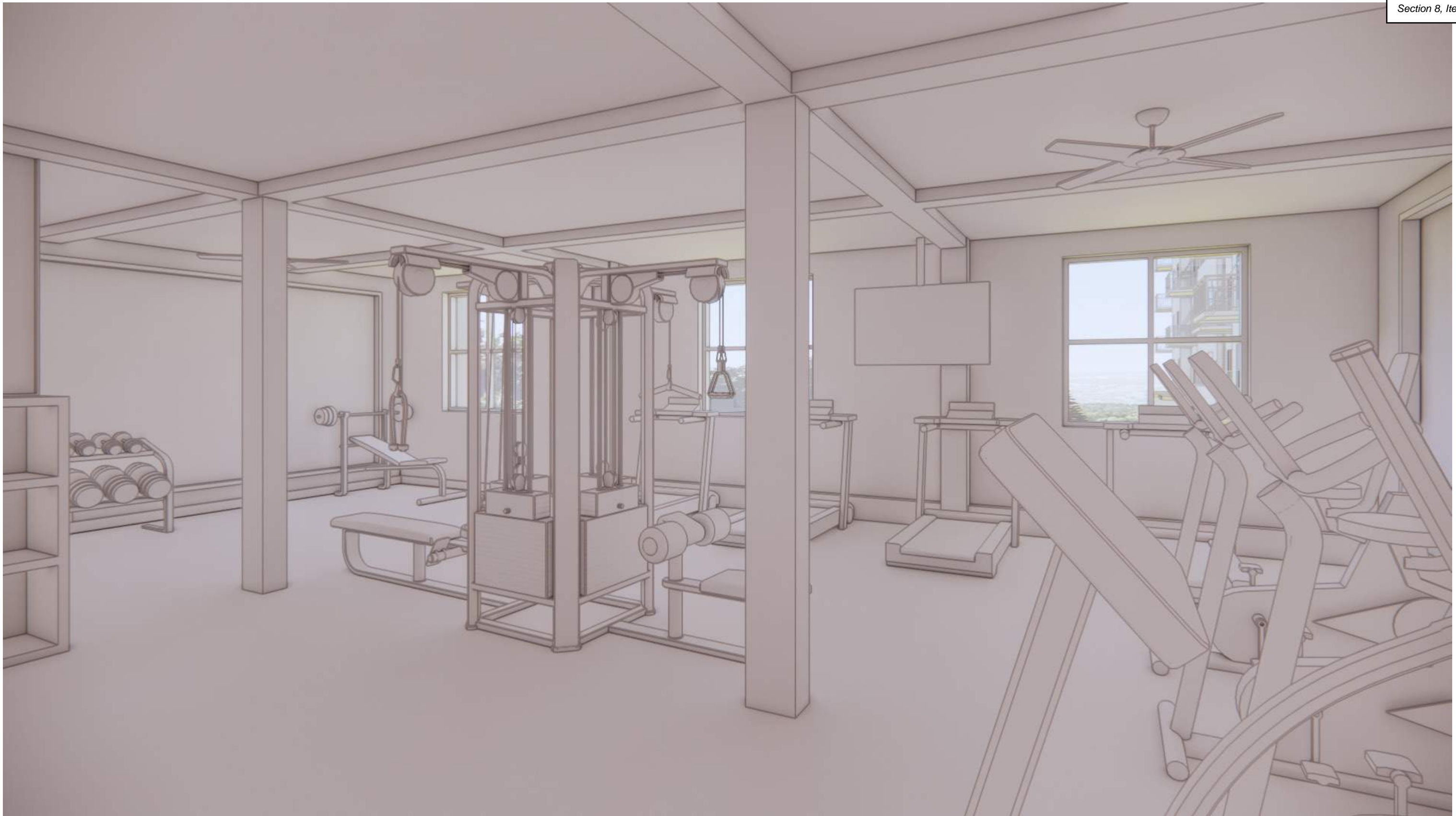
MISC.

Section 8, Item a.

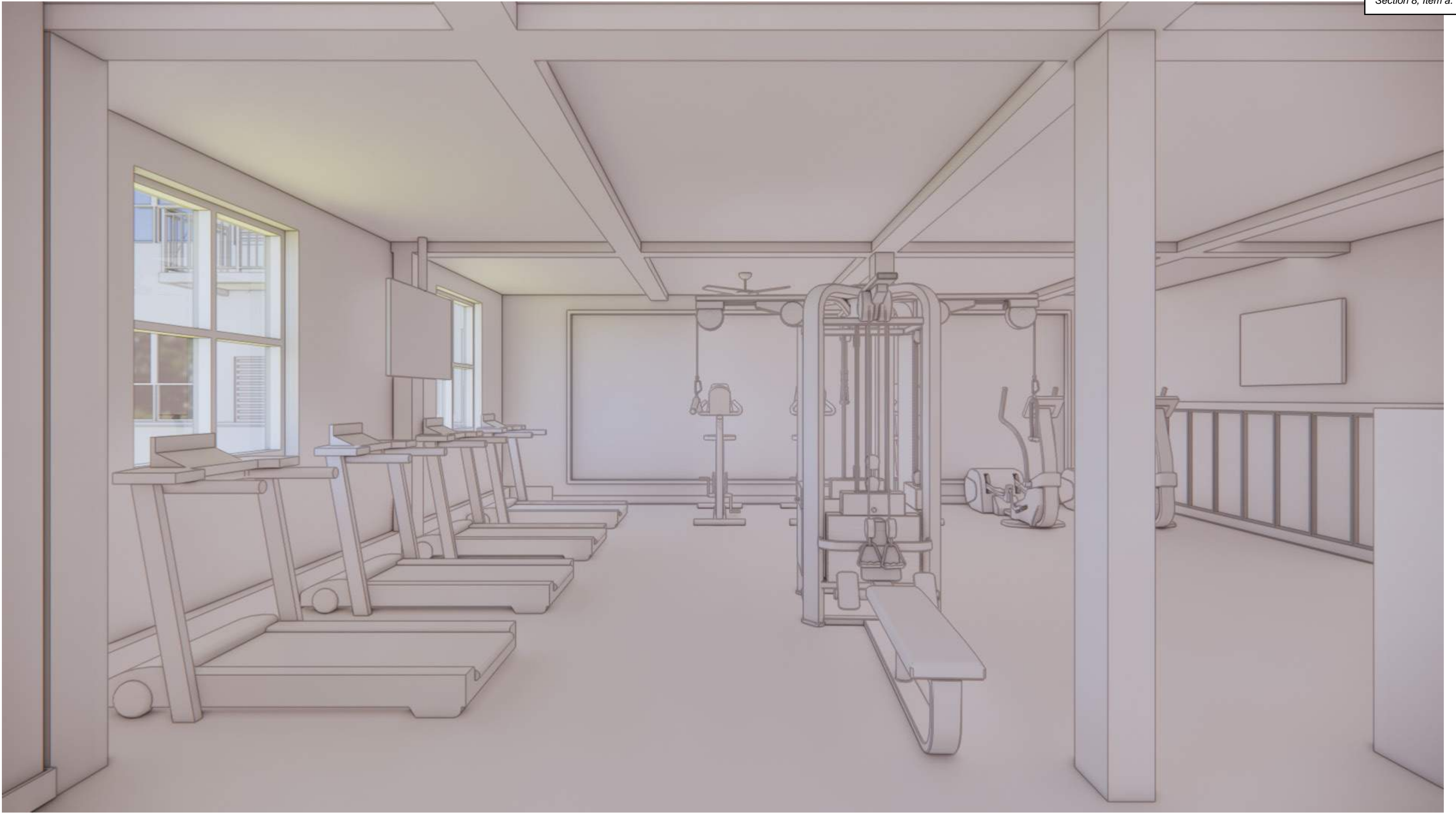




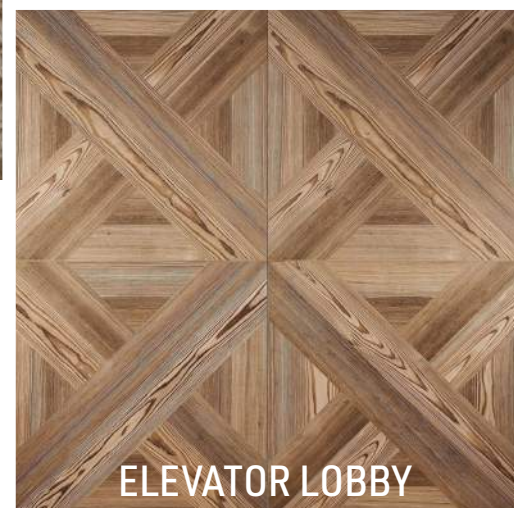








FLOORING



ELEVATOR LOBBY

WALLS



CEILING



ELEVATOR LOBBY



MISC.

Section 8, Item a.



CORRIDOR - FINISHES



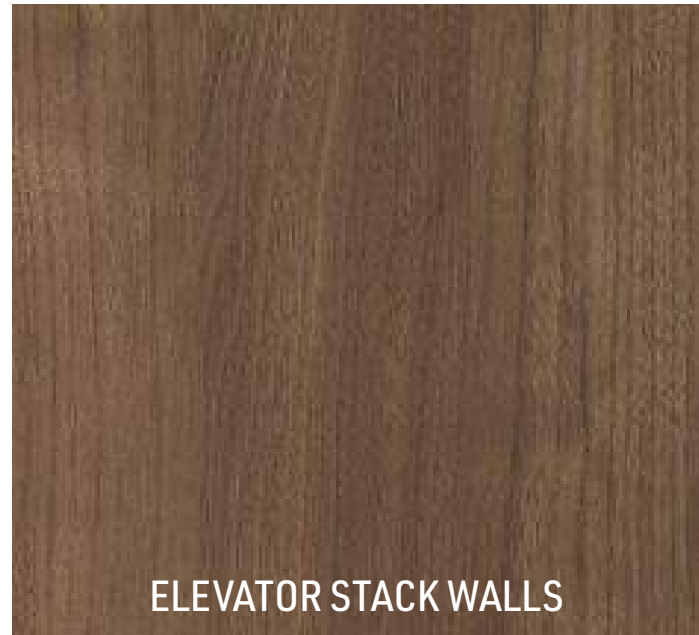


FLOORING



ELEVATOR LOBBY

WALLS



ELEVATOR STACK WALLS

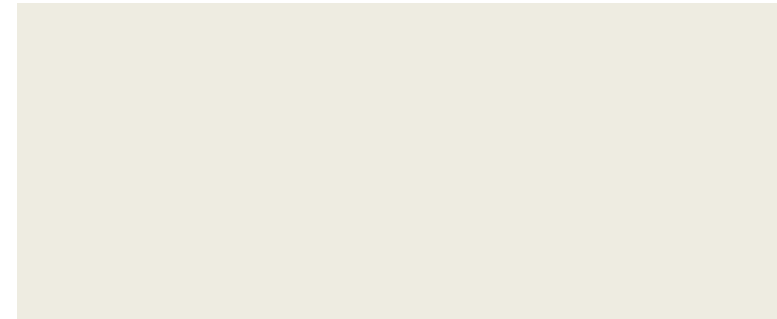


CANTINA WALLS



ACCENT WALLCOVERING

CEILING



MISC.

Section 8, Item a.

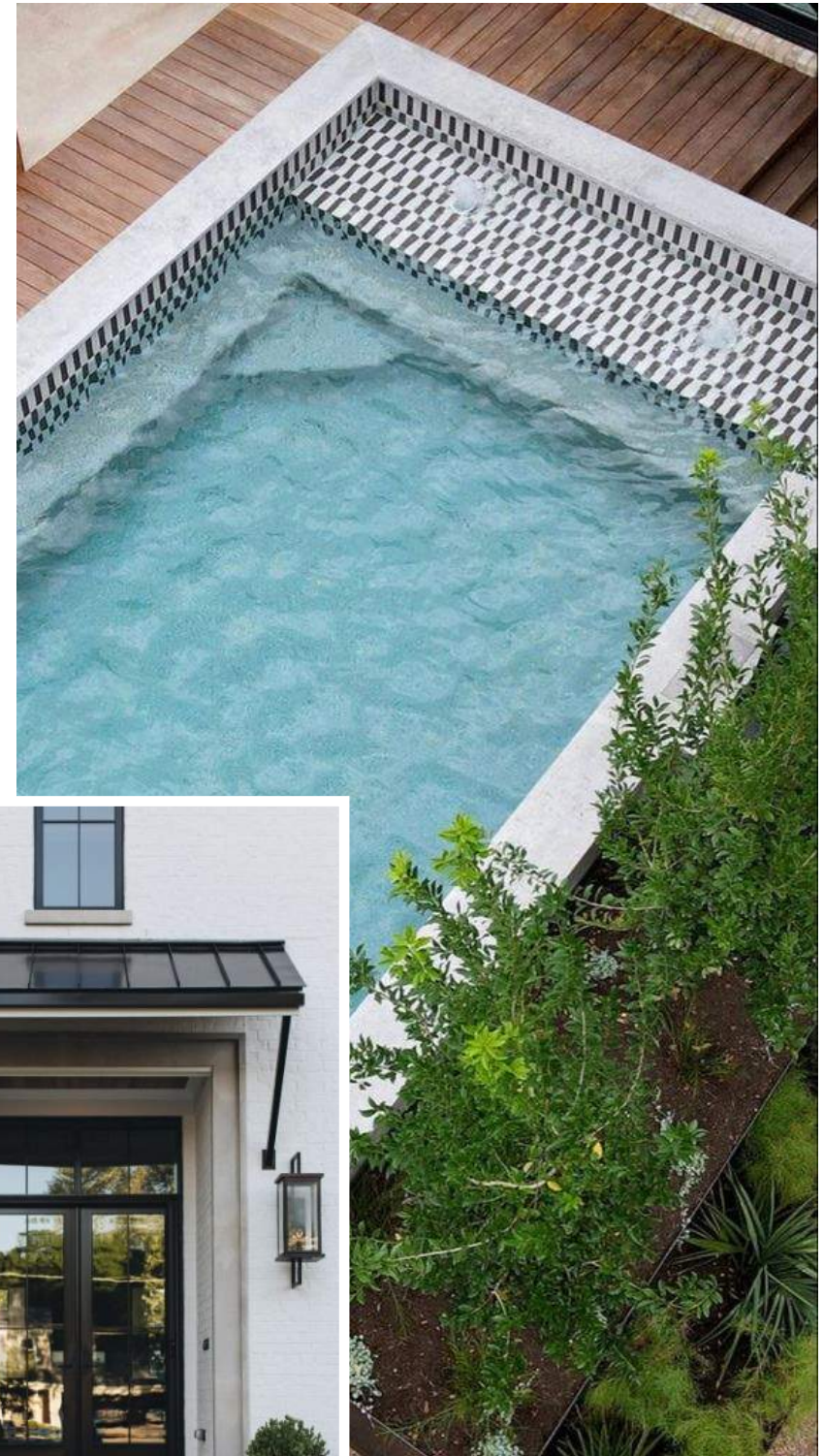


CANTINA

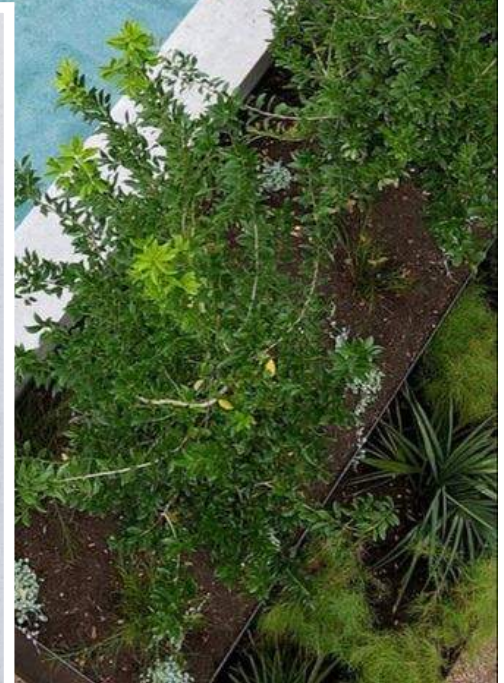
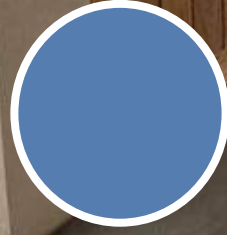








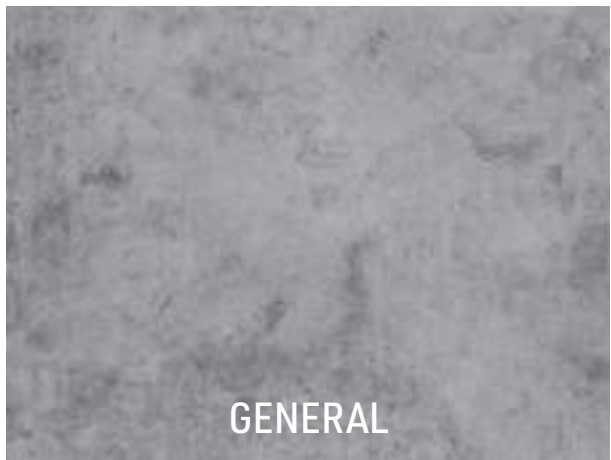
CLASSIC
SERENE



FLOORING



WALKWAYS



GENERAL



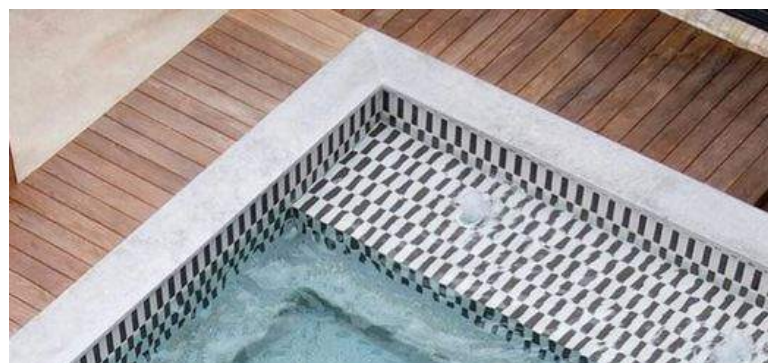
WALLS



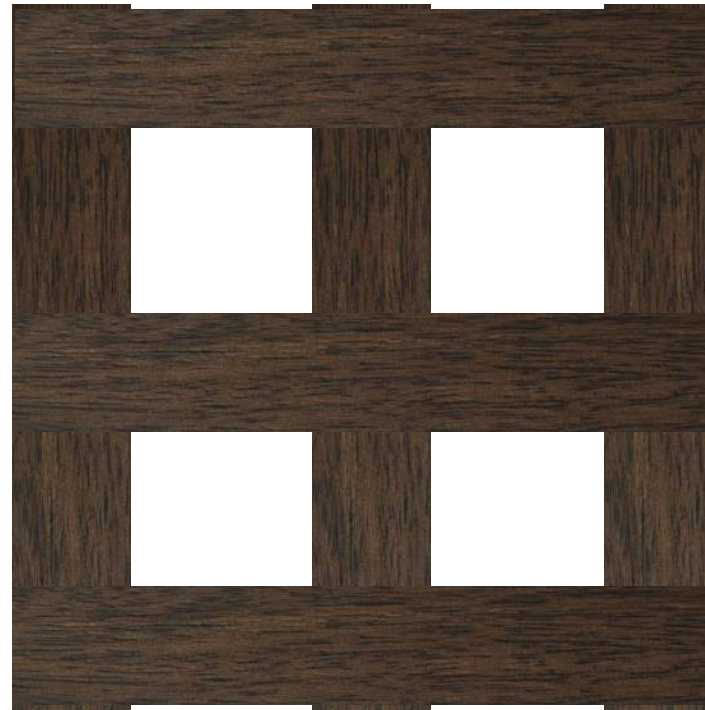
BUILT-IN PLANTERS



POOL WATER LINE



CEILING



MISC.

Section 8, Item a.



CABANA FABRICS

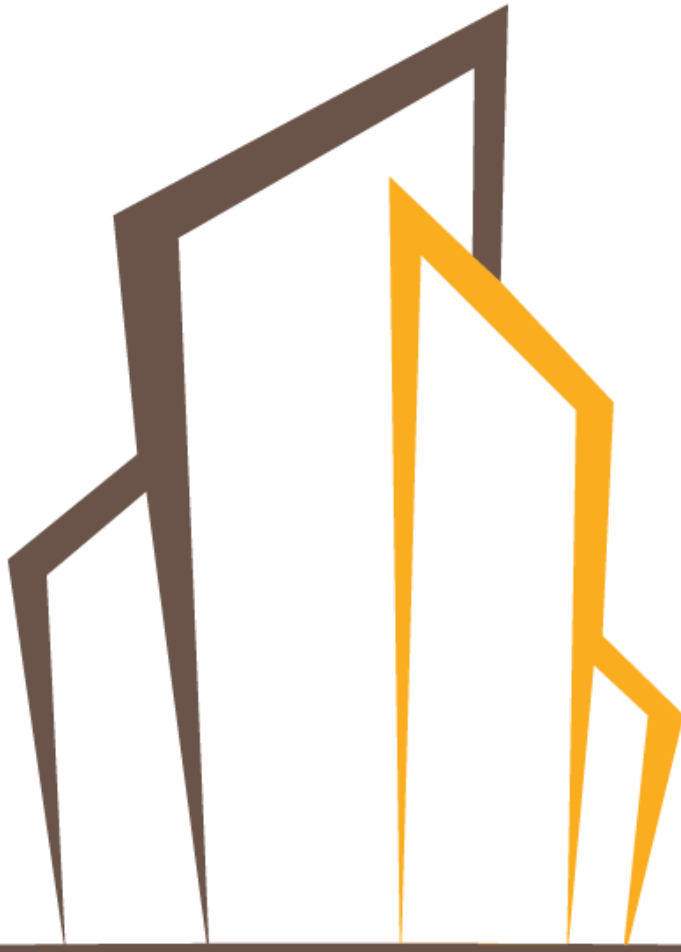


FARMINGTON APARTMENTS



INTERIOR DESIGN - DD
9.17.24

DJR



YELLOW TREE

DEVELOPER | INVESTOR | BUILDER

COMPANY PROFILE

Let's build something together

By the Numbers

YELLOW TREE is an award-winning Minneapolis-based real estate development, construction, and property management firm, specializing in the revitalization of underutilized urban properties. With over 30 buildings and 2,300 units completed since 2018, our experienced team thrives on community-focused projects, and has invested over \$504 million in the Twin Cities.

Navigating complex urban builds is our forte. As owner, developer, manager, and builder, we guide you from project inception to occupancy, offering our unique real estate expertise. We partner with like-minded investors to develop and manage a diverse \$237 million portfolio of commercial and residential properties, all with emphasis on long-term profitability.

Our leadership team has over 100 years of combined experience, adept at managing projects of any scale. We collaborate with top architects, engineers, and subcontractors to ensure quality-focused, visually captivating commercial builds and renovations. Our specialized design-build process offers a single point of contact, which streamlines efficiency and reduces fees, resulting in faster delivery and maximized project value.

Our full-service property management department oversees 26 properties encompassing a \$330 million portfolio of housing across the Twin Cities metro area, from single family homes to large developments. Our reputation rests on tailored, responsive service delivered by our dedicated property managers and in-house maintenance techs, available 24/7, that are committed to accelerating your community's occupancy and profitability.

- 30 New Builds
- 2,314 Units
- 14 Developments
- 237M Development Portfolio
- 15 Remodels
- 26 Properties Managed
- 330M Housing Portfolio
- 8 Awards Received

LEADERSHIP TEAM



Bryan Walters
**Co-Founder & Operations
Manager**

Bryan has over 15 years of experience in executive oversight of the company's development, construction and property management divisions. He is responsible for day-to-day operations and is a member of the NAR & Minneapolis Association of Realtors.



Robb Lubenow
**Co-Founder &
Development Lead**

Robb has over 15 years of development & investment experience, and 20 years of commercial construction experience. He focuses on strategic planning, real estate investment strategies and capital formation.



Kirk Pennings
**President of Construction
Services**

Kirk has over 20 years of experience in the construction industry and has served in leadership positions at Opus Group and Target Corp. Kirk oversees project management, field staff, client acquisition, and preconstruction efforts.



Don Brown
**President of Property
Management**

Don joined Yellow Tree in 2019 after building the foundations as the Vice President of Residential Management for Doran. With over 20 years of experience, he provides senior leadership, asset management and operational oversight for YTPM.



Vishal Dutt
Development Partner

Vishal Dutt joined the Yellow Tree team in 2023, taking a key role in shaping and implementing Yellow Tree's development business strategy. His responsibilities include identifying new investment prospects and sourcing project debt and equity.



Tiffany Lavigne
Financial Controller

Tiffany Lavigne joined Yellow Tree in 2023 as the Financial Controller. She is responsible for all accounting matters of Yellow Tree Construction, Yellow Tree Development, and Yellow Tree Property Management.

New Developments	Units	Year Built
The Central*	49	2018
The Whit*	74	2018
Jax*	65	2019
Nico East*	147	2019
MN46	54	2020
Overland*	63	2020
Odie*	67	2020
29 Bryant*	91	2020
Kolo	41	2020
Lumos*	74	2021
Nox*	84	2021
Alexander*	77	2021
Sawyer	49	2021
Verso	29	2021
Aubrey	47	2022
Cityline	102	2022
Deco265	100	2022
Midline*	156	2022
Nico West*	126	2022
The Abbey*	126	2022
Marshall St Townhomes	7	2022
Wakpada	126	2022
Volo at TexaTonka	111	2023
1000 Main St	49	2023
Huck	83	2023
Juliette*	113	2023
Akin	204	2023
Farmington*	185	2025
Peltier Reserve*	242	2025
*Yellow Tree Developments Total:	2741	

Remodels	Year Built
The Arrive Clubhouse	2017
Jackalope Tattoo	2018
Blair Apartment Common Areas	2018
FIT (Grand St Commons)	2018
Grizzly's Pizza	2019
Riverside Adult Day Center	2019
Colonial Villa Clubhouse Addition	2020
1836 Daycare	2021
Dela Beauty Supply	2021
Dela's Beauty Supply Expansion	2022
The Hair Creative	2022
Thompson Exteriors Office	2023
Jackalope Tattoo Expansion	2023
Avalon Cove Clubhouse	2023
Sunset Trail Clubhouse	2023

FEATURED PROJECTS

Section 8, Item a.





Awards

MN Real Estate Journal 2024 Suburban Multifamily West: <i>Volo at TexaTonka</i>
MN Real Estate Journal 2024 Urban Multifamily Minneapolis South: <i>Akin</i>
CoStar's 2023 Impact Award: <i>The Abbey</i>
Finance & Commerce Top Projects of 2022: <i>The Abbey</i>
Finance & Commerce Top Projects of 2022: <i>Wakpada Apartments</i>
CoStar's 2022 Multifamily Development of the Year: <i>The Abbey</i>
2023 Minneapolis Preservation Award: <i>The Abbey</i>
MADACS: YTPM - 2022 Top Maintenance Supervisor
MADACS: YTCS - 2021 Best Innovation
Real Estate Journal 2021 Multifamily Finalist: <i>Kolo</i>
Real Estate Journal 2021 Multifamily Finalist: <i>MN46</i>
Real Estate Journal 2021 Multifamily Finalist: <i>Odie</i>
Finance & Commerce Top 2020 Projects: <i>Kolo Apartments</i>

‘The company’s full range of in-house capabilities gives it an edge in a time of rising prices and supply chain glitches, Lubenow said. “Being fully integrated is important, so we can see those issues early on and have time to adapt.”’

- The POWER 30: Developers 2022, Finance & Commerce Dec. 22, 2022

Publications

<i>Top Projects of 2022</i> , Finance & Commerce
<i>Notable Projects Finished in 2022</i> , Finance & Commerce
<i>The POWER 30: Developers 2022</i> , Finance & Commerce
<i>New Housing Pitched near 50th & France</i> , Finance & Commerce
<i>The POWER 30: Developers 2021</i> , Finance & Commerce
<i>Historic Mansion at Project’s Core</i> , Finance & Commerce
<i>YT Acquires Land for Uptown Apartments</i> , Finance & Commerce
<i>Paster, Yellow Tree Team Up</i> , Finance & Commerce
<i>Developer Say Eased Parking Rules Foster Building Boom</i> , Finance & Commerce
<i>Q&A with Yellow Tree Co-Found Robb Lubenow</i> , Finance & Commerce
<i>Developer Yellow Tree Takes Root Near Blue Line</i> , Finance & Commerce
<i>Here’s the Macro View on Micro Apartment Trend</i> , Finance & Commerce
<i>Yellow Tree sells vintage apartments After Major Rehab</i> , Finance & Commerce
<i>Four More Apartment Projects Pitched for Minneapolis</i> , Finance & Commerce

“Yellow Tree’s commitment to excellence, unwavering professionalism, and attention to detail have made my construction experience truly outstanding. From the initial consultation to the final nail, Yellow Tree demonstrated a level of expertise that surpassed my expectations. Their team of skilled professionals exhibited a rare combination of efficiency and precision, turning our vision into a reality. I wholeheartedly recommend Yellow Tree to anyone seeking a construction partner. Their professionalism, expertise, and client-centric approach set them apart in the industry. Working with them has been a pleasure, and I am grateful for the exceptional service they provided.”

- Daniel Perkins, Perkins Levin Real Estate Development

“It’s been a pleasure to work with Yellow Tree throughout each phase of the construction process. Their development expertise is incredibly valuable, they offer open and clear communication in providing solutions to unexpected issues, and they deliver a quality product on a timeline. In an industry where integrity and honesty are so critically important to the end results, it’s clear that Yellow Tree upholds these values within all levels of the company. I look forward to working with Yellow Tree on more projects in the future. “

- Chad Tepley, President of CDT Realty Corporation



For more information on Yellow Tree,
please visit our website:

YellowTreeCorp.com

CONTACT US

Main Office
(612) 275-7210

Office Address
1834 E 38th St, Minneapolis, MN 55407

Bryan Walters
(612) 432-1947

Kirk Pennings
(612) 718-1934

Robb Lubenow
(612) 600-0062

Don Brown
(651) 270-6005



Awards

- CoStar's 2023 Impact Award; The Abbey
- Finance & Commerce Top Projects of 2022: The Abbey
- CoStar's 2022 Multifamily Development of the Year; The Abbey
- 2023 Minneapolis Preservation Award; The Abbey
- MADACS 2022 YTPM - Top Maintenance Supervisor
- MADACS 2021 YTCS - Best Innovation
- Top 2022 Projects; Wapakada Apartments
- Top 2020 Projects; Kolo Apartments
- Real Estate Journal Multifamily Finalist - Kolo
- Real Estate Journal Multifamily Finalist - MN46
- Real Estate Journal Multifamily Finalist - Odie

Publications

- Top Projects of 2022
- Finance & Commerce - July 21, 2023
- Notable Projects Finished in 2022,
- Finance & Commerce - July 21, 2023
- The POWER 30: Developers 2022,
- Finance & Commerce - Dec 22, 2022
- New Housing Pitched near 50th & France,
- Finance & Commerce - Mar 18, 2022
- The POWER 30: Developers 2021,
- Finance & Commerce - Dec 22, 2021
- Historic Mansion at Project's Core,
- Finance & Commerce - Oct. 21, 2020
- YT Acquires Land for Uptown Apartments,
- Finance & Commerce - June 25, 2020
- Paster, Yellow Tree Team Up,
- Finance & Commerce - March 9, 2020
- Developer Say Eased Parking Rules Foster Building Boom,
- Finance & Commerce - May, 2019
- Q&A: Yellow Tree Co-Found Robb Lubenow envisions a smaller apartment,
- Finance & Commerce - June 7, 2019
- Developer Yellow Tree Takes Root Near Blue Line,
- Finance & Commerce - Oct. 9, 2018
- Here's the Macro View on Micro Apartment Trend,
- Finance & Commerce - Aug. 27, 2018
- Yellow Tree sells vintage apartments After Major Rehab,
- Finance & Commerce - Sep. 15, 2017
- Four More Apartment Projects Pitched for Minneapolis,
- Finance & Commerce - June 27, 2017



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

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: RESOLUTIONS APPROVING CERTIFICATION OF UNPAID SERVICE CHARGES FOR MOWING/PROPERTY MAINTENANCE AND MUNICIPAL UTILITY BILLS
DATE: 10/1/2024

Throughout the year City Staff has been keeping a close eye on nuisances in the city, specifically those nuisances related to mowing of lawns and related nuisance violations on both occupied and unoccupied homes.

All properties with identified violations are mailed a letter regarding specific violations and the corrective action needed by a specified date. In the case of many properties this year (and in past years) the property owners did not take action to have the violations abated and the City engaged mowing and/or property maintenance services to mow properties and/or remove other violations.

Municipal Utilities also utilizes the same procedure to collect on past due municipal utility bills. Charges assessed are for water, sanitary sewer, storm sewer, electric and trash when in the name of the property owner and for renters we are able to assess all but the electric charges. A separate letter outlining the delinquent charges was sent to property owners with delinquent utility bills.

Attached to this memo is a resolution approving the certification of \$4,066.47 total to the property tax rolls as listed for each property for mowing and other property maintenance charges. It should also be noted that \$1,587.50 of the above total are administrative fees which help offset the cost of the staff inspections and enforcement actions. There were six properties that the city had to mow / clean up throughout the year, but there were over 60 violation letters which were sent. As a comparison to past years, the certified mowing charges were:

- \$2,523.76 in 2023
- \$4,593.80 in 2022
- \$1,448.49 in 2021
- \$2,434.16 in 2020
- \$2,444.09 in 2019
- \$2,578.04 in 2018
- \$1,503.00 in 2017

- \$2,088.59 in 2016
- \$7,787.20 in 2015
- \$6,035.25 in 2014

Also attached is a resolution approving the certification of \$7,072.20 to the property tax roll as listed for each property for delinquent municipal utility bills (not including electric charges). The properties on the attached tax rolls did not pay their bills after receiving the final notice. As a comparison, the certified delinquent municipal utility billing charges in previous years were:

- \$1,335.19 in 2023
- \$5,311.34 in 2022
- \$4,289.45 in 2021
- \$36,066.13 in 2020
- \$9,338.72 in 2019
- \$5,474.39 in 2018
- \$7,566.52 in 2017
- \$2,645.76 in 2016
- \$6,020.90 in 2015
- \$10,691.52 in 2014

For all the unpaid service charges and unpaid municipal utility bills the costs constitute an unpaid service charge subject to collection pursuant to City Code Sections 34.01 and 92.50. Each property owner was mailed a Notice of Collection before September 15, 2024 with the exact amount they owed. The attached resolutions, by statute, must be certified to the County Auditors of Scott and LeSueur Counties by October 15, 2024 and must be adopted tonight to meet the deadline.

Staff Recommendation:

Staff recommends that the City Council approve the attached resolutions certifying charges to the property tax rolls for mowing/property maintenance and municipal utility bills.

RESOLUTION #24-10-07-01

**RESOLUTION APPROVING CERTIFICATION OF
MOWING AND PROPERTY MAINTENANCE CHARGES TO PROPERTY TAX ROLL**

WHEREAS, the City of New Prague (“City”) has the powers delegated to cities by the Minnesota Legislature as set forth in Minnesota Statutes, Sections 415.01, 366.011 and 366.012; and,

WHEREAS, Section 34.01 of the City Code addressed the Collection of Unpaid Service Charges and Fees and Section 92.50 of the City Code addresses the Recovery of Costs associated with those service charges; and,

WHEREAS, the City properly notified real property owners with unpaid service charges of its intention to certify the unpaid service charges to the County Auditor as required by City Code Sections 34.01 and 92.50; and,

WHEREAS, the purpose of this resolution is to certify unpaid mowing and property maintenance charges to the property taxes for those properties with outstanding bills; and,

WHEREAS, a majority of all members of the City Council concur in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PRAGUE, MINNESOTA, AS FOLLOWS:

1. Such service charges, a copy of which are attached as Exhibit A hereto and made a part hereof, are hereby accepted and shall constitute a service charge against the real property named therein.
2. Pursuant to City Code Sections 34.01 and 92.50, the City authorizes the collection of unpaid service charges by certifying the unpaid amount to the county auditor for collection along with the taxes imposed on real property owned by the recipient of the services.
3. The City Administrator shall forthwith transmit a certified duplicate of this resolution and attached service charge roll to the county auditor(s) of Scott and LeSueur Counties to be extended on the property tax lists of the county. Such service charges

shall be collected and paid over in the same manner as other municipal taxes

- 4. The recitals set forth above in this Resolution are incorporated into and made part of this Resolution.
- 5. The Mayor and City Administrator, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.
- 6. The assessments are to be certified and payable in one year, with no interest.

Passed by the City Council this 7th day of October, 2024.

Duane J. Jirik, Mayor

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

Exhibit A

COUNTY	PID	LEGAL DESCRIPTION	ASSESSMENT AMOUNT
Scott	240030620	Lot 9 and West 18 feet of Lot 8, Block 10, Philipp's Addition to Praha, according to the plat thereof, Scott County, Minnesota.	\$357.38
Le Sueur	235000110	Lot 10 of the corrected plat of Block 9 in the Ciyt of New Prague, original town, Le Sueur County, Minnesota, according to the plat on file and of record in the Office of the County Recorder of Le Sueur County.	\$615.33
LeSueur	235600140	The South Half of Lot 11, Block 12, Kabes Addition, according to the plat thereof, LeSueur County, Minnesota.	\$411.06

RESOLUTION #24-10-07-02

**RESOLUTION APPROVING CERTIFICATION OF
MUNICIPAL UTILITY BILLING CHARGES TO PROPERTY TAX ROLL**

WHEREAS, the City of New Prague (“City”) has the powers delegated to cities by the Minnesota Legislature as set forth in Minnesota Statutes, Sections 415.01, 366.011 and 366.012; and,

WHEREAS, Section 34.01 of the City Code addresses the Collection of Unpaid Service Charges and Fees and Section 92.50 of the City Code addresses the Recovery of Costs associated with those service charges; and,

WHEREAS, the City properly notified real property owners with unpaid service charges of its intention to certify the unpaid service charges to the County Auditor as required by City Code Sections 34.01 and 92.50; and,

WHEREAS, the purpose of this resolution is to certify unpaid municipal utility billing charges to the property taxes for those properties with outstanding bills; and,

WHEREAS, a majority of all members of the City Council concur in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW PRAGUE, MINNESOTA, AS FOLLOWS:

1. Such service charges, a copy of which are attached as Exhibit A hereto and made a part hereof, are hereby accepted and shall constitute a service charge against the real property named therein.
2. Pursuant to City Code Sections 34.01 and 92.50, the City authorizes the collection of unpaid service charges by certifying the unpaid amount to the county auditor for collection along with the taxes imposed on real property owned by the recipient of the services.
3. The City Administrator shall forthwith transmit a certified duplicate of this resolution and attached service charge roll to the county auditor(s) of Scott and LeSueur Counties to be extended on the property tax lists of the county. Such

service charges shall be collected and paid over in the same manner as municipal taxes.

- 4. The recitals set forth above in this Resolution are incorporated into and made part of this Resolution.
- 5. The Mayor and City Administrator, staff and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Resolution.
- 6. The assessments are to be certified and payable in one year, with no interest.

Passed by the City Council this 7th day of October, 2024.

Duane J. Jirik, Mayor

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

Exhibit A

COUNTY	PID	LEGAL	ASSESSMENT AMOUNT
Scott	240030320	PHILIPPS ADDN TO PRAHA Lot 001 Block 008	\$288.59
Scott	240990060	HILLTOP ESTATES CONDO Lot UNT Block 710	\$117.21
Scott	240060390	PARK ADDN Lot 005 Block 005	\$222.39
Scott	240070030	ST WENCESLAUS ADDN Lot 002 Block 001	\$353.59
Scott	240770200	HIGHVIEW 10TH ADDN Lot 004 Block 004	\$106.86
Le Sueur	236180010	REGISTERED LAND SURVEY NO. 28 .27 AC TRACT A	\$675.20
Le Sueur	230030600	Sect-03 Twp-112 Range-023 THAT PART OF 115.2 X 102 FT OF N 1/2 OF NW 1/4 OF NW 1/4 LYING N OF CREEK	\$572.16
Le Sueur	235620020	NEW PRAGUE COMMONS Lot-002 Block-001 .72 AC	\$124.64
Le Sueur	234950005	CIC #37 NEW PRAGUE VILLAS, A C UNIT 5 & 1/114 INTEREST IN COMMON ELEMENT	\$154.92
Le Sueur	234950076	CIC #37 NEW PRAGUE VILLAS, A C UNIT 76 & 1/114 INTEREST IN COMMON ELEMENT	\$108.95
Le Sueur	234800260	CITY OF NEW PRAGUE Block-002 LOT 4 LESS S 8 FT FOR ALLEY & LESS N 42 FT OF E 3 FT	\$377.40



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 #I2-2024 TO ALLOW FOR EXTERIOR STORAGE OF VEHICLES AND RECREATIONAL EQUIPMENT IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND AVE SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.
DATE: SEPTEMBER 30, 2024

Planning Commission Summary

At the Planning Commission meeting on September 25th, 2024, the request for Interim Use Permit #I2-2024 to allow exterior storage in the I-1 Light Industrial District, located at 100 2nd Ave SW (former mill property) was recommended for approval by a unanimous vote of 3-0.

During the public hearing, Bill Gibson and Rick Kaun, both part of the ownership group, noted that the interim use permit would allow them to generate some revenue to help continue to repurpose the property. During the hearing they suggested that an additional canopy area have a fence added to it for screening and they could have Mach Lumber put items in the area so that they could keep it out of public view. The Planning Commission agreed and amended the site plan to include this new area. Additionally, one of the conditions was amended to not require any vegetation for screening as it was a temporary use (3 years) and they needed to maintain access at times.

The revised site plan and final list of conditions are referenced in the attached resolution. Also attached is the revised site plan for reference purposes.

Recommendation

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

RESOLUTION #24-10-07-03

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING INTERIM USE PERMIT #I2-2024 TO ALLOW FOR EXTERIOR
STORAGE OF VEHICLES AND RECREATIONAL EQUIPMENT IN THE I-1 LIGHT
INDUSTRIAL ZONING DISTRICT, AT THE FORMER MILL LOCATED 100 2ND AVE.
SW, AS PROPOSED BY NEW PRAGUE MILL, LLC**

WHEREAS, 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.

is requesting an interim use permit to allow for exterior storage of vehicles and recreational equipment in the I-1 Light Industrial Zoning District, at the former mill located 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 #I2-2024, a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of September, 2024, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously (3-0) to forward the matter to the City Council with a recommendation for approval subject to the findings and conditions contained in staff report #I2-2014 and as amended at the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

- A. The proposed interim use for a designated exterior storage area will utilize property in a reasonable and temporary manner considering its current I-1 Light Industrial Zoning, but which is guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed designated exterior storage area is acceptable in that it is utilizing a former railroad spur area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years and noting that the use is limited to 3 years from the date of approval.
- C. The proposed designated exterior storage area will not hinder permanent development of the site as it is utilizing an underutilized canopy covered rail spur and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan which will lead to continued redevelopment of the site.
- D. The proposed designated exterior storage area will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan and this use is only considered for up to 3 years.
- E. The proposed designated exterior storage area will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing an underutilized canopy covered rail spur which will be screened from the view of Main Street.
- F. The proposed designated exterior storage area will not create an excessive burden on existing parks, schools, streets and other public facilities as it is limited in size and period of use to no more than 3 years.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed designated exterior storage area and a condition is suggested to address maintenance issues with 2nd Street SW should they become a concern.
- H. The proposed designated exterior storage area shall cease to operate at the site on 10/7/2027.
- I. The proposed designated exterior storage area 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 exterior storage under the canopy shall cease operations within 3 years from the date of approval of this Interim Use Permit which is October 7, 2027.
- 2. Exterior storage is allowed underneath the approximately 28,000 sq. ft. canopy area which is located over the railroad spur in the area depicted as well as underneath the 36’ x 44’ canopy depicted on the Site Map Dated 9/30/24 on file with the Planning Department. Items in the 36’ x 44’ area cannot be taller than the screening fence. Other areas of existing exterior storage on the site must be moved to these designated areas.
- 3. Only rail cars are allowed to be parked on the southernmost area of the spur line without a canopy as noted on the Site Map Dated 9/30/24 on file with the Planning Department.
- 4. The perimeter chain link fence must be moved/removed from areas where the site is actively being used and can only remain in areas not being actively rented.
- 5. Screening of at least 8’ tall is required on the north end of the exterior storage area between the two building walls to screen the area from the view of Main Street. Screening must consist of a fence that provides for 80% opacity year-round.

6. The Public Works Director may, at their sole discretion, invoice the property owner for extraneous maintenance to the gravel section of 2nd Street SW related to traffic generated by the use.
7. A 6' access aisle must be maintained through the exterior storage area to ensure access to all doors that abut the storage area for fire access.
8. If the exterior storage area is ever completely fenced, the applicant must provide a knox box to hold a key for access by the Police/Fire Department.
9. Dust control measures must be used on the exterior storage area and all access roads to ensure adjacent properties are protected from dust during susceptible conditions.
10. Items stored on the site are limited to be no taller than the height of a motorized RV (approximately 14' tall), with the exception of railcars which are allowed to exceed said height.
11. All recommendations of MnDOT must be complied with prior to utilization of the site for exterior storage.
12. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
13. All lighting must conform to Section 704 of the Zoning Ordinance.
14. 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.
15. 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.
16. 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
17. 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 #I2-2024, to allow for exterior storage of vehicles and recreational equipment in the I-1 Light Industrial Zoning District, at the former mill located 100 2nd Ave. SW, is hereby **approved**.

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

Passed this 7th day of October, 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

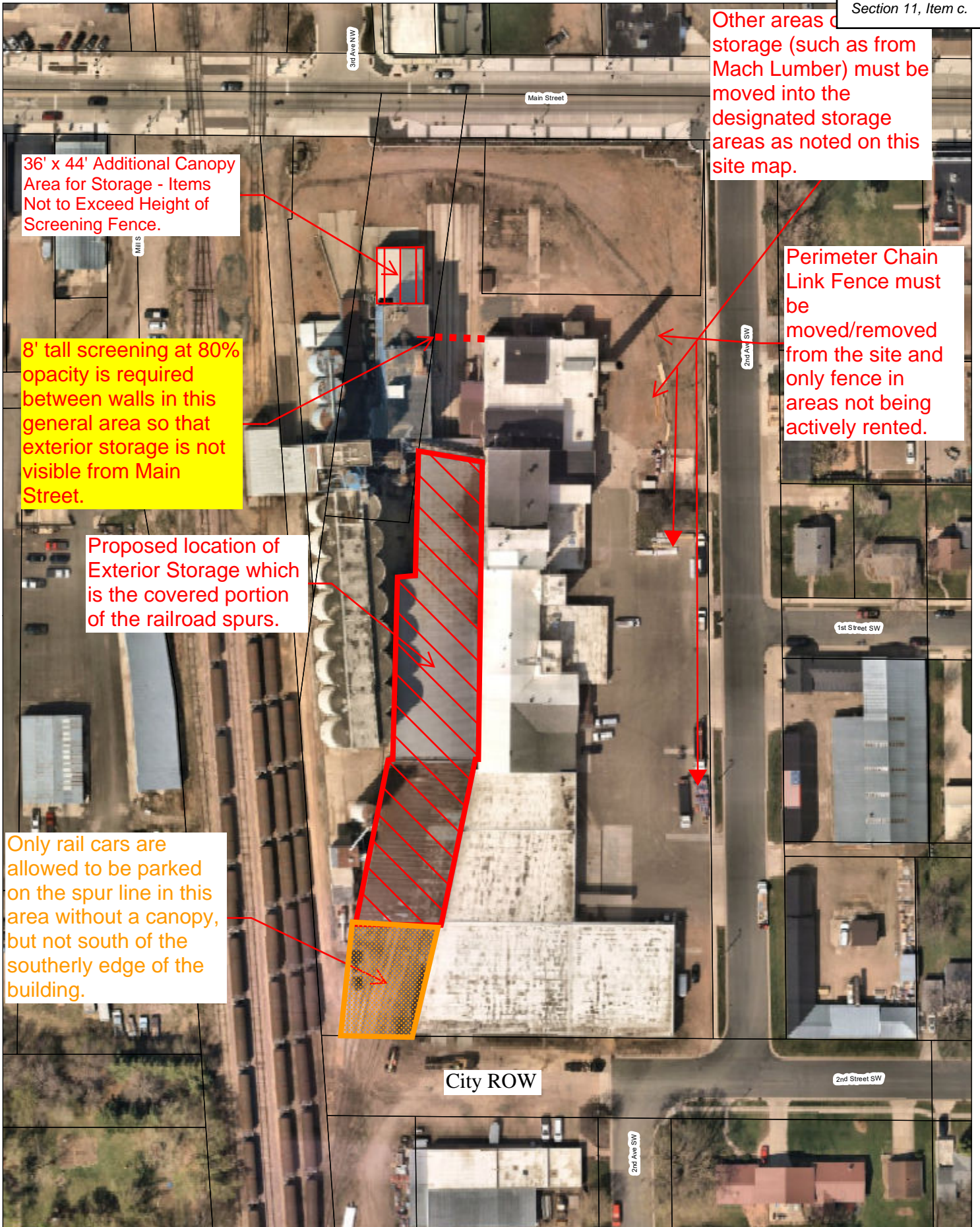
ATTEST: _____
Joshua M. Tetzlaff, City Administrator

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



36' x 44' Additional Canopy Area for Storage - Items Not to Exceed Height of Screening Fence.

8' tall screening at 80% opacity is required between walls in this general area so that exterior storage is not visible from Main Street.

Proposed location of Exterior Storage which is the covered portion of the railroad spurs.

Only rail cars are allowed to be parked on the spur line in this area without a canopy, but not south of the southerly edge of the building.

Other areas of storage (such as from Mach Lumber) must be moved into the designated storage areas as noted on this site map.

Perimeter Chain Link Fence must be moved/removed from the site and only fence in areas not being actively rented.

City ROW





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 CONDITIONAL USE PERMIT #C3-2024 (ALTERNATELY IUP #I2-2024) TO ALLOW FOR EXTERIOR STORAGE OF VEHICLES AND RECREATIONAL EQUIPMENT AT THE FORMER MILL LOCATED 100 2ND AVE. SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.
DATE: SEPTEMBER 18, 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 farm produce for several years. However, in 2019 Miller Milling closed their business, later selling the property to current owners, New Prague Mill, LLC, who have been working to re-purpose the property for multiple tenant uses including the previously approved indoor firing range (Conditional Use Permit #C5-2023), religious institution (Interim Use Permit #I1-2024), and other warehouse type uses.

The current request is for a Conditional Use Permit to utilize the approximately 28,000 sq. ft. of the covered railroad spur area between the mill building and grain bins for exterior storage of vehicles and recreational equipment for an approximately 3-year time period while the site continues to redevelop.

As part of the most recent land use approval for the site, which was the IUP #I1-2024, the following was noted in the resolution of approval:

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.

While this request does not utilize any “building” space and is only utilizing a covered railroad spur area, staff is not requiring an overall “aesthetic, site and building plan” for the property. Despite this, staff does have concerns relating to the appearance of the site which should be addressed as part of this request. Staff also have concerns about the request under the guise of a Conditional Use Permit and instead recommend that it be reviewed as an “Interim Use”.

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 (RL-70 and RL-84 Single Family Residential Districts) separated by public roads from the subject site

East – Mach Lumber which is zoned I-1 Light Industrial and single family homes (RL-70 and RL-84 Single Family Residential Districts) 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 a variety of zoning districts. It is also unique in that it is an industrial property located essentially in the downtown area. As noted previously in staff reports about this property, the draft Comprehensive Plan has this site guided as “Downtown Flex” which is much more in line with the existing central business district zoning found along Main Street than industrial zoning. Exterior storage is not currently allowed in the B-1 Central Business District.

Applicant’s Statement

The applicant (Bill Gibson on behalf of New Prague Mill, LLC) submitted the below e-mail on 9/9/24:

I am attaching a picture of the mill. The area we are proposing is marked by (X). It is all the area under the covered roof over the tracks. Mostly this is not visible from Main St. This area will be shared by railroad cars. For the first time this weekend, Chart put a few railroad cars on the tracks under the canopy. The total covered area is approximately 28,000 sq ft.

We will put screen strips in the chain link fence already in place.

We don't currently plan to do any more fencing, but will provide additional security cameras. We might have to change some fencing around as more building renters occupy the property.

We want a 3 year plan for this. As things progress on the property, this will go away. This is a temporary short term interim use. A lot will ultimately depend on if we are able to actively use the silos. We are looking at several alternatives on how to best use that space. Because the storage of vehicles is short term and flexible, it will allow us to pursue better long term uses for the property

We’ve spent over \$750,000 to add heat, water, sprinkler systems, insulation, demolition and space improvements with not a huge return thus far. These rent dollars are very important for us to continue to upgrade and improve the mill property while maintaining the historic value of the mill. We want this

to be a legacy for us and the city. We are trying very hard to be good stewards of this valuable property.



(X marks location of proposed storage)

Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. The outdoor storage area proposed under the covered portions of the railroad tracks is approximately 28,000 sq. ft. in size. According to Le Sueur County, the buildings (not including the grain storage) total approximately 70,755 sq. ft.

Zoning

This property is currently 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.

Exterior Storage is specifically listed as a conditional use in this zoning district. That said, the applicant has noted that the use of this property for exterior storage is only a temporary short-term use. While the property is currently zoned I-1 Light Industrial, it is guided in the draft future land use plan as “Downtown Flex” which is a district much more in line with the existing central business zoning district that exists today. As the City works on final adoption of the new future land use plan along with re-writing its zoning ordinance, this property will very likely be rezoned away from I-1 Light Industrial. In light of this, staff would rather this conditional use permit request change to an Interim Use Permit

Request so that the use only lasts for a limited period of time as the site continues to redevelop as noted by the property owner/applicant.

As noted earlier, staff does have concerns about the current appearance of the site which can be addressed in the near time as part of this exterior storage request. First and foremost is the many items stored around the site by Mach Lumber. It was previously noted during a past Conditional Use Permit for the site that Mach Lumber was not permitted to place items around the site as exists today. Staff believes that these items are a visual nuisance and should be moved to the proposed exterior storage area. Additionally, the chain link fence that has been on the site since the mill ceased operations is unsightly and while it was initially used for securing the entire site, it is enclosing areas of the site that do not necessarily need to be secured in staff's opinion.

The Zoning Ordinance does not list specific performance standards for exterior storage, however, the City's Screening performance standards would apply:

707 Screening

1. Commercial, Industrial, or Institutional Uses Abutting Residential Districts

Where any commercial, industrial or institutional uses are adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator. Landscape screening required under this section shall not be allowed within public drainage and utility easements. Screening is not required within any site triangle required under Section 723(6) of this Ordinance. Screening shall consist of a 20 foot wide green belt strip as provided below:

- A. A green belt planting strip shall consist of staggered rows of evergreen trees, deciduous trees, or shrubs each spaced at a maximum of 12.5' and consist of a sufficient density to provide a visual screen and reasonable buffer of at least an 80% opacity year round once trees are mature. This planting strip shall be designed to provide visual screening to a minimum height of eight feet at all times and a minimum tree diameter of 2.5" measured six inches above the ground level. The grade for determining the height shall be the grade elevation of the building or use for which the screening is providing protection. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
- B. A fence may also be installed, but not in lieu of the green belt planting strip. The fence shall be visually appealing and cohesive with the exterior of the principal structure. The fence must be located within the interior of the lot such that the green belt plantings are visible from adjacent property.
- C. For any use allowed via a conditional use permit, additional requirements may be added to the above requirements in order to mitigate the impact on the adjacent residential properties and if adjacent to roads classified as major collectors and higher, such as berms, more opacity or other requirements not listed herein.

2. Industrial Uses Abutting Commercial or Industrial Districts

All industrial properties abutting commercial or industrially zoned districts must follow the provisions below:

- A. A single row of deciduous or evergreen trees is required and must be a minimum height of 8’ with a minimum diameter of 2.5” measured six inches above the ground level. Tree spacing shall be 40’ around the perimeter of the property abutting commercial or industrial districts. Follow § 717 of the Zoning Ordinance for landscaping requirements for parking lots.
- B. If fencing is erected on the property, the fence must be visually appealing and cohesive with the exterior of the principal structure.

3. Industrial Uses Along Arterial Roadways

- A. If a proposed industrial use abuts a roadway classified as an arterial roadway or higher, the applicant must obtain a conditional use permit to ensure that the property and use is adequately screened from the arterial roadway which may include additional landscaping/screening requirements beyond those found in Section 1 and 2 above as well as include additional requirements related to tree spacing, opacity, fencing, etc.

4. Warranty and Escrow

- A. The City shall collect a cash escrow specifically for the screening requirements before any building permit is issued. The escrow shall be at an amount equal to a minimum of 125% of the estimated screening expenses and shall be refunded to the party who deposited the escrow when all the following are completed and approved by the City:
 - 1. Required screening trees are installed and alive at the end of the 1 year warranty time period.
 - 2. Sites that are completed between October 15th and before May 15th shall have until July 1st to plant the required trees but will only be issued a temporary certificate of occupancy until that time.
 - 3. If the property owner fails to complete the landscaping and screening requirements by the deadline, the City may finish the work with the cash escrow. Any additional fees or expenses accrued in association with the City finishing the work will also be invoiced to the property owner.

As Main Street (TH13/19) is an arterial roadway, it is important to provide screening to the exterior storage area. Staff recommends screening of at least 8’ tall be required on the north end of the exterior storage area between the two building walls to screen the area from the view of Main Street. Screening may consist of a fence, vegetation or combination thereof that provides for 80% opacity year-round. As

the site is a gravel lot, vegetation may not work well and because the storage is only temporary, staff suggests 80% opacity using fencing and/or vegetation as long as it’s maintained year-round.

Parking

N/A.

Public Works /Utilities / Engineering Comments

Public Works Director Matt Rynda noted that his only concern would be the gravel section of 2nd Street SW holding up to added traffic as they had issues with that section of 2nd Street SW when the mill was operational.

In light of this, staff drafted the following condition to address the concern: *The Public Works Director may, at their sole discretion, invoice the property owner for extraneous maintenance to the gravel section of 2nd Street SW related to traffic generated by the use.*

Bruce Reimers, Utilities General Manager, did not have any concerns.

City Engineer, Chris Knutson, was note solicited for comments.

Building Official Comments

Building Official Scott Sasse was not solicited for comments.

Police Chief Comments

Police Chief Tim Applen was solicited for comments, but none were received at the time of writing this staff report.

Fire Chief Comments

Fire Chief Steve Rynda was solicited for comments and noted that their only concern would be to maintain some sort of 6’ walking lane to get to all doors adjacent to the storage area.

In light of this, staff drafted the following condition to address the concern: *A 6’ access aisle must be maintained through the exterior storage area to ensure access to all doors that abut the storage area for fire access.*

WAC/SAC Fees

N/A.

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 designated exterior storage area will utilize property in a reasonable and temporary manner considering its current I-1 Light Industrial Zoning, but which is 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 designated exterior storage area is acceptable in that it is utilizing a former railroad spur area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years and noting that the use is limited to 3 years from the date of approval.)
- C. The proposed use will not hinder permanent development of the site. (The proposed designated exterior storage area will not hinder permanent development of the site as it is utilizing an underutilized canopy covered rail spur and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan which will lead to continued redevelopment of the site.)
- D. The proposed use will not adversely impact implementation of the Comprehensive Plan for the area. (The proposed designated exterior storage area will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan and this use is only considered for up to 3 years.)
- E. The proposed use will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare. (The proposed designated exterior storage area will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing an underutilized canopy covered rail spur which will be screened from the view of Main Street.)
- 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 designated exterior storage area will not create an excessive burden on existing parks, schools, street and other public facilities as it is limited in size and period of use to no more than 3 years.)
- 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 designated exterior storage area and a condition is suggested to address maintenance issues with 2nd Street SW should they become a concern.)
- H. The date or event that will terminate the use has been identified with certainty. (The proposed designated exterior storage area shall cease to operate at the site on 10/7/2027.)
- 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 designated exterior storage

area 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 the request only as an Interim Use Permit (#I2-2024) to allow for exterior storage of vehicles and recreational equipment in the I-1 Light Industrial Zoning District, at the former mill located 100 2nd Ave. SW, as proposed by New Prague Mill, LLC with the following findings:

- A. The proposed interim use for a designated exterior storage area will utilize property in a reasonable and temporary manner considering its current I-1 Light Industrial Zoning, but which is guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed designated exterior storage area is acceptable in that it is utilizing a former railroad spur area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years and noting that the use is limited to 3 years from the date of approval.
- C. The proposed designated exterior storage area will not hinder permanent development of the site as it is utilizing an underutilized canopy covered rail spur and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan which will lead to continued redevelopment of the site.
- D. The proposed designated exterior storage area will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan and this use is only considered for up to 3 years.
- E. The proposed designated exterior storage area will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing an

underutilized canopy covered rail spur which will be screened from the view of Main Street.

- F. The proposed designated exterior storage area will not create an excessive burden on existing parks, schools, streets and other public facilities as it is limited in size and period of use to no more than 3 years.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed designated exterior storage area and a condition is suggested to address maintenance issues with 2nd Street SW should they become a concern.
- H. The proposed designated exterior storage area shall cease to operate at the site on 10/7/2027.
- I. The proposed designated exterior storage area 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 exterior storage under the canopy shall cease operations within 3 years from the date of approval of this Interim Use Permit which is October 7, 2027.
- 2. Exterior storage is only allowed underneath the canopy area which is located over the railroad spur in the area depicted on the Site Map Dated 9/16/24 on file with the Planning Department. Other areas of existing exterior storage on the site must be moved to this designated area.
- 3. Only rail cars are allowed to be parked on the southernmost area of the spur line without a canopy as noted on the Site Map Dated 9/16/24 on file with the Planning Department.
- 4. The perimeter chain link fence must be moved/removed from areas where the site is actively being used and can only remain in areas not being actively rented.
- 5. Screening of at least 8' tall is required on the north end of the exterior storage area between the two building walls to screen the area from the view of Main Street. Screening may consist of a fence, vegetation or combination thereof that provides for 80% opacity year-round.
- 6. The Public Works Director may, at their sole discretion, invoice the property owner for extraneous maintenance to the gravel section of 2nd Street SW related to traffic generated by the use.
- 7. A 6' access aisle must be maintained through the exterior storage area to ensure access to all doors that abut the storage area for fire access.
- 8. If the exterior storage area is ever completely fenced, the applicant must provide a knox box to hold a key for access by the Police/Fire Department.
- 9. Dust control measures must be used on the exterior storage area and all access roads to ensure adjacent properties are protected from dust during susceptible conditions.
- 10. Items stored on the site are limited to be no taller than the height of a motorized RV (approximately 14' tall), with the exception of railcars which are allowed to exceed said height.
- 11. All recommendations of MnDOT must be complied with prior to utilization of the site for exterior storage.
- 12. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
- 13. All lighting must conform to Section 704 of the Zoning Ordinance.
- 14. 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.

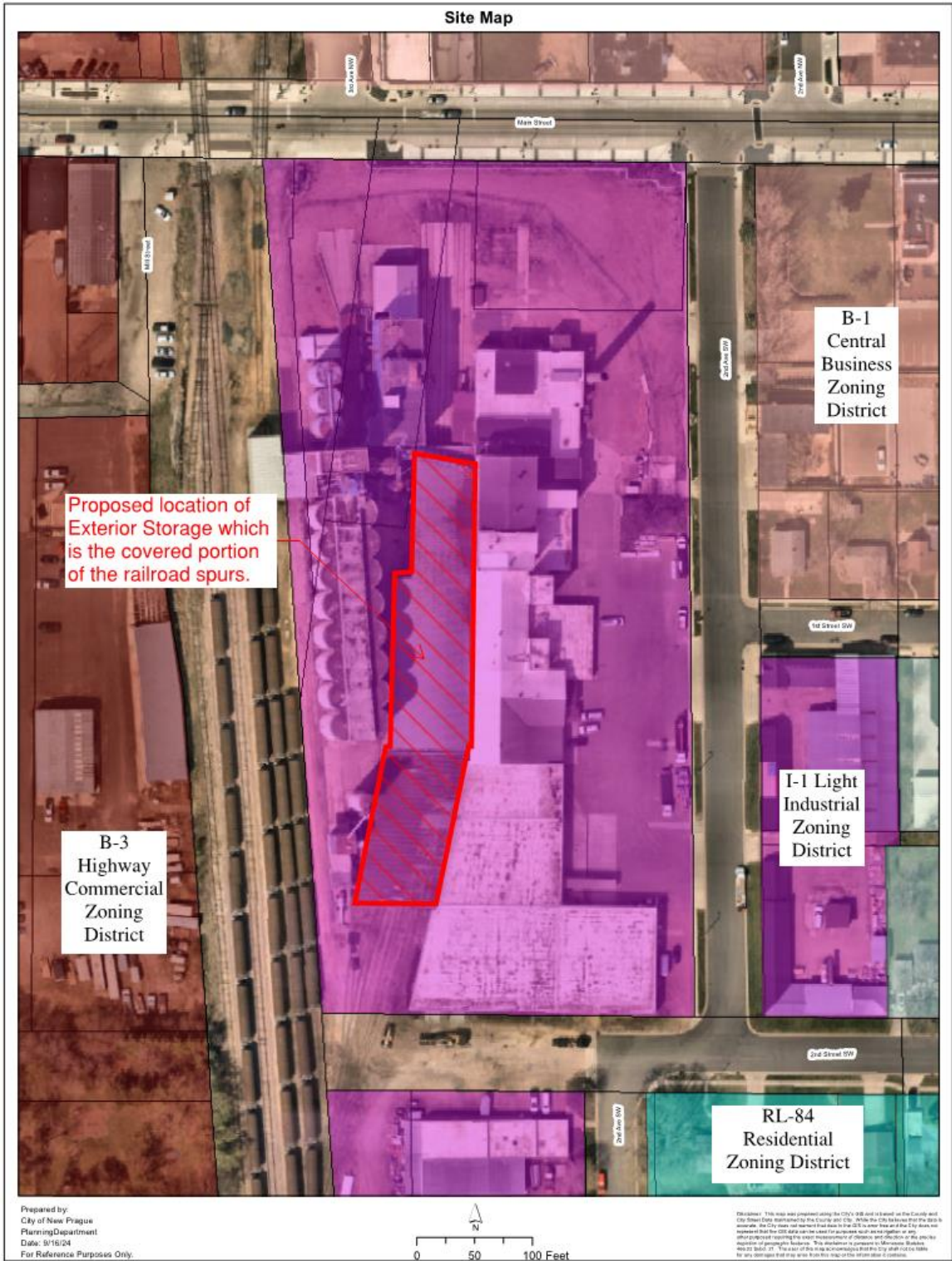
15. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
16. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, 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.
17. 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

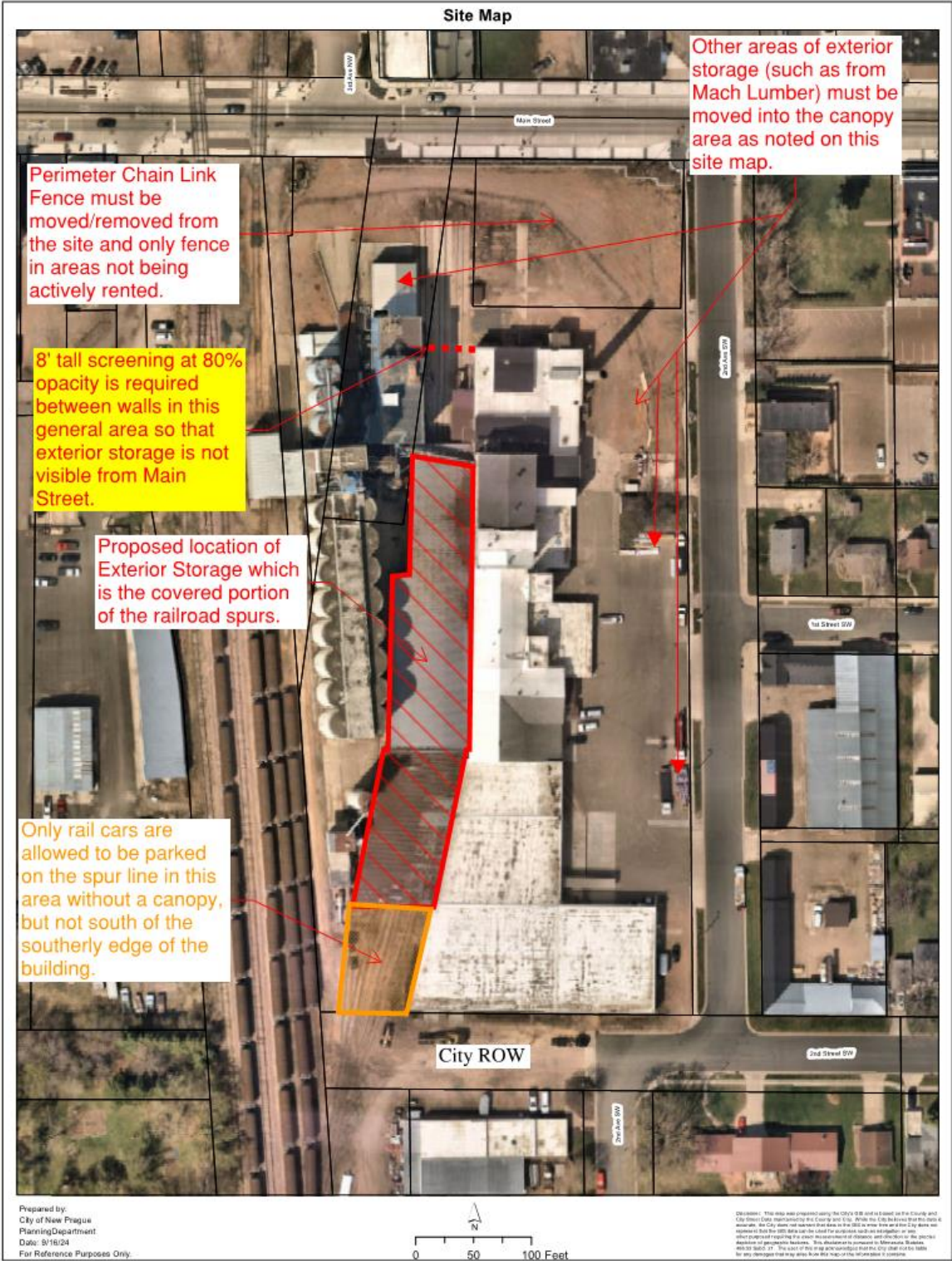
1. Site Map Aerial – Dated 9/16/24
2. Site Map Zoning – Dated 9/16//24
3. Site Map Aerial – Staff Notes – Dated 9/16/24
4. Pictures – Dated 9/16/24



Aerial View of Proposed Exterior Storage Area



Zoning Districts of Subject and Neighboring Properties



Staff Notes



View of Canopy Area from Main St. W. (middle of the photo) – Other stored items in this photo must be moved to storage area under canopy.



Zoomed in view of the Proposed Exterior Storage Area under the Canopy only. The chain link fence should be moved to enclose the storage area and screened to block the view of stored items from Main Street.



Looking at the NE corner of the site from Main Street. (Chain link fence must be moved to only secure areas not being used.)



Looking at the NW corner of the site from Main Street.



Looking at north end of site to the west from 2nd Ave. SW.



Looking at site from 2nd Ave. SW (these exterior storage items must be removed and fence revised to only enclose storage or other areas not yet being rented/occupied).



Looking east along 2nd Street SW ROW from railroad spur.



Looking north along Railroad spur towards south side of canopy storage area.



Looking North towards canopy storage area from 2nd Street SW ROW.



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: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT #C4-2024 TO PROVIDE OUTDOOR SEATING AT SUGAR ROSE BAKESHOP LOCATED AT 120 MAIN ST W IN THE B1 - CENTRAL BUSINESS DISTRICT, AS PROPOSED BY JODY BREATHWAITE.
DATE: SEPTEMBER 26, 2024

Planning Commission Summary

At the Planning Commission meeting on September 25, 2024, the request for Conditional Use Permit #C4-2024 to allow an outdoor patio for eating services at Sugar Rose Bakeshop at 120 Main St W in the B1 – Central Business District, was recommended for approval by a vote of 3-0. The recommendation is to be forwarded to the City Council on October 7th.

At the public hearing, no public comment was given.

The Planning Commission’s 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 Conditional Use Permit #C4-2024...”.

RESOLUTION #24-10-07-04

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING CONDITIONAL USE PERMIT #C4-2024 TO PROVIDE OUTDOOR
SEATING AT SUGAR ROSE BAKESHOP LOCATED AT 120 MAIN ST W IN THE B1 –
CENTRAL BUSINESS DISTRICT, AS PROPOSED BY JODY BREATHWAITE**

WHEREAS, Jody Breathwaite, applicant, and owner Aga Franek of the following real estate in the County of Scott to wit:

Lot 5, Block 2, Original Town of New Prague, Le Sueur County, Minnesota.

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request #C4-2024, a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of September, 2024, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously (3-0) to forward the matter to the City Council with a recommendation for approval subject to the findings and conditions contained in staff report #C4-2024; and,

WHEREAS, the New Prague City Council finds:

- A. The proposed patio area will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area, as the additional area will only accommodate outdoor seating.
- B. The proposed outdoor furniture will only be located in the front of the building far away from single family residential homes and which is compatible with adjacent residential apartments and will not cause a depreciation in their value.
- C. The proposed patio and site will improve the front appearance of the building and will not adversely affect adjacent residential apartments.
- D. The proposed outdoor dining area is reasonably related to the overall needs of the City and existing land use as the proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 Central Business Zoning District.
- E. The proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.

- F. The proposed outdoor seating area is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.
- G. Th proposed outdoor patio will not cause traffic hazards or congestion as it provides only 4 seats and no off-street parking is required for any uses in the B-1 district.
- H. Adequate utilities, access roads, drainage and necessary facilities have been provided.

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

1. Approval is subject to the site plan dated 9/4/24 on file with the New Prague Planning Department which complies with the requirements of Section 733 of the Zoning Ordinance.
2. Plans must continue to follow MnDOT’s comments dated 9/9/2024.
3. Outdoor furniture must be removed during winter months when snow removal would be expected to be occurring.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that Conditional Use Permit #C4-2024 to allow outdoor seating at the Sugar Rose Bakeshop located at 120 Main St W in the B1 – Central Business District, is hereby **approved**.

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

Passed this 7th day of October 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: KYRA CHAPMAN - PLANNER
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT #C4-2024 TO PROVIDE OUTDOOR SEATING AT THE SUGAR ROSE BAKESHOP LOCATED AT 120 MAIN ST W IN THE B1 - CENTRAL BUSINESS DISTRICT, AS PROPOSED BY JODY BREATHWAITE.
DATE: 9/16/24

Background / History

In 2023, Sugar Rose Bakeshop relocated from the strip mall at 801 1st St SE to its current location downtown at 120 Main St W in the B1-Central Business District. The main floor of the existing building is occupied by Sugar Rose Bakeshop and the top floor are short term rental dwelling units. Earlier this summer, staff were notified that the business had tables and chairs located in front of the building along the sidewalk of Main St W. According to the Zoning Ordinance, commercial businesses in the B1 District must have a conditional use permit to have outdoor seating/dining areas. The chairs and tables in front of the building have since been removed. However, there is still an outdoor seating area on the side of the property but that is only designated and utilized by the tenants. Conditional use permits are not required for dwelling units. The applicant is requesting to put two tables and four chairs in front of their building on the sidewalk of Main St W.

Legal Description

Lot 5, Block 2, Original Town of New Prague, Le Sueur County, Minnesota.

Zoning

The property is zoned B1 Central Business District. The proposed outdoor seating area for restaurants is listed as a conditional use in the B-1 Central Business District which is why the Conditional Use Permit is required. The B-1 District also does not require off-street parking for any use, does not have minimum lot size requirements and also does not have minimum setbacks for buildings or other accessory uses other than to an alley and railroads.

Outdoor Patio Standards

Zoning Ordinance Section 733 contains performance standards relating to outdoor seating for restaurants in the City as follows:

733 Outdoor Seating for Restaurants and Drinking Establishments

1. *Restaurants, drinking establishments, and restaurants, may provide outdoor seating for their patrons with an approved Conditional Use Permit provided that the following requirements are met:*
2. *For all establishments:*
 - A. *The seating shall be located on private property and outside of any recorded easement areas and demonstrated on a site plan.*
 - B. *The seating shall consist of good quality patio or café type furniture that enhances the appearance of the business.*
 - C. *No beverages or food shall be served to persons outside of the designated outdoor seating area.*
 - D. *The seating area, if not slab on grade, shall be subject to applicable setback requirements.*
 - E. *The seating area shall have a permanent surface of concrete, asphalt, wood or other fabricated construction material.*
 - F. *The seating shall be located so as not to compromise safety. Seating shall not obstruct the entrance or any required exits or be located on landscaping or parking areas. If located on private sidewalks or walkways, it shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians. Applicable building and fire codes for ingress and egress shall be met.*
 - G. *No additional parking is required for 30 outdoor seats or less. Any additional seating over 30 seats shall provide required parking based on one space per three seats.*
 - H. *The outdoor seating area shall be subordinate to the principal use and shall not exceed 40 percent of the square footage of the principal use building space.*
 - I. *Noises on the outdoor seating area shall be subject to City Code Section 92.18(S).*
 - J. *Lighting shall be permitted to the extent that it only illuminates the designed area. Lighting must otherwise meet the standards listed in Section 704 of this Ordinance for Glare.*
 - K. *The business owner or designated person shall inspect the premises on a daily basis including all adjacent streets, sidewalks, alleys, parking areas and sidewalks within 100 feet and remove all litter. Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc. must be provided in close proximity to the outdoor seating area.*
 - L. *Additional conditions may be imposed by the City and listed on the approved conditional use permit including but not limited to hours of outdoor seating area use and additional screening or buffering to residential zoned or used areas.*
 - M. *No external music, live or recorded, shall be allowed after 10:00PM. It also shall not be audible from a distance of more than 50' from the edge of the defined patio area at any time.*

The applicant intends to place two small bistro tables and four chairs in front of Sugar Rose Bakeshop. The patio furniture would be placed on the large sidewalk of Main St/TH 19. The patio chairs have a width of 21.7” and the diameter of the tables is 20.5”.

According to the as-builts for the TH19 Reconstruction project in 2020, Sugar Rose Bakeshop’s (formally known as Farmhouse Market) property line extends approximately 1’ 8” north from their building. The width of the sidewalk to the curb in front of the property is roughly 12’ 9” wide. Zoning Ordinance section 733 (2) (A) requires that outdoor seating must remain on private property. Due to the width of the existing 12’ 9” sidewalk, the proposed patio furniture satisfies the 4’ minimum passageway for pedestrians.

The side and rear of the property have existing outdoor seating areas, but these areas are designated for the tenants who reside above the first floor of Sugar Rose Bakeshop. Conditional use permits are not required for housing/dwelling units. Customers of Sugar Rose Bakeshop may only utilize the patio furniture in front of their building.

Neighborhood Conditions

The subject property as well as all adjacent to the east and west are largely zoned B1-Central Business District.

- North – B1-Central Business District, and RL84-Single Family Residential District.
- South – B1-Central Business District, and RL70-Single Family Residential District.
- West – B1-Central Business District, and I1-Light Industrial District
- East – B1-Central Business District

Several buildings in the B1-Central Business District were constructed between the 1880s to the 1940s. Most of the buildings in this district are currently used for commercial retail use or as drinking/dining establishments with some having rental dwelling units above. Within the City, there are some businesses that were approved outdoor dining areas through a conditional use permit. For example, there is Outlaw Saloon at 103 Main St W, 1319 Woodfire Tavern at 125 E Main St, Local 105 at 105 Main St E, and Giesenbrau Bier Co. at 1306 1st St NE.

Parking

Off-street parking is not required in the B-1 Central Business District. **No additional parking is required if there are 30 outdoor seats or less.** Any additional seating over 30 seats shall provide required parking based on one space per three seats. The applicant is proposing to have 4 outdoor seats; therefore, no off-street parking is required.

Public Works Considerations

Public Works Director Matt Rynda and Utilities General Manger Bruce Reimers did not have any comments on the subject.

FEMA Flood Plain

N/A

Police Chief and Fire Chief Comments

Police Chief Tim Applen and Fire Chief Steve Rynda did not have any comments.

Building Official Comments

Building Official Scott Sasse did not have any comments.

County Highway Department Comments

N/A

State Highway Department Comments

Comments were solicited on 9/9/2024 from Angela Piltaver, Principal Planner with MnDOT:

Based off the plan and aerial imagery, it appears that there should be plenty of space to maintain a clear path for the pedestrian accessible route (PAR) through this area (minimum of 6’ width) with the table and chairs occupying roughly 20 inches of space adjacent to the building front that has been identified in the drawing.

Conditional Use Permit Findings

Section 505 of the Zoning Ordinance states that when granting a conditional use permit the City Council shall make the following findings:

- A. 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 patio area will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area, as the additional area will only accommodate outdoor seating.)
- B. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. (The proposed outdoor furniture will only be located in the front of the building far away from single family residential homes and which is compatible with adjacent residential apartments and will not cause a depreciation in their value.)
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. (The proposed patio and site will improve the front appearance of the building and will not adversely affect adjacent residential apartments.)
- D. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use. (The proposed outdoor dining area is reasonably related to the overall needs of the City and existing land use as the proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 Central Business Zoning District.)
- E. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. (The proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.)
- F. The use is not in conflict with the Comprehensive Plan of the City. (The proposed outdoor seating area is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.)

- G. The use will not cause traffic hazard or congestion. (The proposed outdoor patio will not cause traffic hazards or congestion as it provides only 4 seats and no off-street parking is required for any uses in the B-1 district.)
- H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities have been provided.)

Section 505 of the Zoning Ordinance also states that conditions may be placed upon the approval as are considered necessary to protect the public health, safety and welfare.

Staff Recommendation

Staff recommends approval of Conditional Use Permit #C4-2024 to allow outdoor seating at Sugar Rose Bakeshop located at 120 Main St W in the B1-Central Business District, with the following conditions:

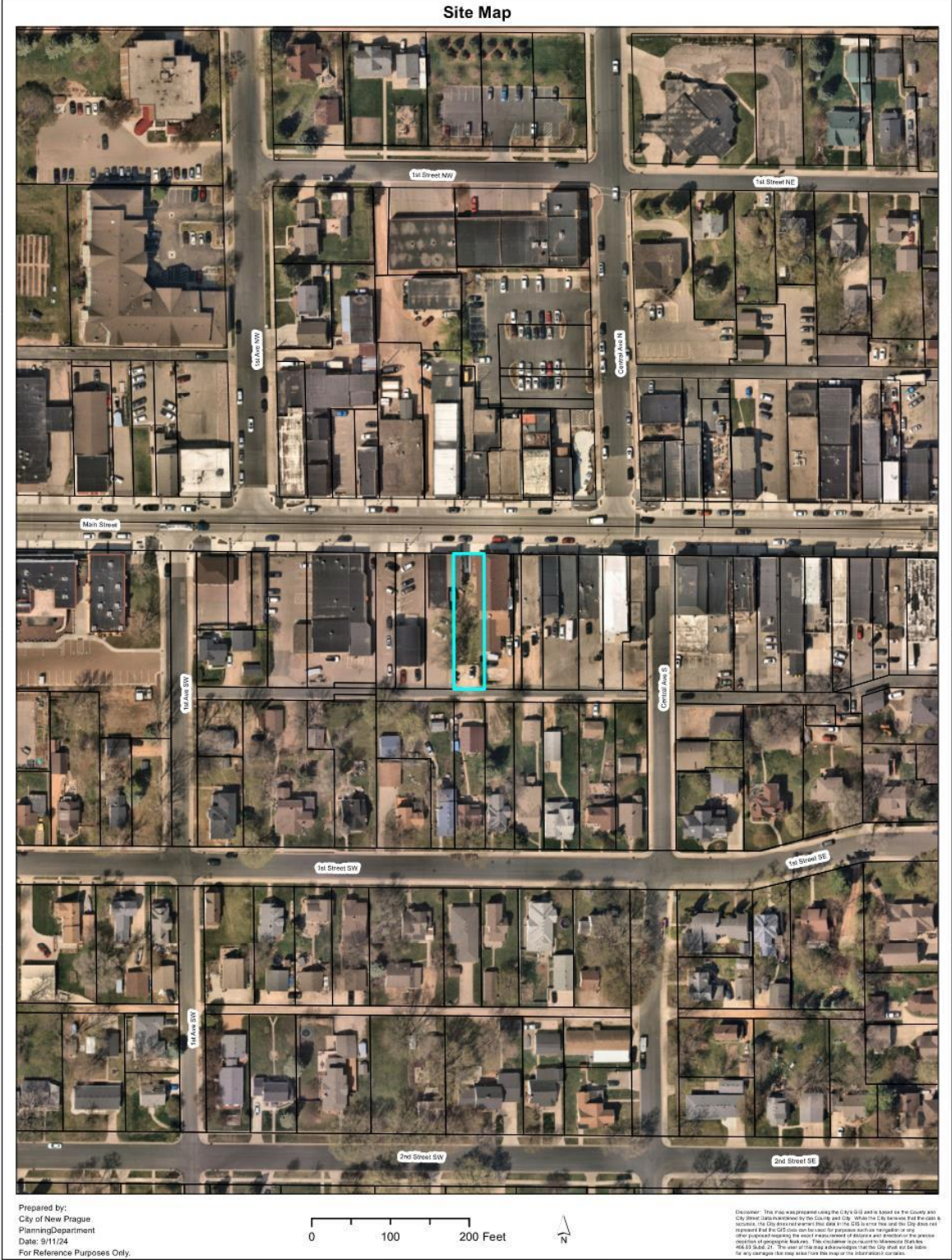
- 1. Approval is subject to the site plan dated 9/4/24 on file with the New Prague Planning Department which complies with the requirements of Section 733 of the Zoning Ordinance.
- 2. Plans must continue to follow MnDOT’s comments dated 9/9/2024.
- 3. Outdoor furniture must be removed during winter months when snow removal would be expected to be occurring.

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

- A. The proposed patio area will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area, as the additional area will only accommodate outdoor seating.
- B. The proposed outdoor furniture will only be located in the front of the building far away from single family residential homes and which is compatible with adjacent residential apartments and will not cause a depreciation in their value.
- C. The proposed patio and site will improve the front appearance of the building and will not adversely affect adjacent residential apartments.
- D. The proposed outdoor dining area is reasonably related to the overall needs of the City and existing land use as the proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 Central Business Zoning District.
- E. The proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.
- F. The proposed outdoor seating area is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.
- G. Th proposed outdoor patio will not cause traffic hazards or congestion as it provides only 4 seats and no off-street parking is required for any uses in the B-1 district.
- H. Adequate utilities, access roads, drainage and necessary facilities have been provided.

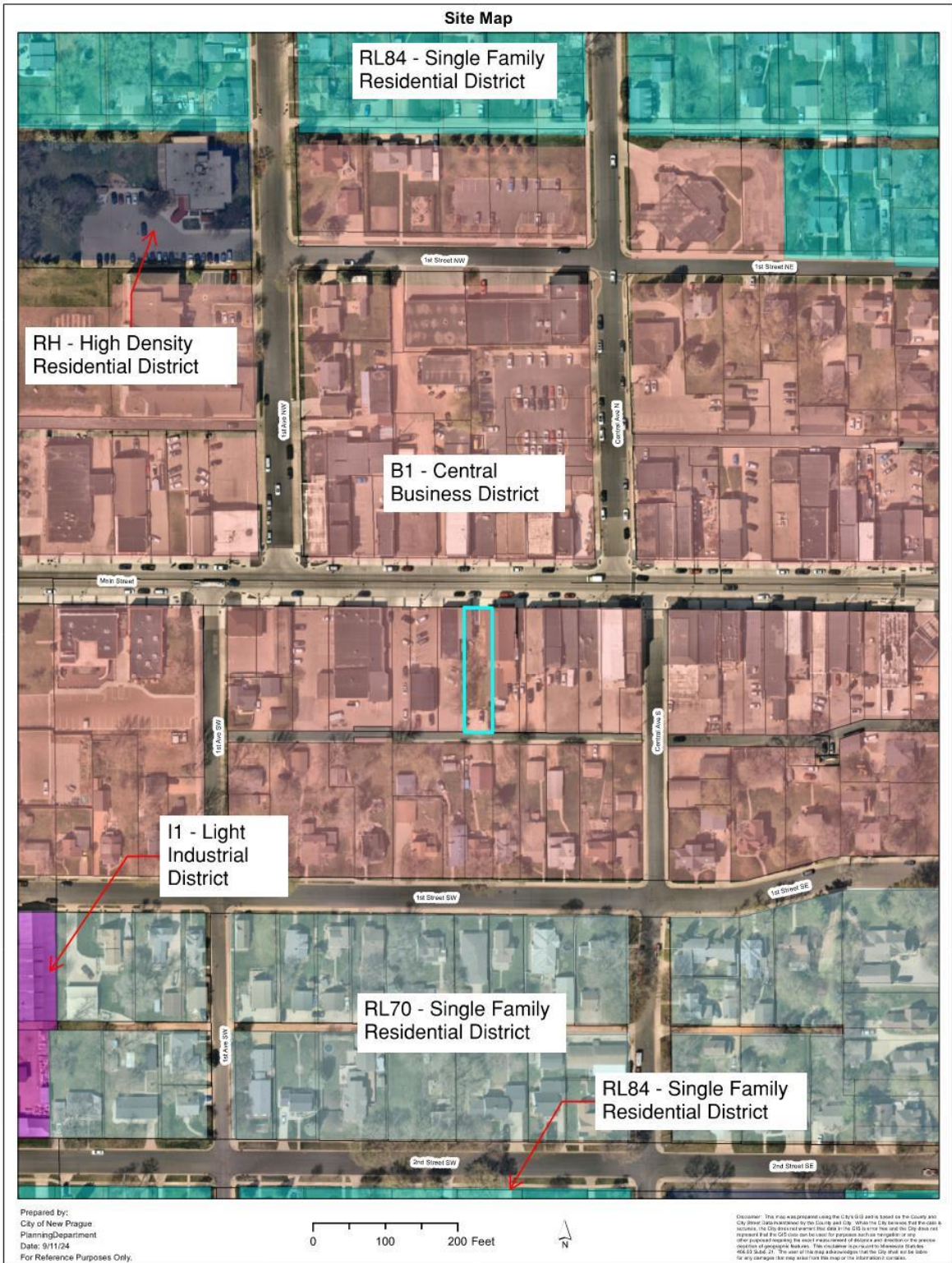
Attachments

1. Aerial Site Map – Dated 9/11/24
2. Aerial Zoning Site Map – Dated 9/11/24
3. Outdoor Seating Site Plan – Dated 9/4/24
4. TH 19 As-Built – 12/22/22
5. Proposed Patio Furniture – Dated 9/9/2024
6. Oblique Air Photo – Dated 4/12/23
7. Google Street View – Aug 2023



Aerial Site Map

Sugar Rose Bakeshop – CUP #C4-2024 – Outdoor Seating
9/25/24 Planning Commission Meeting
Page 7 of 13



Aerial Zoning Site Map

Sugar Rose Bakeshop – CUP #C4-2024 – Outdoor Seating
9/25/24 Planning Commission Meeting
Page 8 of 13

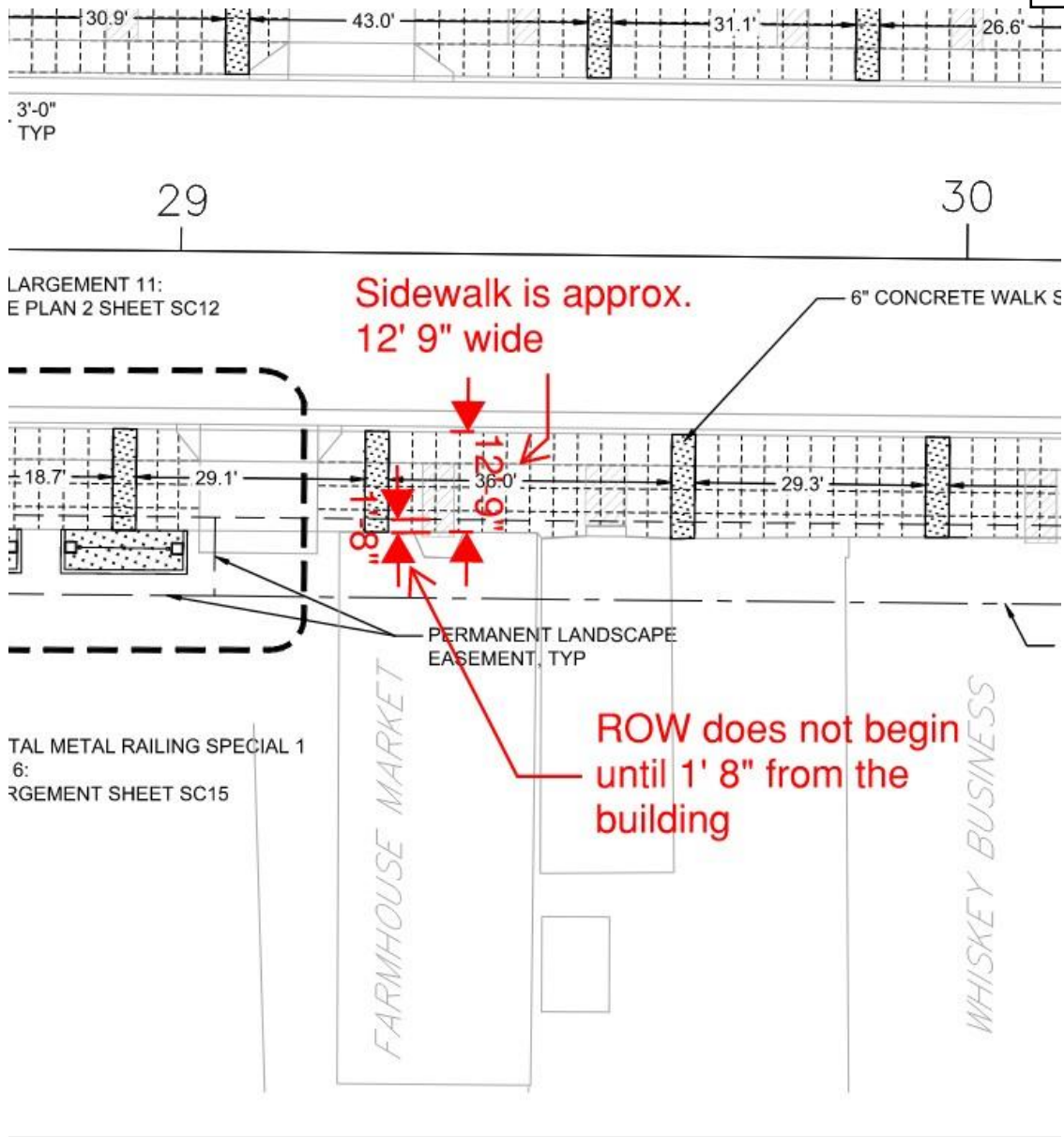


Note: There would be a table identical to the other one on the right side.
_{3 Chairs}

Outdoor Seating Site Plan



Outdoor Seating Site Plan



TH19 As-builts – Property and ROW Markup

Brand: KROFEM

4.6 ★★★★★ 275

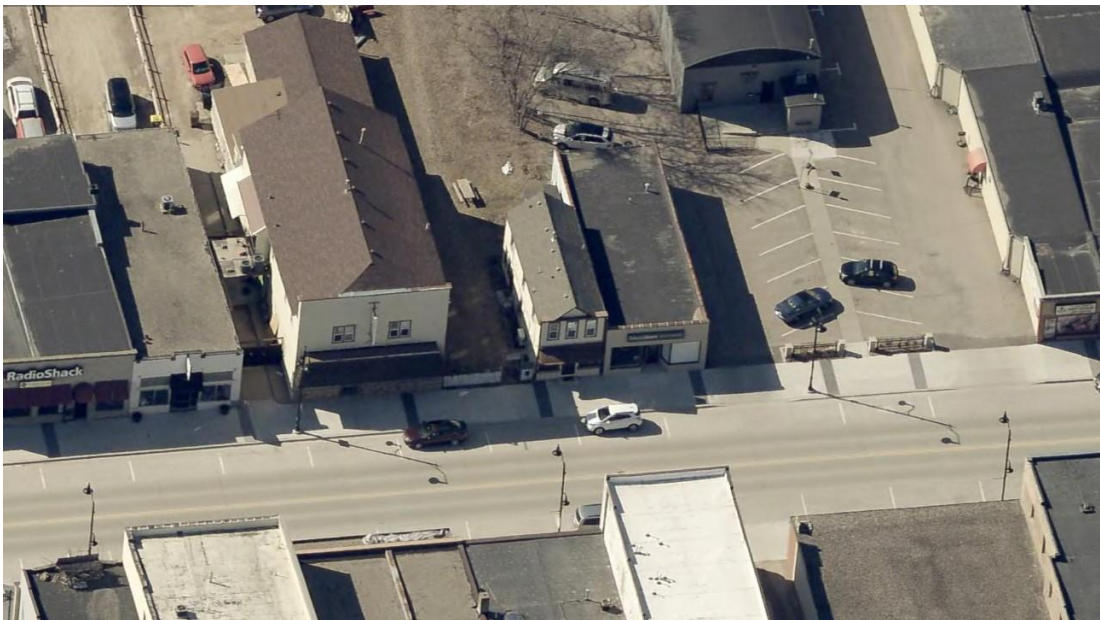
3 Pieces Wicker Patio Bistro Furniture Set, Includes 2 Chairs and Glass Top Table, Ideal for Porch, Outdoor, Backyard, Apartment, Balcony Natural Color

200+ bought in past month

Product size



Proposed Patio Furniture



Oblique Aerial Image



Google Street View – Front Area of Sugar Rose Bakeshop



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: KYRA CHAPMAN, PLANNER
SUBJECT: PLANNING COMMISSION SUMMARY - REQUEST FOR VARIANCE #V8-2024 TO ALLOW A 5' TALL FENCE AT 1232 OLIVIA STREET SE, AS PROPOSED BY MARK AND CHRISTINE SHAW.
DATE: SEPTEMBER 26, 2024

Planning Commission Summary

The Planning Commission heard the above variance request on September 25th, 2024. Applicants, Mark and Christine Shaw currently have a 5' tall black chain link fence in their side and backyard at 1232 Olivia St SE. They are requesting a variance for their existing fence to remain as it is. According to the Zoning Ordinance, fences may not exceed a height above 4' until the rear corner of the home and must 30' away from the front setback line. This property is unique in that it has two front property lines (north and south) due to frontages; Olivia St SE and CSAH 29. To be consistent with the Zoning Ordinance and the neighborhood, staff recommend that the 5' tall fence should be installed behind the rear west corner of the home to be consistent in the neighborhood and the Zoning Ordinance. Despite staffs' recommendation, the Planning Commission recommended the removal of condition G, which called for adjusting the fence so that it is behind the rear west corner of the home.

The Planning Commission recommended approval of the variance request for staff's recommendation with an exception of removing condition G with a unanimous vote (3-0) based on the findings listed in the attached resolution.

Staff Recommendation

Staff recommends approval of the attached resolution "...Approving Variance (#V8-2024)...".

RESOLUTION #24-10-07-05

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE (#V8-2024) TO ALLOW A 5' TALL FENCE AT 1232 OLIVIA STREET SE, AS PROPOSED BY MARK AND CHRISTINE SHAW, NEW PRAGUE, MINNESOTA

WHEREAS, Mark and Christine Shaw, owners of the following real estate in the County of Le Sueur to wit:

Lot 36, Block 4, Tikalsky Acres, according to the plat thereof, Le Sueur County, Minnesota.

WHEREAS, staff recommends that the 5' fence should be installed behind the rear west corner of the home.

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (#V8-2024), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of September, 2024, after due consideration of presented testimony and information, voted unanimously (3-0) to forward staff's recommendation to the City Council with a recommendation for approval with the removal of condition G to adjust the fence behind the rear west corner of the home; and,

WHEREAS, the New Prague City Council finds:

- A. The 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 proposes to use the property in a reasonable manner by having a 5' tall fence in their side and backyard.
- D. Unique circumstances apply to the property in that it is a through lot abutting a road on two sides (front and rear) with the roadway along the rear yard being a County Road.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that have tall fences that were grandfathered in or similarly received fence height variances such as 1214 Olivia St SE (V1-2018) and 1110 Olivia St SE (V2-2018).

F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would contain their dogs and prevent the removal of the existing fence.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V8-2024 to allow a 5’ tall fence in the backyard at 1232 Olivia St SE, is hereby approved based on the above findings.

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

Passed this 7th day of October, 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: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR VARIANCE #V8-2024 TO ALLOW A 5’ TALL FENCE AT 1232 OLIVIA STREET SE, AS PROPOSED BY MARK AND CHRISTINE SHAW
DATE: SEPTEMBER 11, 2024

Background / History

Applicants, Mark and Christine Shaw applied for a fence height variance for their 5’ tall chain link fence to remain where it is. The existing fence does not meet the Zoning Ordinance requirements for fence height. The Zoning Ordinance does not allow fences to exceed 4’ tall if they are erected in front of the rear corner of the home. The west front/side fence is located near the porch and is exceeding 4’ tall. The Zoning Ordinance also states that fences may not exceed 4’ tall when located less than 30’ from the road right of way. This also applies to the backyard of a home as it’s less than 30’ from the street right way (sidewalk and CSAH 29).

Currently, they have a 5’ tall chain link fence installed on the side and rear of their property. Some neighbor’s fences were constructed prior to the existing fence ordinance or received a fence height variance. For instance, 1214 Olivia St SE (V1-2018) was approved for a 6’ tall wooden privacy fence in the backyard and 1110 Olivia St SE (V2-2018) was approved for a 6’ tall white vinyl fence in the backyard. The applicants are requesting a fence height that is 1’ shorter than some of their neighbors, but 1’ over the ordinance height limit.

Legal Description

Lot 36, Block 4, Tikalsky Acres, according to the plat thereof, Le Sueur County, Minnesota.

Zoning

The subject property is located in the RL90 Single Family Residential Zoning District. The following are the residential fence regulations:

New Prague Community Center Association – Variance #V8-2024
September 25, 2024 Planning Commission Meeting
Page 1 of 14

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 applicants currently have a 5' tall black chain link fence installed from the side of their home to their rear property line. (They are currently maintaining the required 2' setback from the trail.) Section 708 (2) (A) of the Zoning Ordinance Section states that fences may be a maximum height of 6' from the rear corner of the home to the rear property. This property has two front yards due to CSAH 29, therefore, a 5' fence could not be installed until the rear corner of the house and 30' away from the south property line. From the rear corner of the home to the front property line, the fence cannot exceed 4' tall. If the ordinance was followed, the applicant would only be able to install a 5' fence on a portion of their property limiting their usable area in their backyard.

Staff recommend that the front fence near the west side of the property should be adjusted. Currently the west side fence is 5' tall and begins near the front porch. The Zoning Ordinance states that fences that exceed 4' tall may be built at the rear corner of the home. Fences that are a maximum of 4' tall may be built before the rear corner of the home. Staff recommend that the 5' tall fence should be moved so it is behind the rear west corner of the house.

Neighborhood Conditions and Nearby Land Uses

North — Residential homes in the RL90 Single Family Residential District and Settlers Park

South — Outside City limits and County State Aid Highway 29

East — Residential homes in the RL90 Single Family Residential District

West – Residential homes in the RL90 Single Family Residential District

Areas to the north, west, and east are residential homes zoned RL90 Single Family Residential District. South of the property is a city trail, the edge of City limits, and CSAH 29.

All homes on Olivia Street SE with backyards facing CSAH 29 must abide by the same fence regulations. In other words, all those homes may not erect a fence taller than 4' tall unless it is 30' away from their rear property line and behind the rear corner of their homes.

There have been some fence height variances awarded along Olivia St SE. At 1214 Olivia St SE, V1-2018 was approved to allow a 6’ tall wooden privacy fence to encompass the backyard. At 1110 Olivia St SE, V2-2018 was approved, allowing a 6’ tall white vinyl fence in the backyard.

Statement of Practical Difficulties

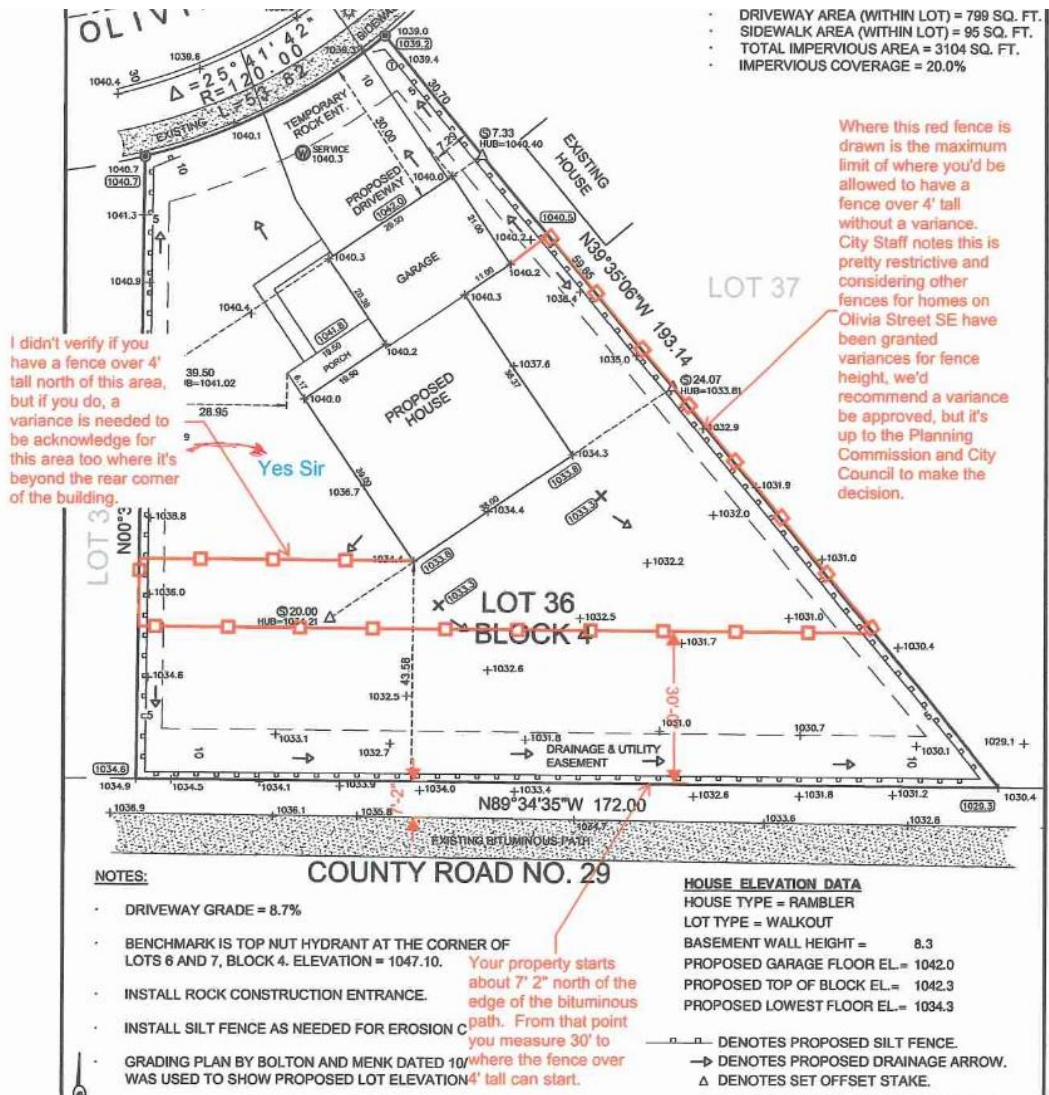
A letter dated on August 26th, 2024 by applicants Mark and Christine Shaw, provided the following letter of practical difficulty:

Requesting variance to allow the “as installed” 5’ chain link fence to remain in place. Prior to the installation by Northland Fence Company, my wife and I walked the neighborhood; up and down the walk path on 29 as well as up and down Olivia Street. We took note of many of the existing fences. A good number of existing fences are well over 5’ and are also placed much, much closer to the walk path on 29 than our installed fence happens to be.

The purpose of the 5’ fence is to accommodate our two dogs. A fence lower than 5’ defeats the purpose of the fence in the first place. I don’t believe it prudent to have a fence any lower than 5’.

Prior to the fence installation, I ensured that all property pins were fully exposed. There is absolutely no question that the fence is installed well within the confines of our property.

I have attached the information received by the City of New Prague. I have also indicated “Yes” to the question posed on the left side of the document.



Public Works / Utilities / Engineer Comments

Public Works Director Matt Rynda, Utilities General Manager Bruce Reimers, and City Engineer Chris Knutson with SEH, Inc. were not solicited for comments on the matter.

Building Official Comments

Comments from the Building Official were not solicited as the variance is related to fences only.

Criteria for Granting Variances - Section 507

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties. Practical difficulties is a legal standard set forth in 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 attempted to evaluate the established criteria for this specific request. Staff’s comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The 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 proposes to use the property in a reasonable manner by having a 5’ tall fence in their side and backyard.)
- 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 through lot abutting a road on two sides (front and rear) with the roadway along the rear yard being a County Road.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because there are adjacent properties that have tall fences that were grandfathered in or similarly received fence height variances such as 1214 Olivia St SE (V1-2018) and 1110 Olivia St SE (V2-2018).)
- 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 it would contain their dogs and prevent the removal of the existing fence.)

- 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. (The 5’ tall fence should be moved so it is behind the rear west corner of the house.)

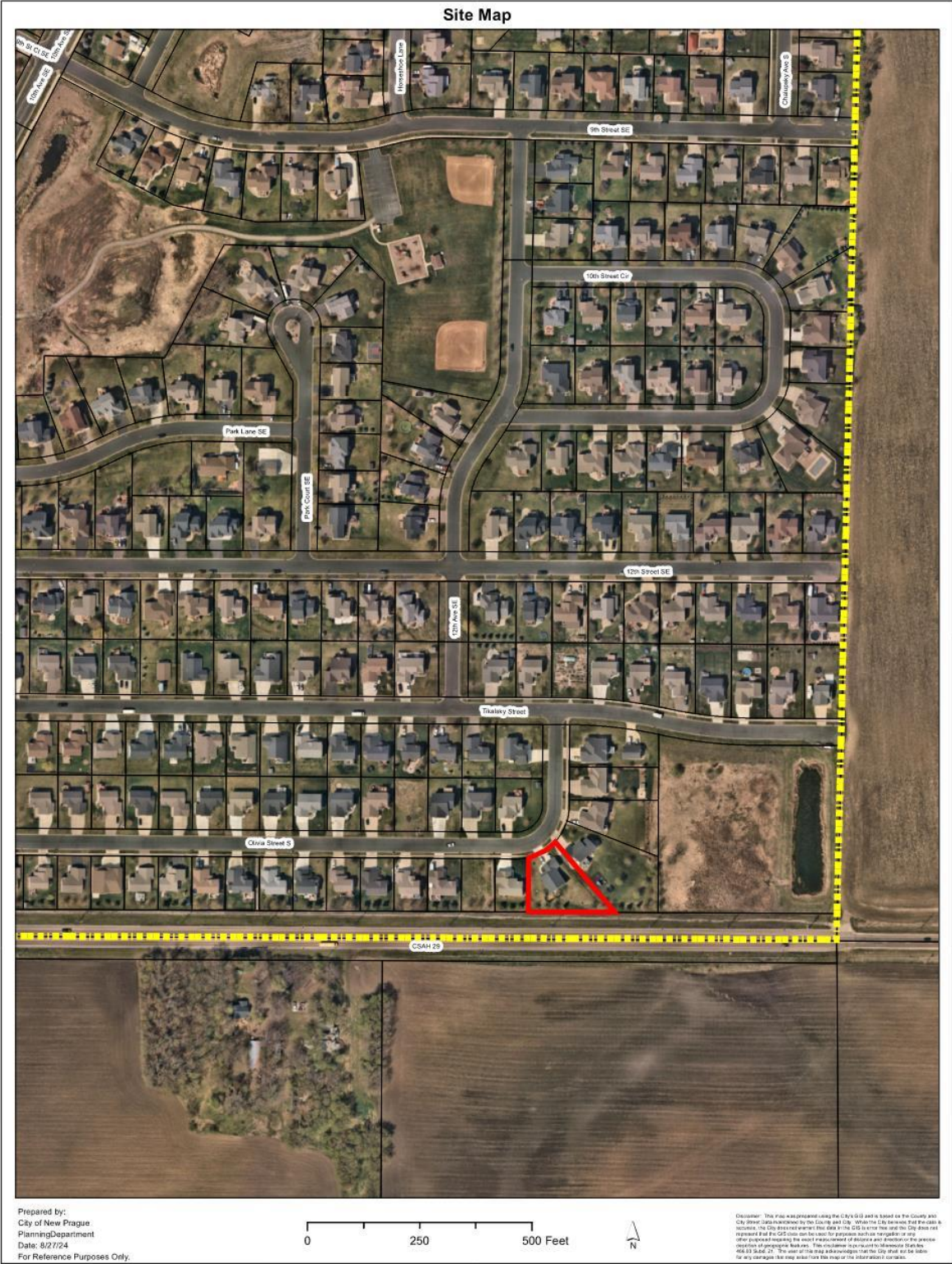
Staff Recommendation

Staff recommends **approval** of Variance #V8-2024 to allow a variance for a 5’ tall fence in the side and backyard of 1232 Olivia St SE, as proposed by Mark and Christine Shaw for the following reasons:

- A. The 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 proposes to use the property in a reasonable manner by having a 5’ tall fence in their side and backyard.
- D. Unique circumstances apply to the property in that it is a through lot abutting a road on two sides (front and rear) with the roadway along the rear yard being a County Road.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that have tall fences that were grandfathered in or similarly received fence height variances such as 1214 Olivia St SE (V1-2018) and 1110 Olivia St SE (V2-2018).
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would contain their dogs and prevent the removal of the existing fence.
- G. The 5’ tall fence should be moved so it is behind the rear west corner of the house.

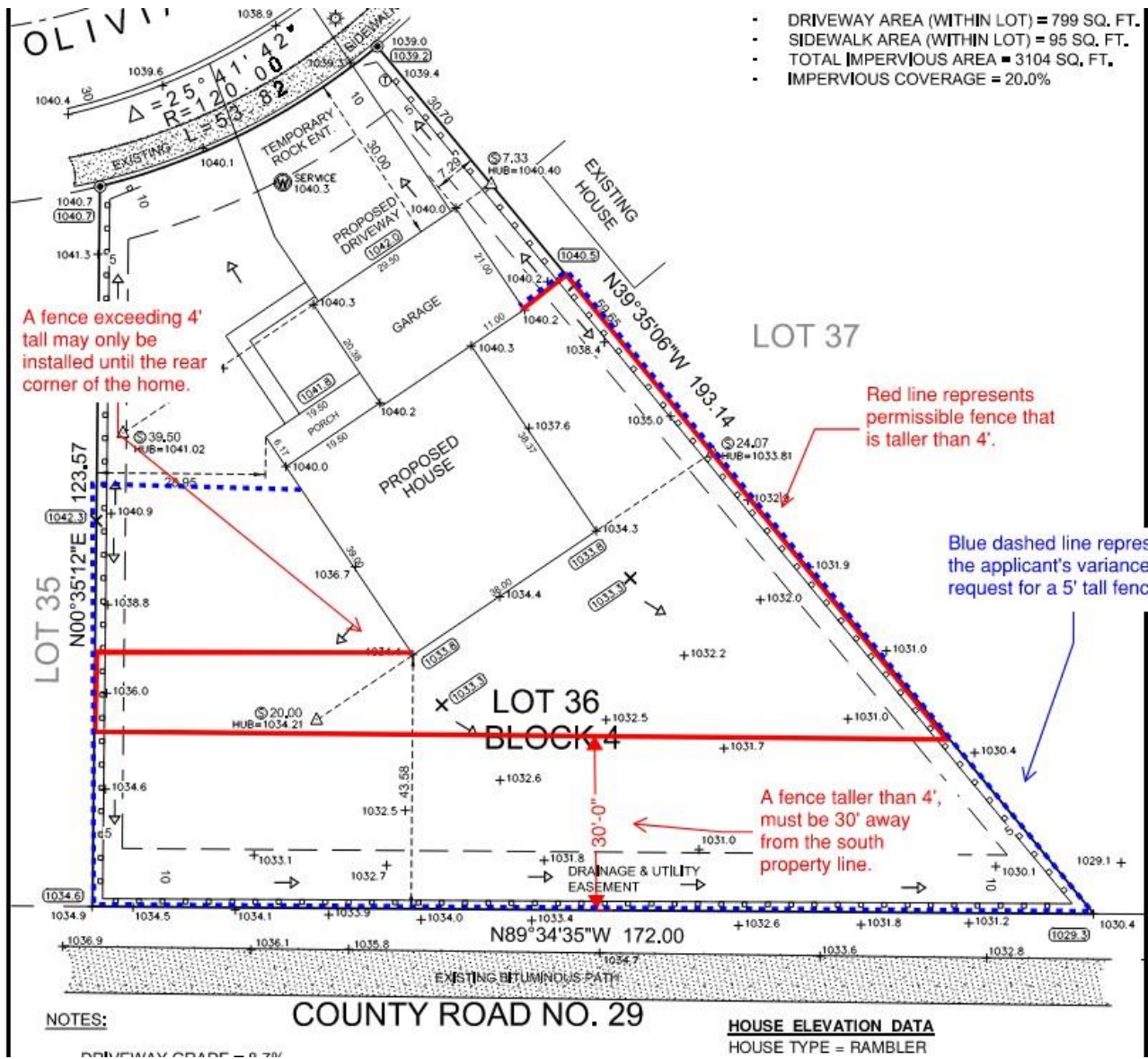
Attachments

- 1. Site Map Aerial – Dated 8/27/24
- 2. Site Map Aerial Zoning – Dated 8/27/24
- 3. Survey – Planning Comments – Dated 9/11/24
- 4. Staff recommendation – Dated 9/11/2024
- 5. Pictures — 9/11/2024



Aerial Site Map

New Prague Community Center Association – Variance #V8-2024
September 25, 2024 Planning Commission Meeting
Page 8 of 14



Fence Requirements – Zoning Ordinance vs. Applicant’s Request



Existing Fence at 1232 Olivia St SE



Looking South from Olivia St SE – Front Yard of 1232 Olivia St SE



Looking South from Olivia St SE – Front Yard of 1232 Olivia St SE



5 Foot Tall Fence – Looking West Along the Trail Near CSAH 29



5 Foot Tall Fence – Looking North Along the Trail Near CSAH 29



5 Foot Tall Fence – Looking North Along the Trail Near CSAH 29

Meeting Minutes
New Prague Planning Commission
Wednesday, July 24, 2024

1. Call Meeting to Order

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

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

2. Elect Chair and Vice Chair for 2024/2025

A motion was made by Ryan, seconded by Gengel to have Dan Meyer as the Chair and Brandon Pike as the Vice Chair. Motion carried (4-0).

3. Approval of Meeting Minutes

A. June 24th, 2024 Regular Meeting

A motion was made by Pike seconded by Gengel to approve the June 24th regular meeting minutes. Motion carried (4-0).

4. OLD BUSINESS

A. None.

5. NEW BUSINESS

A. Request for Variance #V4-2024 – B-1 Downtown Design Requirements

Planner Chapman introduced V4-2024, a variance from the B-1 District Commercial Design standards to allow exterior alterations at Kubes Furniture & Flooring at 133 Main St W as proposed by Randy Kubes. Last fall, Mr. Kubes introduced a concept plan to do exterior alterations to beautify and modernize his building. In preparation of the concept plan, staff discovered that other communities have Downton Preservation Design Guidelines or a Heritage Preservation Committee. At the time of hearing the concept plan, the Planning Commission wanted to wait for the results of the Comprehensive Plan. Although the Comprehensive Plan is now nearing completion, the re-write of the Zoning Ordinance will take an additional year. The applicant, Randy Kubes did not want to wait a subsequent year. The subject property is zoned B-1 Central Business District and according to section 726 of the Zoning Ordinance titled Commercial Building Design for the B-1 District, brick must be

preserved, replaced with similar looking brick and not covered. Furthermore, awnings may only be made of cloth or canvas. The applicant intends to cover the brick with Hardie panel, Osceola prairie stone, and adding light sconces, and a metal cable awning.

Planner Chapman stated that most buildings in the B1-Central Business District were constructed in the 1880s to the 1940s for mainly commercial/retail uses. Several buildings in the district have brick facades since this was a common architectural trend years ago. According to the Reconnaissance Survey of Downtown New Prague, the subject building was constructed in 1946 and has brick and cement cladding and is representative of the mid-century modern architectural style. Directly to the east of the building, the applicant also owns 131 Main St W, which was built in 1885 and representative of the Italianate architectural style with stucco over brick cladding. Staff recommends that if any exterior alterations are made to the subject building, it should have alternating/coordinating colors to match each other. Staff met with Dennis Dvorak, the author of the Reconnaissance Survey and member of the Minnesota Historical Society on July 1st, 2024. Dvorak was not in favor of the removal of brick because it would erase an important architectural feature. He recommended that the proposed cornice should be flush with the building and that the Osceola prairie stone should be removed from the plans. Dvorak liked the metal awning because it would better accentuate the face of the building and accentuate the brick indent of the front façade. Staff support the variance for the metal cable awning because there was a metal cable awning on the structure years ago, it would better accentuate the building face, and it would remove the existing non-conforming plastic awning. Staff are not in favor of the covering of original brick because the Comprehensive Plan requires the preservation of historic character of the district, the Zoning Ordinance does not allow the covering or removal of the brick. Although the new Comprehensive Plan has not been adopted, the “Community Development and Amenities” goal strategizes the need to “maintain and preserve the unique character of downtown New Prague due to its historical and cultural significance. Additionally, the Central Business District & Sign Guidelines, which acts as an architectural snapshot in time, specifically states that brick should not be covered under any circumstances and if the brick has become worn, it must be repaired or replaced. Overall staff recommended to either deny the request or table subject for the next meeting to allow the applicant to provide documentation of brick damage, similar or lack of matching brick, financial consequences of brick being repaired or replaced, and façade rendering with accurate dimensions.

A motion was made by Ryan, seconded by Gengel to open the public hearing (4-0). Public hearing opened at 6:48pm.

Randy Kubes, applicant and owner of 133 Main St W, explained the improvements to the façade would help create a larger presence for their business and make their building look more appealing. He first met with the Building Official in 2023 regarding the exterior alterations. The suggested plans met the Building Code but did not meet the Zoning Ordinance. According to section 726 of the Zoning Ordinance, it uses the words ‘protect’ and ‘enhance’. Those two words are conflicting statements. The Zoning Ordinance also mentions the phrase "where reasonably possible, materials” in terms of replacing old features. The brick is falling off and any new brick that is added would not be historic. Kubes Furniture & Flooring has been at its location since 1992 and brought in lots of business. The suggested façade improvements might

invite the younger generation. There are several businesses on Main Street that are not made of brick such as the Snap Fitness, City Club, and Chiropractor business. Those buildings are made of stucco or cultured stone. Kubes feels as though he is being isolated.

Meyer suggested that there could be discussions with the Minnesota Historical Society to see if there is similar brick available to the building's existing brick.

Kubes added that he was not in favor of the brown concrete streaks along Main Street. The streaks are not representative of the period, and they can be slippery. Murals used to be popular years ago, but no one does it anymore. Murals served a point in time. When the subject building was constructed in 1946 it fit the time period. Today it should look more substantial.

Ryan liked the look of the proposed building and inquired on the cost of service from the Minnesota Historical Society.

Planning Director Ondich mentioned that some assistance and guidance from the Historical Society is free. He mentioned that staff want to encourage the rehabilitation of buildings but also understand the financial hardship of rebuilding the building with brick. Anyone can argue what buildings are and aren't historic. It's difficult to know the definitive line of what is historic. The building does have a specific architectural style. He was curious on what can be done to preserve some features of the building. The applicant could reach out to the Minnesota Historical Society.

Ryan wanted to find a happy medium between the ordinance and the applicant's request. He inquired if the City was setting a precedent if the variance was approved.

Planning Director Ondich explained that each matter is reviewed on its own basis so it would not be setting a precedent. There are some buildings on Main Street that have stucco facades as preservation efforts for soft brick. Staff are willing to allow some changes to the façade that the applicant is requesting but the ordinance mentions the preservation of brick so many times. It's probably something that could be changed during the rewrite. Not every building on Main Street has brick facades.

Ryan asked how the new Comprehensive Plan will impact the ordinance.

Pike explained that the Steering Committee created a goal on identifying and revisiting what the historical downtown district should look like in terms of design standards. The Steering Committee also created a use for the district.

Planning Director Ondich mentioned that the new Comprehensive Plan's goal is a lot more open and doesn't specifically call out brick but does require the preservation of unique characteristics of the downtown.

Ryan asked when the Comprehensive Plan and Zoning Ordinance rewrite would be completed.

Planning Director Ondich replied that it will take an additional year. He is currently working on the RFP for the rewrite. Theoretically if the rewrite of the Zoning Ordinance began in November of this year, it would likely be complete by November 1st, 2025.

Pike wanted clarification on staff's support for the Hardie board cornice extension.

Planning Director Ondich explained that when staff met with Dennis Dvorak, he recommended that the cornice should be flush with the building because the existing cornice is squared off. The added height of the building would provide a new visual element and doesn't need to be brick. Staff support the awning, lights, and signage. Staff doesn't think every inch of the brick should be covered but partially covering the brick may not look great either.

Ryan thought tabling the topic would be beneficial to provide the applicant time to consult with the Minnesota Historical Society. Perhaps they could come up with a similar building design.

Kubes said they could replace the stone with brick.

Ryan said that perhaps the Minnesota Historical Society could see if there is brick available. The more information provided could help make a definitive decision.

Kubes stated that no one in the audience is against the proposal. He has little trust in the City because they wanted him to tear down another building he owns in the downtown area. Building Official and City Engineer both stated that it could not be occupied. He had to go through extreme measures to prove them wrong. He stated that the City doesn't care about preserving historic buildings.

Ryan said that there were legitimate concerns about that specific building because there was a bow. That specific instance was related to a safety concern rather than having to tear down the building because the brick looked old.

Kubes said that he worked in New Prague for a long time and wants to bring people to the community. He's had a few people look at the plan before it was submitted. The stone can be switched to brick. He would like to hear four yesses from the Planning Commission.

Ryan stated the business Kubes has brought in hasn't gone unnoticed. He would like to have a few more answers to feel confident in any decision made. It would be beneficial to see a rendering of the building with brick as opposed to stone and get feedback from the Minnesota Historical Society rather than just from contractors. The state may have a better knowledge on the overall knowledge on what is available or options. He would want a little more due diligence to make a decision. He wants to find commonality.

Kubes explained that the brick near the top of the building is deteriorating faster. If brick is purchased and tuckpointed to replace the top brick, what will happen when the stuff below it.

Ryan said that maybe the Minnesota Historical Society could provide guidance on that.

Kubes said that the Minnesota Historical Society won't be able to provide anything on that. They cannot guarantee the wellbeing of the rest of the brick. The remaining brick will continue to do what the existing brick is doing.

Planning Director Ondich suggested that the applicant could get a statement from a brick contractor.

Kubes recommended that the Planning Commission approve and say something along the lines that the brick needs to be changed and get approved by staff before putting it up.

Ryan would like to see one more step in the process such as seeing that rendering, brick options, statement from the Minnesota Historical Society or contractor. He would like a little more information. Even if the Planning Commission approves it, it will still have to go to City Council, who will have similar questions.

Kubes suggested that the Planning Commission approve the request so it can be discussed at the City Council meeting and will switch the stone with the brick. Some additional information will be collected before then.

Ryan stated if the variance was denied, the applicant could still approach the council with additional information. City Council could override the Planning Commission's decision.

Pike inquired if signage on awning is acceptable.

Planning Director stated that this is the type of signage that staff would encourage. The only variances needed for this request are for the metal cable awning and covering the brick.

Pike asked how far back the Hardie panels go on the west side of the building. He wanted to know if it ended at the back of the building or where the brick is

Planning Director Ondich clarified that it would end near the concrete blocks. The concrete blocks would be painted black.

Ryan replied that he would feel comfortable saying yes to speed up the process. However, Council will have similar concerns and questions. To speed up the process, Kubes should have some of those answers or possibly have a brick contractor come in person or Dennis Dvorak to represent the Minnesota Historical Society to shed more light on the situation.

Meyer said he is not against it. He understands similarly that wood buildings can rot. The wood would have to be replaced with new wood. At this time, we do not know if it is available or can be replaced. There is a balance that can definitely be reached. It would be beneficial to know if the Minnesota Historical Society has been exhausted to preserve that brick. Understandably there is a limited construction time in Minnesota as well. He knows that the Planning Commission doesn't have the final say and that it will be reviewed by the Council.

A motion was made by Pike, seconded by Ryan to recommend approval of V4-2024 with the following conditions:

1. Provide an alternative rendering showing brick on the plan versus the stone to go along with the rendering showing the stone (to see both options considered).
2. Provide documentation from the Minnesota State Historical Society AND a brick contractor documenting that the brick is either not available or a suitable alternative is not available along with the threat of further brick delaminating being a continual maintenance issue with the existing brick. Written statements will be necessary as additional information to support this.

Motion carried (4-0).

B. Final Plat of Stienessen Addition for 3 Lots on 4.01 Acres

Planning Director Ondich introduced the final plat for the Stienessen Addition. At the last Planning Commission meeting, the preliminary plat of Stienessen Addition was presented. It is a three-lot plat outside of City limits on 4.1 acres in Le Sueur County and zoned R1 Urban/Rural Residential Zoning District. The two western lots would be sold and the applicant would keep the existing east parcel. The City is reviewing the plat because of the extraterritorial subdivision can regulate growth of area 2 miles from city limits for future annexation and development. Le Sueur County approved a variance of lots 2 and 3, which did not meet the minimum lot dimensions. City Council approved the preliminary plat on July 1st, 2024. No changes have been made to the plat other than the removal of the requirement for the wetland. There will be no direct access from 15th St SW for the two new lots. Additional right-of-way for the township is needed. Park dedication, emergency warning siren fee, water access charge, and sidewalk payment must be paid after the property is annexed to the City.

A motion was made by Pike seconded by Gengel to recommend approval of final plat of Stienessen Addition with the findings and the conditions contained in the staff report.

C. Zoning Ordinance Amendment – Relating to Public Buildings

Planning Director Ondich reminded the Planning Commission that the concept review of the definition for public buildings was introduced at the June meeting. When the City spoke with the City Attorney, it was realized that the definition for “essential services” does not cover public buildings such as post offices, fire stations, and city halls. To cover those public use buildings, staff are recommending creating a new definition for public buildings. It then must be determined what uses would be a permitted or conditional use. The existing essential services definition refers to private and public utilities. The proposed definition for public buildings would not include buildings located in a city park. At the last Planning Commission meeting, it was stated that it should be a conditional use in all districts. However, staff recommends that public buildings should be a permitted use in the B-3 Highway Commercial, and I-1 Light Industrial because there are similar uses in those districts. There’s more noise and activity over there. The parks shop and fire station in the I-1 District. The B-3 District has

more manufacturing and vehicle traffic. There are less residential neighborhoods adjacent to those uses.

Pike inquired if public buildings all become conditional uses, does that make all existing public buildings non-compliant.

Planning Director replied that public buildings would become legal non-conforming. Conditional use permits would be required at the existing buildings if there was a substantial change to the building such as expansion of a use or an addition. Staff recommended conditional uses in all the residential districts and in the B-1 and B-2 Districts.

Pike shared his concerns of visible essential service buildings popping up around town.

A motion was made by Pike, seconded by Ryan to open the public hearing at 7:39 pm. Motion carried (4-0).

A motion was made by Pike, seconded by Ryan to close the public hearing at 7:40 pm. Motion carried (4-0).

Pike asked what would happen if public buildings were all listed as conditional use.

Planning Director Ondich mentioned that the police station and post office would be brought to the Planning Commission.

Pike was concerned about essential services. In Glencoe, there's an ugly brick tin shed in a residential area. Essential services should be a conditional use.

Planning Director Ondich stated the existing essential services definition covers not only underground infrastructure but buildings as well. Maybe the City could specifically require conditional use permits for essential service buildings.

A motion was made by Pike, seconded by Gengel to recommend approval of the public buildings definition but both essential services buildings and public buildings reviewed as conditional uses in all but the B-3 and I-1 Districts. Motion carried (4-0).

Meyer left at 7:43 pm.

6. Miscellaneous

A. Cannabis Ordinance Update

Planning Director Ondich explained that the interim use ordinance for the cannabis moratorium will be up for final adoption at the next City Council meeting. Two new definitions will be added to the ordinance; early cultivators and social equity applicant to meet state law. The moratorium will cover the City for the remainder of the year. The final template is being modified by the City Attorney and will be brought to the Council and

will likely discuss buffers from daycares, schools, and religious institutions from cannabis businesses.

B. Monthly Business Update

Planning Director Ondich introduced the business updates. He explained that two new home permits were issued in June. The proposed 54-unit apartment building variance for the density and parking was approved by council. The Outlaw Saloon’s conditional use permit for an outdoor patio space was approved. The building permit for Scooters Coffee was issued in June. A building permit was issued for an ADA lift to be added into the Broz Hotel.

C. Comprehensive Plan / Small Area Plan Update

Planning Director Ondich explained that the Small Area Plan was presented to the City Council at their last meeting. At the next meeting, cost estimates and mass grading for the pond will be presented. At the previous council meeting, one neighbor thanked the city for the work and was happy to see the northeast corner of the park was greenspace.

7. Adjournment

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 7:46 pm. Motion carried (3-0).

Respectfully submitted,



Kyra J. Chapman
Planner

Meeting Minutes
New Prague Planning Commission
Wednesday, August 28th, 2024

1. Call Meeting to Order

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

City Staff Present: Ken Ondich – Planning / Community Development Director

2. Approval of Meeting Minutes
A. July 24th, 2024 Regular Meeting

A motion was made by Pike, seconded by Ryan, to approve the July 24th regular meeting minutes. Motion carried (4-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Variance #V5-2024 – Parking Setback and Stall Size

Planning/Community Development Director Ondich introduced V5-2024. He stated that the applicant was previously approved for Variance #V3-2024 for density and parking per unit variances and that prior to that in 2020 the site was approved for north and south property line setbacks. He stated that the current variance for a 4.5’ encroachment and reduction of stall depth from 20’ to 18’ were needed to fit parking on the site to achieve ADA routes with the grades and shape of the lot. He stated that staff recommended approval of the variance with the findings and conditions listed in the staff report.

Chair Meyer stated that he would be concerned about vehicles sticking out into the drive aisle.

A motion was made by Ryan, seconded by Pike, to open the public hearing (4-0). Public hearing opened at 6:41pm.

A motion was made by Ryan, seconded by Pike, to close the public hearing at 6:42 pm. Motion carried (4-0).

Commissioner Ryan asked if extra landscaping could be required to soften the look of the parking lot from the road. He stated that he believed that additional landscaping would be warranted as this lot would have cars parked all the time versus adjacent commercial lots which are empty during non-business hours.

Planning / Community Development Director Ondich stated that conditions can be added to variance approvals as long as the conditions have an essential nexus to mitigating the effects of the variance being granted. He stated that for comparison purposes, the normal tree spacing for the perimeter of parking lots by a road is a 40' minimum, but that the spacing is reduced to 30' for parking lots not adjacent to a roadway. He said that business parking lots normally want to maintain more visibility which the ordinance provides, but in this case, maintaining visibility is not as important so he suggested the consideration of a condition to require perimeter trees be planted at a minimum of 30' spacing.

Marv Deutsch, landowner and partner with the applicant, stated that earlier in the afternoon prior to the meeting, they had revised the site plan and only needed a 1' variance for the parking lot within the 15' required setback, but that they would still need parking stalls reduced to 18'.

General consensus of the Planning Commission was positive, but that the landscaping spacing should be a minimum of 30' along roadways. They also asked about landscaping on the west side of the building.

Jake Budenski, Ebert Construction, stated that they would at minimum have landscaping with shrubs along the west side.

The Planning Commission asked for clarification regarding other cities allowing reduced parking depth if the area for bumper overhang is provided.

Planning / Community Development Director Ondich stated that under the City of Shakopee's and Lakeville's provisions, they allow for reduced stall depth if either the spaces abut an open grassy area or if a sidewalk is adjacent, that a minimum accessible route can be maintained. In this case, the east parking stalls are adjacent to an open grassy area and not a sidewalk.

A motion was made by Ryan, seconded by Pike to recommend approval of V5-2024 with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because apartment buildings are a permitted use in the RH High Density Residential Zoning District and off-street parking is a permitted accessory use.
- B. The requested variance is consistent with the comprehensive plan because apartments are a permitted use in the RH High Density Residential Zoning District.
- C. The applicant will use the property in a reasonable manner which would be an apartment building use.

- D. Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the lot has an unusual shape and abuts two public roadways and requires a unique building layout to fully utilize the property and provide parking to meet the minimum parking stall requirements while also maintaining accessible routes.
- E. The variance does not alter the essential character of the neighborhood because apartments are a permitted use in the RH High Density Residential Zoning District which contains another multifamily unit one block to the west, and the variance for the parking lot setback is minimal and is far enough away from any intersection to not cause any sight line issues.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the parking spaces on the site to not only meet the minimum number required but provide one additional space over the minimum.

And with the following conditions:

- 1. Perimeter parking lot landscaping trees are required at a spacing of no more than 30' versus the typical ordinance requirement spacing of no more than 40'.
- 2. The City Council approves the applicant must enter into an encroachment agreement for the easement encroachment whereby they agree they are responsible for any removal and replacement of landscaping should work within the utility easement necessitate it.

Motion carried (4-0).

B. Request for Variance #V6-2024 – Driveway Setback Variance

Planning/Community Development Director Ondich introduced V6-2024. He stated that the property was previously approved for Conditional Use Permit #C5-2024 and Variance #V4-2024 that approved for the indoor firing range and that Interim Use Permit #I1-2024 was approved for a religious institution in the same building and that the existing uses share a parking area. He stated that the property owner is seeking a variance to install a one-way driveway to provide ADA parking stalls near the front entrance of the indoor firing range, but that the driveway would be only 21' from the intersection versus the ordinance required 100'. He stated that staff recommends approval of the variance with the findings and one condition listed in the staff report.

Commissioner Pike asked if staff were concerned about the drive aisle running past the front door.

Planning / Community Development Director Ondich stated that it would be very low volume and that the drive aisle is 14' wide whereas vehicles are not that wide, meaning there should be plenty of room.

Rick Kaun, applicant representative, stated that the entrance/exit door will be on the north portion of the building by the drive aisle and will have a canopy over it. He stated that they wanted the ADA stalls by the front door for convenience for the users of the gun shop/range. He stated that the gun range should be breaking ground soon, but they would like to do this improvement regardless.

Chair Meyer asked about the gas lines on the southeast corner of the building.

Mr. Kaun indicated that they would be adding a bollard there, but that the meter actually encroaches on public right of way.

Commissioner Pike asked what the long term plan for the site/building is.

Mr. Kaun indicated that they want to have two or three anchor tenants, one of which is the gun range. They also believe the north end would be great for a restaurant or distillery and the post office has an interest residing in the building as well.

A motion was made by Pike, seconded by Gengel, to open the public hearing (4-0). Public hearing opened at 7:15pm.

Joe Nadeau, 212 2nd Street SW, stated that he doesn't have an issue with the gun range or the variance, but noted that he believes Mach Lumber causes congestion on 2nd Ave. SW and that traffic at the intersection of 2nd Ave. SW and 2nd Street SW might need a stop sign.

Planning / Community Development Ondich stated that staff would evaluate the request for a stop sign.

A motion was made by Pike, seconded by Ryan, to close the public hearing at 7:16 pm. Motion carried (4-0).

A motion was made by Pike, seconded by Meyer to recommend approval of V6-2024 with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner in that the variance is only needed for a one-way driveway access that will reduce traffic conflicts and provide more appropriate handicap parking.
- D. Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the same zoning district because the subject building is very close to 2nd Ave SW and with the need of two handicap parking

stalls closest to the entrance, there would be no room to have the driveway be further from the intersection.

- E. The variance does not alter the essential character of the neighborhood because there are several building in the area that have reduced setbacks, which causes driveways to be closer to the intersection.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow vehicles to enter from both 2nd St SW and 2nd Ave SW as well as providing handicap stalls that are closer to the building entrance.

And with the following condition:

- 1. The driveway access must meet all the comments made by the City Engineer dated on 8/20/2024.

Motion carried (4-0).

C. Request for Variance #V7-2024 – Sign Size Variance

Planning/Community Development Director Ondich introduced V7-2024. He stated that the site was originally approved for a sign variance for a monument sign at 70 sq. ft.. However the monument sign was never utilized but the building has always had a sign on it’s face over the 12 sq. ft. maximum in the RL-90 Single Family Zoning District. He stated that the Community Center Ice Arena recently removed their existing building sign and replaced it with a new 17 sq. ft. sign which exceeds the ordinance requirement for size. It was noted that the sign would only take up less than 1% of the building face versus if the building was located in a commercial district, the building sign would be permitted for up to 15% of the building face. He stated that staff recommends approval of the variance to allow the building sign with the findings listed in the staff report.

A motion was made by Ryan, seconded by Gengel, to recommend approval of V7-2024 with the following findings:

- A. The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District.
- B. The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Comprehensive Plan because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District as designated by the plan.
- C. The applicant proposes to use the property in a reasonable manner by adding only an additional 17 sq. ft. of building signage, which is slightly above the permitted 12 sq ft building signage requirement.

- D. Unique circumstances apply to this property over which the applicant had no control, and which do not generally apply to other properties nearby because the property is a nonresidential use and the building face is significantly large, therefore the bigger sign would help accommodate the large building size.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that were issued signage variances as permitted non-residential uses in the RL-90 Single Family Residential District such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013).
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would be legible for those who are walking or driving by.

Motion carried (4-0).

D. Preliminary and Final Plat of Tracker Addition – 1 Lot on 8.31 Acres

Planning/Community Development Director Ondich introduced the preliminary and final plat for Tracker Addition. He stated that the property is unplatted and per the zoning ordinance is not eligible for a building permit until it is platted. He stated that the plat consists of 1 lot on 8.31 acres and that Tracker Trucking has operated from the site since 2015 and operates under a conditional use permit approved that same year. He stated that the existing buildings on the site do not meet setbacks to 5th Ave. SW but are considered legal non-conforming and that a conservation easement will be required for 25’ around each wetland edge as shown on the plat and the edge will be marked by signs at 200’ spacing. He stated that development fees include the water area access charge and emergency warning siren area charge. He stated that MnDOT had not yet provided final comments. He stated that staff recommends approval of the preliminary and final plat with the findings and conditions listed in the staff report.

A motion was made by Pike, seconded by Ryan, to open the public hearing (4-0). Public hearing opened at 7:33pm.

No comments were received.

A motion was made by Ryan, seconded by Gengel, to close the public hearing at 7:34 pm. Motion carried (4-0).

A motion was made by Ryan, seconded by Gengel, to recommend approval of the preliminary and final plat of Tracker Addition with the following findings:

- 1. The preliminary and final plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
- 2. The plat conforms to the requirements of the B-3 Highway Commercial Zoning District which it is located.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated 8/15/24 and final plat drawing (undated) on file with the New Prague Planning Department.
2. The applicant must comply with the recommendations of the Public Works Director, Utilities General Manager, and City Engineer.
3. The applicant must comply with the recommendations of MnDOT District 7.
4. Development Fees are required to be collected as follows:
 - a. Emergency Warning Siren Fee - \$1,371.15
 - b. Water Area Access Charge - \$23,384.34
 - c. Park Land Dedication – Determined at the time of future building permit application if employees are being added with a land value to be calculated at that time.
5. The final plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
6. All requirements of the City Attorney’s Plat Opinion must be complied with prior to executing signatures on the final plat.
7. The City of New Prague accepts the proposed conservation easements and the conservation easements around the wetland areas are required to have signage installed per Zoning Ordinance Section 734, Section 4 (E)(12) which states that the signs shall be installed at 200’ intervals along the wetland easement to define its edge. The signs must be at least 12” x 12” in size at least 4’ above grade.

Motion carried (4-0).

5. Miscellaneous

A. Discuss Subdivision Ordinance Amendment Requiring Sidewalks on Both Sides of all New Streets

Planning Community Development Director Ondich presented a concept report discussing the possibility of requiring a sidewalk on both sides of all new streets in new developments, not for street reconstruction projects.

Discussion of the Planning Commissioners included whether cul-de-sacs and short stub streets need sidewalks on both sides or even sidewalks at all. Generally, the Planning Commission liked the idea of sidewalks and the requirement of sidewalks on at least one

side of each street that is currently in the subdivision ordinance but did not believe the ordinance should blindly require sidewalks on each side of a street no matter what. Concerns were raised about sidewalks installed in new developments ending at older developments. It was noted that the draft mobility map in the new Comprehensive Plan provided specific trails and sidewalks for existing parts of town, but the Planning Commission thought requiring sidewalks no matter what on both sides might be overkill. Ultimately, the Planning Commission recommended staff look into language that states the city may require sidewalks on both sides of new developments, but not blindly require them without further review.

B. Monthly Business Update

Planning Director Ondich introduced the business updates. He explained that one new permit was issued in July, a building permit was applied for the 2 If By Sea Indoor Firing Range and that the Rusty Spoke opened on August 1st.

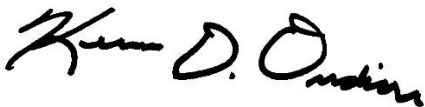
C. Comprehensive Plan / Small Area Plan Update

Planning Director Ondich explained that staff was reviewing the final draft of the Comprehensive Plan this week and that the next steps would be a final steering committee meeting, followed by a public hearing for the plat at the September 25th Planning Commission meeting and final approval by the City Council sometime in October. He also stated that the Small Area Plan will be completed once MSA provides the overall grading plan and that the City Council had approved the City Engineer, SEH, to prepare plans and specs for grading work for the POS area, specifically within the small area plan study area.

6. Adjournment

A motion was made by Ryan, seconded by Gengel, to adjourn the meeting at 7:56 pm. Motion carried (4-0).

Respectfully submitted,



Kenneth D. Ondich
Planning / Community Development Director



MEETING MINUTES

New Prague Golf Board

On site meeting at NPGC
Tuesday, August 27th, 2024

The meeting was called to order at 6:30pm by Board President Den Gardner. The following Board Members were present for the meeting: Den Gardner, Graham Kuehner, Adam Gill, and Jen Berglund. Adam Brister, Bob Cunniff, and Councilmember Shawn Ryan were unable to attend. Also present: GPE Owner/Contract Manager Kurt Ruehling.

- **Approval of July 23rd, 2024 Meeting Minutes:**
 - A motion to approve July 23rd, 2024 Meeting Minutes was made by Gill, seconded by Berglund. Motion carried (4-0)
- **Claims for Payment (\$90,185.59):**
 - Gill asked for clarification on the Rome's Ribs claim, Ruehling informed that it was catering for the Denny Greene Invitational
 - Gardner spoke to the check made out to the New Prague Area Education Foundation as being from NPGC League donations
 - A motion to approve the Claims for Payment was made by Kuehner, seconded by Gill. Motion carried (4-0)
- **Review Monthly Income Statement and Balance Sheet (August 2024):**
 - No real issues, number look very good considering the weather this year
 - A motion to approve the Monthly Income Statement and Balance Sheet was made by Berglund, seconded by Gardner. Motion carried (4-0)
- **Capital Equipment Report**
 - Ruehling reported that the Utility Vehicle was purchased
 - Ruehling is working with the fence company to begin project
 - Gill inquired about our dump truck...it's still very old and in rough condition
- **Grounds Operation Update...Kurt Ruehling, GM/PGA Professional:**
 - Bunker was the main topic...Golf Board brings up the condition "at every meeting". Gill asked if some sand has been added to some of the bunkers...as they seem softer? Discussion ensued
 - Ruehling provided a copy of the current "5-Year Plan" that Pint and the former Grounds Committee had assembled. Golf Board would like it updated...Ruehling to discuss with Superintendent Jeff Pint
 - Gardner received an email from one of his guests, that plays here 4-5 times per season, that stated the condition of the bunkers will not result in his return...unfortunately. Gardner asked that the email be documented in the minutes, it is as follows

*“Den, good morning.
 Say played the NP golf course last week, and want to pass along a major disappointment.
 I landed in three green-side sand traps during my round, on 5, 7 and 18.
 Each of the traps lacked sand to the extent that it was nearly impossible to do a normal explosion shot.
 I don’t think there was much more than a quarter inch of sand above the clay-soil base. All of those shots flew significantly beyond the flagstick.
 My playing partners responded to the trap conditions by chipping out of one, and putting out of another.
 I think improving the traps by adding sand is rather low-hanging fruit for the course.
 The left-side #18 trap may need contouring on its lower side, but 5 and 7 may just need a moderate amount of added sand.
 The course’s fairways and particularly the greens are in good shape, so the sub-standard traps are truly disappointing.
 I normally play the course 3-4 times per season, but at this point I am not planning more rounds.
 Loving good conditions for golf,
 David Lundquist
 Mpls.”*

- **Food & Beverage Update...Kurt Ruehling GM/PGA Professional:**
 - Gardner wanted to document a “huge call out” to the F & B staff that helped with his August 26th Event!! There was a rain event and the staff reacted great and was very hospitable in the process!
 - Gill complimented the operation on being open more often out at the Snack Bar

- **Golf Operation Update...Kurt Ruehling, GM/PGA Professional:**
 - Ruehling reported on the activity since the last Golf Board Meeting...pretty overwhelming. All Events booked for 2025 and great times were had by all

- **Marketing Update...Kurt Ruehling, GM/PGA Professional:**
 - Ruehling requested a recommendation from the Golf Board to continue offering a New Member Incentive in the fall. \$200.00 down, free golf the rest of the season and \$200 credit issued toward 2025 membership...or \$300 down and a cart is included this fall, but still a \$200 credit in 2025
 - Berglund made a motion to approve Promotion, seconded by Gill. Motion carried (4-0)

- **Golf Scholarship Event Summary...Den Gardner:**
 - Gardner’s summarized the recent Scholarship Fund Raiser. Disappointed that only (9) groups participated, but nearly \$1,900.00 were raised. The Event was small but provided some great action! A Hole-In-One by junior golfer, Liv Swanke and a family winning the Event...Dan, Dara, Alaina, and Annie Bishop! This outcome is EXACTLY what we wanted from this Event!

- **Miscellaneous:**
 - A Budget Workshop will be scheduled for September 17th, Ruehling to properly post. Chuck Nickolay will be asked to oversee the proceedings as he has in the past and add his insight and expertise
 - Ruehling asked to get Simulator Survey out so it can be discussed at next Golf Board Meeting

- **Adjournment:**
 - A motion to adjourn the meeting was made by Gill, seconded by Kuehner. Motion carried (4-0)

Next Golf Board Meeting –Tuesday, September 24th, 2024, 6:30pm

Respectfully submitted by,
 Kurt Ruehling, GME
 PGA General Manager

**Meeting Minutes
New Prague Park Board
Tuesday, August 20th, 2024
6:00 PM**

1. Call Meeting to Order

The regular meeting was called to order at City Hall at 6:00 PM by Chair Joe Barten. Members present were Joe Barten, Christine Wolf, Maggie Bass, Shannon Sticha, and Youth Representative Jacob Bisek. Absent were Matt Becka and Debra Tharaldson (arrived at 6:22pm). Staff present were Ken Ondich – Planning / Community Development Director and Kyra Chapman – Planner.

**2. Approve Previous Meeting Minutes
July 9, 2024 Regular Meeting**

A motion was made by Barten, seconded by Wolf, to approve July 9, 2024, regular meeting minutes. Motion carried (5-0).

3. Review Financial Reports

Planning Director Ondich presented the July financial report. An additional \$1,018.90 in funds were added to the Park Equipment fund from residential home permits and three commercial building projects. The first expenses for the disc golf course match have come in. The \$15,000 Park Board contribution for the Outdoor Performance Facility Study was processed. City Council began their first budget discussions on August 19th. Staff have proposed a tax levy at a 15% increase but the City Council would like to reduce it to 10%. Potentially this could cut the Central Plaza shading project.

Bass elaborated that no motion was made at the last meeting and nothing has been cut yet. The first meeting was to set the stage for future budget discussions. There will likely be 5 or 6 additional budgetary sessions. There was an error on the City, County, and State side of the levy resulting in a 0% tax levy this year. As a result, the City will have to accommodate this with a higher tax levy.

A motion was made by Bass, seconded by Dohm, to approve the financial reports. Motion carried (5-0).

4. 2025 Budget and Future Project Discussion

Planning Director Ondich introduced the 2025 Budget and Future projects discussion. From the Park Board’s previous comments at the July meeting, the project lists for 2025-2029 have been updated. The tables are rough estimates, and the projects are not solidified.

Barten believed that the shade at Central Plaza seemed to jump to the top of the priority list even though it doesn't seem like an immediate need.

Dohm believed that the park is unusable for most hours of the day. The metal benches get too hot in the sun and there is no shade. Perhaps taller trees could be added instead of a shade structure.

Bass suggested a temporary canvas structure that could be removed during the winter months.

Planning Director Ondich mentioned that in a park in Belle Plaine, there is a temporary shade structure. The temporary shade structure consists of three metal poles and a canvas tarp. The canvas tarp is removed in the winter.

Wolf proposed that a roll out awning could be installed on the building next door.

Barten explained that in the long term, the trees will eventually grow to provide shade. The new shade structure would eventually become obsolete. The trees could potentially be damaged by the structure.

Bisek recommended adding umbrellas to the site.

Barten suggested swapping the existing tables at Central Plaza for the POPS site.

Planning Director Ondich stated that the City Council authorized the City Engineer to put out to quote for grading at the City Center site where the POPS facility will go. The quote would consist of grading and seeding. The Park Board could consider adding vegetation to the site as a plan. POPS will likely begin construction in spring 2025 and is anticipated to be complete around Dozinky.

Planner Chapman explained that an application for the Small Town Grant was submitted today for vegetation around the POPS site. The requested vegetation is proposed to go mainly on the western side of the stage to help buffer noise and sun glare. Although the vegetation may not be initially effective at preventing sun glare, it's anticipated that it will grow and provide shade in the future.

Barten inquired about grants for the stormwater pond.

Planning Director Ondich stated that City Council approved of grading at the site on August 19th. Staff didn't have enough time to consider the pond for that. Staff will continue to look for grant funding. Engineering and grading just for the POPS area was \$17,000.

Barten would like to add landscape architects for the full planting plan. The site won't look good if the City changes the grade of the POPS facility and then later adds a slope.

Dohm inquired about seating at POPS.

Planning Director Ondich clarified that it will be tiered by about 1 foot per row. The stage will be a little lower than the seating.

Barten recommended that park land and playground have equal importance in this so a park land focused plan that includes the plaza, playground, stormwater plan is a high priority.

Tharaldson arrived at 6:22pm.

Barten stated that the City should consider the longevity of the site, especially in terms of planting. To prevent re-tearing the ground up, it would be beneficial to dig out more feet of gravel and replace them with topsoil. In areas where the City anticipates putting in trees such as the southeastern part of the site, topsoil should be added to ensure the survival of the trees.

Bass asked if native grass could thrive in poorer soil.

Barten stated that there should still be 1 foot of topsoil.

Barten liked the idea of designing a bike park, but that money could potentially go towards a design for the splash pad.

Dohm said that the splash pad is a considerable amount of money. The City will have to determine if that is worth pursuing. It will be an endeavor to get infrastructure and utilities. It could minimally be a half a million-dollar project. The City should see if there's enough support or momentum from the public first.

Sticha suggested that the bike park could be added to the existing skate park.

Planning Director Ondich mentioned that the bike park idea stemmed from the thoughts of having a full mountain bike path around Sliding Hill Skate Park or a pump track. A pump track is a path in which you don't need to peddle much. The elevation change keeps the momentum of the bike going.

Bisek commented that at the pool, there are few admissions. It might be more beneficial to have money go towards the pool rather than a new splash pad that would only be used in the summer.

Bass said that splash pads are geared more towards young children. It would be beneficial to have something tailored for older children and teenagers.

Bisek thought it would be a good idea to add lighting to the school tennis courts. The courts are used for tennis and pickleball. There are at least 25-50 people using the fields each day. Many people use the courts until sunset in the fall or spring.

Barten suggested adding the court lights to 2025. Pickleball is a growing sport for all ages.

Planning Director Ondich stated that the Park Plan process will include surveys which will help gather the public's input.

5. Miscellaneous

- a. **Disc Golf Course Improvements** – Planner Chapman explained that the grant deadline was extended to September 15th due to the wet soils and frequent rains, which have made it difficult to remove and add a tee pad. The ribbon cutting ceremony will take place on September 13th at 10am. Although the digital maps have been made, their resolutions will need to be enhanced before the signage can be processed. Staff will send the enhanced resolutions of the maps later this week. At the last Park Board meeting, there were questions about possibly spraying the western section of the park for bugs. There is currently no money in the budget to spray this year or the next. In previous meetings, there were also talks of cleaning the pond. Staff found out that the pond at Southside gets cleaned every few years and the outlet that goes to the creek is cleaned when needed. To efficiently dry the western section of the park, it would have to be tiled.

- b. **Settlers Park Prairie Restoration Update**– Planner Chapman stated that Rock Leaf Water Environmental (RLWE) did their second herbicide application on Friday, July 26th. On that day, staff personally met RLWE at the site to discuss the project in further depth to clear up any confusions. Staff are unsatisfied with the current work of the project. There are several patchy areas or complete misses from the herbicide application. Staff have already specified the locations of the spraying and provided maps of this. Early last week, staff asked RLWE to come back in the next two weeks to complete the herbicide application. RLWE has not come to the site yet. The City would like a full kill before the anticipated seeding in October. So far, the site is not prepared for the intended seeding.

Planning Director Ondich stated that if a second application is not done by the end of this week, the City Attorney may be potentially involved in the project. There has been a lot more guidance given than was expected.

- c. **Dog Park Update**– Planner Chapman explained that the soft opening for the dog park began on July 19th, 2024. The Park Board can suggest and decide on a date for the official grand opening of the park. As per the Zoning Ordinance, the trees must be spaced 40' on the southern section of the parking lot and spaced 30' on the northern section of the parking lot. If deciduous trees are planted, they must have a minimum diameter of 2.5" and if coniferous trees are planted, they must be a minimum of 6' tall. The trees will be planted either this fall or next year.

Dohm stated that it's been fairly muddy around where the trees were removed. She recommended adding a nozzle to the hose at the water pump to efficiently wash off dirty dogs.

Wolf inquired about lighting at the site.

Planning Director Ondich said that lighting will be installed in the fall.

Wolf noted that a dog in the large dog area escaped under the fence near where the trees had been taken down. She was curious how many dog licenses have been sold so far.

Dohm suggested replacing the plastic dog waste bags with organics bags.

Wolf said that the trash can and picnic table should be moved so that it is inside the fenced in area.

Dohm asked why the trees were removed.

Planning Director Ondich said that the trees were in the existing fence and that they were scrubby.

- d. **Comprehensive Plan Update / Small Area Plan Update**—Planning Director Ondich stated that the Small Area Plan is complete, and Council approved the City Engineer to do initial grading work for the structure. There will be one more Steering Committee meeting for the final review of the Comprehensive Plan in the next few weeks. After the Steering Committee meeting, it will be presented to the Planning Commission in September and then the City Council in October for approval. It will also be provided to adjacent townships and counties for their feedback.

- e. **POPS Newsletter and Updates** – Planner Chapman introduced the update from the most recent POPS newsletter. The POPS Project Set meeting at the Broz occurred on August 7th. The meeting consisted of talks on the building project, fundraising totals, construction completion, POPS Gala II, and the August 26th POPS fundraiser. As of mid-July, three-year pledges have amassed a total of \$850,000 but \$300,000 have been deposited. POPS Gala II will take place on October 4th at the Park Ballroom. Since the City Center site was selected for the POPS facility, staff are now able to write grants. Several grants limit eligibility of projects based on county lines or whether they are located inside or outside the metro area. Today, staff submitted a grant application for the Small Town Grant for vegetation surrounding the stage. Staff will start working on the T-Mobile Hometown Grant to fund visual equipment and have that submitted before the end of the year.

Dohm thought the City should make it clear that the City Center site won't be beautiful and not everything will be complete once the POPS facility is built.

Barten suggested installing signage at the site that says what phase the project is at.

Dohm asked if the City has reached out to the farmers market on what they'd like the multi-use plaza to look like.

Planning Director Ondich said that the City will reach out to them when the feasibility study is conducted.

Barten noticed that there were lots of descriptions of the multi-family building.

Planning Director Ondich said that those details were based on the feedback given from the neighbors to fit the character of the neighborhood.

6. Adjournment

Chair Barten adjourned the meeting 7:09pm.

Respectfully Submitted,



Kyra J. Chapman
Planner



ECONOMIC DEVELOPMENT AUTHORITY

MEETING MINUTES

City of New Prague

Wednesday, August 14, 2024 at 7:30 AM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

The meeting was called to order at a.m. by President Brent Quast with the following members present: Brent Quast, Bruce Wolf, Austin Reville, and Duane Jirik

Absent: Nick Slavik, Eric Krogman, and Troy Pint

City staff present: City Administrator Josh Tetzlaff and Planning/Community Development Director Ken Ondich

Others present: Jo Foust, Scott County CDA Business and Community Development Director

2. CONSENT AGENDA

a. July 10, 2024, EDA Meeting Minutes

b. Claims for Payment: **\$21.23**

Motion made by Reville, seconded by Wolf, to approve. All voted in favor. Motion carried (4-0).

3. FUTURE EDA ENDEAVORS

a. August 14th, Future Endeavors

No updates.

4. 2025 BUDGET REVIEW

a. 2025 Budget Memo

b. Proposed 2025 Budget

Tetzlaff noted that the City Council's first budget discussions would be taking place on August 19, 2024, and that the EDA budget was the same as in previous years.

5. BUSINESS RETENTION AND EXPANSION (BR&E) PROGRAM

Jo Foust stated that visits occurred recently with Electromed and Minnesota Feed and Grain Association.

Also noted was an upcoming staff meeting with CVF Racing.

6. BUSINESS UPDATES

a. August 2024

Ondich presented the monthly business update.

7. CDA UPDATE

Jo Foust stated that the CDA was offering an online Business Basics class as well as a SCALE meeting on August 21, 2024, to talk about Economic Development with local electric providers. She also noted that the deadline to submit for the Fast Track Challenge was approaching as well as the MnCAR Expo on October 30, 2024.

8. SCHOOL DISTRICT UPDATE

9. EXECUTIVE DIRECTORS REPORT

Tetzlaff stated there had been two new business filings in town in the past month, and the annual Charter Commission meeting would be taking place this week with a discussion planned to occur about moving the mayor’s term from 2 years to 4 years.

10. MISCELLANEOUS

11. ADJOURNMENT

Motion made by Reville, seconded by Jirik, to adjourn the meeting at 7:46 a.m. All voted in favor. Motion carried (4-0).

Respectfully Submitted,

Joshua M. Tetzlaff
City Administrator / EDA Executive Director