

Public Notices

PUBLIC NOTICE
STATE OF MINNESOTA
COUNTY OF LE SUEUR
NOTICE AND ORDER FOR
HEARING ON
PETITION FOR FORMAL
PROBATE OF WILL AND
APPOINTMENT OF
PERSONAL
REPRESENTATIVE AND
NOTICE TO CREDITORS
STATE OF MINNESOTA
COUNTY OF LE SUEUR
DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE COURT DIVISION
Case Type: Probate
Court File No. 40-PR-21-607

In re the Estate of:
 Elizabeth Ann Sticha, aka Elizabeth A. Sticha and Elizabeth Sticha,

Decedent.

A Petition for Formal Probate of Will and Appointment of Personal Representative has been filed with this Court for the formal probate of an instrument purporting to be the Will of the Decedent dated March 31, 2010 and codicil(s) to the Will dated N/A, and separate writing(s) under the Minnesota Statutes section 524.2-513 ("Will"). If no objections are filed, Doreen Hogan and Bernadine M. Henderson, whose address(es) is/are 110 S. Waterville Avenue, Le Center, MN 56057 and 2067 Woodstone Ct, Victoria, MN 55386, will be appointed as personal representative(s) of the Estate of the Decedent in an unsupervised administration.

Any objections to the Petition must be mailed or filed in the electronic filing system, together with the court filing fee, to Le Sueur County Court Administration, 435 E. Derrynane St., Le Center, MN 56057. If proper, and no objections are filed, the Petition may be granted.

IT IS ORDERED AND NOTICE IS GIVEN that a default hearing has been scheduled on **September 16, 2021 at 8:30 a.m.** by this Court. No appearances are required. Any Objection must be either mailed or electronically filed instead of

made personally and must be received by 8:30 a.m. on the date of the default hearing or it may not be considered. Due to Court Order ADM20-8001 of the Minnesota Supreme Court, this court will rule on the Petition in this case after administrative review of submissions without appearance unless an objection is filed.

If objections are filed, the hearing will be rescheduled. No telephone conference will be required unless there are questions.

IT IS FURTHER ORDERED that notice shall be given by: publication once a week for two consecutive weeks in a legal newspaper in the county where the hearing is to be held, the last publication of which is to be at least ten (10) days before the time set for hearing; and mailing via U.S. Postal Service a copy of this Notice and Order at least fourteen (14) days prior to the hearing date to all interested parties and parties who have filed a demand for notice.

A charitable beneficiary may request notice of the probate proceedings be given to the Attorney General pursuant to Minnesota Statutes section 501B.41, subdivision 5.

NOTICE OF FURTHER GIVEN that (subject to Minn. Stat. 524.3-801) all creditors having claims against the Estate are required to present the claims to the Court Administrator within four months after the date of this Notice or the claims will be barred.

BY THE COURT:

Date: 8/2/2021

/s/ Patrick Goggins

Judge of District Court

Attorney for Petitioner OR

Self-Represented Litigant

Jennifer A. Rutz

Hellmuth & Johnson

8050 W. 78th Street

Edina, MN 55439

Attorney License No. 0395780

Phone: 952-941-4005

(Published in The New Prague Times, Thursdays, August 12 and 19, 2021; No. T691-8-19)

utility easement to be vacated (625 sq. ft. area) would still provide for a 50.1' buffer around the wetland edge. It would also allow the deck addition to be located not closer than 56' to the delineated wetland edge which would still meet the 50' setback for structures per the ordinance requirement.

The owner is still maintaining the City's current 2020 zoning ordinance buffer of 50' from wetland, even with that vacation. Just carving out a little area for the deck and a little excess buffer around that. Not an issue for the properties around them as far as building decks and patios.

Director Ondich indicated that Staff does not believe there are any utility lines (public or private) located in the drainage and utility easement to be vacated and notices would be provided to all utility companies. Since the Introduction of the Ordinance, the public notice was published in the New Prague Times.

Mayor Jirik officially opened the public hearing at 6:08 p.m. and allowed for public comment.

There were no additional comments, motion by Ryan, seconded by Bass to close the Public Hearing at 6:08 p.m. All voted in favor. Motion carried (5-0).

After discussion, motion by Ryan, seconded by Bass to approve the **ADOPTION OF ORDINANCE #322 VACATING A PORTION OF A CERTAIN DRAINAGE AND UTILITY EASEMENT IN THE PLAT OF EASTLAND 3RD ADDITION**. All voted in favor. Motion carried (5-0).

City Engineer Chris Cavett provided an update on the TH#19/Main Street Reconstruction Project (2020-2021 CIP). Mr. Cavett shared that the project is on-schedule and a bit ahead of schedule in some areas. Shared the progress being made this week and projected what will take place next week and into the weeks that follow.

Utility work is almost close to being completed. Roadwork is ahead of schedule and now focusing on the sidewalk work. Mill and overlay last week went well and was completed in one day and before the afternoon rush hour.

The roadwork will easily be completed up to east of the 1st Avenue roundabout prior to Dozinky days as the contract states. The completion of the finishing work (lights) up to 1st Avenue looks promising as well. (weather permitting).

Some discussion took place between the Mayor, Councilmembers and Mr. Cavett.

On a side note, Councilmember Wolf reminded all about a Block Party (west side of the project where the road is completed and open) which is sponsored by the Main Street Committee on Wednesday, July 28th from 11 am to 1 pm. Skluzacek Meats will be providing the hot dogs and chips. Encouraged all to stop in and show your support of the local businesses.

Public Works Director Matt Rynda explained that the City of New Prague is seeking assistance in completing a Toxicity Reduction Evaluation (TRE) for the 2021 Whole Effluent Toxicity (WET) test failure. WET testing is required on an annual basis as a condition of the National Pollutant Discharge Elimination System (NPDES) permit for the wastewater treatment facility. This has been a condition of the City's NPDES permit for over 15 years, and the testing has previously shown the facility discharge was within permit limits. A WET test was conducted in May 2021 which resulted in a failed result for the facility. Per NPDES permit conditions, a retest of the WET test was conducted in June 2021 which also resulted in a failed result. Under the conditions of the permit, the City is now required to conduct a TRE. To expand upon this topic more, Mr. Rynda introduced Bolton & Menk's Principal Engineer Jon Peterson.

Bolton & Menk Inc. (BMI) has proposed to perform this work on an hourly basis per the standard rates. The estimated budget for these engineering services is \$25,000-\$30,000 depending on the testing results. In order to meet the initial timeline for preparing a TRE plan for submittal to the MPCA, it is anticipated that this work will take approximately 8 hours of staff time. BMI will also assist in identifying required testing and lab work and will help the City procure the services of a testing firm and coordinate lab and testing services. Our experience with other facilities TRE testing is to budget \$30,000-\$50,000 for this lab work, depending on the testing results.

After discussion, it was moved by Wolf, seconded by Seiler to **APPROVE THE AGREEMENT WITH BOLTON & MENK TO UNDERTAKE A TOXICITY REDUCTION EVALUATION (TRE) STUDY AT THE WWTF PLANT**. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ondich presented the award details of the Southside Park Drainage Improvement Project to Chard Grading & Excavating. The past three years, \$20,000 has been set aside for a drainage improvement project at Southside Park at the existing ballfield. The field has been vastly underutilized (the outfield is also large enough for a full-size soccer field) due to the poor drainage that has existed there for many years. About four years ago, staff worked with the City Engineer on a concept design and budget in order to set aside money for the completion of the work in 2021.

Quotes were put out on July 6, 2021 and proposals were received on July 15th. Two quotes were received, one from Chard Grading & Excavation for \$60,019.37 and another from K.A. Witt Construction for \$67,618.30. While the entire project, including engineering was \$60,000, staff believes that the quotes received are competitive and within a reasonable range (and will only get more expensive in future years). In moving forward, the amount of \$60,019.37 will be paid from the 2021 Park Board Budget. The project requires the work to be completed in 21 days with the work completed no later than September 15th. The field will be ready for use by spring of 2022.

Staff also noted SEH's Engineering fee totaled \$7,446.50 (within the estimated range), so the total project cost was \$67,465.87. Staff also looked at the last remaining project from the Park Board Budget for 2021 and noted that the \$2,000 budgeted for the demo of the old bathroom in Memorial Park will only cost \$500 (for dumpster fees) vs the original budgeted amount of \$2,000 being the demo of the old bathroom will be done in-house with a savings of \$1,500. The savings can be shifted to the drainage project budget. In total, the 2021 Park Board Budget will be \$5,965.87 over the planned total budget for year end.

It was moved by Bass and seconded by Seiler to **AWARD SOUTHSIDE PARK DRAINAGE IMPROVEMENT PROJECT TO CHARD GRADING & EXCAVATING IN THE AMOUNT OF \$60,019.37**. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ondich presented on behalf of Police Chief Gareis (not available to attend this evening's meeting) a resolution terminating the local emergency related to COVID-19 declared by Mayoral Declaration No. 2020-1 on March 16, 2020 and extended on March 16, 2020 by City Council Resolution No. 20-03-16-04 to be terminated, effective immediately. This Resolution will be given prompt and general publicity and filed in accordance with Minnesota Statutes, section 12.29.

Motion by Seiler, seconded by Bass to **APPROVE RESOLUTION #21-07-19-01 TERMINATING THE LOCAL EMERGENCY RELATED TO COVID-19**. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ondich provided an overview regarding residents concerns about a crosswalk at Praha Village / Hy-Vee Food Store at 10th Avenue SE & 1st Street SE, especially when Hy-Vee opens to the public. Concerns about heavy pedestrian traffic and a lot going on at this intersection. Plan to do data collection on the area. Mr. Ondich assured that Staff takes this matter seriously and the safety of all residents is very important. Discussions will take place with City Staff on how to make this crosswalk area safer (traffic counting and monitor speed of vehicles/traffic patterns).

Emma Jean Tikalsky - Resident of Praha Village. Concerned about the fast-moving traffic at 10th Avenue SE & 1st Street SE. Definitely need to make this area more visible and safer.

After discussion, motion by Seiler seconded by Bass for **CITY STAFF TO REVIEW AND STUDY THE CROSSWALK AREA AT PRAHA VILLAGE / HY-VEE FOOD STORE AT 10TH AVENUE SE / 1ST STREET SE AND PROVIDE RECOMMENDATIONS AT A FUTURE CITY COUNCIL MEETING**. All voted in favor. Motion carried (5-0).

Another traffic safety concern brought to the Council and added to the agenda this evening as item 6a. by Mr. Leonard Kriha who lives at the corner of 5th Ave NW and 1st Street (behind Kwik Trip). Currently 5th Ave NW is a one-way street but may make into a two way because people drive both north and south on this one way. Mr. Ondich provided more details on this issue and explained that this area has more traffic since Kwik Trip was built. Signage placement

was discussed between Mr. Rynda and Councilmembers.

After discussion, motion by Wolf, seconded by Seiler to have Staff **LOOK INTO WHAT OPTIONS MAY BE AVAILABLE FOR 5TH AVENUE NW'S ONE WAY (AGENDA ITEM 6A)**. All voted in favor. Motion carried (5-0).

Another item added to the agenda is 6b - Transition Plan and Appointing someone to be Acting City Administrator in case our City Administrator is absent. Mr. Wolf would like to coordinate activities with the Mayor as a Transition Subcommittee of the Council to help coordinate various transition activities and communications with the staff on the transition of the new City Administrator. One of the purposes would be to put together a document compiling the Council's expectations of the City Administrator prior to Joshua Tetzlaff's first day. What items should be sent to him prior to his first day to help him make a successful transition. Council agreed this is a good idea.

Also, who would be in charge after Mike Johnson's last day on August 20th and before Joshua Tetzlaff starts on August 30th? Bass said she would like to see these responsibilities reflected in the Staff's job description. Council would like City Attorney Scott Riggs to set up a Resolution for the next Council meeting's approval.

Mayor Jirik asked if there were any questions on the Consent Agenda. There being no questions, motion by Ryan, seconded by Seiler to approve the Consent Agenda as follows:

A. July 6, 2021 City Council Meeting Minutes

B. Claims for Payment - July 19, 2021

C. Second Quarter Finance Report (April - June 2021) - Finance Director Patty Solheid

D. Release of Deferred Assessment for PID #23.560.0060 - Planning/Community Development Director Ken Ondich

E. **Resolution #21-07-19-02** Setting Public Hearing Date and Introduce Ordinance for Vacation of Drainage Utilities Easement - Planning/Community Development Director Ken Ondich

F. Satisfaction of Assessment for PID #23.605.0200 - Planning/Community Development Director Ken Ondich

G. Purchase of a 4-Wheel Drive 3/4 Ton Pick Up - Public Works Director Matt Rynda

H. Cancellation of Flipside Pub & Grill Inc. dba Flipside Pub & Grill Liquor Licenses

I. Second Amendment to SCDP Contract for Administrative Services with Southwest MN Housing Partnership - City Administrator Mike Johnson

All voted in favor. Motion carried (5-0).

Miscellaneous Items:

Maggie Bass - Question about one of the business updates from the June 9th EDA minutes on the Consent Agenda. The 15-lot development north of the Coborn's strip mall. Mr. Ondich clarified that it's actually the last phase of Eastland Development, South of Coborn's on Summer Avenue and it is well under way in its final phase.

Rik Seiler - Questioned the sheep around the Wastewater Treatment facility. Mr. Rynda explained they have been there a long time and are there to eat the grass around the treatment pond vs. having to mow it.

Matt Rynda - Shared that the Public Works Department is finally fully staffed.

There being no additional business, motion by Seiler, seconded by Ryan to adjourn the meeting at approximately 7:27 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

Duane J. Jirik, Mayor

Kenneth D. Ondich

Planning/Community Development Director

(Published in The New Prague Times, Thursday, August 12, 2021; No. T693-8-12)

Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS
STATE OF MINNESOTA
COUNTIES OF SCOTT AND LE SUEUR
SPECIAL CITY COUNCIL MEETING
MONDAY, JULY 19, 2021

Mayor Jirik called the Special Meeting to order at 7:31 p.m. with the following members present: Jirik, Bass, Ryan, Seiler, and Wolf Staff Present: Ken Ondich

Others Present: Josh Weir, Kennedy Graven

It was moved by Ryan, seconded by Bass to go into a Closed Session at 7:31 p.m. pursuant to Minnesota Statutes Section 13D.05, Subdivision 3(b), to hold a closed meeting to consider and discuss items permitted by the Attorney - client privilege regarding:

A. City of New Prague, a municipal corporation under Minnesota Law vs. SSA&M, Court File No. 70-CV-19-13928:

Parcel No. and Owner	County
59 - SSA&M Inc.	Scott
95 - (Estate of) Peroutka	Scott
98 - Cynthia Rochel	Scott
100 - Robin Denison (Herrman)	Scott

And

B. City of New Prague, a municipal corporation under Minnesota Law vs. HZ Home, LLC, a Minnesota limited liability company, Court File No. 40-CV-19-858:

Parcel No. and Owner	County
47 - Bradley Berg	Le Sueur
52 - John and Julie Clay	Le Sueur

All voted in favor, motion passed. (5-0)

It was moved by Seiler seconded by Ryan to come out of the Closed Session at 7:40 p.m. All voted in favor, motion carried. (5-0)

Motion by Bass, seconded by Ryan to approve **RESOLUTION #21-07-19-03 AUTHORIZING SETTLEMENT OF EMINENT DOMAIN PROCEEDINGS**. All voted in favor. Motion carried (5-0).

Motion by Bass, seconded by Ryan to adjourn at approximately 7:42 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

Duane J. Jirik, Mayor

Kenneth D. Ondich

Planning/Community Development Director

(Published in The New Prague Times, Thursday, August 12, 2021; No. T692-8-12)

Official Proceedings . . .

City of New Prague

CITY COUNCIL PROCEEDINGS
STATE OF MINNESOTA
COUNTIES OF SCOTT AND LE SUEUR
CITY COUNCIL MEETING
MONDAY, JULY 19, 2021

Mayor Duane Jirik called the meeting to order at approximately 6:00 p.m. with the following members present: Jirik, Bass, Ryan, Seiler, and Wolf

Staff Present at Meeting: Ken Ondich, Matt Rynda, and Deb Wegner

Others Present at Meeting: Chris Cavett - City Engineer (online); Jon Peterson P.E. - Bolton & Menk; Mitch Peterson

Mayor Jirik asked if there were any additions to the Council agenda. Wolf requested a couple additions be added: 1. Add a resident's concern regarding 5th Ave. NW, added as Agenda Item 6a. 2. Had a question regarding the Administration's Transition proposal, added as Agenda Item 6b. Motion by Seiler, seconded by Bass to approve the amended Agenda. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ken Ondich explained to the Council that James Pint at 505 Autumn Ave. SE has applied for a partial vacation (625 sq.ft.) of a drainage and utility easement in order to construct a small 8' x 10' deck addition onto an existing deck which is only 6' x 14'. The existing deck was built to its maximum size based on the plated drainage and utility easement as part of the Eastland Third Addition plat. This easement precludes the construction of any structures, including decks, within the easement area as it is reserved for drainage and utility purposes. In the case of this plat, the drainage and utility easement actually function as a wetland buffer.

The drainage and utility easement on this lot is not a specific wetland buffer easement or conservation easement, but it is notable that the proposed deck and even the proposed area of the drainage and

PUBLIC NOTICE

ORDINANCE #323

CITY OF NEW PRAGUE

PUBLICATION OF AN ORDINANCE
VACATING A PORTION OF A CERTAIN DRAINAGE
AND UTILITY EASEMENT IN THE PLAT OF
PRAGUE ESTATES EIGHTH ADDITION

WHEREAS, the New Prague City Council previously passed Resolution #21-07-19-02 noting the City of New Prague's interest in vacating a portion of a public drainage and utility as identified in the resolution and the exhibit to the resolution, pursuant to Section 12.06 of the New Prague City Charter, legally described as follows:

The north 10' of the southerly 20' drainage and utility easement on Lot 1, Block 3, PRAGUE ESTATES EIGHTH ADDITION, according to the recorded plat thereof, City of New Prague, Le Sueur County, Minnesota.

And as depicted on the attached Exhibit A.

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

WHEREAS, a public hearing to consider the vacation of the Property was held on the 2nd day of August, 2021, before the City Council in the City Hall located at 118 Central Avenue North, New Prague, Minnesota, after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 20th day of July, 2021 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

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

WHEREAS, the Council in its discretion has determined that the vacation of the Property will benefit the public interest because the Property will no longer be used for public drainage and utility easement purposes as the area is not necessary for underground utilities or overland drainage purposes; and

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

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

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

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

Subdivision 2. The City controls the dedicated Property located in Le Sueur County, Minnesota, with the legal description of the Property being as follows: The north 10' of the southerly 20' drainage and utility easement on Lot 1, Block 3, PRAGUE ESTATES EIGHTH ADDITION, according to the recorded plat thereof, City of New Prague, Le Sueur County, Minnesota.

And as depicted on the attached Exhibit A.

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

Subdivision 4. As provided by Section 12.06 of the New Prague City Charter, the City Council authorizes and grants the vacation of the Property such that the Property described as follows is hereby vacated: The north 10' of the southerly 20' drainage and utility easement on Lot 1, Block 3, PRAGUE ESTATES EIGHTH ADDITION, according to the recorded plat thereof, City of New Prague, Le Sueur County, Minnesota.

And as depicted on the attached Exhibit A.

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

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

Introduced to the City Council of the City of New Prague, Minnesota, the 19th day of July, 2021.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on or before July 20th, 2021.

Passed by the City Council of the City of New Prague, Minnesota, this 2nd day of August, 2021 and to be published on the 12th day of August, 2021.

New Prague City Council

Kenneth D. Ondich, Acting City Administrator

(Published in The New Prague Times, Thursday, August 12, 2021; No. T694-8-12)

PUBLIC NOTICE
LE SUEUR COUNTY
PLANNING COMMISSION
88 SOUTH PARK AVE.
LE CENTER, MN 56057
507-357-8538

www.co.le-sueur.mn.us
NOTICE OF PUBLIC
HEARING

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD.

DATE: AUGUST 26, 2021
TIME: 7:00 P.M.

PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.

PURPOSE: To hear testimony from interested parties and

consider Rezoning, Amendments and Conditional Use Permit Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **AUGUST 19, 2021.**

ITEM #1: TYLER & CASSIE FELL, NEW PRAGUE, MN, (APPLICANT) JOHN HOEFS, NEW PRAGUE, MN, (OWNER): Request that the County grant a Conditional Use Permit to allow the applicant to transfer the development right from the SE 1/4 of the NW 1/4 to the SW 1/4 of

the NW 1/4 in a Special Protection "SP" Shoreland District, Mud Lake, a Natural Environment Lake. Property is located in the NW 1/4, Section 18, Lanesburgh Township.

APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.

AARON STUBBS,
LE SUEUR COUNTY
PLANNING & ZONING
ADMINISTRATOR
MICHELLE R. METTLER,
ASSISTANT PLANNING &
ZONING ADMINISTRATOR
 (Published in The New Prague Times, Thursday, August 12, 2021; No. T696-8-12)

PUBLIC NOTICE
2020 ANNUAL DISCLOSURE STATEMENT

Name of TIF Authority: New Prague

Name of Municipality: New Prague

The following information represents the annual disclosure of tax increment districts for the year ended December 31, 2020.

The New Prague Times

(Name of the Newspaper)

on

8/12/2021

(Date of Publication)

	Name of TIF District
	TIF 8-1 Senior Living
Current net tax capacity	\$ 102,206
Original net tax capacity	\$ 7,508
Captured net tax capacity	\$ 94,698
Principal and interest payments due in 2021	\$ 133,826
Tax increment received in 2020	\$ 137,167
Tax increment expended in 2020	\$ 137,265
Month and year of first tax increment receipt (MM / YYYY)	5 / 2019
Date of required decertification (MM / DD / YYYY)	12/31/2044
The total increased property taxes to be paid from outside the district if fiscal disparities Option A applies*	\$ 0

(All lines within the table must be published even if the amounts to be published are zero.)

Additional information regarding each district may be obtained from:

Michael Johnson

Name of TIF Representative

118 Central Ave. North, New Prague, MN, 56071

952-758-4401

Address (Street, City, Zip)

Phone

(Published in The New Prague Times, Thursday, August 12, 2021; No. T695-8-12)