



118 Central Avenue North, New Prague, MN 56071  
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**MEMORANDUM**

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**TO:** PLANNING COMMISSION  
**FROM:** EVAN C. GARIEPY – PLANNER  
**SUBJECT:** REQUEST FOR CONDITIONAL USE PERMIT #C2-2026 AND VARIANCE #V2-2026 TO ALLOW FOR A CHIROPRACTOR’S OFFICE ON THE FIRST FLOOR AND APARTMENT ON THE SECOND FLOOR WITH REDUCED PARKING REQUIRMENTS AT 200 4<sup>TH</sup> AVE. SW, AS PROPOSED BY ANDREW FAUTSCH.  
**DATE:** MAY 19<sup>TH</sup>, 2026

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**Background / History**

The applicant, Andrew Fautsch, is applying for a Conditional Use Permit and Variance to allow him to operate a chiropractor office out of the first floor of 200 4<sup>th</sup> Ave. SW and to rent out the remainder of the home as a single-family rental property. The property is zoned B-3 Highway Commercial. The applicant stated that the clinic will see approximately 20 patients a day, for 3-5 minutes at a time, 3-4 days a week with himself as the sole practitioner.

Clinics and apartments above the first floor are conditional uses within the B3 Highway Commercial Zoning District. Due to the dimensions of the lot, a Variance is required to continue utilizing the existing parking at the site and without adding additional screening, curbing, and parking spaces. The current use of the property as a single-family residential property is legal nonconforming.

The property is adjacent to Highway 13/21, and MnDOT has been consulted regarding this change of use and proposed parking arrangement. They are in support of it.

Notably, this property has been used as a dual business/residential property in the past. Beginning at some time prior to 2003, and ending in 2020-2021, Nancy Unger operated a tailor business out of the first floor while utilizing the top floor as residential. The property has been utilized only as a single-family residential house since 2021.

## **Legal Description**

Parcel A:

All that part of Lot No. 1 and all that part of Lot No. 4 of Block No. 2 of Suchomel's Second Addition to the City of New Prague, Minnesota, the plat of said addition being on file in the office of the County Recorder of Le Sueur County, Minnesota, described as follows:

Beginning at the Northwest corner of said Lot No. 4; thence East along the North line of said Lot No. 4 and the North line of said Lot No. 1 a distance of 94.64 feet to the Westerly Right-of-Way line of Minnesota Trunk Highway No. 21; thence Southerly along said Right-of-Way Line 108.00 feet; thence Westerly parallel with the North line of said Lot Numbered 1 and 4 a distance of 95.21 feet to the West line of said Lot No. 4; thence North on said West line of Lot No. 4 a distance of 108.00 feet to the place of beginning, and also all of the vacated North and South alley contained within the boundaries of the described tract.

Parcel B:

Lot 5, Block 2, in Suchomel's Second Addition to New Prague, Le Sueur County, Minnesota.

## **Zoning**

The property is zoned B-3 Highway Commercial. This Zoning District solely exists around the intersection of Highways 13, 19, and 21 on the West side of the City. The UDC states that "this district is established to accommodate the type of businesses that are oriented to the traveling public and require highway access[, and] is intended to allow existing businesses and redevelopment/infill of certain types of businesses but not encourage expansion of the overall zoning boundary of the district."

The current use of the property, a single-family house, is not a permitted or conditional use in the B-3 Zoning District.

The proposed use of the property as a chiropractor's office falls under the definition of clinic, which is a conditional use in the B-3 Zoning District. Apartments located above the first floor of a building are also a conditional use within the B-3 Zoning District. This would also contribute to the goal of redevelopment and infill within the B-3 Zoning District.

The proposed floor plan of the business includes leaving a small portion of the first floor as residential rental. This will be just off of the tuck-under garage, and a part of the apartment that will be upstairs. Staff believes this is reasonable, as this portion of property will be retaining its current legal non-conforming status as a residence.

## **Neighborhood Conditions and Nearby Land Uses**

The property is surrounded by the B-3 Highway Commercial Zoning District.

**North:** The property is one block south of Main Street. There is a residential house directly north, but the block is largely unutilized wooded space.

**West:** One residential property, then undeveloped open field.

**South:** One residential property, then Ettlin's Café.

**East:** The property directly faces Highway 13/21. Across from the highway is New Prague Auto, an auto repair and tire shop.

### **Parking Requirements**

The existing property has approximately 5-6 unmarked parking spots within the garage and drive-way. A residential apartment requires 1.5 parking spaces per bedroom, and a clinic requires 1 parking spot per 150 square feet.

The proposed floor plan shows that the clinic would be 560 square feet, and the applicant stated that there will be 2 bedrooms in the apartment. Per Ordinance, this requires 4 parking spaces for the clinic and 3 parking spaces for the residential property.

Staff believes that unique circumstances apply to the clinic due to the low amount of traffic and clientele that is expected at any one time. The applicant stated that he will be the sole practitioner of the clinic, and that it will be appointment-based. With seeing only approximately 20 clients on working days, and with the business operating with a sole practitioner, Staff does not believe that there is a need for more than 3 commercial parking spaces.

The apartment requires 3 parking spaces, and the applicant proposes having 4 parking spaces. This includes the spot within the garage, and then two stacked parking spots on the south of the building. This exceeds the required amount of parking spaces, providing potential guest parking due to the lack of easy street parking around the site.

A map has been attached of the proposed parking. Due to the proposed configuration, a Variance from multiple parking-related Ordinances is required. The relevant UDC sections have been listed below.

6.002 (I) (2) (d) (1) All areas designed and used as off-street parking areas shall be set back a minimum of 10 feet from a street right of way and five (5) feet from property lines, except in the case of a joint parking lot in which adjacent yard setbacks shall not apply.

The Variance proposes to allow for parking spots that are approximately 3 feet from the street right of way and property line, rather than the required 10 feet from the right of way. This would only create 2 new parking spots, while "relabeling" the existing ones. The 2 newly created parking spots would not be any closer to the right of way than the existing ones.

6.002 (I) (2) (e) Parking Spaces Abutting Residential Uses. Off-street parking facilities which abut a property zoned for residential purposes shall meet the screening requirements stated in Section 6.002 (B) of this Ordinance.

Ordinance 6.002 (I) (2) (e) does not apply, as the abutting properties that are currently utilized as residential are not zoned residential. Thus, no screening is required for the parking on this property. There are additional screening requirements and landscaping requirements listed in 6.002 (I) (2) (m); however, Staff proposes that these landscaping and screening requirements are excluded as a part of this Variance, given that the parking configuration proposed will not be drastically different in configuration or amount from the existing residential use. Additionally, any landscaping or screening would have to be within the right-of-way rather than be able to be on the property.

6.002 (I) (2) (h) Curbing. A poured in place, six (6) inch non-surmountable concrete curb shall be provided around the perimeter of all parking lots designed for four (4) or more cars[.]

Because the proposed parking arrangement shows seven parking spots, this Ordinance would apply. However, due to the former use of the property having this many parking spots without curbing, Staff proposes that the Variance includes an exception from the inclusion of curbing for the parking on this property.

6.002 (I) (2) (i) Striping. Except for single houses, two family houses, and townhomes, all parking stalls shall be marked with white or yellow painted lines not less than four (4) inches wide.

The applicant should stripe the parking spots as required in Ordinance. Additionally, the parking spots reserved for the residential renter property shall be property marked as to prevent visitors of the clinic from parking in those spot(s).

Thus, the applicant is proposing the following be included in the variance request: to allow for having parking spots closer to the ROW line than permitted, without curbing, without screening, without landscaping, and at a reduced amount for the clinic.

### **MnDOT Comments**

Because the property is directly on State Highway 13/21, it required MnDOT's review. This is especially important due to the direct access provided by the driveway onto the highway. Angie Piltaver, the District 7 Principal Planner with MnDOT, was consulted regarding the proposed change of use, particularly with retaining use of both driveways. She stated the following:

“Given the low traffic generation that this use would create with limited hours and a single practitioner, coupled with the practical difficulties of adding parking at the rear of the building at this time, and taking into consideration that there was a previous business at this site that was also a relatively low traffic generator with a dual residential/business use, we can support the use of the two accesses as they currently exist.

Please note that this decision was made based on the business being a single practitioner with no additional staff and limited hours of operation. If the business grows and traffic issues develop, the owner may be required to remove the driveway on the state highway and potentially establish parking at the rear of the property. Our goal is to maintain safety and operations of the state highway for all users and balance that against the needs and desires of property owners.”

### **Statement of Practical Difficulties**

Staff and the applicant discussed potentially providing parking in the rear yard. However, the applicant stated that there is a very steep slope in the rear yard, making this impractical and inaccessible. This would also require reconfiguring the entrances to be to the rear yard, completely destroying the fence, making the attached garage unusable, and removing a large portion of the rear yard of the property.

### **Staff Comments**

Public Works Director Matt Rynda was consulted regarding the potential for increased traffic on 1<sup>st</sup> Street SW, which is currently unimproved. He stated that the proposed traffic is more than the road currently sees, and that it experiences high washouts after heavy rain. He stated he is not against it, but that there will likely be extra maintenance required for the public road.

Rynda supported adding a condition that, if traffic proves to cause extraneous maintenance on 1<sup>st</sup> Street SW, the City may require the property owner to pay for extra dust control measures.

The City Attorney was consulted regarding this. If extra dust control methods are unsuccessful in keeping 1<sup>st</sup> Street SW useable and in reasonable shape, the Conditional Use Permit shall be revisited to evaluate potential further road maintenance measures, potentially including measures up to removing the current access on 1<sup>st</sup> Street SW or requiring the property owner to improve the portion of 1<sup>st</sup> Street SW that provides access to their property.

### **Criteria for Granting Conditional Use Permits**

Section 3.002 (E) of the Unified Development Code states that the purpose of a Conditional Use Permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health, and safety. In making the determination of whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health, and safety.

The applicant is requesting a Conditional Use Permit to allow for a clinic and an apartment above the first floor in the B3 Highway Commercial Zoning District.

In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the City Council shall evaluate the criteria noted below. Staff has attempted to evaluate the established criteria for this specific request. Staff's comments are highlighted below in yellow.

- 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.
  - i. The proposed use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve the area because the proposed use will have an overall minimal impact on public infrastructure except for 1<sup>st</sup> Street SW, upon which additional conditions have been proposed to mitigate any potential burden created on the street that may occur.
- 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.
  - i. The proposed use will not depreciate adjacent land, homes, or vacant land because the adjacent homes are legal non-conforming within the B-3 Highway Commercial Zoning District and the past history of the subject property included a business and residence which is very similar to the proposed use, and in the past this use was not an issue.
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
  - i. The proposed use will not have an appearance that has an adverse effect on adjacent residential properties because the exterior of the building will remain largely the same with the exception of two additional parking spaces.
- 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.
  - i. The proposed use is reasonably related to the overall needs of the City and to the existing land use because clinics and apartments above the first floor are both conditional uses within the B3 Highway Commercial Zoning District, the proposed use would be replacing a legal non-conforming single family home, and the Unified Development Code states that a goal within said Zoning District is to promote infill of businesses.
- E. The use is consistent with the purposes of the Unified Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
  - i. The proposed use is consistent with the purposes of the Unified Development Code and the zoning district because clinics and apartments above the first floor

are a conditional use within the B3 Highway Commercial Zoning District, the proposed use would be replacing a legal non-conforming single family home, and the Unified Development Code states that a goal within said Zoning District is to promote infill of businesses.

F. The use is not in conflict with the Comprehensive Plan of the City.

i. The proposed use is not in conflict with the Comprehensive Plan because the current use as a single family residential property is legal non-conforming, and clinics and apartments above the first floor are conditional uses within the B3 Highway Commercial Zoning District.

G. The use will not cause traffic hazard or congestion.

i. The proposed use will not cause traffic hazard or congestion because the proposed use as a clinic will have approximately 20 patients per day, with only one practitioner, which MnDOT reasonably believes will not cause traffic congestion along the highway.

H. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided.

i. The proposed use has or will have adequate utilities, access roads, drainage, and necessary facilities because the property will not face considerably more utility and drainage usage than it currently does, and the access road 1st Street SW has additional proposed conditions to mitigate any potential burden created on the street that may occur.

I. Section 3.002 (E) (2) of the Unified Development Code states that conditions may be placed upon the approval as are considered necessary to protect the public health, safety, and welfare. Below are suggested conditions for approval:

i. Approval is subject to the site plan dated 04/21/2026 and the parking plan dated 05/07/2026 on file with the New Prague Planning Department.

ii. The property owner must follow all regulations set by MnDOT regarding access to the property and parking.

iii. If the clinic is to be expanded to more than one practitioner, or to a point reasonably expected to increase the traffic at the site, this Conditional Use Permit and Variance V2-2026 must be re-evaluated and MnDOT must be consulted.

iv. Commercial signage shall only be allowed on the principal building. No freestanding or memorial signs shall be permitted due to the limited property from the building to the road right of way.

v. All conditions imposed through Variance V2-2026 must be followed in conjunction with this Conditional Use Permit.

vi. If the increase of traffic created by the clinic causes extraneous maintenance on 1<sup>st</sup> Street SW, the property owner shall provide City-approved dust control measures or reimburse the City in full to provide such measures. If extra dust control methods are unsuccessful in keeping 1<sup>st</sup> Street SW in reasonable shape and reasonably usable as determined by the City, this Conditional Use Permit and Variance V2-2026 shall be reevaluated to evaluate potential further road

preservation and maintenance measures, which may include up to moving or removing the property access on 1<sup>st</sup> Street SW or requiring the property owner to improve the portion of 1<sup>st</sup> Street SW that provides access to the property.

### **Criteria for Granting Variances**

Section 3.002 (G) of the Unified Development Code states that a Variance may be issued by the City Council to provide relief to the landowner in those cases where the strict application of the Unified Development Code imposes practical difficulties to the property owner in the use of their land. 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 must be satisfied, which are reasonableness, uniqueness, and essential character. The Unified Development Code's criteria addresses these standards.

The applicant is requesting a Variance to allow for parking spots closer to the ROW line than permitted, without curbing, without screening, without landscaping, and at a reduced amount for the clinic.

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.
  - i. The proposed Variance is in harmony with the general purposes and intent of this Ordinance because off-street parking is a permitted use within the B3 Highway Commercial Zoning District.
  
- B. The Variance is consistent with the Comprehensive Plan.
  - i. The proposed Variance is consistent with the Comprehensive Plan because off-street parking is a permitted use within the B3 Highway Commercial Zoning District.
  
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance and the City Code.
  - i. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance and the City Code because the property owner proposes to continue utilizing the existing parking spots, with the two new ones being no closer to the ROW line, and that providing the amount of parking required by Ordinance for the clinic would be excessive for the proposed use.
  
- D. Unique circumstances apply to this 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.

- i. Unique circumstances apply to this property in that the rear yard has a steep slope that does not allow for parking to be placed in the rear without major configurations to the property and would be inaccessible without further major reconfigurations.
- E. The Variance does not alter the essential character of the neighborhood.
  - i. The proposed Variance does not alter the essential character of the neighborhood because the property will still have the same parking as it did as a single-family residential property, just utilized differently and striped, with the only added parking being non-obtrusive.
- F. The Variance requested is the minimum Variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties.
  - i. The proposed Variance is the minimum Variance which would alleviate the practical difficulties because it utilizes the existing parking area at the property rather than requiring reconfiguration of the rear yard and building entrances.
- 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 intend 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.
  - i. The property owner must follow all regulations set by MnDOT regarding access to the property and parking.
  - ii. The parking spaces dedicated to commercial use and residential use shall be clearly labelled by signs.
  - iii. All parking spaces must be striped, as outlined in UDC 6.002 (I) (2) (i).
  - iv. All conditions imposed in Conditional Use Permit C2-2026 must be followed in conjunction with this Variance.
  - v. If Conditional Use Permit C2-2026 is to be reevaluated due to increased traffic expected on 1<sup>st</sup> Street SW, this Variance shall also be reevaluated.

**Staff Recommendation**

Staff recommends **approval** of Conditional Use Permit #V2-2026 to allow for a clinic and apartment above the first floor at 200 4<sup>th</sup> Ave. SW, as proposed by Andrew Fautsch, for the following reasons:

- A. The proposed use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve the area because the proposed use will have an overall minimal impact on public infrastructure except for 1st Street SW,

upon which additional conditions have been proposed to mitigate any potential burden created on the street that may occur.

- B. The proposed use will not depreciate adjacent land, homes, or vacant land because the adjacent homes are legal non-conforming within the B-3 Highway Commercial Zoning District and the past history of the subject property included a business and residence which is very similar to the proposed use, and in the past this use was not an issue.
- C. The proposed use will not have an appearance that has an adverse effect on adjacent residential properties because the exterior of the building will remain largely the same with the exception of two additional parking spaces.
- D. The proposed use is reasonably related to the overall needs of the City and to the existing land use because clinics and apartments above the first floor are both conditional uses within the B3 Highway Commercial Zoning district, the proposed use would be replacing a legal non-conforming single family home, and the Unified Development Code states that a goal within said Zoning District is to promote infill of business.
- E. The proposed use is consistent with the purposes of the Unified Development Code and the zoning district because clinics and apartments above the first floor are a conditional use within the B3 Highway Commercial Zoning District, the proposed use would be replacing a legal non-conforming single family home, and the Unified Development Code states that a goal within said Zoning District is to promote infill of business.
- F. The proposed use is not in conflict with the Comprehensive Plan because the current use as a single family residential property is legal non-conforming, and clinics and apartments above the first floor are conditional uses within the B3 Highway Commercial Zoning District.
- G. The proposed use will not cause traffic hazard or congestion because the proposed use as a clinic will have approximately 20 patients per day, with only one practitioner, which MnDOT reasonably believes will not cause traffic congestion along the highway.
- H. The proposed use has or will have adequate utilities, access roads, drainage, and necessary facilities because the property will not face considerably more utility and drainage usage than it currently does, and the access road 1<sup>st</sup> Street SW has additional proposed conditions to mitigate any potential burden created on the street that may occur.
- I. With the following conditions, as considered necessary to protect the public health, safety, and welfare:
  - i. Approval is subject to the site plan dated 04/21/2026 on file with the New Prague Planning Department.

- ii. The property owner must follow all regulations set by MnDOT regarding access to the property and parking.
- iii. If the clinic is to be expanded to more than one practitioner, or to a point reasonably expected to increase the traffic at the site, this Conditional Use Permit and Variance V2-2026 must be re-evaluated and MnDOT must be consulted.
- iv. Commercial signage shall only be allowed on the principal building. No freestanding or memorial signs shall be permitted due to the limited property from the building to the road ROW.
- v. All conditions imposed through Variance V2-2026 must be followed in conjunction with this Conditional Use Permit.
- vi. If the increase of traffic created by the clinic causes extraneous maintenance on 1<sup>st</sup> Street SW, the property owner shall provide City-approved dust control measures or pay for the City to provide such measures. If extra dust control methods are unsuccessful in keeping 1<sup>st</sup> Street SW in reasonable shape and reasonably usable as determined by the City, this Conditional Use Permit and Variance V2-2026 shall be reevaluated to evaluate potential further road preservation and maintenance measures, which may include up to moving or removing the property access on 1<sup>st</sup> Street SW or requiring the property owner to improve the portion of 1<sup>st</sup> Street SW that provides access to the property.

Staff recommends **approval** of Variance #V2-2026 to allow for parking spots closer to the ROW line than permitted, without curbing, without screening, without landscaping, and at a reduced amount for a clinic at 200 4<sup>th</sup> Ave. SW, as proposed by Andrew Fautsch, for the following reasons:

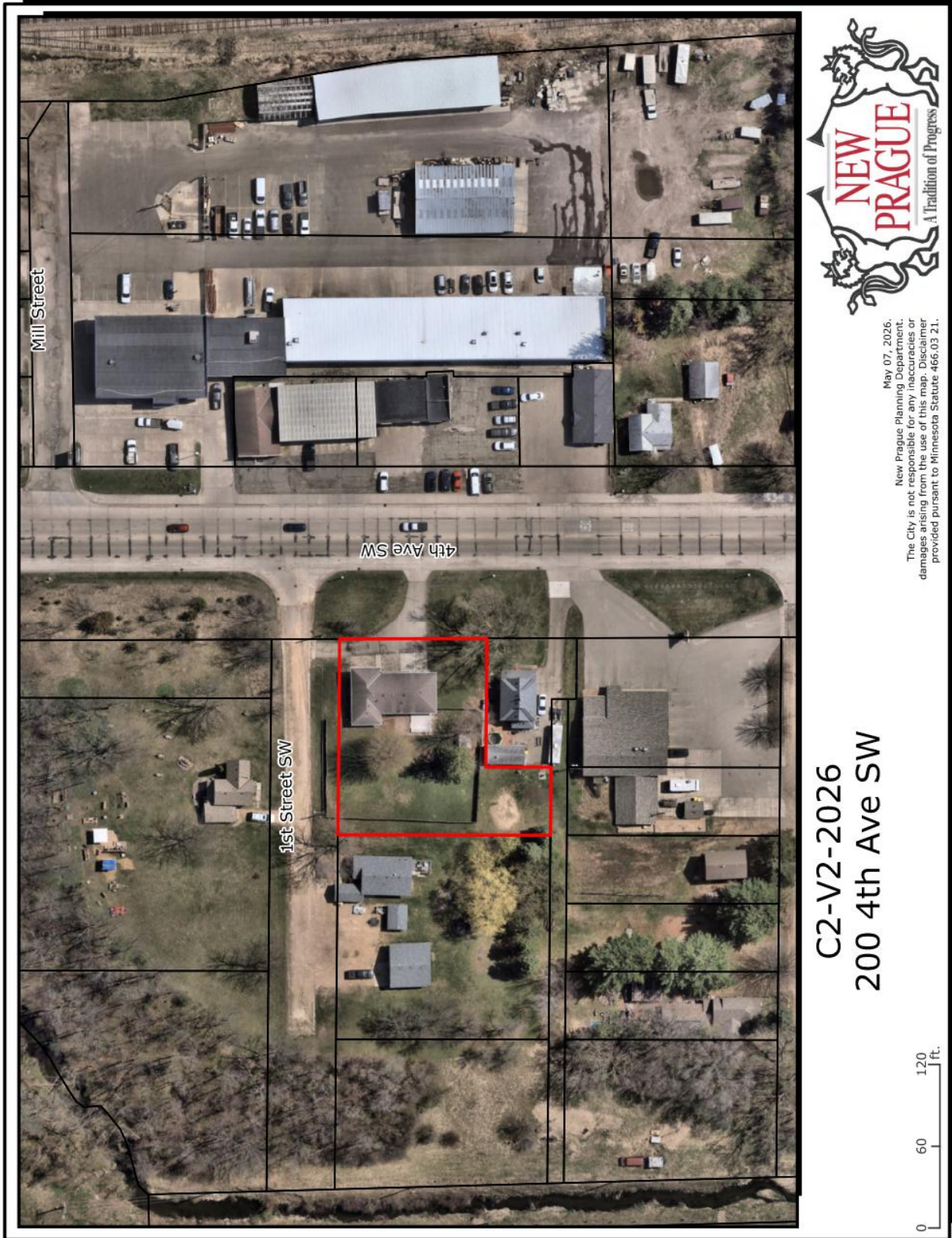
- A. The proposed Variance is in harmony with the general purposes and intent of this Ordinance because off-street parking is a permitted use within the B3 Highway Commercial Zoning District.
- B. The proposed Variance is consistent with the Comprehensive Plan because off-street parking is a permitted use within the B3 Highway Commercial Zoning District.
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance and the City Code because the property owner proposes to continue utilizing the existing parking spots, with the two new ones being no closer to the ROW line, and that providing the amount of parking required by Ordinance for the clinic would be excessive for the proposed use.
- D. Unique circumstances apply to this property in that the rear yard has a steep slope that does not allow for parking to be placed in the rear without major

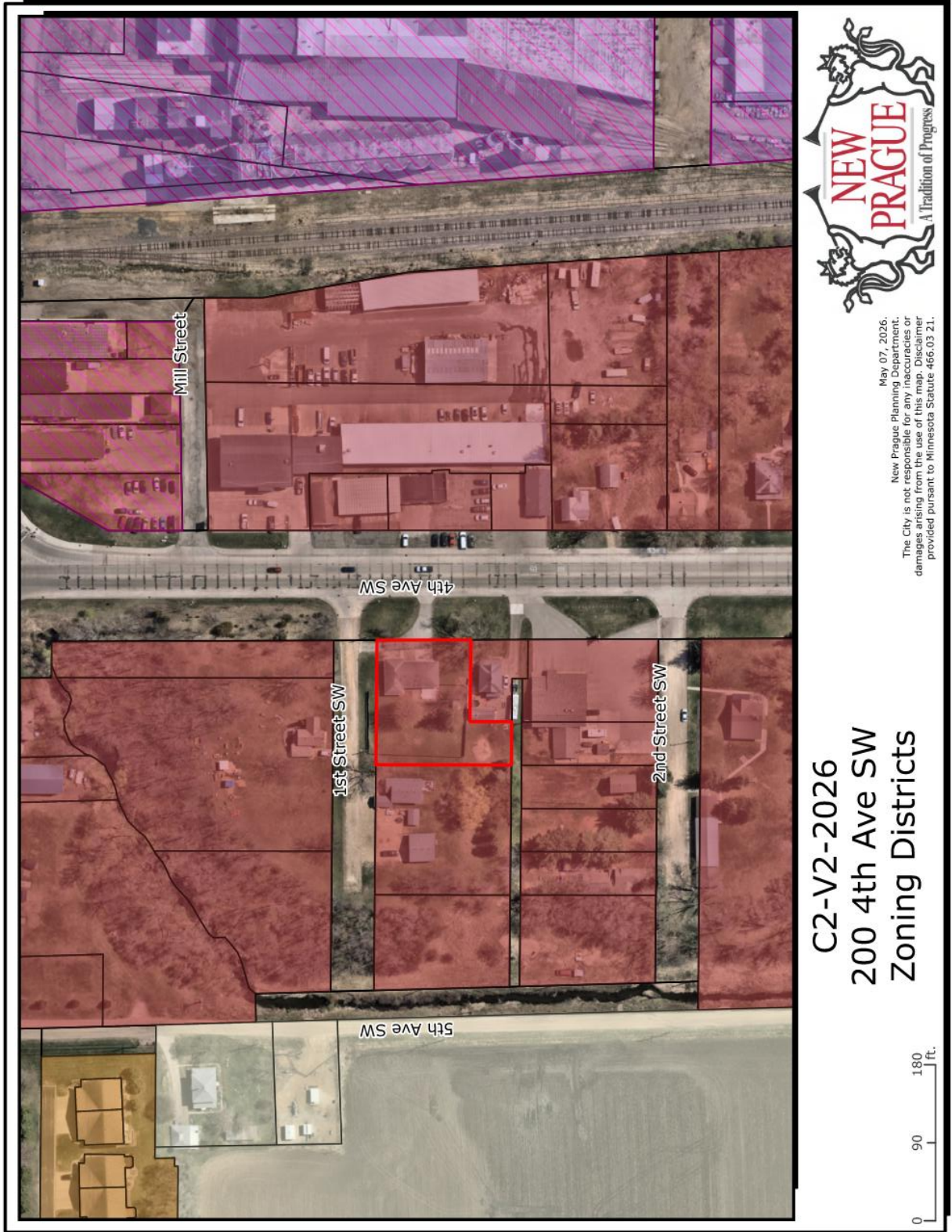
reconfigurations to the property and would be inaccessible without further major reconfigurations.

- E. The proposed Variance does not alter the essential character of the neighborhood because the property will still have the same parking as it did as a single family residential property, just utilized differently and striped, with the only added parking being non-obtrusive.
- F. The proposed Variance is the minimum Variance which would alleviate the practical difficulties because it utilizes the existing parking area at the property rather than requiring reconfiguration of the rear yard and building entrances.
- G. With the following conditions:
  - i. The property owner must follow all regulations set by MnDOT regarding access to the property and parking.
  - ii. The parking spaces dedicated to commercial use and residential use shall be clearly labelled by signs.
  - iii. All parking spaces must be striped, as outlined in UDC 6.002 (I) (2) (i).
  - iv. All conditions imposed in C2-2026 must be followed in conjunction with this Variance.
  - v. If Conditional Use Permit C2-2026 is to be reevaluated due to increased traffic expected on 1<sup>st</sup> Street SW, this Variance shall also be reevaluated.

### **Attachments**

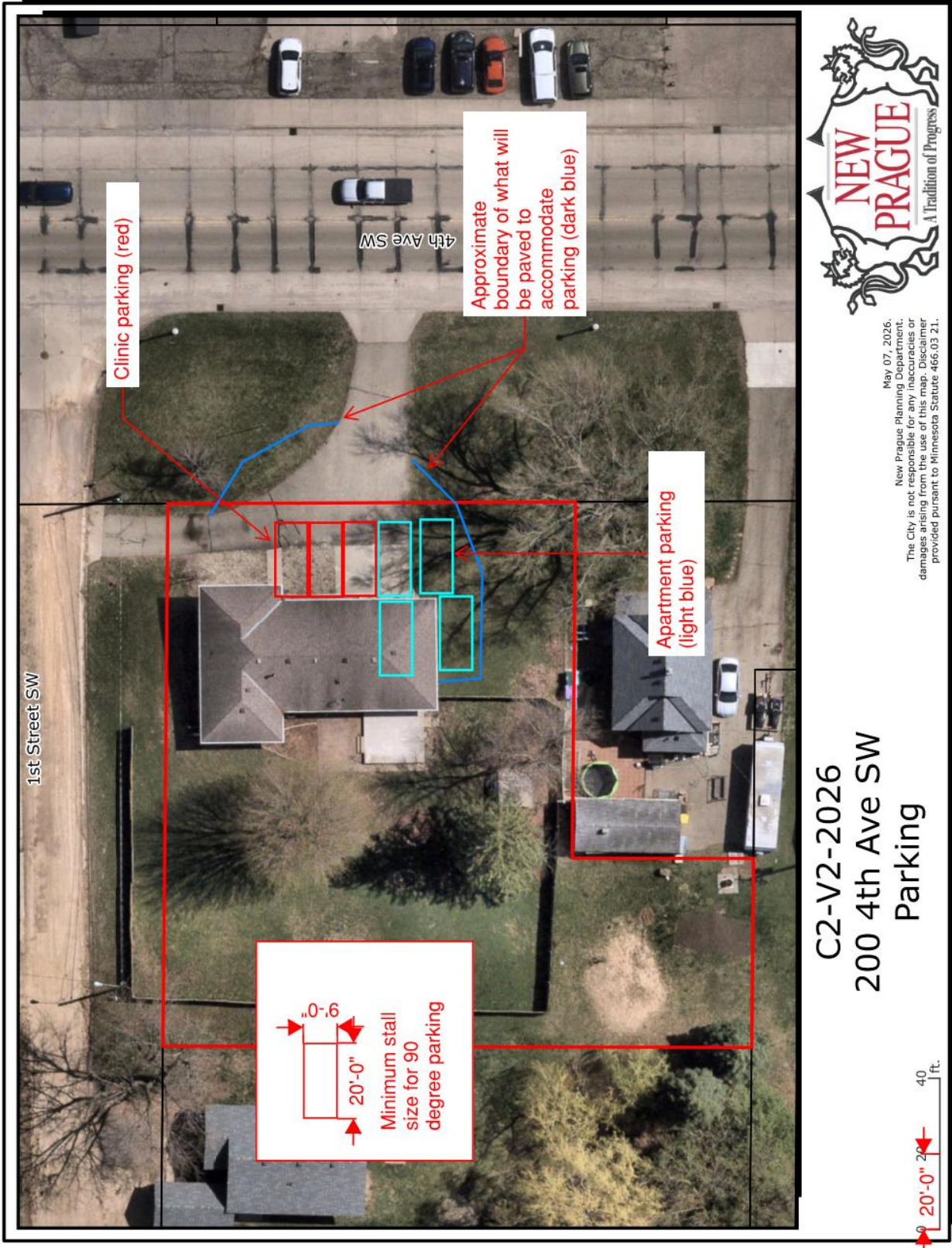
1. Site Map Aerial – Dated 05/07/2026
2. Site Map Zoning Districts – Dated 05/07/2026
3. Proposed Parking Spots – Dated 05/07/2026
4. Proposed Interior Building Plan — Dated 04/21/2026
5. Image of Front of Property – Dated 05/07/2026
6. Image of North of Property, showing slope – Dated 05/07/2026
7. Image of Front of Property from the North – Dated 05/07/2026
8. Google Street View – Dated 04/2026
9. Google Street View – Dated 04/2026
10. Google Street View – Dated 04/2026
11. Google Street View – Dated 04/2026
12. Google Street View, showing parking – Dated 07/2023





**C2-V2-2026  
200 4th Ave SW  
Zoning Districts**

May 07, 2026.  
New Prague Planning Department.  
The City is not responsible for any inaccuracies or  
damages arising from the use of this map. Disclaimer  
provided pursuant to Minnesota Statute 466.03 21.



May 07, 2026.  
New Prague Planning Department.  
This plan is not to be used for any purposes other than those intended. The City is not liable for any damages arising from the use of this information provided pursuant to Minnesota Statute 466.03 21.

