

**RESOLUTION #25-04-07-05**

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL  
APPROVING INTERIM USE PERMIT #I2-2025 TO ALLOW A RAIL CAR REPAIR  
BUSINESS IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND AVE  
SW, AS PROPOSED BY NEW PRAGUE MILL, LLC**

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

Parcel 1:

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

Parcel 2:

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

Parcel 3:

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

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

Parcel 5:

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

Parcel 6:

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

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

**Parcel 7:**

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

**Parcel 8:**

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

are requesting an interim use permit to allow Cypress Rail Solutions, a rail car repair business, to operate in the I-1 Light Industrial Zoning District at 100 2<sup>nd</sup> 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 #I2-2025, a copy of said report has been presented to the City Council; and,

**WHEREAS**, the New Prague Planning Commission on the 26<sup>th</sup> day of February, 2025, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously (3-0) to table the matter to draft potential conditions for approving the interim use permit.

**WHEREAS**, the New Prague Planning Commission on the 26<sup>th</sup> day of March, 2025, decided to recommend approval of I2-2025 and forward the matter to the City Council with a recommendation

for approval subject to the findings and conditions contained in staff report I2-2025 and as amended at the Planning Commission Meeting; and,

**WHEREAS**, the New Prague City Council finds:

- A. The proposed interim use for rail car repair will utilize property in a reasonable and temporary manner for five years, considering the property is currently zoned I-1 Light Industrial Zoning, but is guided as “downtown flex” according to the 2045 Comprehensive Plan and of which exact requirements have not yet been determined.
- B. The proposed rail car repair is presently acceptable with the approved conditions, but given its designated land use category of “Downtown Flex” will not be acceptable in the future.
- C. The proposed designated rail car repair area will not hinder permanent development of the site because it is only approved as an interim use for a five year time period.
- D. The proposed designated rail car repair area will not adversely impact implementation of the Comprehensive Plan as the site is guided as “downtown flex” and because the interim use approval period is only for a five-year time period.
- E. The proposed rail car repair will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and particularly noise nuisances because of the mitigating sound wall.
- F. The rail car repair business may have resulted in noises that would have conflicted with the planned Praha Outdoor Performance Stage, directly north of the Mill and Main Street and potentially other parks, schools, street and other public facilities if not for the required 20’ tall sound wall.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed rail car repair business.
- H. The proposed rail car repair business shall cease to operate at the site no later than 4/7/2030, unless extended by City Council action.
- I. The proposed designated rail car repair 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. This Interim Use Permit does not affect any other existing Interim Use Permits or Conditional Use Permits on the property.
- 2. The proposed rail car repair use shall cease operations within 5 years from the date of approval of this Interim Use Permit which is April 7th, 2030 unless otherwise amended by City Council action.
- 3. Approval is granted in general accordance with the two site plans dated 3/4/2025 (Exhibit A and B) on file with the New Prague Community Development Department which notes the extent of the operation and the location of required fencing/screening/vegetation. The fence/sound wall and adjacent landscaping as well must be completed before any rail car repair can occur on the site.
- 4. Phase 1 of the aesthetic improvements to the NE corner of the site must be completed within 18 months of approval of the interim use permit which will move the site towards

general accordance with the “New Prague Mill Perspective” drawing dated 2/14/25 (Exhibit C) on file with the Community Development Department. Phase 1 includes at minimum: installing topsoil and establishing grass seed over the existing gravel lot, installing perimeter landscaping trees around the perimeter of the north and east side of the site, and finally removing outbuildings and a gas room that are immediately adjacent to the north wall and fixing the paint on the north end of the historic A-Mill portion of the building to improve the aesthetics of the site from Main Street. Phase 2 includes paving necessary parking spaces as needed for uses on the site with no set deadline for paving as it is dictated by the need as users move into the site.

5. The required “fence” that extends north of the building and around the private rail lines near Main Street must be at least 20’ tall and meet or exceed MnDOT Standard Plan 5-297.661 for “Wood Planking Noise Wall with Concrete Posts” which provides for 100% opacity.
6. Vegetation placed around the fence/noise wall as outlined in Condition #3 must meet the requirements of Zoning Ordinance Section 707, Subd. 2 for screening of industrial uses abutting commercial properties. This requires a single row of trees at a minimum 8’ height at 40’ spacing at minimum.
7. One rail car, in good repair and for advertising and educational purposes, is allowed to be displayed outside of the screened area.
8. Any noise from the proposed rail car repair use cannot exceed the requirements of MPCA Noise Pollution Control Rule 7030 or City Code Section 92.15 regarding public nuisances.
9. To mitigate noise concerns for nearby properties, hours of operation (except for office hours) are only permitted Monday Through Friday, 7am to 4:30pm with no exceptions.
10. The painting of rail cars is prohibited on the site.
11. Employees of the rail car repair site must utilize existing bathrooms within the former mill building on the property. A temporary work office trailer if fully screened behind the fence/noise wall is permitted if it complies with building codes.
12. At least one parking space per rail car repair employee must be provided on a paved off-street parking space, including required ADA spaces, and must be striped with white or yellow paint lines no less than 4” wide providing for parking spaces at a size of 9’ x 20’, as required by Section 717 of the New Prague Zoning Ordinance. Any parking space must be setback 5’ from any property line to provide a buffer between the sidewalk and the parked vehicles and allow for required perimeter landscape trees.
13. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
14. All lighting must conform to Section 704 of the Zoning Ordinance.

15. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance. Additionally, any dumpster that holds residual agricultural products from rail cars must be leak proof and have a cover to prevent odors and must be picked up at least weekly by a refuse company but may be required to be picked up more often if odors persist from the site.
16. A 6' access aisle must be maintained through the exterior work area to ensure access to all doors that abut the area for fire access.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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 #I2-2025, to allow a rail car repair business in the I-1 Light Industrial Zoning District at 100 2<sup>nd</sup> Ave. SW, is hereby **approved**.

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

Passed this 7th day of April, 2025.

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Duane J. Jirik, Mayor

*State of Minnesota*                     )  
  )ss.  
*County of Scott & Le Sueur*    )

(CORPORATE ACKNOWLEDGMENT)

*Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2025.*

\_\_\_\_\_

*Notary Public*

ATTEST: \_\_\_\_\_  
Joshua M. Tetzlaff, City Administrator

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

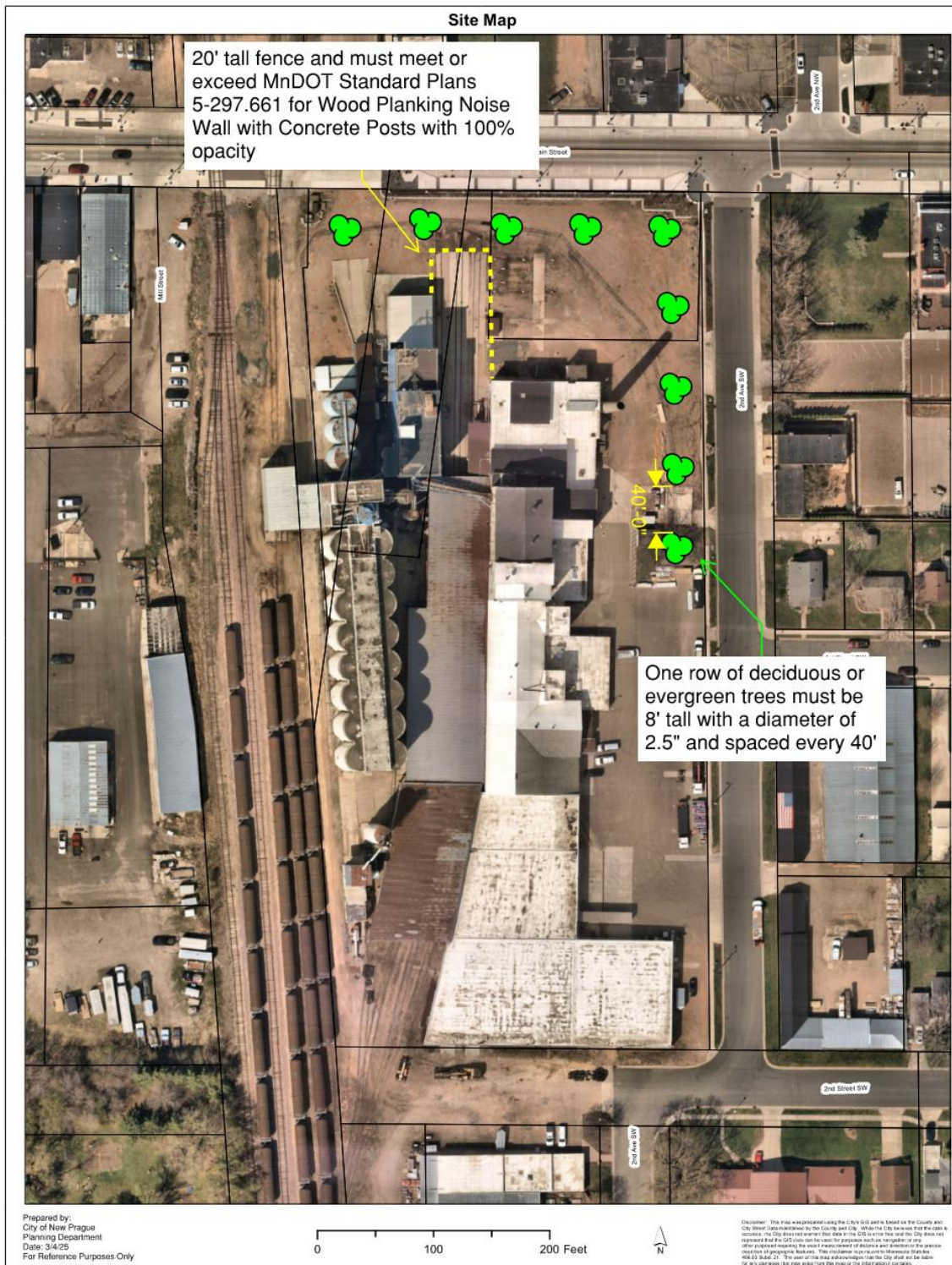
*Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2025.*

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*Notary Public*

THIS INSTRUMENT DRAFTED BY:

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



**Exhibit A – Screening and Vegetative Plan – Dated 3/4/2025**





NEW PRAGUE MILL PERSPECTIVE  
25-03-0026  
02-14-2025

**Exhibit C - “New Prague Mill Perspective” Dated 2/14/25**