



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: HEARING FOR APPEAL OF CITY CODE VIOLATION BY CATHERINE PECHOLT OF 409 COLUMBUS AVE. N.
DATE: APRIL 14, 2025

City staff has continued to work with property owners regarding nuisance violations and a recent violation of an accumulation of yard waste on a property at 409 Columbus Ave. N. has led to the property owner to file an appeal and request a hearing with the City Council to dispute the allegations. Property owner Catherine Pecholt submitted the attached letter dated 4/13/25 asking for the City Council to have “tolerance” for her to keep the yard waste on her lot which is in violation of City Code Chapter 92.18 (L) that states the following is a public nuisance:

Accumulations in the open of discarded or disused machinery, household appliances, or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation.

City Staff notes that Chapter 92.39 of the City Code does provide for “Natural Landscape Permits” to permit for a property owner to use prairie, meadow or natural landscape vegetation, however after being informed of this permit in 2023 Ms. Pecholt has not applied for this permit nor would the permit allow for the yard waste to remain on her site as has been documented and it would only allow certain approved areas to have vegetation exceeding 12” tall.

Two violation notices were provided to Ms. Pecholt (one with a deadline of 4/8 and one with a deadline of 4/14 – the only difference was to clarify that an RV within an unimproved public right-of-way was not a violation upon further review). Ms. Pecholt was provided additional time to clean up her yard due to the new letter being issued. As of the date of this letter, the violation has not been abated.

Staff notes that while city code allows for a hearing to appeal the alleged violations, the Council cannot waive the need to abate the yard waste on the site in perpetuity. The appeal simply could prevent a citation from being issued at this time or prevent the City from hiring a company to remove the yard waste at this time.

Recommendation

Hold the requested appeal hearing with Ms. Pecholt and make a decision on the alleged violations.

Letter from Catherine Pecholt – Dated 4/13/25

Catherine Pecholt
409 Columbus Ave N
New Prague, MN 56071

April 13, 2025

City of New Prague
118 Central Ave N
New Prague, MN 56071

Dear New Prague City Council members,

For many years, I have resided in the NP area. First, as a post high school resident, and then continually until this point. We have raised a couple kids here and they attended NP Public Schools. Many issues have come and gone, least to say, I have experienced many things. My residence is on the northside by the Catholic cemetery which accounts for most of my time here.

Getting to the point of this conversation, it is in regard to yard upkeep. I probably will not be able to attend a meeting, which may then cancel out the strength of the issue to my understanding. On a usual basis, my employment schedule is in the afternoon evening hours. Currently I'm beginning with a new employer with limited time away from the workplace. I would very much appreciate feedback though, and look forward to further correspondence.

The gathering of thoughts which I became willing to share with you has been brought forth by having conversation with a city admin whom coaxed me into opening up. This is due to focus being put on me because a next-door renter feels the need to keep a very close eye on me and the yard that I upkeep. Another neighbor near me continues to berate me about ethical difference, but has slowly begun to make changes in his yard which are similar to my ideas. Many neighbors and the walkers that pass by have stopped to give compliments and support of my undertaking. It seems there is agreement that some things are more appealing to the individual than pristine golf course lawns. In addition to the look of the yard, it provides much benefit such as exercise, food, mental well-being and natural upkeep of the biodiversity of plant and animal life.

I think about many things; clean and healthy soil, air, water, and conserving energy. These things are important to me. Some will say "but you have an overload" I say "yes I do, and I believe it is good." I conserve energy through using less natural gas, water, and electricity. There is a consistent billing trail from utilities commission and natural gas provider.

The yard which I am using is a creation of many years. It has taken a long while to self-contain the leaves and vegetation and have a healthy outcome of diverse plant and animal life. I am a strong participant in containing carbon to provide for a healthier planet. The yard is home to pollinators, insects, worms, butterflies (many species), birds, squirrels, rabbits, toads (just found one not quite ready to wake up, buried in a compost pile). Sweet nature was moved to a safer location in the yard, so I could hurry up and tidy the area before I got fined by the city. I hope another hibernation home was found.

I am asking for tolerance from NP city and to have a stance at times with one that is doing some conservation work instead of the one who is looking over and sending a direct alert to our city admin. We do live in the grand prairie of MN, why not be proud of that I ask?

If at all possible, if this notion is accepted, would it be out of the ordinary, to put in place a program where like-minded caretakers may be supported on a city level? It would be very much appreciated and I would like to be a participant. I have been a supporter of NP since 1982 and hope to hear back with positive change. Much gratitude for your attention.

Learning about me, you may have guessed, I am a conservationist of our Earth. I have a strong belief in attaining healthy soil, air, water as much energy conservativeness as possible.

Thank you for your time and attention today,

Respectfully and sincerely,

Catherine Pecholt

Original Violation Letter from 3/28/25



CITY OF NEW PRAGUE
COMMUNITY DEVELOPMENT
118 CENTRAL AVE N
NEW PRAGUE, MN 56071
952-758-4401
WEBSITE: www.ci.new-prague.mn.us

Case Number: **CODE-0003-2025**

VIOLATION NOTICE

Case Type: Code Enforcement
Date Case Established: **03/28/2025**

VIOLATOR: PECHOLT, CATHERINE

Mailing Address

409 COLUMBUS AVE N
NEW PRAGUE MN 56071

Notice of Violation:

The parcel of property located at:

Location Address

409 COLUMBUS AVE N
New Prague, 56071-1722

Parcel No.

240070540

We have found that you are in violation of the following section(s) of the City of New Prague, MN, Code of Ordinances

Violation(s)

Compliance Deadline

92.18(L) - accumulations of discarded or disused items or materials conducive to creating hazards **04/08/2025**

Miscellaneous Violation **04/08/2025**
See notes below for specific violation(s).

Please remove the accumulation of branches/twigs from the property. Feel free to dispose of them at the New Prague Yard Waste Site. Please also relocate your Recreational Vehicle that's currently parked in the alley so that it's entirely on your property. The Recreational Vehicle is violating City Code 72.04 (B), which says "It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way."

Please be aware that you are in violation of the City Code. You are required to comply with the compliance date (s) of this notice to remove the violations from the property. You may also within the compliance date of the notice request a hearing before the City Council to dispute alleged violations.

If the violation is not abated by the compliance date of the notice and no hearing has been requested the city will abate the nuisance for you and will continue to do so until we are contacted with details on your plans to maintain the property. You will be billed for all abatement costs, including an administrative service fee. If the bill remains unpaid it will be certified to the county for collection with your property taxes.

Your attention in this matter is greatly appreciated. Please call 952-758-4401 if you should have any questions or comments.

No further notices will be issued.

Sincerely,

City of New Prague
Kyra Chapman



This RV is currently in the City alley/right-of-way, which is shown in this red area

Please relocate RV so it is on your property, which is located in this green area.

Revised Violation Letter from 4/27/2025



CITY OF NEW PRAGUE
COMMUNITY DEVELOPMENT
118 CENTRAL AVE N
NEW PRAGUE, MN 56071
952-758-4401
WEBSITE: www.ci.new-prague.mn.us

Case Number: **CODE-0003-2025**

**VIOLATION
NOTICE**

Case Type: Code Enforcement

Date Case Established: **04/07/2025**

VIOLATOR: PECHOLT, CATHERINE

Mailing Address

409 COLUMBUS AVE N
NEW PRAGUE MN 56071

Notice of Violation:

The parcel of property located at:

Parcel No.

Location Address

409 COLUMBUS AVE N
New Prague, 56071-1722

240070540

We have found that you are in violation of the following section(s) of the City of New Prague, MN, Code of Ordinances:

Violation(s)

Compliance Deadline

92.18(L) - accumulations of discarded or disused items or materials conducive to creating hazards **04/14/2025**

Please remove the accumulation of branches/twigs from the property. Feel free to dispose of them at the New Prague Yard Waste Site.

Please be aware that you are in violation of the City Code. You are required to comply with the compliance date (s) of this notice to remove the violations from the property. You may also within the compliance date of the notice request a hearing before the City Council to dispute alleged violations.

If the violation is not abated by the compliance date of the notice and no hearing has been requested the city will abate the nuisance for you and will continue to do so until we are contacted with details on your plans to maintain the property. You will be billed for all abatement costs, including an administrative service fee. If the bill remains unpaid it will be certified to the county for collection with your property taxes.

Your attention in this matter is greatly appreciated. Please call 952-758-4401 if you should have any questions or comments.

No further notices will be issued.

Sincerely,

City of New Prague
Kyra Chapman

§ 92.39 NATURAL LANDSCAPE PERMITS.

(A) *Permit required.* A natural landscape permit must be obtained from the city by a property owner desiring to use prairie, meadow or natural landscape vegetation which is not otherwise exempted by this subchapter and is expected to exceed 12 inches in overall height. The cost of the permit is set forth in the city's Official Fee Schedule, as amended from time to time.

(B) *Permit application contents.* The natural landscape permit application must contain the following information:

- (1) The name and address of the applicant;
- (2) The legal description of the property;
- (3) A site plan showing lot lines, public right-of-way, buildings and the location of the proposed landscaping;
- (4) A general description of the vegetation and plant types to be used including the Latin and common names of all of the species; and
- (5) A specific management and maintenance plan that includes the following information:
 - (a) A planting diagram showing the location and mature height of all species of vegetation;
 - (b) Detailed information on the upkeep of each species;
 - (c) The estimated transitional period, if applicable; and
 - (d) The plan for elimination of any non-native vegetation.
- (6) The name, address, phone number and qualifications of the person or company that will be responsible for the management and maintenance of the vegetation.

(C) *Permit issuance.*

(1) The City Administrator or his or her designated representative will review the application and issue the natural landscape permit unless:

- (a) The application is incomplete;
- (b) The management and maintenance plan is incomplete or inconsistent with the requirements of this subchapter;
- (c) The plan proposes use of non-native grasses; or
- (d) The transitional period for the area to be landscaped is longer than three growing seasons.

(2) A natural landscape permit shall be valid for five years from the date of approval.

(3) The applicant shall be responsible for paying all fees associated with the review of the permit application.

(D) *Permit denial; appeal.* If the City Administrator or his or her designated representative denies an application for a natural landscape permit, he or she shall send written notice of the denial to the applicant. The applicant may appeal the decision to the City Council by filing notice of the appeal with the City Administrator or his or her designated representative within 20 days of the date of the notice. Upon receipt of the notice of appeal, the City Council shall set a public hearing date at which the applicant and any other party wishing to be heard may have an opportunity to present evidence as to the applicant's compliance with this subchapter. If the City Council determines that the applicant has complied with the provisions of this subchapter, it shall direct the City

Administrator to issue the permit. The City Council must affirm the City Administrator's denial of the permit if it determines that the applicant has not complied with the provisions of this subchapter.

(E) *Permit revocation.* The City Administrator or his or her designated representative may regularly inspect any property holding a natural landscape permit.

(1) A natural landscape permit may be revoked by the City Administrator or his or her designated representative, for any of the following reasons:

- (a) Weeds are not removed;
- (b) The vegetation is not being maintained to a height of 12 inches or less in areas located within four feet of a public street, sidewalk, trail or alley;
- (c) The vegetation is not being maintained to a height of 12 inches or less in areas located within 30 feet of a side or rear lot line, unless the adjacent property owner has consented in writing; or
- (d) The property owner fails to maintain the natural landscape area in a manner consistent with the management and maintenance plan that was submitted with the permit application.

(2) For any property that is not in compliance with this section, the City Administrator or his or her designated representative shall give notice to the holder of the permit by U.S. Mail stating that the property must be in compliance within 30 days. Should that period pass without action by the holder of the permit, the City Administrator, or his or her designated representative, shall:

- (a) Revoke the natural landscape permit;
- (b) Remove all improperly maintained vegetation;
- (c) Declare the property ineligible for a natural landscape permit unless sold for a period of two years; and
- (d) Certify the service charges associated with the inspection of the property and removal of improperly maintained vegetation to the County Auditor for collection with property taxes in accordance with Chapter 34 of this code.

(Ord. 255, passed 3-19-12)

Pictures of the Backyard from 3/26/25



