



**City of Newport  
City Council Minutes  
July 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; Tracy Rahm; Dan Lund

**Council Absent** –

**Staff Present** – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Steve Wiley, Fire Chief; Renee Eisenbeisz, Executive Analyst; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer; Sherri Buss, TKDA Planner

**Staff Absent** –

**4. ADOPT AGENDA**

**Mayor Geraghty** - I'd like to move the Engineer's Report to right after the Council reports.

**Motion by Rahm, seconded by Ingemann, to adopt the Agenda as amended. With 5 Ayes, 0 Nays, the motion carried.**

**5. ADOPT CONSENT AGENDA**

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

- A. Minutes of the June 18, 2015 Regular City Council Meeting
- B. Minutes of the June 18, 2015 City Council Workshop Meeting
- C. List of Bills in the Amount of \$606,647.70
- D. Publication of Ordinance No. 2015-4
- E. Agreement between the City and Municode
- F. Liquor License for Lions Annual Picnic
- G. **Resolution No. 2015-16** - Accepting Donations for the Period of June 15- July 13, 2015
- H. **Resolution No. 2015-17** - Authorizing the Mayor and City Administrator to Apply for and Execute an Agreement between the DNR and City for Acquisition of Properties Along Cedar Lane
- I. **Resolution No. 2015-18** - Amending the 2015 Fee Schedule

**With 5 Ayes, 0 Nays, the motion carried.**

**6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE**

**7. MAYOR'S REPORT –**

**Mayor Geraghty** - I wanted to congratulate the Fire Department on a successful Booya. I know they sold out again and had a lot of compliments.

## **8. COUNCIL REPORTS –**

**Councilman Rahm** - I also went to Booya and enjoyed it and wanted to thank Tom for being the voice of Booya.

**Councilman Ingemann** - I was also at Booya. This is an observation and comment that I would like to make, it has come to my attention that certain public officials don't read the letters they are sent or don't understand the words that in the letters. I'm really disappointed. When you send public officials a letter, they should acknowledge it or reply. I was also at the Planning Commission.

**Councilman Sumner** - I attended the parade and Booya. By the time we got there, there was no Booya for sale and it was very disappointing. I wish you would look at that in the future. I talked to a lot of people and think a lot more could be sold. I brought my granddaughter and she picked my pocket to play games. I was also at the HPC Meeting and we talking about the Johnson house. We also talked about the Mission Building, which is the oldest log cabin in MN. We would like to look at doing more to preserve it because it won't last forever. We may be bringing some requests forward. I also learned that Harriet Bishop was one of the first school teachers in MN. It has been noted that the roof on the train tower is in rough shape and I'm wondering if that's in the works to be replaced.

**Supt. Hanson** - Yes, I'm receiving quotes as we speak.

**Councilman Lund** - The parade was good and more Booya sounds good to me.

## **13. ENGINEER'S REPORT –**

### **A. Resolution No. 2015-25 - Setting Project Priority for 2016 Capital Improvement Projects in Pursuit of Bonding Bill Appropriation**

Engineer Herdegen presented on this item as outlined in the July 16, 2015 City Council packet.

**Councilman Sumner** - Are we expecting one of the three?

**Engineer Herdegen** - I think the 2nd is a long shot. I think the City can show that they've put a lot of cost towards that first project. I think something out of that is feasible.

**Councilman Sumner** - Does it make any difference that it's been mandated?

**Engineer Herdegen** - We've made that point very clear.

**Admin. Hill** - We're not the only city that's applied for I&I money. It's an extensive list, anyone can apply for it.

**Councilman Sumner** - So it's been mandated across the State?

**Councilman Ingemann** - The Met Council has demanded that we do this.

**Councilman Sumner** - So the Met Council can put that demand on cities?

**Admin. Hill** - Yes.

**Councilman Lund** - The Met Council mandate isn't as bad as it was since we only have to spend 25% of our annual sewer fee so it's not hanging over our heads like it was because when we complained, they said there was a limit to how much they can make us spend.

**Admin. Hill** - Yes.

**Councilman Lund** - The more impending issue is that we have I&I that's so bad, our sewers are backing up. We shouldn't have a hard time spending up to that mandate. The question I have is how does \$7 million compare to more traditional ways to stopping this? It sounds like a really big number.

**Engineer Herdegen** - It is. To compare it with what we just finished, we paved maybe 10% of the City streets and some sewer repairs and that was about \$4.5 million.

**Councilman Lund** - What part was the sewer repair? It's not efficient to spend \$7 million if we can do it for \$3 million, especially if we can do street improvements.

**Engineer Herdegen** - You'll still spend money to repair the streets. The 10% is how many streets we improved. The \$7 million would be a lining project for 70% of the town. If we were to do the streets in 70% of the town, it would a significant cost.

**Councilman Lund** - Let me back up and ask it differently because you're skating around it. If we were to replace the streets anyway, how much extra does it cost to dig them up and fix the sewer?

**Engineer Herdegen** - I don't have a cost.

**Councilman Lund** - You don't know how that \$4.5 million was spent?

**Engineer Herdegen** - Our project is broken down and I can provide that number, I don't have it off-hand.

**Supt. Hanson** - To me, \$7 million would do another 20% of the City if we did streets and everything.

**Councilman Lund** - Personally, with our stormwater troubles, we should be discussing if we need street improvements in other areas. I'm far from convinced that this liner thing works so it's a little premature to kick in \$7 million into the project, it hasn't worked yet right?

**Engineer Herdegen** - It hasn't shown yet.

**Councilman Lund** - We have unique problems but we're kind of at the frontend of this and spending \$7 million on something that doesn't work doesn't make sense. Back to the other part, but why do we think a 3 foot liner will work better than the original liner in the mainline?

**Engineer Herdegen** - In the repairs we've made, we've seen the majority of root infiltration between the clay pipe and cast iron service pipe so we would cover that joint with the 3 feet.

**Councilman Lund** - We have an unique problem of a flow of water between the liner and clay pipe and it's going to follow the 3 feet and pop out at the end right?

**Engineer Herdegen** - They put a gasket at the end of the liner so that doesn't happen.

**Councilman Lund** - Just to summarize, I'm a strong advocate of doing this in small steps before we do it all over.

**Mayor Geraghty** - We can tweak the way the project proceeds. On the Maxwell property, is that including the purchase of the right-of-way, easements, and land?

**Admin. Hill** - Yes.

**Motion by Ingemann, seconded by Geraghty, to approve Resolution No. 2015-25. With 5 Ayes, 0 Nays, the motion carried.**

**9. ADMINISTRATOR'S REPORT –**

**A. Public Hearing - To consider, and possibly adopt, amendments to Chapter 5, Alcoholic Beverages**

**The Public Hearing opened at 5:49 p.m.**

Executive Analyst Eisenbeisz presented on this item as outlined in the July 16, 2015 City Council packet.

**The Public Hearing closed at 5:50 p.m.**

**Councilman Sumner** - Is this being asked for by one location?

**Executive Analyst Eisenbeisz** - Councilman Lund had asked for staff to look into.

**Councilman Lund** - And I received a request.

**Councilman Sumner** - It's something that's happening in other cities? We recently had that Sunday sales.

**Executive Analyst Eisenbeisz** - Yes.

**Councilman Rahm** - And the growlers are only for the malt liquor that they make correct?

**Executive Analyst Eisenbeisz** - Yes.

**Motion by Sumner, seconded by Lund, to approve Ordinance No. 2015-6 as presented. With 5 Ayes, 0 Nays, the motion carried.**

**B. Application from August Ventures for a Rezoning and Conditional Use Permit for Property Located Along Hastings Avenue, north of Ford Road**

Sherry Buss, TKDA Planner, presented on this item as outlined in the attached memo and amended Resolution No. 2015-20. Resolution No. 2015-19 was not amended.

**Noreen Mooney, 770 Ford Road** - I live right across from it and it would be nice if they could compensate the nature part and ensure there is adequate tree coverage, enough trees are put in and the right type of trees to shade it. I didn't hear anything about what type, how many, how tall they are. Just so it's appealing, the more trees, the merrier. I thought pine trees because they don't have any leaves and would be less maintenance.

**Troy Kingore, 780 Ford Road** - Thanks for giving me time to speak. I did speak pretty extensively on Monday about this area about the view, trees, buffer, protection of the neighborhood from storms. I understand that whatever construction goes there, the trees will be gone. I am for the development in Newport, I want August Ventures to be successful, I just want some limitations because it's difficult to correct something once it's been in place. It's the conditional permit of the semi's that will be sitting there. It's a 24-7 operation, there haven't been any restrictions on business hours, are the trucks going to be running constantly? We would hear that. It's not only the traffic but the trucks that are running. He's stated that he doesn't know who will move in there. Are there trees on the side to protect the noise from the loading area. I'd like you to deny the CUP tonight and send it back to the Planning Commission for further thought. As was stated, it came up pretty quick. I want good thought put into this. I want more discussion with the neighborhood. Quite a few of them said they didn't get the letter. There is a 500 foot rule for mailing, how many people were mailed this letter? Were only four people sent this letter? There was a comment that only 1 person came and talked at the Planning Commission meeting. There are three neighbors here now, that's a large percentage depending on the actual mailings. What are these real numbers, how many were asked. I talked with people outside of the mailing area and they weren't happy about this. I'd like to go back and read this and see if it's familiar to you "Newport is primarily a residential community and its strength is the people who live within the City. Newport is a small river community with residential streets bordered by large

trees, which wind their way along the river's edge and the bluff lands. Newport's small town persona is retained within its people and its physical environment even though it is within a 15 minute commute to St. Paul and Minneapolis." Does that sound familiar? That is on the front page of your website and the first point made in your strategic plan. Please think of the people. I want the people to be happy here.

**Admin. Hill** - One thing that did come out at the Planning Commission meeting was about planting trees around the pond. I spoke with Bruce about that and he has had a couple requests for that.

**Mayor Geraghty** - Do we know how many notices were sent out?

**Executive Analyst Eisenbeisz** - I don't have the exact number but it looks like over 30 people were sent notices and it was in the paper.

**Supt. Hanson** - I've had a request for trees along that pond. We are looking at replacing trees so we'll look at this area. I would prefer not to put pine trees because they act as a snow fence but there is something we can do.

**Mayor Geraghty** - I have some issues as well with hours of operation and noise regulations. Do we know if the trucks have back-up alarms. I can hear them across the River.

**Ms. Buss** - You can restrict hours if you wish. The Planning Commission discussed that and felt that since the trucks are on the back side of the very large building, their feeling was not to restrict hours of operation.

**Councilman Ingemann** - You won't hear them. The building will block it.

**Mayor Geraghty** - Will the trucks have back-up alarms? I'm just hesitant to give carte blanche up front and would like to be restrictive and open it up once we know what type of businesses are coming in.

**Ms. Buss** - The list of typical businesses is in your staff report. They are sort of small manufacturing, distribution, medical assembly, etc.

**Mayor Geraghty** - My concern is if it's going to 24-7 and there's a delivery at 3:30 a.m., will there be an alarm?

**Supt. Hanson** - I don't believe on a semi.

**Mayor Geraghty** - So we could put that in there and it wouldn't be an issue.

**Ms. Buss** - You could add a condition about no trucks with alarms after 10 p.m. The other option would be to require the new back-up alarms that don't generate as much sound.

**Mayor Geraghty** - I know those sounds carry quite a bit. What about refrigerated trucks?

**Ms. Buss** - The list of typical uses doesn't include anything that would use a refrigerated truck.

**Admin. Hill** - I believe there are refrigerators in the Fritze building and we haven't had any complaints on that.

**Mayor Geraghty** - I'm for the project and just want to protect the residents as much as we can upfront.

**Ms. Buss** - To help people understand about the proposed landscaping. They're proposing a staggered row of spruces between the parking lot and pond. They'll typically be between 4 and 6 feet tall when they go in. The idea is to screen the parking lot. It'll take the trees a while to screen the building. They'll also be keeping the existing vegetation where the property dips to the south.

**Councilman Sumner** - I live right there and did get a letter. I do have a concern about the noise but if these

trucks are going to be on the north side of this building that is 30 feet tall, that will reduce the amount of sound tremendously. I would be concerned if I heard the sound of back-up beepers. I would like to be able to know that this building can go forward and not be held up by something like this. I would be more comfortable if we had something on the hours of noise rather than hours of operation.

**Ms. Buss** - And I think that's what the Mayor was getting at.

**Councilman Sumner** - Is there an option to turn the beepers off?

**Kevin Haley, 3025 Bailey Road** - The trucks are so random, you can't suggest that they can't send a truck there with a backup so you're putting restrictions on the business owner. Trucks don't operate on the weekend or after 5, they're all 8 to 5. The business probably won't have someone there to welcome a truck during the middle of the night. That site is as shaded from noise as you could want. They've done an excellent job. More restrictive will make it hard for him to fill it. Plus, will we be able to enforce it. I've had a few trucks over 15 years on Bailey during the middle of the night and have talked with the trucker and they turned it off.

**Councilman Ingemann** - Mr. Crawford who lives on top of the hill was at the meeting and wasn't concerned about the noise. He's more concerned about the lighting.

**Councilman Rahm** - I would think that the highway noise would dominate. That's what I hear.

**Mr. Kingore** - As I was walking around last night, we did listen. We're used to the highway noise. A semi going down the highway, you'll hear tire noise. It's when they speed up, slow down, go up the hill, back up, that's what they'll be doing in the parking lot. I did not speak to the individual specifically but I was told there were complaints about the semis at Fritze and I did specifically talk with a neighbor who can hear them two blocks away. This CUP is giving them use, if you have concerns about not being able to enforce something, why issue it? In the CUP request, under traffic and roads, they state 550 trips per day and that it can't be verified until the occupants are known so he can't say how many will be there. Is there a restriction on how many trucks can come and go? There was talk about the hours of operation at the Planning Commission. Is this 24-7? In his request, "I anticipate this building will be utilized during typical weekday hours." It does not say anything about 24-7 operation. "However there is likelihood that this could be used by medical clinic or complementary retail businesses that may have typical retail hours." That's the last sentence in that paragraph. He's stated twice, typical work hours, he's never stated 24-7 operation. Trucks going in and out of the day won't impact as many people. The exhaust will roll to the neighbors. I just want this fully vetted before it's issued.

**Councilman Ingemann** - I'm glad Cemstone didn't get in there when they wanted to.

**Ken German, 801 Ford Road** - This building is going to be right in my yard. When the City pushed the ravine on us, they said they'll put trees in there and make it beautiful. A four foot spruce going against a 30 foot building is nothing. You can't tell me they can't put taller trees there. They can. Nothing is going on the east side of the building. Is the maintenance road, Mr. Hanson, going to stay there?

**Supt. Hanson** - Yes.

**Mr. German** - Can anything be planted there.

**Supt. Hanson** - We own the property where the maintenance road is. We wouldn't plant anything along the maintenance road.

**Mr. German** - They'll put a parking lot there, so that's what I'll see.

**Councilman Ingemann** - It says proposed wall. It's a north-south wall on the east side.

**Mr. German** - What type of wall? Noise is a big issue. That's really going to come to my yard. 30 feet is a big building. Do we not have enough. Another issue, I remember a while ago, we didn't need any more car lots, now we have used car lots all over Newport and now we're going to put this big building. What will people think when they come into Newport?

**Joe Sullivan, on behalf of August Ventures** - That's a retaining wall and won't go above grade.

**Brian, Kinley-Horn Engineering on behalf of August Ventures** - It'll be approximately 7 feet in height with the parking lot sitting lower. We are planting evergreen trees to the east and north. Due to the grades in that area, we can't get trees along the east retaining wall.

**Mayor Geraghty** - How would you mitigate potential noise issues?

**Mr. Sullivan** - This site is set up to mitigate the traffic noise to the extent that it drowns out the noise from the interchange. It's a sizeable building. I anticipate businesses being done during regular work hours. To the extent you start putting restrictions on hours of operation or anything else, that impedes my ability to compete. I would ask you to consider that when considering restrictions. I have to decide whether to move ahead based on that.

**Councilman Sumner** - I saw that the building would be constructed with nice materials. Can you expand on that so people understand that it won't be an eyesore?

**Mr. Sullivan** - It's all masonry. You need to build an attractive building so we have guidelines in place. The design and curb appeal needs to address potential tenants. We haven't finalized designs yet but you look around the metro and they're very attractive. That will be the portion of the building that will be facing the south.

**Mayor Geraghty** - What would be the worst-case scenario on deliveries overnight if we left it wide open?

**Mr. Sullivan** - That would require a big speculation. We don't have businesses going throughout the night at any of our buildings.

**Mayor Geraghty** - Do you have restrictions on those buildings? Any CUP's?

**Mr. Sullivan** - I don't believe so. We've never run into an issue with municipalities in regards to hours.

**Tami Mitchell, 925 Ellen Court** - How many of your other buildings are in residential areas?

**Mr. Sullivan** - It varies, some are in industrial parks. Our biggest asset is on Shoreland Drive on Lake Minnetonka that is surrounded by condos and homes.

**Mrs. Mitchell** - Do you ever receive any complaints for those?

**Mr. Sullivan** - I haven't but that doesn't mean the cities haven't. We live in the city, people come and go, business is conducted, we're not in the middle of the country. It's an urban area, there's noises and people conducting businesses. The site is going to get developed regardless. This is a fantastic project, the site works out perfectly for it. I don't know what else I can do to lessen your concerns.

**Mayor Geraghty** - I would just ask that if there are any issues in the future that you would address them.

**Mr. Sullivan** - As any responsible business owner would.

**Mrs. Mitchell** - When all of the redevelopment came and we lost our trees from the pond, it became very noisy and I'm further up the road. So noise is an issue. I also know light can be a big factor. I'm just letting you know that further up the road, it is noisy where I live so just be careful with that. I'm not against the development of that

but I agree with Troy, really think about this and consider it because once it's done, it's done.

**Councilman Lund** - Do we need to close the public hearing?

**Councilman Ingemann** - There was no public hearing.

**Councilman Rahm** - This changes the zoning back to where it was?

**Councilman Ingemann** - Yes.

**Motion by Ingemann, seconded by Sumner, to approve Resolution No. 2015-19 as presented. With 5 Ayes, 0 Nays, the motion carried.**

**Councilman Sumner** - I'll make a motion to approve the CUP with the conditions as proposed:

1. The Applicant shall submit Final Plans that are substantially in conformance with the plans that were submitted to the City on June 15, 2015. The Plans shall include building plans, elevations, and detailed information on exterior building design and materials that are consistent with the City's performance standards. The Building Plans shall be approved prior to approval of a building permit.
2. The Applicant shall address the Engineer's comments regarding utilities and stormwater management and submit the final site and utility plans to the City Engineer for review prior to approval of a building permit.
3. Maximum truck loads serving the site may not exceed the capacity of Hastings Avenue year-round.
4. The applicant shall maintain the number and health of the trees planted between the south parking lot and the stormwater pond to provide an effective screen for the long-term.
5. No outside storage is permitted on the site.
6. All trash and recycling equipment shall be stored within a closed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
7. Vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential areas.
8. Lighting shall conform to the ordinance requirements. The applicant shall submit a lighting plan to the City for approval prior to approval of a building permit.
9. Any utility equipment installed at the site must meet the ordinance requirements.
10. The Applicant shall apply to the City for a permit for sign(s) proposed as the site. All signs shall meet the ordinance requirements.
11. The applicant shall pay all fees and escrow associated with this application.

**Councilman Ingemann** - The lighting needs to point down.

**Ms. Buss** - That's in your zoning ordinance already.

**Councilman Sumner** - I'm right in this neighborhood so these decisions will impact me just as much and I hope the applicant understands the concerns and I believe they have been addressed. I think it'll be a win-win situation.

**Councilman Rahm** - The Planning Commission looked at this and didn't see any issues with noise?

**Councilman Ingemann** - They had a lot of conversation around it.

**Ms. Buss** - They heard the same concerns you did and felt that the location of the building and where the trucks are will address the noise. Also, that it's very appropriate given the highway location, size of site, and the fact that there won't be any residential development here.

**Councilman Ingemann** - With the power lines running through it, this is the best you can do.

**Ms. Buss** - Yes and this was zoned business for a long time. This is probably the best use that can be developed on this site.

**Councilman Sumner** - Also, we had changed the zoning to provide for residential development and nothing happened.

**Councilman Rahm** - I do share concerns of how our city will look but I do think this will look very nice to be competitive. Sometimes, you have to start anchoring things. The worst things you can have is when businesses leave and you have vacant buildings. When you look at our tax base and the limited opportunities we have, this is a pretty good deal for Newport. I can't find a better use for it.

**Councilman Lund** - Yes, I think the value is significant enough to where it will make a difference to the City finances so it's not just a small project that doesn't warrant support.

**Mayor Geraghty** - I agree with everything that was just said, I just hope that if there are any issues, that you'll deal with them as they come forward.

**Councilman Rahm** - If the residents hear noise, we will hear noise.

**Mayor Geraghty** - I think it's a good project.

**Motion by Sumner, seconded by Ingemann, to approve Resolution No. 2015-20 as presented. With 5 Ayes, 0 Nays, the motion carried.**

**C. Resolution No. 2015-21 - Approving a Minor Subdivision for Property Located at the Corner of 2nd Avenue and 9th Street**

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

**Councilman Sumner** - Because these are typical-sized lots, they can put a home similar to the ones we've seen built lately?

**Ms. Buss** - Yes.

**Councilman Lund** - I think they last time we talked about this we had talked about splitting it the other way, what happened.

**Admin. Hill** - We were never going to split it the other way. That was a different parcel.

**Councilman Lund** - I misunderstood. So by splitting it this way, one has a view of the River and the other doesn't. I would question if that's the highest use of the split.

**Admin. Hill** - They would need to have a shared driveway.

**Councilman Lund** - They have the alley?

**Councilman Sumner** - I thought it was vacated.

**Executive Analyst Eisenbeisz** - It will be on the August 6th agenda for vacation.

**Supt. Hanson** - If you split it the other way, there would need to be an easement for utilities as well and I don't know about the grades for that distance.

**Councilman Ingemann** - This is after 9th Street is vacated right?

**Councilman Lund** - No, these are different lots.

**Mayor Geraghty** - Is there a view of the River?

**Admin. Hill** - In the wintertime, if they position the houses right.

**Mayor Geraghty** - Who decided to split it this way?

**Admin. Hill** - Well there would need to be an utilities and driveway easement. These are conforming lots for R-1.

**Councilman Lund** - Would it make sense to reach out to a developer?

**Admin. Hill** - There is someone who wants all four of the lots.

**Councilman Lund** - And they want them split this way?

**Admin. Hill** - This is the most logical way.

**Councilman Lund** - Unless the view of the River is worth something.

**Councilman Sumner** - Should we explore this more with the developer?

**Admin. Hill** - I had already talked with someone and they said we could get two houses. If they wanted to, they could do a lot line adjustment afterwards. It's an administrative procedure.

**Ms. Buss** - Yes, I think this makes sense with utilities.

**Councilman Sumner** - If a single developer came in, he could maximize it by going east-west.

**Admin. Hill** - Yes, he would need to go through the process of the lot line adjustment.

**Supt. Hanson** - It would increase his costs because there's rock there for sewer and water.

**Councilman Lund** - I think we'll maximize the value by making an association with River access and slips. I understand there would be significant expense with flipping these, but getting River access with slips would maximum it. I'm not convinced that saving \$10,000-\$20,000 in lot cost, wouldn't be made up with the view and access.

**Mayor Geraghty** - Do you want to withdraw and have them look at further options?

**Ms. Buss** - I think if someone wants to do that, they can with a lot line adjustment.

**Councilman Lund** - Why are we doing this now?

**Admin. Hill** - Because then a developer wouldn't have to go through this process and it's easier to market.

**Councilman Sumner** - Can we control the extra cost?

**Councilman Lund** - That's for blasting the sewer and water. They would need to pay for that.

**Ms. Buss** - It's a couple hundred dollars for a lot line adjustment and a subdivision is more.

**Councilman Sumner** - I don't see a need to pull our motions.

**Motion by Rahm, seconded by Sumner, to approve Resolution No. 2015-21 as presented. With 4 Ayes, Lund Voting Nay, the motion carried.**

**D. Resolution No. 2015-22 - Declaring Certain Property Located at 1635 Century Avenue to be a Hazardous Building and Ordering its Removal by its Owner or Declaring the Same City's Intention to Abate the Structure by its Removal and Assessing the Costs of that Removal**

Admin. Hill presented on this item as outlined in the July 16, 2015 City Council packet.

**Councilman Sumner** - We would then take the building down? And the property owner hasn't responded?

**Admin. Hill** - Yes.

**Executive Analyst Eisenbeisz** - Yes, I've contacted the bank and property management company. They've just asked that I notify them of tonight's decisions.

**Councilman Sumner** - Ok and there's no way it could be restored?

**Supt. Hanson** - No.

**Councilman Sumner** - Would it become the City's property?

**Admin. Hill** - No.

**Councilman Lund** - And we'll recoup the cost?

**Admin. Hill** - Yes.

**Councilman Sumner** - So we'll have a vacant lot?

**Admin. Hill** - Yes. It's a couple acres. They have their own water and sewer, which would be capped when we demolish it.

**Supt. Hanson** - Yes, they would need to install new ones.

**Councilman Sumner** - Why can't we keep the old ones?

**Supt. Hanson** - It's State Law. The well is not good regardless. The residents that did live there got their water from Loveland Park.

**Councilman Sumner** - Could we turn that into more than one lot?

**Admin. Hill** - No, there's a two acre minimum.

**Councilman Ingemann** - It's not up to us.

**Motion by Geraghty, seconded by Sumner, to approve Resolution No. 2015-22 as presented. With 5 Ayes, 0 Nays, the motion carried.**

**E. Ordinance No. 2015-5 - Amending Chapter 7 to add Section 780, Social Host**

Executive Analyst Eisenbeisz presented on this item as outlined in the July 16, 2015 City Council packet.

**Councilman Ingemann** - We said the host has to be present and have knowledge, but if the kids have a party and aren't home, they should still be liable correct?

**Executive Analyst Eisenbeisz** - That is up for you to discuss.

**Councilman Ingemann** - I was thinking about it and thought that the parents should still be responsible for it.

**Executive Analyst Eisenbeisz** - That's what most social host ordinances say.

**Councilman Ingemann** - I would like it back in.

**Councilman Rahm** - That's the opposite of what we wanted.

**Councilman Ingemann** - I know but the kids will have a heyday when the parents are gone.

**Councilman Rahm** - What happens if someone catches kids on my property that are partying and I don't even know about it.

**Councilman Lund** - The current ordinance cuts it in the middle where it say's "know or reasonably should know." I think that would address both issues. It gets to be a constitutional issue and I don't think some of these ordinances aren't constitutional because it goes beyond the control of the person who would be held criminally liable. There's civil liability.

**Attorney Knaak** - It's a criminal negligence statute. It's someone not exercising appropriate control over something that they should be. That is not an uncommon criminal charge. The civil liability is another part of this. From the perspective of law enforcement, the language you have now guts it. I think they're more interested in something that is where a parent allows that situation to occur on their property. You cannot do that, which is what the ordinance does here and requires the parent to know what's going on and allows it to happen. This would create a crime for doing that. This would deal with the one that buys the keg or is actively there and present.

**Executive Analyst Eisenbeisz** - Subd. 1 hasn't changed at all, it's Subd. 3 that's changed. It used to read " A person who hosts an event or gathering as described in subsection (1) above does not have to be present at the event or gathering to be criminally responsible" Now it's "A person who hosts an event or gathering as described in subsection (1) above does not have to be present at the event or gathering to be criminally responsible." That's where the change is that you requested.

**Councilman Lund** - Ok.

**Councilman Rahm** - My thing is that they have to be knowledgeable. I know kids will do a lot of stuff and I don't know how you can hold parents responsible for what their kids do.

**Attorney Knaak** - I would say that this would not be unconstitutional, the way it's written.

**Councilman Lund** - That reasonably should know is a negligence standard?

**Attorney Knaak** - Yes.

**Councilman Rahm** - I'll agree to what is written.

**Councilman Sumner** - Summarize what we're trying to do here.

**Attorney Knaak** - What you're doing is creating a criminal act on part of a parent or property owner that allows for underage consumption knowingly, while they are there.

**Councilman Sumner** - So it wouldn't apply to a parent that doesn't know? I would support that.

**Attorney Knaak** - Knowingly means knowingly. The civil liability could happen.

**Councilman Lund** - Ours requires the host to be present and says "reasonably should know." If you're upstairs, you can't say that you didn't know. We don't limit a host to a parent, guardian, or adult, it could apply to a 13 or 14 year old. Is that something we want to include?

**Attorney Knaak** - You're right.

**Mayor Geraghty** - I don't think it should be limited to parents.

**Councilman Lund** - So there could be a scenario where a 13 or 14 year old host has friends that are drinking but they aren't so they would be held liable.

**Mayor Geraghty** - They're hosting the party.

**Motion by Geraghty, seconded by Rahm, to approve Ordinance No. 2015-5 as presented. With 5 Ayes, 0 Nays, the motion carried.**

#### **10. ATTORNEY'S REPORT -**

##### **A. Resolution No. 2015-23 - Approving State of Minnesota Joint Powers Agreements with the City of Newport on Behalf of its City Attorney and Police Department**

Attorney Knaak presented on this item as outlined in the July 16, 2015 City Council packet. The Joint Powers Agreement is for information sharing and electronic sharing. The Agreement allows the City to use information from the BCA subject to confidentiality requirements. This Agreement is necessary for the City to participate in the new system.

**Councilman Sumner** - Is this voluntary?

**Attorney Knaak** - No. We can petition but the Chief Judge has made it clear that that would only be granted in exceptional circumstances.

**Councilman Rahm** - Has anyone tried to do this?

**Attorney Knaak** - Yes, it's happening all over the place.

**Councilman Rahm** - Does anyone not want to do this?

**Attorney Knaak** - No and I don't see why they wouldn't other than a concern about hacking. I have to believe it's for the better in the long run.

**Councilman Rahm** - Yes but I want to make sure it's secure and correct.

**Chief Montgomery** - The Police Department had a similar agreement about five years ago for e-charging, my guess is it's the same thing.

**Councilman Sumner** - Are there charges for us to be a part of this? When we had to go to the same radio frequencies, there were tremendous charges.

**Councilman Ingemann** - I'm sure there will be.

**Chief Montgomery** - We haven't been charged for e-charging and I think it's because it's saving them personnel.

**Attorney Knaak** - There may be circumstances where there might be some but I couldn't tell you what that would be.

**Councilman Sumner** - The Department of Revenue went to e-filing years ago and there was a lot of concern but it's working very well.

**Motion by Sumner, seconded by Ingemann, to approve Resolution No. 2015-23 as presented. With 5 Ayes, 0 Nays, the motion carried.**

**Attorney Knaak** - The other thing I have is an update on the Quade matter. We are in litigation on the Quade issue which is a request to eliminate a right-of-way that a City has down there to gain access to the rail right-of-way for emergency purposes and a potential avenue for a water loop. We are set to mediate, which we are in the process of doing. The City's objective has always been to maintain that access for public safety purposes. We have engaged in the mediation process with an eye in mind that if we can gain access through an easement as well as allowing us to use that in the future for a water main and that's the direction we're going.

**Councilman Lund** - Don't we need room for a semi between the fence and rail?

**Attorney Knaak** - That's the public safety issue that we're concerned about. The focus of the City has always been that public safety is paramount. For reasons unknown to me, St. Paul Park, which owns the other half of the road, vacated that easement even though they were aware of this litigation. We could still reach a resolution that would but they made it a little more difficult. We drafted a letter to them in light of our position and their own concerns about public safety and I'm baffled that that's what they decided to do. The letter requested that they hold off and they decided not to. I think they should reconsider at the next Council meeting.

**Mayor Geraghty** - I think ultimately, they want to close the crossing there. I think that's the motivation.

**Councilman Sumner** - Is that the crossing that was being discussed with the Governor?

**Councilman Rahm** - Yes.

**Mayor Geraghty** - They can't close it without us. Could we make it a one way going in or do anything with it?

**Attorney Knaak** - What we've been in the process of doing is defending the access. They wanted to get rid of the City's interest and we said no. We're in a position now where it's not in the City interest to have a road there if everything that the City wants, we get, without having a public right-of-way.

**Councilman Lund** - We made that clear when this first came up so it's frustrating that it ended up in court. If we're being reasonable, I don't see why we have to go beyond that.

**Mayor Geraghty** - The point tonight is if we want Fritz to draft a letter and attend a St. Paul Park meeting to request that they reconsider.

**Councilman Sumner** - Could the mediator overturn their decision?

**Councilman Ingemann** - No.

**Attorney Knaak** - In the best situation, we'll get St. Paul Park to back off and get a solution and everyone will get what they want or need. I don't think it was very smart of Mr. Quade's representatives to not agree to put it off while we were waiting for a resolution. Getting beyond that, I think the idea is that once we have a solution that gives the City access, St. Paul Park's problem is resolved.

**Mayor Geraghty** - Is there any argument that St. Paul Park abandoned it?

**Attorney Knaak** - Actually, no. They can't abandon it because their half of it is registered property and once you have a Torrens certificate, it can't be abandoned.

**Motion by Ingemann, seconded by Geraghty, directing Attorney Knaak to draft a letter and attend a St. Paul Park City Council meeting to request them to reconsider. With 5 Ayes, 0 Nays, the motion carried.**

## **11. POLICE CHIEF'S REPORT**

**Chief Montgomery** - The first thing, last week, Officer Brodin was recognized as an All-Star, meaning that he was one of the top producers of DUI's in the State of MN. During that time, he got to go to a Twin's game. It's quite the honor.

**Councilman Sumner** - Is this citation plus conviction?

**Chief Montgomery** - Yes. He's very much into vehicle enforcement so the more vehicles he stops, the more he'll get.

**Attorney Knaak** - I don't know any other Officer in Washington County that has more successful arrests.

### **A. Resolution No. 2015-24 - Hiring David Eichman for the Police Officer Position**

Chief Montgomery presented on this item as outlined in the July 16, 2015 City Council packet. The City Council directed staff to start advertising and develop an eligibility list for future vacancies.

**Councilman Sumner** - I thought he needed a background check to be a CSO.

**Chief Montgomery** - They do, we'll do a background check from when he was hired to now, a physical, and psychological, which is not done when he's hired as a CSO.

**Councilman Rahm** - This is in our budget?

**Councilman Sumner** - He's replacing one who has been gone. Can we discuss if we're still paying for that other Officer?

**Mayor Geraghty** - I'd rather not.

**Councilman Lund** - Is there a plan to look into reserve officers?

**Chief Montgomery** - Not at this time, it would be a budgetary issue.

**Admin. Hill** - I think we can look into that.

**Councilman Lund** - You don't pay them.

**Chief Montgomery** - Yes but you do have to buy them uniforms.

**Councilman Lund** - I've just heard that it's been tough on our Officers and if we had reserve officers, it wouldn't have been so bad.

**Motion by Sumner, seconded by Geraghty, to approve Resolution No. 2015-24 as presented. With 5 Ayes, 0 Nays, the motion carried.**

## **12. FIRE CHIEF'S REPORT –**

**Chief Wiley** - I appreciate everyone's support for Booya. I'd like to thank Bruce and his staff for the prep work, Officer Crist and soon-to-be Officer Eichman for spending the day there. I'd like to thank the community for coming out as well, it was extremely hot and muggy which I think drove the high purchases. We made the same amount as in the past, but we'll take a look at it. I'd also like to thank all of the volunteers, it was an extremely successful event. Also, the Department pre-planned Newport Cold Storage with St. Paul's Fire Hazmat Team last night. I think it was really educational for the owner and two departments.

**Councilman Sumner** - That was to simulate an ammonia leak?

**Chief Wiley** - No, just a walk through to look at what they have, what their safety plans are, etc.

## **14. SUPERINTENDENT OF PUBLIC WORKS REPORT -**

**Supt. Hanson** - The SCADA system is up and running. Unfortunately, we don't have all of the information from the last two events but I'll have something for you soon.

**Councilman Sumner** - How much rain did we get?

**Supt. Hanson** - We had 4-5 inches two weeks ago and 1-2 inches last week. I was working two weeks ago and we received 2.5 inches in 45 minutes.

**Councilman Ingemann** - I would like to thank Public Works for the quick clean-up of sand and rocks that made it to the street after the rain.

## **15. NEW/OLD BUSINESS**

## **16. ADJOURNMENT**

**Motion by Geraghty, seconded by Ingemann, to adjourn the regular Council Meeting at 7:39 P.M. With 5 Ayes, 0 Nays, the motion carried.**

Signed: \_\_\_\_\_  
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz  
Executive Analyst



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Saint Paul, MN 55101  
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## Memorandum

<b>To:</b>	Newport City Council	<b>Reference:</b>	Newport Business Center— Rezoning and CUP
<b>Copies To:</b>	Deb Hill, City Administrator Renee Eisenbeisz, Executive Analyst Joe Sullivan, August Ventures LLC, applicant	<b>Project No.:</b>	15742.003
<b>From:</b>	Sherri Buss, RLA AICP, City Planner	<b>Routing:</b>	
<b>Date:</b>	July 14, 2015		

On Monday, July 13, the Planning Commission held public hearings to review a request from August Ventures, LLC to rezone a parcel and approve a Conditional Use Permit for the Newport Business Center. A copy of the staff report for the proposed use is included in the Council packet. The Commission meeting was delayed from Thursday, July 9 to July 13 in order to have a quorum of Commissioners present to hear the request.

The applicant is proposing the development of two buildings and related site improvements on the parcel on Hastings Avenue north of Ford Road—a 100,000 square-foot building that will include a variety of office and warehouse uses, and a 7,000 square-foot commercial building. The proposed site plan is attached. The proposed development requires a rezoning of the 10.79-acre parcel to permit the use, and a Conditional Use Permit.

### Public Hearing Comments

The Commission received several comments at the meeting from neighbors that opposed and supported the request. Concerns expressed included the following:

- Loss of trees on the site that provide a buffer between homes to the south and Highway 61
- Increase in truck traffic on Hastings Avenue to serve the development
- Potential impact of site lighting on surrounding residential uses
- Preference for residential development on the site rather than commercial use

### Planning Commission Recommendations

The Planning Commission discussed the comments and noted the following:

- Any development of the site, including residential development, would remove the remaining trees on the site.
- The developer is leaving some areas of existing vegetation north of the adjacent homes and on steep slopes, and is adding trees on the south side of the building, between the

parking lot and City-owned stormwater pond. The proposed landscaping exceeds the ordinance requirement.

- The developer will need to submit a lighting plan for City approval. The ordinance requires that the lighting be down-cast and that it be controlled so that it does not impact uses beyond the site boundary.
- Truck traffic from the Newport Business Center will utilize Hastings Avenue, largely to the north of the site. Hastings Avenue was built to handle the amount of truck traffic proposed.
- The Comprehensive Plan supports development of Business Park uses on this site.
- The Findings for the request support both the rezoning and granting the Conditional Use Permit.

The Planning Commission recommended approval of the requested re-zoning and the Conditional Use Permit. The Commission made two changes to the conditions:

- Condition #3: language that specifies maximum 9 tons in weight was changed to “capacity of Hastings Avenue.”
- A condition was added that requires the applicant to maintain the number and health of the trees proposed between the south parking lot and the City’s stormwater pond.

The proposed conditions for approval are attached.

The Commission also suggested that the Council ask the City Engineer and Public Works Director about whether trees could be included in the planting around the stormwater pond.

#### **ACTION REQUESTED FOR THE REZONING AND CUP REQUEST:**

The City Council can recommend:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request

#### **PLANNING COMMISSION RECOMMENDATIONS:**

The Planning Commission recommends that the City Council approve of the Newport Business Center request for a Rezoning of parcel 2502822320035 to the B-1 (Business Park/Office/Warehouse) Zoning District.

The Commission also recommends that the Council approve a Conditional Use Permit for the Warehouse/Office and Commercial use of the property, with conditions:

1. The Applicant shall submit Final Plans that are substantially in conformance with the plans that were submitted to the City on June 15, 2015. The Plans shall include building plans, elevations, and detailed information on exterior building design and materials that are consistent with the City’s performance standards. The Building Plans shall be approved prior to approval of a building permit.



2. The Applicant shall address the Engineer's comments regarding utilities and stormwater management and submit the final site and utility plans to the City Engineer for review prior to approval of a building permit.
3. Maximum truck loads serving the site may not exceed the capacity of Hastings Avenue year-round.
4. The applicant shall maintain the number and health of the trees planted between the south parking lot and the stormwater pond to provide an effective screen for the long-term.
5. No outside storage is permitted on the site.
6. All trash and recycling equipment shall be stored within a closed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
7. Vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential areas.
8. Lighting shall conform to the ordinance requirements. The applicant shall submit a lighting plan to the City for approval prior to approval of a building permit.
9. Any utility equipment installed at the site must meet the ordinance requirements.
10. The Applicant shall apply to the City for a permit for sign(s) proposed as the site. All signs shall meet the ordinance requirements.
11. The applicant shall pay all fees and escrow associated with this application.



## **RESOLUTION NO. 2015-20**

### **A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUESTED BY AUGUST VENTURES LLC, 5021 VERNON AVE, SUITE 202, EDINA, MN 55436, FOR PROPERTY LOCATED ON HASTINGS AVENUE NORTH OF FORD ROAD, NEWPORT, MN 55055**

**WHEREAS**, August Ventures LLC, 5021 Vernon Ave, Suite 202, Edina, MN 55436, has submitted a request for a Conditional Use Permit to allow for a new office/warehouse building, commercial building, and associated parking and site improvements; and

**WHEREAS**, The proposed rezoning is for property located on Hastings Avenue, north of Ford Road, Newport, MN 55055, and is more fully legally described as follows:

**PID# 25.028.22.32.0035** - That part of the West one-half of the Southwest Quarter of Section 25, Township 28 North, Range 22 West, Washington County, Minnesota, lying North of the land covered by the plat of Red Rock Park on file and of record in the Office of the County Recorder, Washington County, Minnesota and lying East of Trunk Highway No. 61 as platted in Minnesota Department of Transportation Right of Way Plat No. 82-99, on file and of record in the Office of the County Recorder, Washington County, Minnesota, except the following described property:

1. All that part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 28 North, Range 22 West, described as follows, to-wit: Beginning at the intersection of the North line of Ford Avenue with the Easterly right-of-way line of State Highway No. 61, and running thence East along said North line of Ford Avenue 117 feet to an iron pipe monument; thence North at right angles with said North line of said Ford Avenue 75 feet to an iron pipe monument, thence West on a line parallel to and 75 feet North of said North line of Ford Avenue, to the intersection of said parallel line with said Easterly line of said highway; thence Southerly along said Easterly line of said highway 75 feet to the point of beginning.

2. That part of the West Half of the Southwest Quarter of Section 25, Township 28 North, Range 22 West, shown as Parcel 219A on Minnesota Department of Transportation Right of Way Plat Numbered 82-99 as the same in on file and of record in the Office of the County Recorder in and for Washington County, Minnesota.

3. That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 28, Range 22, Washington County, Minnesota, described as follows: Commencing at the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 25, Township 28 North, Range 22 West, Washington County, Minnesota, according to the Government Survey thereof; thence North 89 degrees 55 minutes 38 seconds East assumed bearing along the North line of said Northwest Quarter of the Southwest Quarter for a distance of 1309.46 feet to the East line of said Northwest Quarter of the Southwest Quarter; thence South 00 degrees 08 minutes 42 seconds West along said the East line of the Northwest Quarter of the Southwest Quarter for a distance of 411.84 feet to the point of beginning; thence South 00 degrees 08 minutes 40 seconds West continuing along said East line of the Northwest Quarter of the Southwest Quarter for a distance of 400.04 feet plus or minus to the North right way line of Ford Place; thence South 89 degrees 13 minutes 35 seconds West along said North right way line of Ford Place for a distance of 667.19 feet; thence South 76 degrees 33 minutes 55 seconds West continuing along said North right way line of Ford Place for a distance of 50.44 feet; thence North 13 degrees 26 minutes 05 seconds West at a right angle to said North right way line of Ford Place for a distance of 75.00 feet; thence South 76 degrees 33 minutes 55 seconds West and parallel to said North right way line of Ford Place for a distance of 109.36 feet plus or minus to the Easterly right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION MAP NO. 82-99; thence North 12 degrees 56 minutes 51 seconds West along said Easterly right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION MAP NO. 82-99 for a distance of 218.46 feet; thence North 18 degrees 42 minutes 30 seconds East continuing along said Easterly right of way line of MINNESOTA DEPARTMENT OF TRANSPORTATION MAP NO. 82-99 for

a distance of 194.56 feet; thence South 37 degrees 26 minutes 23 seconds East for a distance of 60.66 feet; thence North 89 degrees 47 minutes 08 seconds East for a distance of 130.45 feet; thence South 00 degrees 12 minutes 51 seconds East for a distance of 195.40 feet; thence North 89 degrees 47 minutes 09 seconds East for a distance of 403.33 feet; thence South 00 degrees 12 minutes 52 seconds East for a distance of 111.98 feet; thence South 79 degrees 19 minutes 19 seconds East for a distance of 58.31 feet; thence North 89 degrees 47 minutes 08 seconds East for a distance of 89.15 feet; thence North 63 degrees 39 minutes 19 seconds East a distance of 23.74 feet; thence North 29 degrees 38 minutes 00 seconds East for a distance of 47.30 feet; thence North 12 degrees 04 minutes 54 seconds East for a distance of 64.12 feet; thence North 00 degrees 06 minutes 52 seconds East for a distance of 156.75 feet; thence Northeasterly along a nontangential curve to the right having a radius of 125.00, a central angle of 40 degrees 05 minutes 31 seconds, an arc length of 87.47 feet, a chord distance of 85.69 feet and a chord\_bearing of North 36 degrees 25 minutes 14 seconds East to the point of beginning and there terminating; and

**WHEREAS**, The described property is zoned Business Park/Office/Warehouse (B-1); and

**WHEREAS, Section 1310.10 Subd. 2 Criteria states** the criteria for acting upon a Conditional Use Permit (C.U.P.) application as follows: *“In acting upon an application for a conditional use permit, the City shall consider the effect of the proposed use upon the health, safety, and general welfare of the City including but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land; the effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, character and integrity of the neighborhood; consistency with the Newport comprehensive plan; impact on governmental facilities and services, including roads, sanitary sewer, water and police and fire; effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes flood plains and soils; and other factors as found relevant by the City. The City may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the City or other governmental bodies having jurisdiction over the City. In permitting a new conditional use or the alteration of an existing conditional use, the City may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which it considers necessary to protect the best interest of the surrounding area or the community as a whole.”*; and

**WHEREAS**, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on July 13, 2015; and

**WHEREAS**, the Planning Commission’s findings related to the request for approval of a Conditional Use Permit include the following:

1. The proposed use is designated in Section 1330 of the development code as a conditional use in the B-1 Zoning District.
2. The proposed use is consistent with the Newport Comprehensive Plan, which supports the development of business and commercial uses in the areas along Highway 61.
3. The conditions for approval of the proposed use include requirements for development and operation of the site so that the proposed use will not be detrimental to or endanger the public health, safety or general welfare of the City, including the potential impacts of noise, glare, dust, and other nuisances; fire and safety hazards; and existing and anticipated traffic conditions and parking facilities.
4. The development of the property with Office/Warehouse and Commercial uses will have positive results for the City.
5. The proposed use will have no negative impacts governmental facilities and services, including roads, sanitary sewer, water and police and fire.
6. In permitting a new conditional use, the City has adopted conditions which it considers necessary to protect the best interest of the surrounding area or community as a whole.

**WHEREAS**, The Planning Commission recommended Council approval of the proposed conditional use permit, Resolution No. P.C. 2015-6.

**NOW, THEREFORE, BE IT RESOLVED That the Newport City Council Approves** a Conditional Use Permit for a new office/warehouse building, commercial building, and associated parking and site improvements for property located along Hastings Avenue, north of Ford Road with the following conditions:

1. The Applicant shall submit Final Plans that are substantially in conformance with the plans that were submitted to the City on June 15, 2015. The Plans shall include building plans, elevations, and detailed information on exterior building design and materials that are consistent with the City’s performance standards. The Building Plans shall be approved prior to approval of a building permit.
2. The Applicant shall address the Engineer’s comments regarding utilities and stormwater management and submit the final site and utility plans to the City Engineer for review prior to approval of a building permit.
3. Maximum truck loads serving the site may not exceed the capacity of Hastings Avenue year-round.
4. The applicant shall maintain the number and health of the trees planted between the south parking lot and the stormwater pond to provide an effective screen for the long-term.
5. No outside storage is permitted on the site.
6. All trash and recycling equipment shall be stored within a closed structure. The materials used to construct the trash enclosure shall be the same materials used on the exterior of the principal structure.
7. Vehicles parked for more than 48 hours must be screened from the eye-level view of public streets and adjacent residential areas.
8. Lighting shall conform to the ordinance requirements. The applicant shall submit a lighting plan to the City for approval prior to approval of a building permit.
9. Any utility equipment installed at the site must meet the ordinance requirements.
10. The Applicant shall apply to the City for a permit for sign(s) proposed as the site. All signs shall meet the ordinance requirements.
11. The applicant shall pay all fees and escrow associated with this application.

Adopted this 16<sup>th</sup> day of July, 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