



**City of Newport
City Council Minutes
April 16, 2015**

1. CALL TO ORDER

Mayor Geraghty called the meeting to order at 5:30 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

Council Present – Tim Geraghty; Tom Ingemann; Bill Sumner; Dan Lund

Council Absent – Tracy Rahm;

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Renee Eisenbeisz, Executive Analyst; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer; Sherri Buss, TKDA Planner

Staff Absent – Curt Montgomery, Police Chief; Steve Wiley, Fire Chief;

4. ADOPT AGENDA

Executive Analyst Eisenbeisz - We would like to add the 9th Street Vacation to the Administrator's Report.

Motion by Sumner, seconded by Ingemann, to adopt the Agenda as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. ADOPT CONSENT AGENDA

Motion by Sumner, seconded by Ingemann, to approve the Consent Agenda as presented, which includes the following items:

- A. Minutes of the April 2, 2015 Regular City Council Meeting
- B. List of Bills in the Amount of \$149,386.64
- C. Approval of the Park Board's 2015 Goals

With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT –

A. Proclaiming May 2015 as Preservation Month

Mayor Geraghty - We have a proclamation that I'll sign declaring May 2015 as Preservation Month. I would also like to remind everyone that there will be a grand opening at the new transit station on April 27 at 4:00 p.m. I believe the speakers are starting at 4:15. We're looking to have a number of people show up and participate and continue to promote the transit site.

Next, I've been thinking of how to report this, as some of you know, there was a lawsuit brought against me last November by Pauline Schottmuller. It was for alleged violations of the open meeting law. It was brought against me personally as the Mayor of the City of Newport, not the City Council. During the whole process it did not do

my reputation any good or the City of Newport's reputation any good. I'm pleased to report that last week Judge Galler did issue a summary in my favor. He basically said there are no genuine issues of material fact. The motion for my summary judgment was granted, the complaint was dismissed in its entirety with prejudice meaning she can't come back, and the plaintiff's motion, Pauline's motion, was denied in its entirety. The reason I want this in the record is that I want something in the public record to show that I was vindicated on this issue. There was no evidence, I knew that all along. There were no intentional violations by me or the City Council to deceive or mislead the public on anything. I would like the order put on the website and in our official minutes, as well as the Bulletin article. I would also like to say that the City did not incur any legal costs, they were paid for by the League of MN Cities. It was unfortunate that we had to go through this process but I felt all along that it was a personal vendetta against me. The judge looked at all the evidence presented and there was nothing there. It was totally dismissed and thrown out. If anyone else wants to say anything.

Attorney Knaak - There is just one small note. The City had a small part in it and that was a subpoena for certain records related to closed employee records. That was also dismissed as part of Judge Galler's decision.

Mayor Geraghty - If you haven't read the order, I would invite you to do so because there are some issues in there regarding the City as a whole and the Council as a body, not just me as an individual.

8. COUNCIL REPORTS –

Councilman Ingemann - Nothing to report.

Councilman Sumner - We pay \$74,000 per year for insurance with the League. Is that amount changed by the number of allegations that the League has to defend us against?

Attorney Knaak - Probably not, it's the League that makes those decisions. It takes a substantial showing of bad practices on the part of the city that leads to lawsuits. That has happened to cities such as Maplewood and Afton. It's take a fair amount before they'll change their rates.

Councilman Sumner - I'm concerned as a member of the Council and citizen of Newport that we have to endure these types of, what has now been deemed as a irresponsible series of allegations. It doesn't shine a positive light on Newport and I hope it's the end of them from this individual and many others that may be launching these type of attacks on the City.

Councilman Lund - Congratulations on your victory and I'm happy we can move on to more important issues.

Mayor Geraghty - Yes, I just wanted to get the word out and something in the records.

9. ADMINISTRATOR'S REPORT –

A. Approval of Annual Financial Report for Year Ended December 31, 2014

Jim Eichten of Malloy, Montague, Karnowski, Radosevich, and Co. was present to discuss the Audit Report for Year

Ended December 31, 2014 as outlined in the April 16, 2015 City Council packet and attached.

Councilman Sumner - I always like to have you state the advantages of us having a good financial position for the public record.

Mr. Eichten - The first one is cash flow. The City only receives its funds a couple times a year so without a good financial position you have challenges with cash. Having a strong financial position will also help fund future improvements with the City.

Councilman Sumner - These findings impact our bond rating as well. A higher bond rating lowers the interest

cost, which can be passed on to the residents correct?

Mr. Eichten - Yes, bond raters look at is your debt service. I believe your bond rating has gone up.

Admin. Hill - Yes, it's gone up four levels in the last couple years.

Mr. Eichten - We've had a couple of our clients that were brought forward with negative trends in their ratings and they relate less to financial management but things that are out of their control. They kept their bond rating because they had a good financial picture. The bond raters were concerned with the market values and it was overcome by strong financial statements so they didn't get downgraded.

Councilman Sumner - So even though we've seen a decline in our market values, our financial position has been able to offset that enough to get improved bond ratings. It's not wise for people to just look at how much we're spending when compared to others, it's important for people to look at how much we're saving and how much we could be assessed.

Motion by Geraghty, seconded by Sumner, to approve the Annual Financial Report for Year Ended December 31, 2014. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Ordinance No. 2015-2 - Amending Section 1325, Antennas and Towers

Sherri Buss, TKDA Planner, presented on this item as outlined in the April 16, 2015 City Council packet.

Councilman Sumner - Are these requests for new towers?

Executive Analyst Eisenbeisz - To update equipment on existing towers.

Ms. Buss - And it looks like your current code requires a CUP for replacing equipment so we've amended that. That's where the FCC regulations are going as well.

Councilman Sumner - Do we gain revenue from these?

Executive Analyst Eisenbeisz - We get revenue from the one in Bailey School Forest. Two of them are on private property and I don't believe we get revenue from the one at Public Works.

Admin. Hill - Not yet, we might be getting some from a private source that will be adding equipment.

Councilman Sumner - Have there been any requests to add new towers?

Executive Analyst Eisenbeisz - No.

Ms. Buss - It's been a long time since there have been new towers. A lot of them are just updating equipment.

Councilman Lund - Under 1325.05, we let them rebuild if it's destroyed. Couldn't there be some situation where the destruction of the tower presented some sort of hazard or it would be a good opportunity for them to comply. Is that something we're required to have in there?

Ms. Buss - The building official looks at whether they are structurally sound when they obtain a building permit.

Attorney Knaak - If the 190 foot tower was destroyed, they would be allowed to replace that within a certain amount of time under State Law.

Ms. Buss - They have 180 days to come in for a building permit.

Attorney Knaak - You need language like this to be consistent with State Law.

Mayor Geraghty - Are they allowed anywhere or do they need CUP's?

Ms. Buss - A new tower needs a CUP and we state what locations are preferred. There are more limits on height and other issues in residential districts.

Mayor Geraghty - Would the 190 foot have a CUP? Could they build it at 190 feet if it was destroyed?

Attorney Knaak - Yes under State Law. They have 180 days.

Councilman Lund - Does this require screening?

Ms. Buss - Yes, we have some provisions on screening and fencing.

Councilman Lund - They make fake trees.

Ms. Buss - Yes, you could put in a stealth requirement. Afton has that and has a tower that looks like a pine tree.

Attorney Knaak - The Council did consider that back in the day and decided against it.

Ms. Buss - It would look a bit odd.

Councilman Lund - For a new one on the bluff line, I'd rather have a stealth one.

Ms. Buss - We added some provisions for the bluff line that gives the Council the authority to decrease the height and increase the setbacks.

Councilman Sumner - This is only for communications towers not wind towers?

Ms. Buss - Yes, that's a separate part of your ordinance.

Councilman Lund - My preference would be to include a stealth provision.

Councilman Ingemann - I don't think that's needed.

Mayor Geraghty - We could put that it may be required.

Ms. Buss - You could put something that says the City Council may require that the tower be designed to be a stealth tower.

Attorney Knaak - Another thing is that you do have high tension lines and in many areas collocation includes a preference for existing lines. The power companies have mixed feelings about that but you might see some requirements where that is the first option to look at.

Councilman Lund - We do have that listed. We include parking lots as well.

Ms. Buss - That's in your current ordinance.

Councilman Lund - I would rather remove that because you can put a parking lot anywhere.

Ms. Buss - It takes it out of residential communities then. If you want to take that out you can. The Planning

Commission didn't talk about it.

Councilman Lund - It doesn't mean we wouldn't allow one, it's just not a preferred spot. For the rebuilding, I'd prefer we put the same timeline as State Law in here.

Ms. Buss - The State Law would govern and it's already in the code.

Councilman Lund - Why do we have a section that says they can rebuild it but don't have any qualifying language.

Ms. Buss - I think it was put in there because it's permitted through State Law.

Councilman Lund - Could we reference the non-conforming section or State Law?

Ms. Buss - Yes.

Councilman Lund - There's no time limit the way it's written now.

Ms. Buss - We can just add a reference to the non-conforming ordinance because the State Law can change and then we'd have to update our ordinance because it has the exact number in there.

Councilman Lund - Did we decide we don't need the stealth ordinance?

Mayor Geraghty - With the size and setbacks, I don't think so.

Councilman Ingemann - You would discuss that at the time of a CUP application.

Mayor Geraghty - I agree with the parking lot and your reference to the non-conforming ordinance.

Councilman Lund - I'll make a motion with those amendments.

Motion by Lund, seconded by Sumner, to approve Ordinance No. 2015-2 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Letter to the DNR for Proposed 9th Street Vacation

Sherri Buss, TKDA Planner, presented on this item as outlined in the attached items.

Councilman Sumner - In the last paragraph, you talk about a potential land swap, are we still working on that?

Admin. Hill - We haven't heard from Mr. Marko.

Ms. Buss - That should be taken out.

Councilman Sumner - Also, the second sentence of that paragraph, it should be "street corridor does not currently provide access to the river." Should we say in the letter that we're looking to vacate 9th Street west of 2nd Avenue?

Ms. Buss - We can.

Councilman Lund - Do we have to ask about the alleys as well?

Ms. Buss - No, it's just streets.

Motion by Geraghty, seconded by Lund, to authorize the Administrator to send a letter to the DNR regarding the proposed 9th Street Vacation as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

10. ATTORNEY'S REPORT - Nothing to report

11. POLICE CHIEF'S REPORT - Nothing to report.

12. FIRE CHIEF'S REPORT – Nothing to report.

13. ENGINEER'S REPORT –

Engineer Herdegen presented on a letter to the residents as attached. The letter is being sent due to some root issues that the City found in several sewer lines during a recent televising. The City televised 525 services, 430 were active, and 110 had a root issue.

Councilman Sumner - The second paragraph, second line, the second "to" should be removed. Also, in that paragraph where it's bolded, it should be "your" not "you." Finally, in the last paragraph it says that we request them to contact City Hall, should that be stronger language? Can we enforce that they let us know?

Engineer Herdegen - I believe it's in the ordinance that they contact us before doing any work. We can reference the ordinance.

Councilman Lund - Should we contact some companies so they can offer some discounts?

Councilman Sumner - It says that.

Admin. Hill - Normally cities don't recommend a certain company.

Councilman Sumner - I believe we should remove Roto-Rooter from the letter too. I think we need to stay away from mentioning businesses.

Supt. Hanson - Our policy is not to do that.

Mayor Geraghty - Can Roto-Rooter get a list of residents that are getting the letter?

Councilman Lund - Would our residents get a better deal if we contacted all of the companies?

Supt. Hanson - I think that's endorsing a company and we don't want to do that.

Councilman Sumner - So the picture is at the connection? I think we should say that.

Supt. Hanson - It says service connection but we can clarify that.

Engineer Herdegen - Usually the issue is at the connection.

Mayor Geraghty - The contractor does this from the inside right? How do they know if they went far enough?

Supt. Hanson - It would be beneficial if they televised it afterwards.

Engineer Herdegen - The letters should go out next week.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT - Nothing to report.

15. NEW/OLD BUSINESS

Councilman Sumner - This coming Saturday is the Soup-er Bowl at the Park Grove bowling alley.

Mayor Geraghty - Did we get the information out to Mr. Hansen?

Admin. Hill - Yes, the last part was sent today.

16. CLOSE THE MEETING TO THE PUBLIC TO DISCUSS DEB HILL'S PERFORMANCE EVALUATION

The City Council closed the meeting to the public at 6:40 p.m.

The City Council discussed Deb Hill's performance evaluation. It was determined that Admin. Hill displays continued growth improvement and development. The City Council concluded that Admin. Hill's performance is satisfactory.

The City Council opened the meeting to the public at 7:15 p.m.

17. ADJOURNMENT

Motion by Ingemann, seconded by Sumner, to adjourn the regular Council Meeting at 7:15 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst

STATE OF MINNESOTA
COUNTY OF WASHINGTON

DISTRICT COURT
TENTH JUDICIAL DISTRICT

Pauline Schottmuller,

Court File No. 82-CV-14-5412

Plaintiff,

vs.

ORDER

Timothy Geraghty, in his capacity as the
Elected Mayor of the City of Newport,

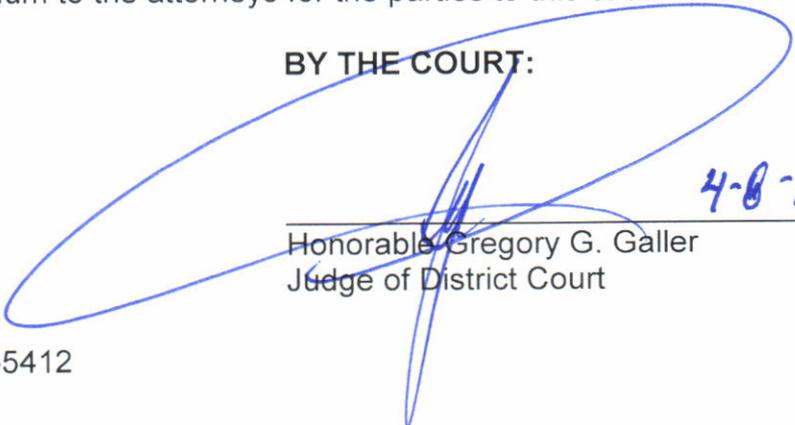
Defendant.

The above-entitled matter came before the undersigned, the Honorable Gregory G. Galler, Judge of District Court, at the Washington County Government Center, Stillwater, Minnesota, on February 20, 2015 and March 6, 2015. These hearings were upon motions brought by Plaintiff and Defendant, respectively. On February 20, 2015 Plaintiff brought a motion to compel discovery, to sever the claims of the Complaint into separate actions, and to amend the Complaint to add a claim for statutory attorney's fees. On March 6, 2015, Defendant brought a motion for summary judgment seeking to dismiss all of Plaintiff's claims. Plaintiff was represented by Mr. Nathan M. Hansen, Esq. Defendant was represented by Mr. Paul D. Reuvers, Esq.

Based upon all of the files, records and proceedings herein, and the arguments of counsel, the Court **HEREBY ORDERS AS FOLLOWS:**

1. There are no genuine issues of material fact.
2. The motion for summary judgment brought by Defendant is **GRANTED**.
3. The Complaint is **DISMISSED** in its entirety and with prejudice.
4. Plaintiff's motion is **DENIED** in its entirety.
5. The attached Memorandum is incorporated herein.
6. Any relief not specifically addressed herein is **DENIED**.
7. The currently scheduled Pre-trial conference and Trial are **STRICKEN** from the court's calendar.
8. The Washington County Court Administrator shall mail a copy of this Order and the attached Memorandum to the attorneys for the parties to this case.

BY THE COURT:



Honorable Gregory G. Galler
Judge of District Court

4-8-15

MEMORANDUM

I. Background.

Defendant is the mayor of the City of Newport. Plaintiff alleges that Defendant has violated the Minnesota Open Meeting Law (OML) by failing to provide required summaries of performance evaluations at open meetings held on August 15, 2013 and March 20, 2014, and by conducting an improper vote regarding personnel matters at an October 23, 2014 closed meeting. Plaintiff's three remaining claims arise from these allegations.¹

Defendant's motion for summary judgment will be considered first, as it may be dispositive as to all issues.

II. Defendant's motion for summary judgment.

Defendant seeks dismissal of Plaintiff's claims as a matter of law.

A. Standard of review.

Summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that either party is entitled to a judgment as a matter of law." Minn. R. Civ. P. 56.03.

The moving party has the burden of proof and the nonmoving party has the benefit of that view of the evidence which is most favorable to him. All doubts and factual inferences must be resolved against the moving party. *Nord v. Herreid*, 305 N.W.2d 337, 339 (Minn. 1981).

Summary judgment is proper when the nonmoving party fails to provide the court with specific facts indicating that there is a genuine issue of fact. In order to successfully oppose a motion for summary judgment, a party cannot rely upon mere general statements of fact but rather must demonstrate at the time the motion is made that specific facts are in existence which create a genuine issue for trial. *Erickson v. General United Life Ins. Co.*, 256 N.W.2d 255, 259 (Minn. 1977).

To survive a summary judgment motion, the nonmoving party must establish that there is a genuine issue of material fact through "substantial evidence." *Osborne v. Twin Town Bowl, Inc.*, 749 N.W.2d 367, 371 (Minn. 2008). Substantial evidence refers to legal sufficiency and not quantum of evidence. *See id.*

The district court's function on a motion for summary judgment is not to decide issues of fact, but solely to determine whether genuine factual issues exist. *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997). The court must not weigh the evidence on a motion for summary judgment. *Id.*

A genuine issue of fact is one which is not a sham or frivolous. A material fact is one whose resolution will affect the result or outcome of the case. *Highland Chateau, Inc. v. Minnesota Dept. of Public Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984).

¹Plaintiff had previously withdrawn a fourth claim relating to a Jan. 29, 2009 meeting.

B. Summary Judgment Issues.

Defendant's summary judgment motion raises the following issues.

1. Whether Defendant is personally responsible for providing summaries of performance evaluations of the City Administrator pursuant to Minn. Stat. § 13D.05, subd. 3(a).

The city council held closed session meetings on Aug. 1, 2013 and March 6, 2014 for the purpose of conducting performance evaluations of the City Administrator. Defendant attended the August meeting; he was absent from the March meeting. The OML requires disclosure of any summaries of the evaluations at the next open meeting:

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation.

Minn. Stat. § 13D.05, subd. 3(a).

The next open meetings were held on August 15, 2013 and March 20, 2014, respectively. At the Aug. 15, 2013 meeting, Defendant merely stated that the council had conducted a closed session performance evaluation of the Administrator. There is no evidence in this record that the council actually reached any conclusions as to the Administrator's performance.

At the March 20, 2014 meeting, Defendant did not mention any performance evaluation. At the following open meeting held April 3, 2014, Defendant briefly described the March 6, 2014 evaluation, characterizing his comments as a summary.

Defendant argues that he is not personally responsible for any omitted or inadequate summaries of evaluations because under Minn. Stat. § 13D.05, subd. 3(a), that responsibility lies with the council as a whole. In response, Plaintiff mainly counters that: a) to permit Defendant to avoid responsibility would undermine the OML (which must be liberally construed in favor of public access), and b) Defendant remains subject to Minn. Stat. § 13D.06, subd. 1(imposing personal liability for intentional OML violations).

The court interprets statutes by examining its language. The responsibility imposed by Minn. Stat. § 13D.05, subd. 3(a) is to summarize the conclusions of an evaluation at the next open meeting. That responsibility is clearly and unambiguously placed solely upon the "public body." It is undisputed that for purposes herein, the city council is the "public body." Thus, it is solely the city council's responsibility to publicly summarize any conclusions. Defendant, as mayor, is a member of the city council. However, the statute by its terms does not impose individual responsibility upon the mayor for any alleged failure of the council.

Minn. Stat. § 13D.06, subd. 1 imposes personal liability upon “any person” for intentional OML violations. However, a “person” is not the “public body.” Thus, a person is incapable of violating a responsibility specifically imposed upon the city council. As such, Minn. Stat. § 13D.06, subd. 1 is inapplicable to Defendant under these circumstances.

In addition, there is no substantial evidence in this record that the city council even reached a conclusion at the Aug. 1, 2013 meeting. It would be speculative to simply infer that the council reached a conclusion merely on the basis that an evaluation was conducted. As a result, there is no substantial evidence that any OML violation occurred as to the August 15, 2013 meeting.

Viewed in light most favorable to Plaintiff, the evidence of record merely indicates that the city council as a whole failed to comply with the summary requirement as to the March 20, 2014 meeting.²

Accordingly, Defendant is not personally responsible for summarizing any conclusions regarding performance evaluations of the City Administrator that might have been reached at the closed session meetings on Aug. 1, 2013 and March 6, 2014.

2. Whether Defendant violated the OML at the Oct. 23, 2014 closed meeting regarding police officer performance or discipline.

The city council conducted a closed meeting on Oct. 23, 2014 to review performance and potential disciplinary issues regarding three police officers. The meeting was noticed pursuant to Minn. Stat. § 13D.05, subd. 2(b):

A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open.

Minn. Stat. § 13D.05, subd. 2(b).

According to the minutes of that meeting:

The City Council considered the investigative data regarding the pending complaints against Officers Mueller, McArdeh, and Crist and their performances, specifically as to the factual matters related to and alleged in the complaints. The Council determined that further discipline may be warranted in all three instances and referred the matter for further action by the City Administrator and staff. None of the three officers involved requested the hearing be open.

²In response to a complaint from Plaintiff, the Commissioner of Administration specifically opined that the “the Newport City Council did not comply” with the OML when “it failed to” summarize a performance evaluation at the March 20, 2014 open meeting. The Commissioner assigned no individual responsibility to Defendant.

Plaintiff alleges Defendant violated the OML by calling for and obtaining city council votes constituting a “final decision” that that police misconduct warranted discipline, and authorizing the City Administrator to handle disciplinary matters.³ Plaintiff summarily alleges this vote.”

Defendant argues that any votes which may have been taken were proper, as they concerned a matter within the scope permitted by Minn. Stat. §13D.05, subd. 2(b) and constituted a conclusion regarding potential disciplinary action against city police officers. Plaintiff argues Defendant violated the OML’s requirement for open disclosure.

Minn. Stat. §13D.05, subd. 2(b) authorizes the city council to consider in a preliminary manner charges against its employees in closed meetings. The scope of considerations in closed meeting is limited to a conclusion that “discipline . . . may be warranted.”

Viewed in light most favorable to Plaintiff, the competent evidence of record merely shows that the council reached a preliminary determination regarding discipline of three police officers. It is not reasonable to infer that the council reached a final decision regarding discipline, when it used the phrase “discipline *may be warranted*” (mirroring the language of the statute) and referred the matter to the City Administrator for further action. Plaintiff has failed to provide substantial evidence Defendant or the council acted outside the scope of Minn. Stat. § 13D.05, subd. 2(b).⁴

This provision authorizes a city council to reach a conclusion, but does not specify how the council is to do so. In particular, the statute does not prohibit reaching a conclusion by vote. Accordingly, Defendant did not violate Minn. Stat. § 13D.05, subd. 2(b) by conducting the vote on a preliminary disciplinary matter.

3. Whether Plaintiff has raised a genuine issue of material fact as to whether Defendant intentionally violated the OML.

Under the OML, “[a]ny person who intentionally violates this chapter shall be subject to personal liability. . . . Minn. Stat. § 13D.06, subd. 1. So even if Defendant had violated the OML, Plaintiff must in addition show the violation was intentional. In general, determining intent is a question of fact. *See Brown v. Cannon Falls Tp.*, 723 N.W.2d 31, 44 (Minn. Ct. App. 2006). However, Plaintiff has the burden to provide specific facts indicating that Defendant intentionally violated the OML.

³See Complaint at par. 12; Plaintiff’s Dep. at p. 55. The record evidence for these allegations consists of hearsay statements made by another council member to Plaintiff. As such, the statements are incompetent evidence for purposes of summary judgment.

⁴In her February 20, 2015 motion, Plaintiff seeks to compel the City to turn over a recording or transcript of the Oct. 23, 2014 meeting. However, Plaintiff has failed to show what new and relevant information might be revealed not otherwise described in the official minutes or obtained by other means. In addition, discovery closed on Feb. 13, 2015 by operation of the Dec. 2, 2014 Scheduling Order.

Defendant argues Plaintiff has failed to provide substantial evidence of intent. Plaintiff argues that Defendant's long and extensive experience in city governance, together with his familiarity with the OML, constitutes substantial and sufficient evidence that he intentionally violated the OML. In support, Plaintiff primarily relies upon *Elseth v. Hille*, 2013 WL 1943036, 5 (Minn. Ct. App. 2013). While providing an instructive framework, *Elseth* is not binding upon this court and its result is distinguishable from circumstances presented here.

Elseth concerns whether appellant plaintiffs presented evidence sufficient to raise a genuine issue of material fact that members of a watershed board intentionally violated the OML by acting on matters at a meeting not included in the meeting notice. The evidence consists of members' training about and significant experience with the OML, and a discussion among the members which indicated their awareness that their actions constituted a violation.

Elseth concludes from supreme court precedent that experienced board members are presumed to know the OML statute and its interpretive caselaw. In *Elseth* this presumption is "supplemented" by the discussion among board members, which, when viewed in light most favorable to appellants, suggested a member's concern about the lack of adequate notice. *Elseth* concluded that the evidence of intent⁵ rested mostly on mere presumption and held that the plaintiff "barely cleared the hurdle" and avoided summary judgment.

However, the circumstances in *Elseth* are clearly distinguishable from those in this case. Here, there is apparently no caselaw to interpret what would constitute a legally permissible: a) summary of closed session personnel evaluations under Minn. Stat. § 13D.05, subd. 3(a) or b) preliminary consideration/conclusion under Minn. Stat. § 13D.05, subd. 2(b). Furthermore, there is no showing Defendant took any action despite being warned he might be acting contrary to the OML. Defendant's constructive knowledge of the OML is thus reduced to interpretation of statutory language.

The evidence in this case is substantially weaker than that in *Elseth*. There is simply insubstantial evidence to show Defendant had constructive knowledge of the OML adequate to presume any violation was intentional. As appellants barely avoided summary judgment in *Elseth*, this court concludes that even under *Elseth*, Plaintiff has failed to raise a genuine issue of material fact that Defendant intended to violate the OML.

Plaintiff also fails to satisfy the general requirements of intent. 'Intent' presupposes knowledge and involves the mind electing to do an act while being fully aware of the nature and consequences of the act.⁶ Here, there is simply

⁵"Supplemental" is defined to mean "that which is added to a thing...to complete it." Black's Law Dictionary, Sixth ed. Accordingly, *Elseth's* conclusion necessarily includes consideration of the evidence of the board member discussion.

⁶See Black's Law Dictionary, Fourth ed.

insubstantial evidence to show Defendant elected to violate the OML while being aware of its consequences. It is simply too great of a leap of logic to infer from an inadequate summary of a personnel evaluation (where 'summary' is undefined) that Defendant intended to violate the OML. Similarly, it is too great of a leap of logic to simply infer from taking an improper vote on a disciplinary determination that Defendant intended to violate the OML. When viewed in light most favorable to Plaintiff, the evidence is speculative as to intent and at best shows that Defendant might have inadvertently or negligently committed technical violations of the OML.

Accordingly, Plaintiff has failed to meet her burden to provide specific facts showing there is a genuine issue of fact as to whether Defendant intentionally violated the OML in any respect.

Defendant has established that it is entitled to summary judgment on all of Plaintiff's claims. Accordingly, Defendant is entitled to summary judgment on all of Plaintiff's claims.

III. Plaintiff's February 20, 2015 motion.

Plaintiff's requests for relief have been rendered moot by the grant of summary judgment to Defendant. As a result, further consideration of Plaintiff's motion would serve no useful purpose.

SOUTH WASHINGTON COUNTY

Bulletin

Judge dismisses Schottmuller's open meeting law suit against Newport mayor

By [Emily Buss](#) on Apr 10, 2015 at 11:14 a.m.

A civil lawsuit that pit longtime Newport Mayor Tim Geraghty against former City Council member Pauline Schottmuller was dismissed Wednesday, five months after the case was filed.

Washington County District Court Judge Greg Galler said in his order that Schottmuller failed to provide “genuine issues of material fact” in her case against Geraghty, in which she alleges he intentionally violated the Minnesota Open Meeting Law on three occasions dating back to August 2013. Schottmuller, who brought the case against Geraghty, was seeking a \$300 fine per infraction and his subsequent removal from office.

“I couldn’t ask for more and it totally vindicates me,” Geraghty said. “She jumped the gun and failed to prove there was any real case.”

In the order, Galler said Schottmuller did not provide adequate proof that Geraghty intentionally violated the law, adding that “the evidence is speculative as to intent and at best shows that (Geraghty) might have inadvertently or negligently committed technical violations of the (open meeting law).”

“This confirms what we thought all along, that this case had no merit,” said Paul Reuvers, Geraghty’s attorney. “This is what we have said from the beginning.”

The first alleged violation Schottmuller described in her lawsuit occurred Aug. 15, 2013, when Geraghty failed to summarize the findings of a six-month performance evaluation of City Administrator Deb Hill. The review was

conducted during a closed-door meeting Aug. 1, which is legal. The open meeting law states that a summary of the performance evaluation must be provided at the next open meeting.

Geraghty mentioned the closed-door performance evaluation Aug. 15, 2013, but did not summarize the conclusions. Galler concluded that because the meeting law states the “public body,” meaning the council as a whole, is responsible for summarizing the findings, “it does not impose individual responsibility upon the mayor for any alleged failure of the council.” Furthermore, Galler said there was no evidence that the City Council ever reach a conclusion.

The second alleged violation, similar to the first, occurred March 20, 2014, when again Hill’s one-year evaluation was not summarized. The council met during a closed session March 6, 2014, to conduct the evaluation. Geraghty admitted that during the March 20 meeting there was no discussion of the performance evaluation, but defended himself in a deposition saying he was out of town when the actual performance evaluation occurred. Geraghty did, however, speak about Hill’s evaluation at the April 3 meeting and referenced a Bulletin article that noted no summary was provided at the previous meeting.

Galler again concluded Geraghty was not solely responsible for providing a summary.

“This is pretty innocuous stuff, it was just a performance evaluation of a city administrator that is still there,” Reuvers said. “There was nothing significant about those performance evaluations.”

However, the two alleged infractions seem to create a pattern, Schottmuller’s lawyer, Nathan Hansen, argued.

“I think there were some legitimate concerns and I think there is a real pattern of open meeting law violations in Newport,” Hansen said. “And that pattern makes it look like they are doing it intentionally.”

The third alleged violation occurred Oct. 23, 2014, when the Newport City Council, which was in a closed-door meeting, reportedly took two votes on actions related to the investigation into three Newport police officers. According to the open meeting law, voting during a closed session, in most instances, is prohibited. The law allows votes in closed meetings when it involves attorney-client privilege, security issues or real estate negotiations.

In the order, however, Galler said because the council decided that discipline may have been warranted, it was only a preliminary, not a final, decision. Furthermore, Galler said the provision in which the council used to close the October meeting “authorizes a city council to reach a conclusion, but does not specify how the council is to do so,” adding that the statute doesn’t prohibit reaching a conclusion about discipline by voting.

“In this particular instance (the statute) does not prohibit it,” Reuvers said. “It makes sense that you want to have a discussion in a closed meeting and make a determination so that’s why the statute is written that way; to allow those discussions to happen.”

“There was never anything that was done to hide anything, or cover up, or anything like that,” Geraghty said.

With the dismissal, Schottmuller’s request to have her legal fees paid for – upward of \$6,500 – was also denied.

In a statement to the Bulletin, Schottmuller said the lawsuit process was “much more of an uphill climb than I ever imagined it would be,” adding the judge’s decision to dismiss the case allowed the alleged violations to be “hidden successfully behind technicalities.”

“Judge Galler did not deem it sufficient that Mr. Geraghty has been an elected official for about 30 years, that Fritz Knaak is a licensed attorney who should know the law and that Deb Hill, as city administrator, should be cognizant of the

law,” Schottmuller said.

Hansen, Schottmuller’s lawyer, said there are “appealable issues” but is uncertain if an appeal will be filed. He has 90 days to file an appeal.

Emily Buss

Emily Buss joined the South Washington County Bulletin in February 2013. She covers local government in Cottage Grove, St. Paul Park and Newport, along with other general assignment reporting. She holds a bachelor's degree in journalism and mass communications from Minnesota State University, Mankato.

ebuss@swcbulletin.com

(651) 459-4629

ADVERTISEMENT



City of Newport
 Audit Report
 Year Ended December 31, 2014

Malloy, Montague, Karnowski,
 Radosevich, & Co., P.A.

James H. Eichten, CPA




Auditor's Role

- **Opinion on Financial Statements**
 - Financial Statements are Fairly Presented in Accordance with U.S. GAAP
- **Testing of Internal Controls and Compliance**
 - Internal Controls over Financial Reporting
 - Compliance with Laws and Regulations related to Financial Reporting
 - Minnesota Legal Compliance
- **No Single Audit of Federal Awards for 2014**



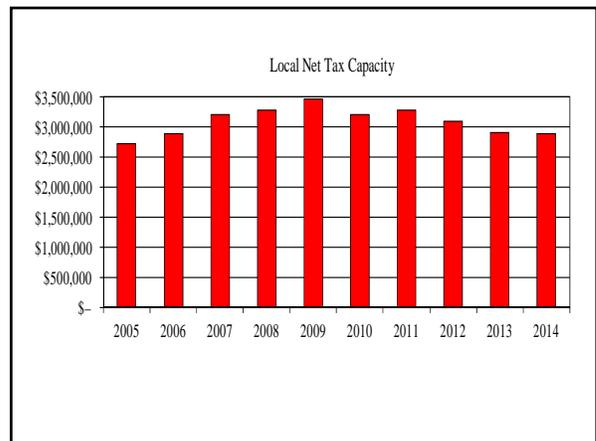
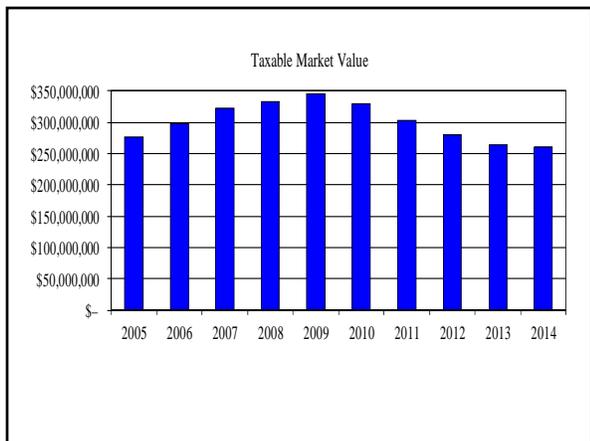
Audit Results

- **Findings - Internal Controls**
 - Segregation of Duties
 - Preparation of Financial Statements
- **Findings - MN Legal Compliance**
 - Withholding Affidavit



Management Report

- **Audit Summary**
 - Planned Scope and Timing
 - No Difficulties in Completing Audit
- **Property Taxes**





Tax Rates

Rates expressed as a percentage of net tax capacity

	All Cities State-Wide		Seven-County Metro Area		City of Newport	
	2013	2014	2013	2014	2013	2014
Average tax rate						
City	48.8	48.8	46.1	46.0	70.8	72.1
County	48.5	47.6	47.1	46.6	34.2	32.8
School	28.5	28.9	30.3	30.9	41.3	39.2
Special taxing	7.2	7.3	9.4	9.5	5.6	5.4
Total	133.0	132.6	132.9	133.0	151.9	149.5



Management Report

- **Audit Summary**
- **Property Taxes**
- **Governmental Funds Overview**



Governmental Funds Revenue per Capita With State-Wide Averages by Population Class

Year	State-Wide			City of Newport		
	December 31, 2013			2012	2013	2014
Population	2,000-2,500	2,500-10,000	10,000-20,000	3,460	3,479	3,479
Property taxes	\$ 427	\$ 422	\$ 388	\$ 674	\$ 674	\$ 697
Tax increments	34	30	42	-	-	-
Franchise and other taxes	10	31	39	-	-	-
Special assessments	59	63	58	81	87	98
Licenses and permits	22	27	26	22	26	22
Intergovernmental revenues	369	253	268	335	226	218
Charges for services	115	109	84	17	28	27
Other	89	56	33	91	51	48
Total revenue	\$ 1,125	\$ 991	\$ 958	\$ 1,220	\$ 1,092	\$ 1,110



Governmental Funds Expenditures per Capita With State-Wide Averages by Population Class

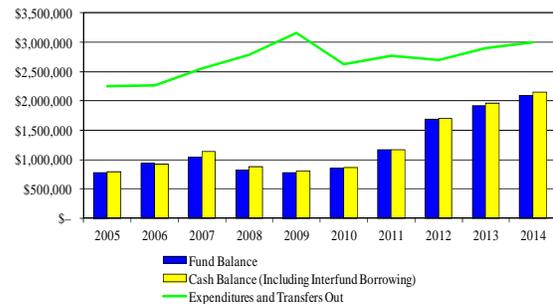
Year	State-Wide			City of Newport		
	December 31, 2013			2012	2013	2014
Population	2,000-2,500	2,500-10,000	10,000-20,000	3,460	3,479	3,479
Current						
General government	\$ 175	\$ 129	\$ 100	\$ 252	\$ 194	\$ 180
Public safety	257	244	235	279	280	292
Street maintenance and lighting	132	123	121	145	115	114
Parks and recreation	102	83	99	78	111	97
All other	105	66	73	-	37	114
	\$ 771	\$ 645	\$ 628	\$ 754	\$ 738	\$ 796
Capital outlay and construction	\$ 322	\$ 303	\$ 288	\$ 211	\$ 519	\$ 869
Debt service						
Principal	\$ 203	\$ 164	\$ 133	\$ 89	\$ 109	\$ 114
Interest and fiscal	61	55	43	12	30	32
	\$ 264	\$ 219	\$ 176	\$ 101	\$ 139	\$ 146

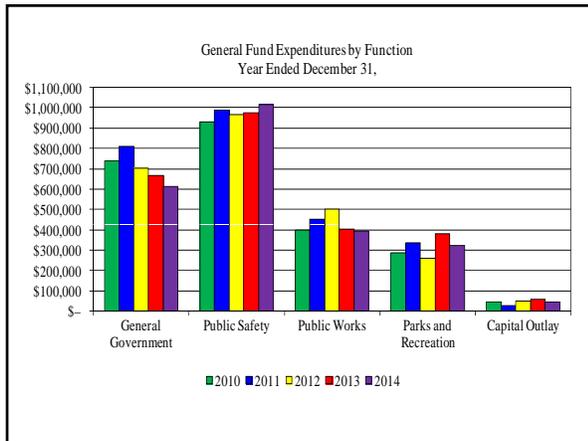
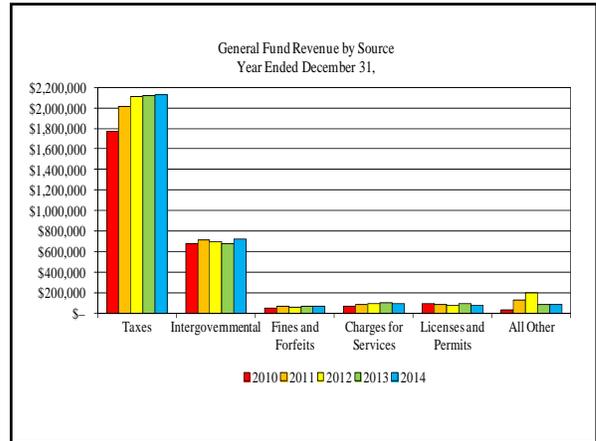
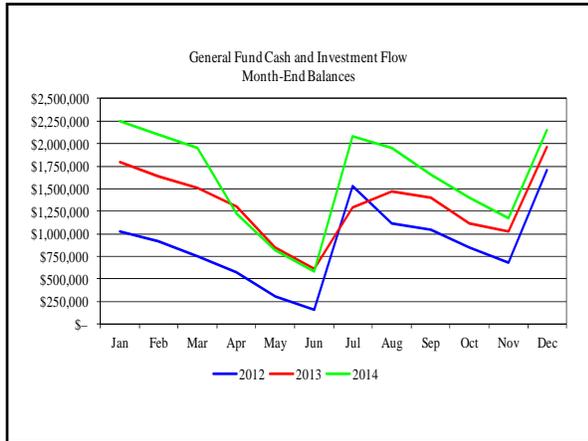


Governmental Funds Change in Fund Balance

	Fund Balance as of December 31,		Increase (Decrease)
	2014	2013	
Fund balances of governmental funds			
Total by classification			
Nonspendable	\$ 14,769	\$ 16,866	\$ (2,097)
Restricted	1,364,169	1,847,889	(483,720)
Assigned	651,962	361,326	290,636
Unassigned	2,078,117	1,902,225	175,892
Total - governmental funds	\$ 4,109,017	\$ 4,128,306	\$ (19,289)
Total by fund			
General	\$ 2,092,886	\$ 1,919,091	\$ 173,795
Economic Development Authority	455,982	596,090	(140,108)
Debt service funds	638,361	391,590	246,771
Capital project funds	868,374	1,167,998	(299,624)
Special revenue funds	53,414	53,537	(123)
Total - governmental funds	\$ 4,109,017	\$ 4,128,306	\$ (19,289)

General Fund Financial Position
Year Ended December 31,

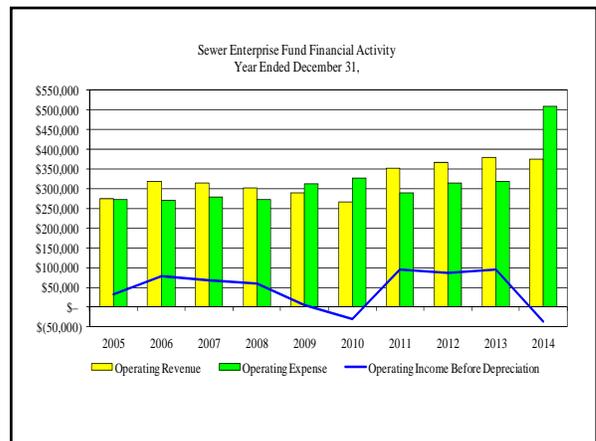
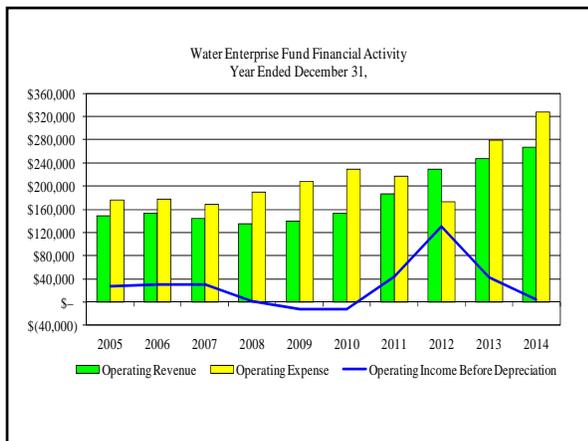




MMKR
CERTIFIED PUBLIC ACCOUNTANTS

Management Report

- **Audit Summary**
- **Property Taxes**
- **Governmental Funds Overview**
- **Utility Funds Overview**





Management Report

- **Audit Summary**
- **Property Taxes**
- **Governmental Funds Overview**
- **Utility Funds Overview**
- **Overall Financial Analysis**
- **Accounting and Auditing Updates**
- **Legislative Updates**



Summary

- **Clean Opinion on Financial Statements**
- **Discussion of Findings**
- **Improved Internal Controls and Financial Reporting**
- **Improved General Fund Financial Condition**
- **Improved Overall Financial Results**



444 Cedar Street, Suite 1500
 Saint Paul, MN 55101
 651.292.4400
 tkda.com

Memorandum

To:	Newport City Council	Reference:	Proposed 9 th Street Vacation
Copies To:	Deb Hill, Administrator		
	Renee Eisenbeisz, Executive Analyst		
	Fritz Knaak, City Attorney		
	Bruce Hanson, Public Works Director		
		Project No.:	15743.000
From:	Sherri Buss, RLA AICP, Planner	Routing:	
Date:	April 15, 2015		

Staff discussed the proposed vacation of 9th Street with the City Council in March, and noted the need to notify the Minnesota DNR regarding the proposed street vacation, and Steve Marko's interest in a property exchange with the City related to the street vacation to create a buildable lot. The Council requested that staff contact the DNR with two questions:

- Would the DNR view the street vacation negatively if it did not include a land exchange with Mr. Marko for the Mill Pond property, which he and the City had discussed with the DNR previously?
- Would the DNR permit the addition of a dock on the Mississippi River in the 9th Street area to serve a new parcel?

DNR staff responded as follows:

- All divisions at the DNR will review and comment on the proposed vacation. Most divisions have not heard about previous proposals related to the Mill Pond. The DNR will evaluate the City's request based on the criteria in the statute that governs street vacation, including: 1) public benefit; 2) present and potential use of 9th Street for access to public waters; and 3) impacts on conservation of natural resources. The City's resolution and letter to the DNR should address those issues.
- A new dock would require a Corps of Engineers permit, which could only be issued to the landowner. If the proposed dock is more than 8' wide, it would require a DNR permit as well. A permit is possible.

Staff have created a letter to DNR Commissioner Tom Landwehr requesting review of the proposed street vacation, and a draft resolution for street vacation, which must be submitted with the request. The rationale for the street vacation in the letter and in the draft resolution are based on the discussion with the Council in March about the rationale for the street vacation. The letters are attached for Council review. If the City submits the attached information to the DNR on Monday, April 20, the City could hold the public hearing for the street vacation on June

18. The statute requires a 60-day notice to the DNR before the public hearing for the street vacation.

Request for Council Action

Staff request that the Council review the letter and draft resolution, and provide direction regarding submittal to the DNR and a public notice for vacation of 9th Street.

If the Council determines that the City should pursue the dedication, the Council could request that staff send the draft notice and a letter that discusses the rationale for the vacation to the DNR Commissioner to start the vacation process.





444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

April 15, 2015

Commissioner Tom Landwehr
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55055-4040

Re: Proposed vacation of 9th Street at Mississippi River
City of Newport, Minnesota

Dear Commissioner Landwehr:

Minnesota Statutes 412.850 identifies the process for the vacation of city streets, and includes a requirement that "if the street, alley, public grounds, public way, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution [to vacate the street] must be served by certified mail upon the commissioner of natural resources at least 60 days before the hearing on the matter. The notice to the commissioner of natural resources does not create a right of intervention by the commissioner."

The City of Newport is proposing to vacate a portion of 9th Street which terminates at the Mississippi River, and is providing a copy of its proposed resolution to vacate the street to you based on the statutory requirement to do so. The City anticipates holding a public hearing on the street vacation at the Council meeting on June 18 to meet the statutory requirement. The City will consult with you or your designated staff at least 15 days prior to the public hearing to review the proposed vacation.

We have attached the proposed resolution for vacation, aerial photo and a map that show the portion of 9th Street that the City is proposing to vacate. The City understands the criteria that the statute includes for your evaluation of the proposed street vacation. Our comments on those criteria are as follows:

- (1) *Public benefit.* The public currently receives no benefit from the 9th Street area. No public street or other use has been developed in that corridor, and the City has no foreseeable intent or need to develop a street in the corridor in the future. The City believes that it will be a public benefit to return the area of 9th Street to adjacent properties and the public tax rolls.
- (2) *Present and potential use of 9th Street for access to public waters.* Due to bluffs and steep slopes adjacent to the street to the west and south, it is not possible to access the river from 9th Street. Creation of an access or overlook would require extensive modification of slopes and loss of existing vegetation.

The City has developed 3 existing overlooks (6th Street, Oliver Overlook, and Riverwood Boulevard overlook) near 9th Street that provide access and views of the river (map

Commissioner Tom Landwehr
Minnesota DNR
Potential 9th Street Vacation, City of Newport
April 15, 2015
Page 2

attached). An additional access at 9th Street would duplicate the public access that is already available.

- (3) *How the vacation would impact conservation of natural resources.* Vacation of the street will not impact natural resources. However, development of a public access from 9th Street to the river would negatively impact natural resources because it would require extensive modification of slopes and loss of existing vegetation to create a physical or visual access to the river.

The City hopes that you will concur that the proposed vacation of 9th Street could benefit the public. The street corridor does not currently provide access the river, and could not do so without negative impacts to natural resources, including the bluffs and woodland areas adjacent to the river. The City already provides better public access to the Mississippi River from three sites nearby. We have attached a copy of the proposed resolution for the 9th Street vacation. Please provide your comments to us for the public hearing on this issue. If you have questions about the proposed vacation and potential land swap, please contact me at 651.556.4600. Thank you for considering the City's request.

Sincerely,

Deb Hill, City Administrator

Cc: Tim Geraghty, Mayor, and Newport City Council members
Molly Shodeen, Jenifer Sorensen, DNR
Sherri Buss, TKDA, City Planner



RESOLUTION NO. 2015-__

A RESOLUTION AUTHORIZING THE VACATION OF 9TH STREET BETWEEN 2ND AVENUE AND THE MISSISSIPPI RIVER

WHEREAS, the Newport City Council has proposed that the City vacate 9th Street between 2nd Avenue and the Mississippi River; and

WHEREAS, the City posted and mailed notice of the street vacation request and public hearing to each property owner affected by the proposed vacation as required by Minnesota Statutes 412.851, and held a public hearing regarding the proposed vacation on June 18, 2015, at which hearing all interested parties were heard; and

WHEREAS, FOLLOWING THE PUBLIC HEARING, THE City determined that vacation of the City’s interests in 9th Street between 2nd Avenue and the Mississippi River is in the public interest for several reasons, as follows:

- 9th Street has not been developed as a street, and the City has no foreseeable intent or need to develop the street in the future. Adequate street access is available for properties in the area;
- The public receives no current benefit or foreseeable future benefit from 9th Street. The vacation of the street and allocation of the area to adjacent parcels may benefit adjacent parcels and create additional taxable land;
- Due to the location of bluffs, steep slopes, and woodlands, it is not possible to develop public access to the Mississippi River from 9th Street without negative impacts to natural resources;
- The City has created existing public accesses at 6th Street, the Oliver Overlook, and the Riverwood Boulevard Overlook near 9th Street, and an additional access at 9th Street would duplicate public access facilities that the City provides and is not needed; and

WHEREAS, the City has provided written notice of the request to vacate 9th Street to the Commissioner of Natural Resources as required by Minnesota Statutes 412.851; and

NOW, THEREFORE, BE IT RESOLVED That the Newport City Council hereby authorizes vacation of 9th Street between 2nd Avenue and the Mississippi River, and authorizes the City Administrator or her designee to direct and to prepare and to present to the Washington County Auditor a notice that the City has completed these proceedings and record same with the Washington County Recorder, but only following completion by the Owner of the following:

a) (fill in as needed)

Adopted this __th day of _____, 2015 by the Newport City Council.

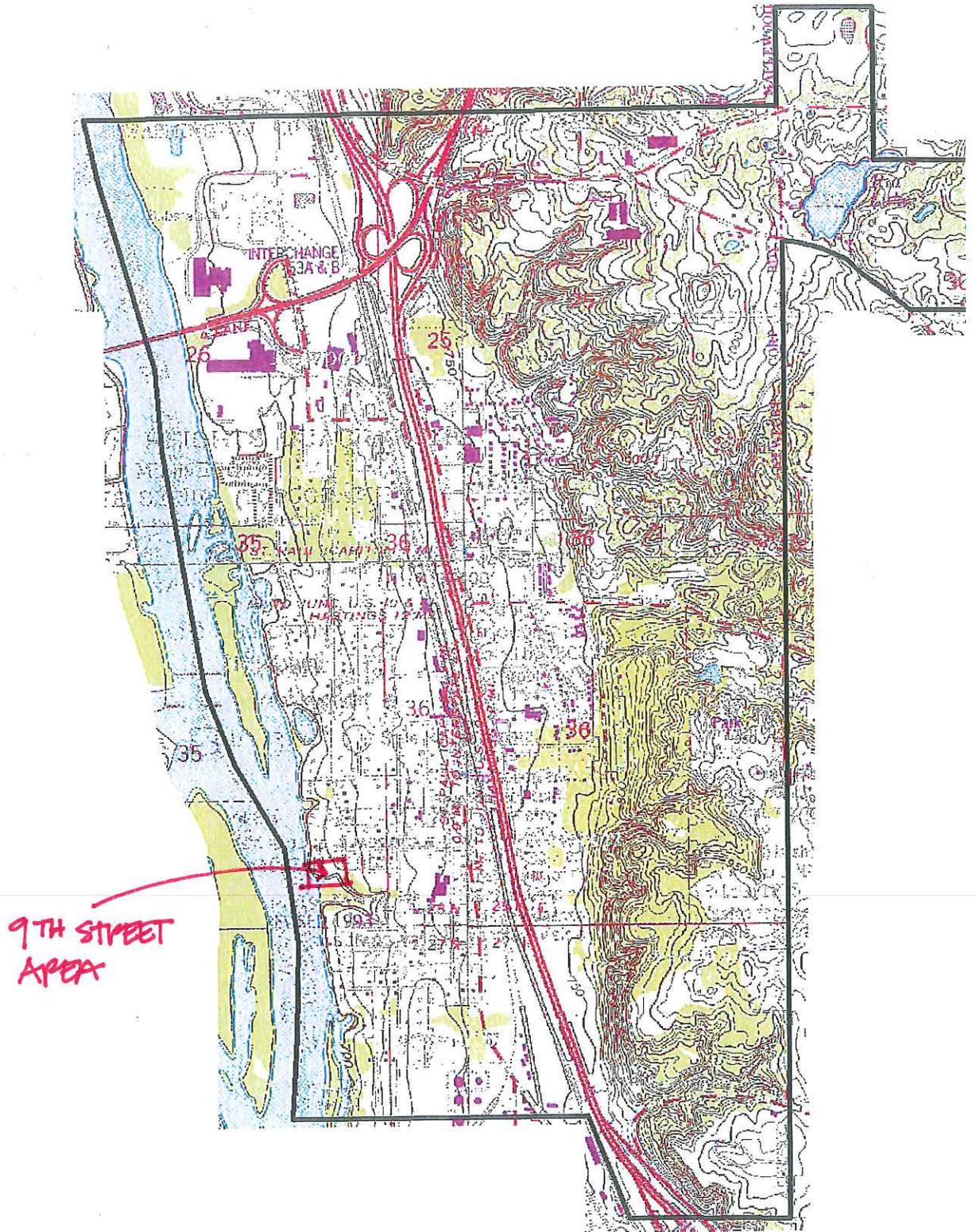
Motion by: _____, Seconded by: _____

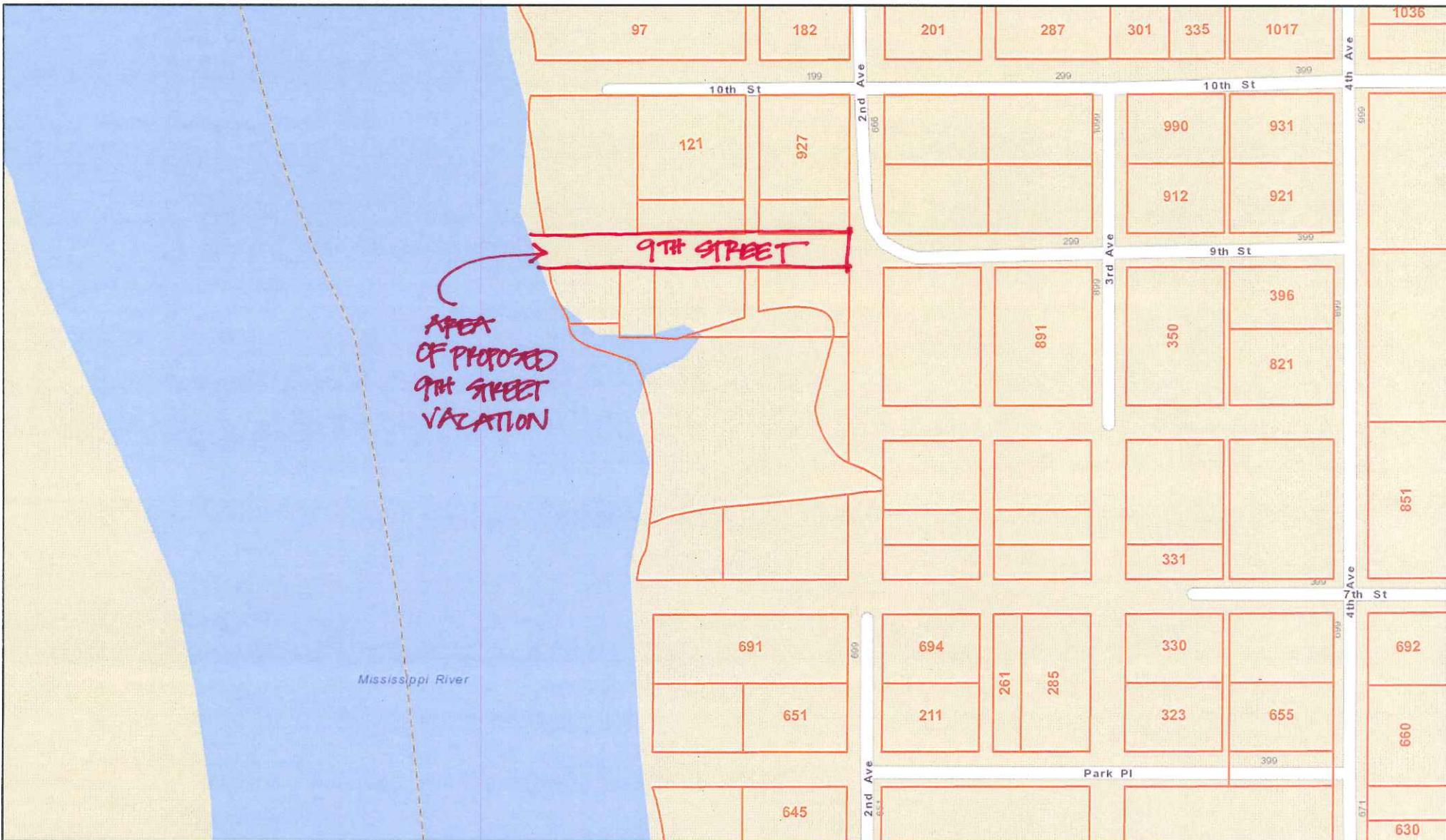
VOTE:	Geraghty	_____
	Ingemann	_____
	Sumner	_____
	Rahm	_____
	Lund	_____

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

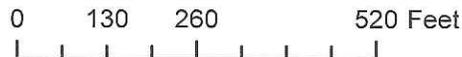
Figure 3 - 2:
USGS Map of Newport





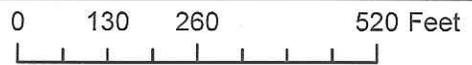
AREA
OF PROPOSED
9TH STREET
VARIATION

9TH STREET



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

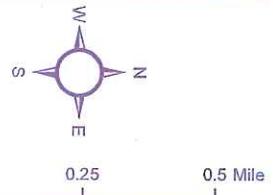


Newport Pedestrian and Bike Trails



Trail Legend

- 4th Avenue 3.1 miles
- 7th Avenue 2.8 miles
- paved trail
- Maxwell/Bailey Road 3.4 miles
- Hastings Avenue 3.4 miles
- Glen Road 1.3 miles
- 10th Avenue 1.4 miles
- Bailey School Forest Park 1.4 miles
- Loveland Park 1.0 mile



A Calorie Counter

The "Net Calorie Burn" measures calories burned, minus basal metabolism. Scientists consider this the best way to evaluate the actual calorie-burn of any exercise. The walking formulas apply to speeds of 3 to 4 miles per hour. The average human walking speed is about 3 miles per hour. At 5 miles per hour and faster, walking burns more calories than running.

	Your Total Calorie Burn/Mile	Your Net Calorie Burn/Mile
Running	.75 x your weight (lbs)	.63 x your weight
Walking	.53 x your weight	.30 x your weight

Cottage Grove
Washington County



The Statewide Health Improvement Program (SHIP), an integral part of Minnesota's nation-leading 2008 health reform law, strives to help Minnesotans lead longer, healthier lives by preventing the chronic disease risk factors of tobacco use and exposure, poor nutrition and physical inactivity. For more information, visit <http://www.health.state.mn.us/healthreform/ship>

LivingHealthy
IN WASHINGTON COUNTY





CITY OF NEWPORT
596 7TH AVENUE
NEWPORT, MN 55055
(651) 459-5677
FAX: (651) 459-9883

April 2, 2015

Resident
Address
Newport, MN 55055

RE: Sanitary Sewer Cleaning and Maintenance

Dear Resident,

The City of Newport and its staff are dedicated to the maintenance and preservation of the City's existing infrastructure. In pursuit of this commitment, the Public Works Department conducts routine televised inspections of the sanitary sewer mainline pipe throughout the City. During a recent televising inspection, we observed significant root intrusion in your neighborhood. The City monitors the condition of these roots and removes them from the main line pipe as needed throughout the year.

You are receiving this letter because we are concerned regarding the excessive amount of roots within your private service connection. The development of a root mass will soon begin to adversely affect the performance of your service, if it hasn't already. On the reverse side of this letter is a picture of the root condition at your service. The City strongly recommends that you address this root intrusion issue as soon as possible as it is the property owner's responsibility to maintain the service line from the residence to the sewer main (Newport Code 1010.14). **Failure to promptly address this issue could result in sewer backups into you property.** A local plumber or a specialized contractor such as Roto-Rooter is qualified to clear these types of obstructions in your service line.

Many homes in your neighborhood are experiencing similar root issues so we also encourage you to coordinate this work with your neighbors to take advantage of potential discounts offered by the contractors for multiple service calls in the same area. Finally, we request that you contact City Hall at 651-459-5677 at least 48 hours prior to the cleaning of your service line. This notice will allow the Public Works Department to be onsite to remove material from area manholes to prevent further obstructions downstream.

If you have any questions or concerns, please give me a call at 651-459-5677 or via email at dhill@newportmn.com.

Sincerely,

Deb Hill
City Administrator



Address: XXX