



**City of Newport
City Council Minutes
September 18, 2014**

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; Steven Gallagher (arrived at 5:44 p.m.)

Council Absent –

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; Mark Mailand, Fire Chief;

4. ADOPT AGENDA

Mayor Geraghty - I would like to move the Engineer's Report to the first item under the Administrator's Report.

Motion by Rahm, seconded by Sumner, 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 September 4, 2014 Regular City Council Meeting
- B. Minutes of the September 4, 2014 City Council Workshop Meeting
- C. List of Bills in the Amount of \$807,204.51
- D. **Resolution No. 2014-43** - Approving Statutory Appointments of Elections Judges

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

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Tami and Dennis Mitchell, 925 Ellen Court presented the attached letter to the City Council.

Mayor Geraghty - You applied for one \$2,000 grant?

Mrs. Mitchell - That's all the County allows for.

Mayor Geraghty - What's the other one that the City can apply for?

Mrs. Mitchell - I believe Bruce can answer that.

Supt. Hanson - I applied for a source water protection grant through the State Dept. of Health, it's an entirely different program than what they're applying for. It's strictly due to the size and depth of the well. The decision will be made late October.

Mayor Geraghty - Was this on their maps?

Supt. Hanson - I'm not sure.

Mrs. Mitchell - As far as we know no one has any record of this but someone from the State did tell the well driller that it was 220 feet deep. We don't know who that was though. When Patrick from the State came out, he requested that I call the well driller. There is debris in the well. When one of the driller's looked at the well they went down into the well and pulled up a 26 inch long board. They came back with a camera and saw more debris. All of that needs to be cleaned out before it can be sealed.

Councilman Rahm - Did you check your homeowner's insurance to see if it covers this?

Mrs. Mitchell - As far as I know it doesn't but we can check again.

Mayor Geraghty - I'm not sure how much we can really do since it's on private property. Did you buy from Choban?

Mrs. Mitchell - No, he built the home.

Mayor Geraghty - I don't know what type of disclosures they required back then.

Supt. Hanson - I did apply for the full amount of the low bid they had, around \$7,000. There are some variables in regards to how big the cavity is so they may need to apply for additional money. My justification for it was the depth and size of it in regards to our source water.

Mayor Geraghty - All we can do is wait and see if we get that.

Mrs. Mitchell - That's all we've been doing. I'm still waiting to hear from the County to see if we got that grant.

Mayor Geraghty - We hope we get good news for you.

7. MAYOR'S REPORT – Nothing to report.

8. COUNCIL REPORTS –

Councilman Rahm - Nothing to report.

Councilman Ingemann - The Fire Department is having an appreciation dinner and the City Council and staff are invited. It's on the 27th.

Councilman Sumner - I attended the HPC meeting on September 10. We were informed that the excavation and analysis of the Brown house is underway. They did find something inside. They think it's a log cabin, which would have been one of the earliest settlements in Newport. I also attended the Firefighter's meat raffle.

Councilman Gallagher - Nothing to report.

9. ADMINISTRATOR'S REPORT –

A. Engineer's Report

Engineer Herdegen - Quick update on the 2014 project, we're looking at getting curb on 15th Street East tomorrow afternoon. They will return next Wednesday to place curb on 2nd Avenue and 8th Avenue as far as we've gotten on pipe repairs. We'll have a separate concrete crew working on driveways and flatwork. They should be here tomorrow to work on the remainder of Kolff and Ford. Bituminous driveway pavements on 14th, 15th, and 3rd is being done today. They should be on Ford and Kolff tomorrow. Ford Road should be paved on Tuesday. Mailboxes will go back in on Kolff

starting today and they'll work through the weekend to get them up. We should commence with normal mail delivery on Tuesday. The restoration crew should be in early next week. The pipe work on 8th Avenue and 18th Street should be completed next week. After that, they'll start raising the manhole irons on Kolff. Magellan pipeline work on 17th Street and 2nd Avenue was done on Wednesday.

Councilman Sumner - Do you have any comments on what they're finding in the pipelines?

Engineer Herdegen - A lot of roots.

Councilman Sumner - I think that's important for the people to know, that this work is finding a number of substantial problems.

B. Resolution No. 2014-44 - Approving a Minor Subdivision Requested by William Dalluhn for Property Located at 2769 Bailey Road

Sherri Buss, TKDA Planner, presented on this item as outlined in the September 18, 2014 City Council packet. In regards to requiring public hearings for minor subdivisions, the City Attorney does not believe the City has the option to get rid of this requirement for minor subdivisions. As such, the City will continue to require a public hearing for minor subdivisions.

Councilman Ingemann - Would the fee be on both lots?

Ms. Buss - No, it'd be on the new lot because the assumption is that when the current lot was created and there was a park dedication fee in place when they did so, they would have paid for it then.

Councilman Sumner - Is there a way we can split out that portion of the application, do the analysis and come back and apply it at that point?

Ms. Buss - You could table it tonight and we could try to come back at your next meeting with an analysis. The League of MN Cities has some publications on how to calculate the fee.

Mayor Geraghty - Have the surrounding communities reduced their fees?

Ms. Buss - Yes, we just haven't had any subdivisions for a long time so no one has thought of doing this. I did a survey last year for another community and most in the County are between \$2,000 and \$2,500. One option is to say that other communities are similar to a fee so we're going to charge that.

Attorney Knaak - As a practical matter, looking to other communities makes your position more defensible. The key is whether or not the fee you charge is attributable to the actual costs. Short of actually doing a thorough analysis, you look to your neighbors.

Mayor Geraghty - Could we say \$2,000 and then look at it in January when we set our fees.

Attorney Knaak - You could or waive part of it in view of your ongoing investigation.

Councilman Gallagher - Did you look at any neighboring communities?

Ms. Buss - When I did this survey it was for a community in the north part of the County.

Councilman Gallagher - Has there been any new construction in the last six months?

Ms. Buss - No, there haven't been any new lots created, just new homes. The last time we looked at this was when there was a subdivision on Military Road in 2010. Land costs have gone down since then so I would guess this fee would go down as well.

Motion by Sumner, seconded by Ingemann, to charge a park dedication fee of \$2,000 and directing staff to commence a study to evaluate park dedication fees. With 5 Ayes, 0 Nays, the motion carried.

Motion by Geraghty, seconded by Gallagher to approve Resolution No. 2014-44 as presented approving a minor subdivision for property located at 2769 Bailey Road. With 5 Ayes, 0 Nays, the motion carried.

C. Ordinance No. 2014-14 - Approving a Zoning Amendment to Section 1350 Non-Residential Districts

Sherri Buss, TKDA Planner, presented on this item as outlined in the September 18, 2014 City Council packet. The City of St. Paul determines capacity by the number of storage tanks that a craft brewery installs when they first open their business.

Councilman Sumner - What would a CUP cost?

Ms. Buss - A few hundred dollars.

Councilman Sumner - And we have more control. Is that an annual fee?

Ms. Buss - No, it's a onetime fee and the permit goes with the land. If the ownership changes, the new owner can operate under the same CUP.

Councilman Gallagher - It depends on if they continue that use too so it's not that simplistic. I don't want to say that it'll continue with the land forever.

Ms. Buss - That's right, I was trying to say that it goes with the property not the owner. Denver and St. Paul feel 5,000 barrels is a good number because there aren't issues at that number. Other cities haven't been willing to go there yet. There are a lot in the metro. Cities allow brewpubs in mixed-use districts but not craft breweries because of the potential for odors, trucks, loading, etc.

Councilman Sumner - Were those questions answered at the Planning Commission meeting?

Dan Lund, Planning Commission Chair - The reason we were comfortable with the 5,000 barrel limit is that a brewpub has a limit of 3,500 barrels per State Statutes so it's much closer to a brewpub use than a production use. I was personally uncomfortable with the capacity language because it seems like an imprecise limit and hard to determine. It seems like it'll change by recipe.

Councilman Rahm - It's by your storage tank size. That's what St. Paul is doing, by tank size.

Ms. Buss - They're saying that x number of tanks equals 5,000 barrels. They've worked very hard with the breweries to come to an agreement about how many tanks equals 5,000 barrels.

Mayor Geraghty - What is that number?

Ms. Buss - I didn't ask that but they'd be willing to share that with the building inspector.

Mayor Geraghty - How long as St. Paul had their ordinance in place?

Ms. Buss - A couple years. The planner told me that none of the craft breweries have had an issue with staying in that 5,000 limit. They also like it because banks are looking for the same information before giving a loan. This is a common way for them to deal with this issue.

Derrick Lehrke, owner of 374 21st Street - I struggle with finding where to begin because much of the information you've heard is inaccurate. I think the crux of a lot of it is that we're sticking with the idea of a mixed-use district versus what other people call it. We're not in a residential area, we have Wilson trucking and semis from Tinucci's. I'll touch

briefly on the report that was just referenced, I've gone through it and highlighted every place that they talk about barrels. Each time they talk about barrels produced and the State talks about barrels produced. It's a production limit, not an ability to produce. The Federal Government limits it on actual production. The ATF is on top of everything we do and every batch we brew. I thought this was just a clerical error on St. Paul's end. I have a one barrel system which is very small but if I were to use that every couple hours I have a very high ability to produce. That led to the question of how do you define the ability to produce. I hear today that they've been working with the brewing industry and there's information out there and I've been asking for that information since the Planning Commission and haven't gotten it from the Planner.

Councilman Sumner - What report is that?

Mr. Lehrke - It's St. Paul's report. The report has a list of cities that allow breweries in commercial or mixed-use district, Minneapolis, yes with no barrel limit, Duluth, some with no barrel limit, Dallas, with a CUP but no barrel limit, Denver, yes with a 60,000 barrel limit, Portland, yes with no barrel limit, Seattle, yes with no barrel limit, St. Paul, yes with a 5,000 barrel limit. They're always talking about production. I was able to pull up a report from Delano and they looked at Stillwater, St. Paul, Minneapolis, Brooklyn Center, Duluth, etc. They talk about production as well.

Councilman Ingemann - They're all in mixed-use districts?

Mr. Lehrke - I don't know.

Councilman Ingemann - You're half a block away from residences, you're mixed use.

Mr. Lehrke - What I'm trying to speak to is how do we judge that? I need to know what it means for whatever number you come up with.

Councilman Ingemann - We need to know what the maximum is for the capacity.

Mr. Lehrke - I can't do business without that number. If it's based on the actual production then it's based on the actual impact to the City. It seems reasonable to base it on actual production not what you can do.

Councilman Gallagher - I'd agree with that.

Councilman Ingemann - If they go over that number than we're doing catch up and have to tell them they need to scale back. I think we should have clear cut, this is what you can do.

Councilman Gallagher - Isn't it clear cut?

Councilman Ingemann - No because he can produce all he wants.

Councilman Sumner - It's regulated by the ATF.

Councilman Ingemann - Then you have to get all of the information from the ATF.

Councilman Sumner - I would like to see the types of reports that the ATF requires and then I would have any permit dependent on you providing those to us. I think the consequences are much more severe with the ATF than us. I would be willing to accept those reports.

Mayor Geraghty - Is everyone ok with the brewpub in existing bars?

Councilman Ingemann - With a CUP.

Ms. Buss - Are you saying you want it as it is currently, if they add this use they need to get a CUP?

Councilman Ingemann - Yes because we don't know what the smell will be like.

Mayor Geraghty - I thought you were proposing that a brewpub would be ok with existing bars.

Ms. Buss - That's what the Planning Commission proposal is. If someone already has a bar or restaurant or will be permitted for one then they don't have to get an additional CUP for the brewpub.

Mr. Lehrke - That's how every city does it.

Ms. Buss - No it's not. Most cities would see this as a new use and would require a CUP or amendment to an existing CUP. Since you don't have a lot of bars and restaurants it won't have a huge impact on you.

Councilman Sumner - What's our current limit?

Executive Analyst Eisenbeisz - We have a limit of five on-sale liquor licenses according to State Statutes.

Councilman Sumner - So we won't face a multitude of these. We already have three in existence.

Ms. Buss - No one has an issue with the brewpub amendment.

Councilman Sumner - And the Planning Commission is recommending no CUP for a brewpub?

Ms. Buss - Yes, any of the existing restaurants or bars could open a brewpub without getting a CUP. If a new bar comes in they would need to get a CUP and the brewpub could be a part of that.

Councilman Gallagher - Do we agree with that? I would say yes.

Mayor Geraghty - I think so. The next issue is if we want to allow a craft brewery in a mixed use district.

Ms. Buss - They are in the MX-3 District and your long-term goals for that area are to have more housing units. The only two cities that allow craft breweries in a mixed use district are St. Paul and Denver. The other cities he read allow them in a commercial district.

Councilman Gallagher - We're talking about getting a CUP in a mixed use district or not correct?

Ms. Buss - Or getting one at a certain size, which is what Denver and St. Paul have done. They believe the 5,000 barrel limit is similar to a brewpub and there aren't huge impacts to neighbors but there will be impacts at a larger capacity.

Councilman Sumner - We review liquor licenses every year correct? So if they went over the limit, we could revoke their license correct?

Attorney Knaak - Not necessarily. Unless that is a condition that you impose on the liquor license. I don't think you could successfully defend taking away a liquor license on that basis.

Ms. Buss - You would need to do it in a CUP or set the limit up front.

Attorney Knaak - And make it a condition of the liquor license. It's easier to enforce a CUP than a liquor license.

Councilman Gallagher - Were there any residents that spoke for it?

Ms. Buss - No, we didn't send a notice out to neighbors because it was an ordinance update. Part of what we need to think about is that we're not talking about one business. Anybody who wants to come to Newport to operate will be able to do that.

Mayor Geraghty - It's capped at five.

Mr. Lehrke - If I could piggyback off of what the Attorney said. I need to get a State and Federal license which both require that I'm within the local laws. If you set a limit that says I can only produce 5,000 barrels on Wednesdays, the ATF would make sure that I do that. The idea that I'll be able to produce as much as I want and no one can stop me is baffling because I need to fill out a ton of forms and talk to so many people. I would think that you'd be able to limit this like any other conditions that you set.

Councilman Sumner - I'm in favor of not requiring a CUP but would it be a difficult task if we asked for one?

Ms. Buss - No.

Councilman Sumner - In that you could define how many barrels they could produce even though I think there's enough documentation out there to monitor. I would imagine the Federal regulations are strict.

Ms. Buss - That would be another option, require a CUP for any craft brewery in a mixed use district no matter the size. The process is about one month and a few hundred dollars.

Councilman Gallagher - We're talking about existing bars and restaurants?

Ms. Buss - Not for craft breweries.

Councilman Gallagher - Does there have to be a public hearing for a CUP?

Attorney Knaak - Yes.

Councilman Gallagher - And this wouldn't count as a public hearing?

Attorney Knaak - No, it hasn't been noticed.

Councilman Sumner - If we allow this, we couldn't come back and say that the other two open spots would need a CUP?

Ms. Buss - The way you write it will apply to any new group that wants to come in and have a craft brewery in your mixed use districts. At this point, they could come in to your business or industrial districts and open one up without a CUP, the concern is for mixed use districts.

Mr. Lehrke - I might need to change from a brewpub to a brewery and it's only semantics, it's only words. What's the difference if I were to sell it a glass at a time or a keg at a time and make the same 5,000 barrels of beer. You're telling me that in the future I will need to come here and find out the new concerns and regulations for switching. If there are those concerns I have no problem talking about them now. We've talked about parking but that's handled in other ways, the same with festivals. We'd like to know those concerns now instead of having to go through a random CUP process. If we're already doing the 5,000 barrels, who cares if we want to sell it to different customers.

Ms. Buss - The difference is selling it onsite versus selling it offsite. That's why other cities have made the distinction and allow brewpubs in residential areas.

Councilman Gallagher - All of our mixed use districts have truck traffic in them now.

Ms. Buss - The concern is more the truck traffic on and off the site.

Mayor Geraghty - I want to look at the chart up here, the brewpub language is calling for a CUP right?

Executive Analyst Eisenbeisz - It's for a new business.

Mayor Geraghty - Where does it say that?

Ms. Buss - That's how you would read it. Since they already have a bar and restaurant and a brewpub is part of that use, they don't have to get an additional CUP because it's already listed there. If you're new you do need to get a CUP.

Councilman Sumner - What's the barrel limit on the brewpub?

Executive Analyst Eisenbeisz - 3,500.

Councilman Ingemann - Do you want to be a brewpub or craft brewery?

Mrs. Lehrke - We'd like to make that decision as the business dictates. The only difference is that we wouldn't be selling other liquor. It's a minor change.

Mr. Lehrke - It's only a distinction in words.

Councilman Ingemann - Not according to law. A brewpub you can only sell in your business whereas a craft brewery you can sell outside of your business.

Mr. Lehrke - According to MN Law.

Councilman Ingemann - That's where you live.

Mr. Lehrke - I'm still brewing the same beer. There is no impact to smell, it's the same amount of beer.

Mayor Geraghty - What if we just required a CUP for craft brewery no matter the size?

Ms. Buss - You can do that.

Mr. Lehrke - That's problematic for us because you're saying that in the future we may or may not have the ability to do something. When we walked into this we were going to be a craft brewery, it was only when we found out about these nuances that we had to go this way first. If you don't want us to be a brewery we won't become one.

Mayor Geraghty - We don't want to open the door totally, we want to have some control over the issue. How many years out are you?

Mr. Lehrke - We've already changed our plans because we can't be a brewery with the code as it stands now.

Mayor Geraghty - I don't think there's anyone here that isn't in favor of you brewing 5,000 barrels or less, it's just how do we measure it? Maybe that could be addressed in a CUP.

Mr. Lehrke - No one else has that issue, only St. Paul. I've asked for some information from your planner and haven't received anything so I don't know if it's just a clerical error on St. Paul's end. I would suggest you go the way every other city regulates it, with production.

Ms. Buss - In regards to CUP's, my understanding is that if they meet the requirements for a CUP, you can't deny it.

Councilman Gallagher - But under alcohol regulations, it's much different.

Ms. Buss - If we have standards for a craft brewery and they meet those, you can't deny one.

Councilman Gallagher - We denied a CUP for the Linn properties.

Executive Analyst Eisenbeisz - That was a liquor license, not a CUP.

Councilman Gallagher - The State gives you a lot of leeway when it comes to alcohol correct?

Attorney Knaak - Yes but less so when you're regulating through the zoning code. If you want more leverage and control you do that through your liquor license process. If the underlying conditions for a CUP are met, you must grant it. You can impose reasonable conditions.

Councilman Sumner - But a craft brewery would need a liquor license so we'd have control then.

Attorney Knaak - Yes but I would also point out that you need a substantial basis before pulling one. You may want to consider imposing conditions related to the brewing on site.

Councilman Sumner - I like the idea of having this type of activity in Newport. I don't think the capacity is the best measure but you say that St. Paul has been doing this for a while and haven't had any issues correct?

Ms. Buss - Yes and the main difference is that St. Paul is doing it up front and requiring a CUP before they start their business. We don't want to keep going and getting those reports and if you've installed too many tanks we don't want to have to go backwards.

Mr. Lehrke - That doesn't make sense because some things take years to ferment, I cannot wait to read the information that she is going to provide us. Can't you just tell me how you'll regulate it.

Councilman Ingemann - I'm not going to give you cart blanche.

Mr. Lehrke - I'm not asking for it. You call up any other city and it's a much quicker process. The Planning Commission didn't have any problem with it.

Councilman Ingemann - A craft brewery will require a CUP.

Mr. Lehrke - That's not what the Planning Commission recommended.

Councilman Ingemann - I have a feeling that he wants to be able to do whatever he wants and we have to figure it out if he goes over or not.

Councilman Gallagher - Why don't we make it part of the liquor license that they need to provide us with copies of their ATF reports.

Councilman Sumner - You'll provide those?

Mr. Lehrke - Yes.

Councilman Sumner - Do we have that?

Executive Analyst Eisenbeisz - When they bring their applications forward for brewpub licenses we can add that as a condition. I'll need to take a look to see what licenses they would need for a craft brewery.

Motion by Gallagher, seconded by Sumner, to Ordinance No. 2014-14 as presented. With 4 Ayes, Ingemann Voting Nay, the motion carried.

D. Approval of the City's Response for the Mississippi River Corridor Critical Area Rules

Sherri Buss, TKDA Planner, presented on this item as outlined in the September 18, 2014 City Council packet.

Councilman Sumner - Is this language similar to other cities?

Ms. Buss - Yes.

Motion by Gallagher, seconded by Ingemann, authorizing staff to send the letter to the MN Department of Natural Resources. With 5 Ayes, 0 Nays, the motion carried.

E. Resolution No. 2014-45 - Establishing a Proposed Preliminary Levy Certification for Levy Year 2014, Payable 2015

Admin. Hill presented on this item as outlined in the September 18, 2014 City Council packet. The preliminary levy is \$2,467,476, which is a \$51,785 or 2.14% increase over the 2014 approved levy.

Councilman Sumner - What does the fiscal disparities going up \$29,000 mean to the City?

Admin. Hill - That means that we don't have to levy for that \$29,000.

Councilman Sumner - It's in the same vain as an LGA increase, it's just called a different name?

Admin. Hill - Yes and like LGA it does fluctuate every year.

Motion by Geraghty, seconded by Rahm, to approve Resolution No. 2014-45 as presented establishing a proposed preliminary levy certification for levy year 2014, payable 2015. With 5 Ayes, 0 Nays, the motion carried.

F. Ordinance No. 2014-15 - Approving a Zoning Amendment to Section 1300 General Zoning

Executive Analyst Eisenbeisz presented on this item as outlined in the September 18, 2014 City Council packet.

Motion by Gallagher, seconded by Ingemann, to Ordinance No. 2014-15 as presented. With 5 Ayes, 0 Nays, the motion carried.

G. Ordinance No. 2014-10 - Approving an Amendment to Section 1140, Housing Standards

Executive Analyst Eisenbeisz presented on this item as outlined in the September 18, 2014 City Council packet.

Councilman Sumner - Don't we have some homes without a basement?

Councilman Ingemann - Yes.

Councilman Gallagher - Wasn't a new home just built without a basement?

Executive Analyst Eisenbeisz - No, all of the new homes that have come in have basements or split levels.

Councilman Gallagher - Have there been some built on slabs since this was created?

Supt. Hanson - Not that I'm aware of.

Motion by Ingemann, seconded by Rahm, to Ordinance No. 2014-10 as presented. With 4 Ayes, Gallagher Voting Nay, the motion carried.

H. Development Agreement between the City of Newport and Presidential Recovery Services, LLC

Councilman Sumner - Has Presidential Recovery Services seen this agreement.

Admin. Hill - Yes, they signed off on it.

Motion by Sumner, seconded by Gallagher, approving the development agreement between the City of Newport and Presidential Recovery Services, LLC. With 5 Ayes, 0 Nays, the motion carried.

Admin. Hill - On October 10 - 12 there will be filming at Pioneer Park. Steve knows a little bit more about it.

Councilman Gallagher - This weekend they're premiering another movie at the Walker Art Center that was filmed here last year. Stefanie Toftey wrote the film that's being done in October.

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 – This item was moved to 9.A.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT - Nothing to report

15. NEW/OLD BUSINESS

16. CLOSE THE MEETING TO THE PUBLIC FOR DISCIPLINE REVIEW

The City Council closed the meeting to the public for reviewing internal investigation data at 7:23 p.m. The City Council opened the meeting to the public at 8:07 p.m.

17. ADJOURNMENT

Motion by Geraghty, seconded by Gallagher, to adjourn the regular Council Meeting at 8:07 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst

Newport City Council Meeting

September 18, 2014

Mr. Mayor + Council members,

We have a problem and we need some help.

There is a 12.5 inch wide well in our yard. It was measured to be over 181 feet deep.

It has been there since ^{before} 1968 when our house was built by Mr. Choban, builder and developer of Oakridge Terrace #2

We were told by several longtime residents that a lot of dirt was moved out and around to build more homes in our area at that time.

If the well was buried with a welded cap on top, it would be reasonable to think that when the dirt was moved, this was when the well appeared. The casing is 3.5 feet out of the ground.

It would also be reasonable to think that the city would have had knowledge of the well at that time, in and around 1968.

We moved into our home in November of 1973. We were not aware of or told of a well on our property when we purchased it. We became aware of it sometime later. We asked our neighbor about it and he said it was a Swanlund well used to water the strawberries.

Sometime later we asked the public works guy if we could open and use the well, he said we could not do that. We never used the well.

On July 29, 2014 we found out from Bruce Hanson that we needed to contact Washington County about the well, to get it sealed by a licensed well driller, due to state law and the Clean Water Act. He also stopped by August 27 to take a look at the open well.

We have contacted the County, filled out an application for a grant which is \$2000 at the most. We are waiting to hear from the County about the grant at this point.

We have contacted the State Health Department and both the County and State have been out to see the well and expressed concern about the size of the well.

We have 3 bids from licensed well drillers ranging from \$7000 to \$14,000 to seal and close this well. You should know that most normal household wells are 4-6 inches wide and cost \$2000 to seal. This is not a normal size well. We should not have to use our money to pay to seal this well.

We called the City of Newport Office on August 26 and asked if there was any help for us. Deb Schultz said she would talk to Deb Hill. Deb Schultz called us the next day and said that Deb Hill said that the city did not have help for us and that we should call the County and State.

We told Deb S. that we had already called them.

Since then, we have learned that the state contacted Bruce Hanson and there may be a grant the city could apply for concerning this well. → (water-source protection grant)

The well was bolt capped, by a well driller, on September 11, 2014.

After some research, we are pretty sure this well was used for an Agricultural Business by the Swanlund Family for watering their strawberry and vegetable fields. They sold these items from a vegetable stand near their house on Hastings Avenue which is now the site for two holding ponds. The old farmhouse was torn down and it once belonged to Willis Ford one of the founding fathers of Newport.

Finally, we believe we should not have to pay for a well we never used. Because of the size of the well, we feel it should be treated as a special circumstance.

We are asking for the city to help us.

Submitted by;

Dennis and Tami Mitchell, Newport, MN

CITY OF NEWPORT
MINUTES OF THE SEPTEMBER 18, 2014 AND
SEPTEMBER 24, 2014 CLOSED SESSIONS

On September 18 and September 24, the City Council of Newport, Minnesota, met to review discuss five internal investigation reports involving complaints against several individual City of Newport Police officers. Both of these meetings were required to be closed pursuant to the provisions of Minnesota Statutes 13D.05, subdivision 2(2), which mandates closure of a meeting in which “internal affairs data relating to allegations of law enforcement personnel misconduct” is discussed.

No formal action of any kind occurred at either closed meeting beyond an opening and closing of the meeting and a review and discussion of the reports by the members of the City Council.

The above two paragraphs is for inclusion in the minutes.