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MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: DONATION AGREEMENT FOR POPS FACILITY
DATE: MARCH 13, 2025

As the City Council is aware, the City has been working with the Praha Outdoor Performance Stage (POPS) Group, under the umbrella of the Forward New Prague Foundation dating back to the summer of 2022 to find a suitable location for the POPS facility that would host a number of outdoor performances including, but not limited to music and theatrical productions. The process started in earnest with a feasibility study of various locations with the “City Center” that is owned by the City rising to the top for consideration. A “small area plan” was then completed concurrent with the city’s comprehensive plan update to determine the conceptual layout of the city center site to include the POPS facility (a copy of the final concept plan is attached).

The City Council most recently engaged the City Engineer to develop a grading plan and to solicit quotes to complete mass site grading to be completed before construction of the POPS facility could commence. The award of the grading project is expected to occur at tonight’s meeting.

As the site preparation is nearing completion, it is necessary to memorialize the City’s permission for POPS to construct the facility and ultimately accept it as a public facility. City Attorney Scott Riggs recommended a “donation agreement” as the method of approval. The attached donation agreement contains the necessary terms for the construction of the facility and donation to the city and includes the following major provisions:

- POPS will construct the facility at no cost to the city (and will hold all required insurance)
- City will accept the completed facility via resolution at the completion of the project
- POPS has provided a letter of credit for \$20,000 to ensure completion of the project
- POPS / New Prague Area Arts Council will have first right of refusal for eight annual performances for 10 years from the completion/acceptance of the facility.

While staff does not recommend it, POPS has recommended consideration of changing some language in Section 3 of the agreement. They suggest eliminating the word “all” from the agreement and replacing it with language that states that additional “land” costs would be negotiated between POPS and the City as it relates to poor soils on the site as they note that it was the City that recommended the City Center site versus Memorial Park or Sliding Hill Skate Park which are sites they believe may have been less expensive to construct based on site conditions. Below is the language in question:

3. CONSTRUCTION OF THE STAGE; LIMITED LICENSE. The Donor hereby agrees to construct the Stage and **all** associated improvements on the Land, with construction beginning by July 1, 2025 in order to complete the construction on or before December 31, 2026, and in accordance with the City Approval and this Agreement.

Recommendation

I recommend that the City Council consider approval of the attached donation agreement.

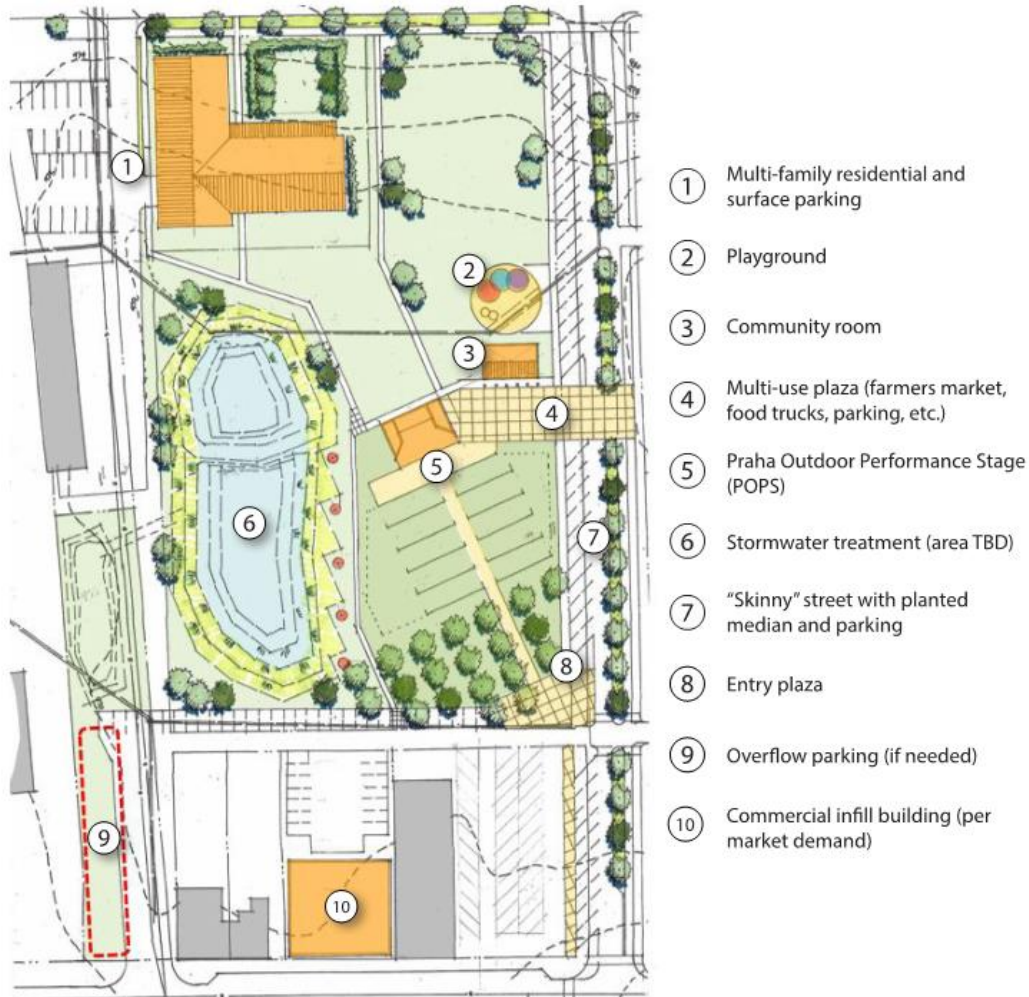
Attachments:

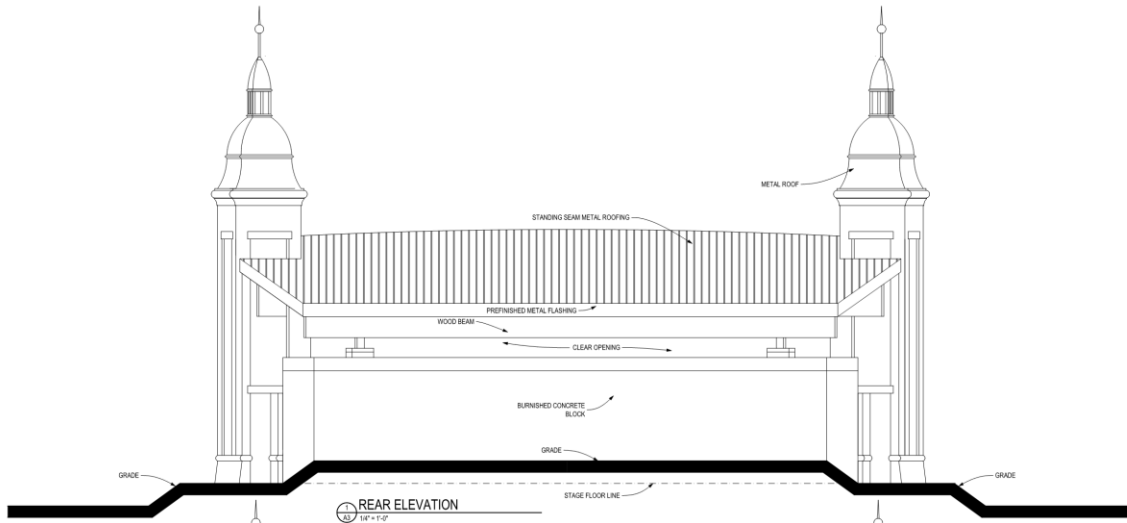
1. Plans and Renderings
2. Donation Agreement

SITE VISION

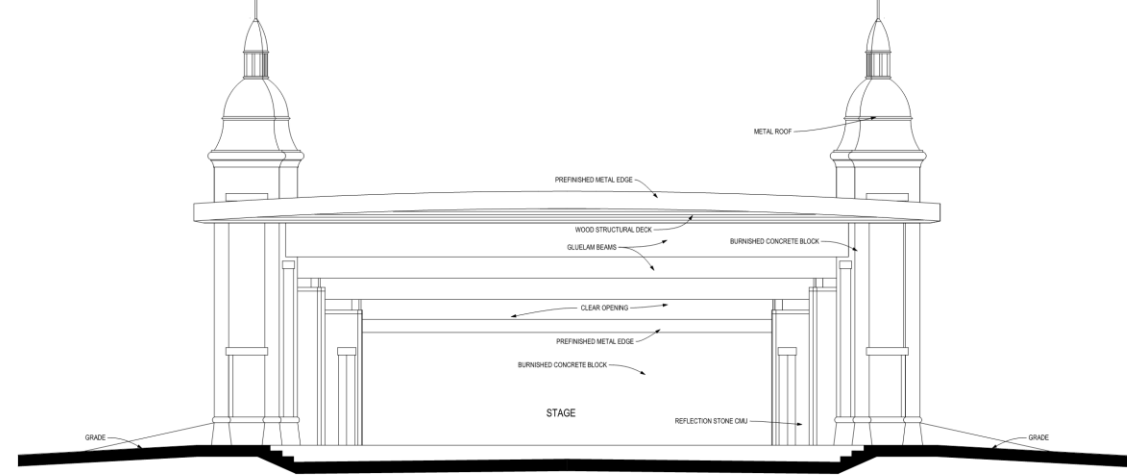
SITE CONCEPT

The primary land use and urban design goals of this project included creating additional civic spaces, residential opportunities, stormwater management elements, and a designated location for the Praha Outdoor Performance Stage (POPS). To address the identified goals, this concept imagines multiple gathering spaces for visitors of all ages, locations for new residential structures, and new layouts for pedestrian and vehicular facilities to increase safety and circulation. Each facet of this design is further explained on the following pages.

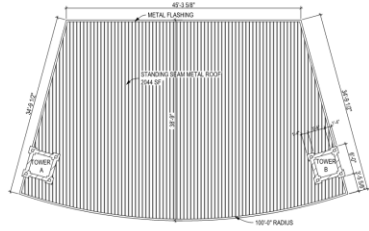




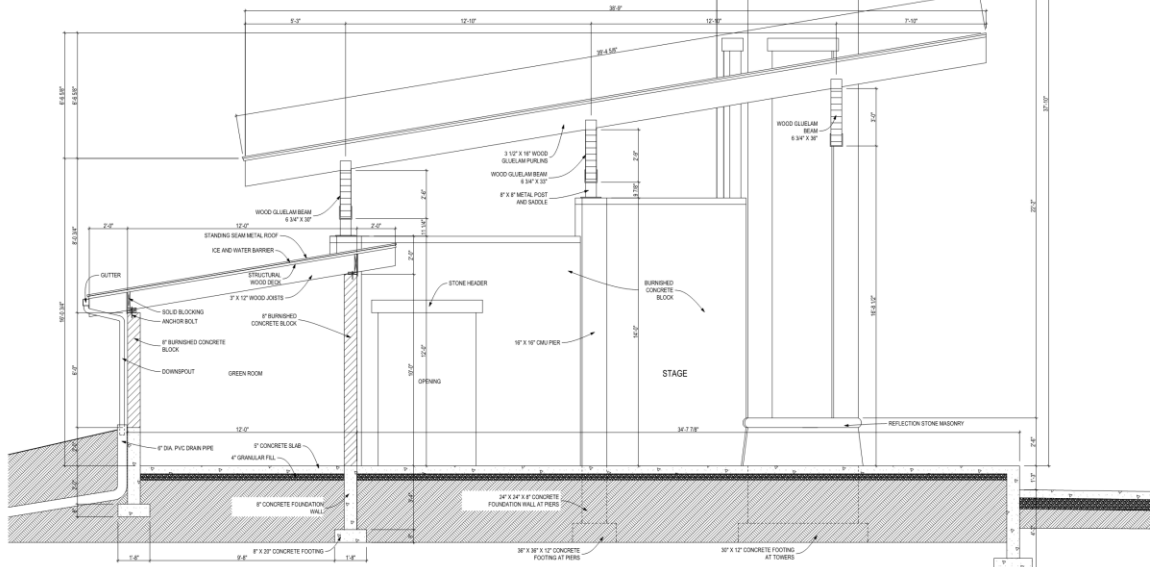
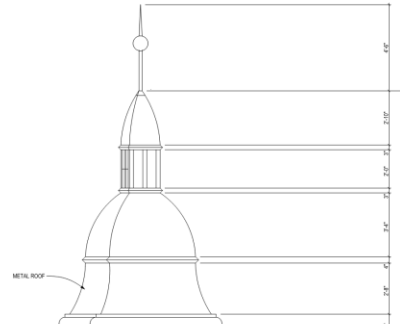
REAR ELEVATION
1/4" = 1'-0"



FRONT ELEVATION



1 ROOF PLAN
1/8" = 1'-0"



2 SECTION
NO SCALE

