

CITY OF NEW PRAGUE, MINNESOTA

RESOLUTION NO. 25-10-20-02

**RESOLUTION ORDERING THE ABATEMENT OF A HAZARDOUS PROPERTY
AND PUBLIC NUISANCES LOCATED AT 703 7TH STREET NE**

WHEREAS, the real property located at 703 7th Street NE, New Prague, Minnesota 56071 and legally described on the Exhibit A attached to this Resolution (“Property”); and

WHEREAS, the Property currently contains an unimproved lot located in the City of New Prague (the “City”); and

WHEREAS, the Property is currently owned by Michael Leo Weinandt (“Owner”); and

WHEREAS, in April 2024, City staff began observing and documenting various nuisance and hazardous conditions on the Property; and

WHEREAS, on April 30, 2024, the City issued a Violation Notice stating that the Owner had violated Sections 734.4(E)(5), 734.4(E)(6), 734.4(E)(9), and 734.4(E)(12) of the New Prague Zoning Ordinance, including a minimum setback from the delineated edge of wetlands, a prohibition on disturbing the first 25 feet of the wetland buffer during project construction, compliance with permit conditions for the wetland buffer, and failure to clearly designate the boundaries of the wetland buffers with signage; and

WHEREAS, the Violation Notice specifically required the Owner to return the area within the wetland buffer to pre-existing conditions and seed with an appropriate native seed mix; and

WHEREAS, Minnesota Statutes, section 463.15, subdivision 3 defines a “hazardous building or hazardous property” as “any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health;” and

WHEREAS, Minnesota Statutes, section 609.74, and Section 92.15(A) of the New Prague City Code, also deem it a public nuisance to maintain or permit a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; and

WHEREAS, Section 92.37 of the New Prague City Code also deems it a public nuisance for any person to dispose of dirt or other landscaping debris into street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, pond, wetland, flood control channel, canal or storm drain; and

WHEREAS, on August 25, 2025, the Owner was convicted of a misdemeanor violation of Section 734.4(E)(6) of the New Prague Zoning Ordinance for disturbing the first 25 feet of the wetland buffer during project construction; and

WHEREAS, Condition #16 of Resolution #23-11-06-04, which granted approval of the preliminary and final plat of the Property, requires that all homes are required to be setback at least six feet from the existing conservation easement (i.e., six feet from the wetland buffer); and

WHEREAS, as of the date of this Resolution, the hazardous and nuisance conditions described above remain on the Property create a hazard to public safety and health; and

WHEREAS, Minnesota Statutes, sections 463.16 and 463.17, in addition to Chapter 92 of the New Prague City Code, authorize the City Council to order the owner of any hazardous or nuisance property within the City to remove the hazardous and nuisance conditions; and

WHEREAS, Minnesota Statutes, section 463.17 states the order shall be served upon the owner of record, or the owner's agent if an agent is in charge of the property, and upon all lienholders of record, in the manner provided for service of a summons in a civil action; and

WHEREAS, Minnesota Statutes, section 463.161, authorizes a city to correct or remove a hazardous condition of any hazardous property if the owner of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city's order; and

WHEREAS, the City Council of the City of New Prague finds that the condition of the Property, as summarized in this Resolution, is hazardous, unsafe, a danger to the health, safety, and general welfare of the citizens of the City, and a public nuisance, and therefore, said conditions must be abated in accordance with applicable state and local laws; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Prague as follows:

1. The City Council adopts, as factual findings, all of the above recitals.
2. Based on the aforementioned findings, the Property is hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15.
3. The condition of the Property also constitutes a public nuisance within the meaning of Minnesota Statutes, section 609.74 and Chapter 92 of the New Prague City Code.
4. The City Attorney shall prepare an Abatement Order substantially similar to that attached hereto as Exhibit B (the "Abatement Order") and is authorized to take all necessary legal steps to effectuate service of the Abatement Order.
5. The City Attorney and City staff are authorized to take all necessary steps to secure compliance with the requirements contained in the attached Abatement Order, to further effectuate the abatement of the hazardous and nuisance conditions by court order or contract, and facilitate assessment of the costs thereof against the Property.

Adopted this 20th day of October, 2025.

Charles Nickolay, Mayor

ATTEST:

Joshua Tetzlaff, City Administrator

EXHIBIT A

Legal Description of the Property

Lot 1, Block 1, Pond Third Addition

Parcel ID No.: 241320010

EXHIBIT B

ABATEMENT ORDER

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF SCOTT

FIRST JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous and Nuisance
Property Located at 703 7th Street NE,
New Prague, Minnesota 56071

**ORDER FOR ABATEMENT OF
HAZARDOUS AND NUISANCE
PROPERTY**

TO: All owners, occupants, and lienholders of record.

The City Council of the City of New Prague (the “City”) orders that within 20 days of service of this Abatement Order you abate the hazardous and nuisance conditions which currently exist on the property located at 703 7th Street NE, New Prague, Minnesota 56071, which is legally described on Exhibit B-1 attached to this Abatement Order (the “Property”).

The City, pursuant to Minnesota Statutes, chapters 463 and 609, the New Prague City Code, and New Prague Zoning Code, has determined that the following violations and hazardous conditions exist on the Property:

1. Section 734.4(E)(5) – minimum setback from the delineated edge of wetlands;
2. Section 734.4(E)(6) – prohibition on disturbing the first 25 feet of the wetland buffer during project construction;
3. Section 734.4(E)(9) – permit conditions for the wetland buffer; and
4. Section and 734.4(E)(12) – failure to clearly designate the boundaries of the wetland buffers with signage.

Accordingly, it is hereby ORDERED that you abate the aforementioned conditions by either: (1) within 20 days of the date of service of this Abatement Order, returning the Property to compliance with the New Prague Zoning Code, Resolution #23-11-06-04, and any other requirements, including returning the wetland buffer and conservation easement to pre-existing

conditions and seeding with an appropriate native seed mix as verified by a licensed surveyor; or (2) within 20 days of service of this Abatement Order, executing an agreement acceptable to the City Attorney and City staff to allow the City and its contractors to remove the hazardous and nuisance conditions and assess the costs and expenses of the City against the Property.

Certain work listed above may require building permits and you must first apply for and obtain any such permits required for the work you intend to perform from the appropriate City offices and any other entity with jurisdiction. This Abatement Order is not a permit and you must comply with the Abatement Order regardless of whether you obtain a permit. Further, all such work completed is subject to inspection by City staff as may be required to ensure compliance with applicable laws, regulations, and this Abatement Order.

You are further advised that unless such corrective action is taken or an Answer is timely served on the City within 20 days of the date of service of this Abatement Order upon you, a motion for summary enforcement of this Abatement Order will be made to District Court.

Finally, you are further advised that if you do not comply with this Abatement Order and the City is compelled to take corrective action, as authorized under law, all necessary costs incurred by the City in enforcing this Abatement Order will be assessed against the Property pursuant to Minnesota Statutes, section 463.21 and the New Prague City Code. In connection to such assessment, the City further intends to recover all of its expenses incurred in carrying out this Abatement Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert witness fees and traveling expenses incurred by the City from the time this Abatement Order was originally made pursuant to Minnesota Statutes, section 463.22 and the New Prague City Code.

Dated October 20, 2025

KENNEDY & GRAVEN, CHARTERED

By: /s/Sam Ketchum
Sam Ketchum (#0399294)
700 Fifth Street Towers
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300
Attorney for City of New Prague

ACKNOWLEDGMENT

The undersigned acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the party against whom the allegations in this pleading are asserted.

/s/Sam Ketchum
Sam Ketchum

EXHIBIT B-1

Legal Description of the Property

Lot 1, Block 1, Pond Third Addition

Parcel ID No.: 241320010