



**City of Newport
City Council Minutes
December 19, 2013**

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; Bill Sumner; Tracy Rahm; Steven Gallagher

Council Absent – Tom Ingemann;

Staff Present – Deb Hill, City Administrator; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineer;

Staff Absent – Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief;

4. ADOPT AGENDA

Motion by Gallagher, seconded by Rahm to adopt the Agenda as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the December 5, 2013 Regular City Council Meeting
- B. List of Bills in the Amount of \$194,789.81
- C. **Resolution No. 2013-60** - Accepting Donations for Period of September 5 - December 12, 2013
- D. Animal Licenses
 1. Kennel License for Jennifer Lessard
 2. Farm Animal Permit for Kim Brown

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

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

A. Eagle Scout Presentation (3:20 - 6:15)

Mayor Geraghty - Tonight we have a special guest, Greg Sharrow, who received his Eagle Scout and I'd like to read a letter that I sent to him.

Dear Greg,

On behalf of the City of Newport, we congratulate you on your outstanding achievement, earning the rank of Eagle Scout. You have demonstrated the highest qualities of leadership and moral character in attaining this rank. You can be proud of your start as a future leader. Becoming an Eagle Scout is an admirable accomplishment, and the City of Newport is proud to have you as one of our citizens. We applaud your commitment to scouting, your

school, and your community. Again, congratulations on receiving the highest honor!

Would you like to tell us a few words about your journey and project?

Gregory Sharrow, 1556 Woodbury Road - It's been a long time, I've been in Scouts since grade school. Honestly, when I first started, I didn't think I would make it this far. For my project, I'm part of the tennis team and we put in some shelving in our shed. We also built rolling carts for the roll dries, which is like a giant squeegee, and the foam can't be touched so we built rolling carts to store them. The merit badges were also tough to get. Some of them take three months to achieve. For instance, the personal fitness, one I needed to keep track of all physical fitness I completed for three months. I want to thank you all for recognizing me. I really appreciate the thought.

7. MAYOR'S REPORT –

Mayor Geraghty - A number of us attended the volunteer dinner a week ago, Susan Lindoo received the Volunteer of the Year award, I'd like to thank the volunteers for their efforts. Yesterday, we had the employee lunch, it was good food and a great turnout. Thanks for planning that Renee.

8. COUNCIL REPORTS –

Councilman Rahm – I also attended the volunteer dinner, thank you to all of the people that volunteer for Newport. It's a very important thing that you do and it helps keep the City going. I also attended a South Washington County Telecommunications meeting.

Councilman Sumner - I also attended the volunteer dinner and it was a great honor to be with the people that do so much for the City. There are of course well known factions in Newport but it's nice to get together to celebrate the commonality that we have in hoping Newport does well in the future and looking back on our accomplishments and contributions from the past year. Hopefully it will inspire people to keep involving themselves in the day-to-day operations of Newport. I also chaired the blood drive for the Department of Revenue. It's one of the most heartfelt projects that I get involved with. You can imagine the impact of giving blood to the person receiving it and their family. All of us have the capability, if we are healthy enough, to give blood. Those are two things that I like to think about at this time, the volunteers that help Newport and the volunteers that give blood.

Councilman Gallagher - I also attended the volunteer banquet, it was very well done. I really appreciate it. I also had a Red Rock Corridor Commission meeting where we discussed the groundbreaking. Everyone thought it was very successful. I had a Met Council TAB meeting and was reappointed for next year. I also went to the Holiday Train event and it was very successful and fun.

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2013-61 - Approving a Variance for Gary Banaszewski for Property Located at 1970 8th Avenue

Sherri Buss, TKDA Planner, presented on this item as outlined in the December 19, 2013 City Council packet.

Councilman Rahm - Is there a time frame for when this needs to be completed?

Ms. Buss - It needs to be completed within a year.

Councilman Sumner - Does he plan to do it within a year?

Mr. Banaszewski - Yes.

Councilman Gallagher - When was the house built?

Mrs. Banaszewski - 1969.

Councilman Gallagher - And does it meet the current setback?

Ms. Buss - Yes, barely. Every house in the neighborhood is exactly 30 feet back.

Councilman Gallagher - And it would face 8th Avenue towards the industrial side?

Ms. Buss - Yes.

Motion by Sumner, seconded by Rahm, to approve Resolution No. 2013-61 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Discussion Regarding Red Rock Gateway Area

Barbara Dacy, Executive Director of the Washington County HRA, presented on the branding piece of this item as outlined in the December 19, 2013 City Council packet.

Mayor Geraghty - I think it's a great idea and I support it fully. What are the timelines and processes to accomplish the goals?

Nancy Doyle Brown - The timeline in general is first we are going to learn all we can about developers. The good news about this project is that we have a really well defined business challenge to solve, which is attract businesses to this project. What we need to do is understand how developers think, why they look at a project, why they're interested, how does our project compare to others, etc. We also need to find out what they get excited about. What we're going to do is first talk to the developers in the first month and at some point have a session to talk about the name and take away from what I've learned from the developers and a potential name for the development, keeping in mind that we want to have some independence from the Red Rock Rail Corridor but also avoid any conflicts with "Gateway." That will be the second phase. The third phase will be with a designer that I work with and we'll talk about doing something about the visual identity. The fourth and final phase would be talking about a marketing plan for how we're going to reach these developers. We'll be working on it the next few months. We want to be in continuous conversation with the City to ensure we're getting all the information and input from you.

Mayor Geraghty - So are you thinking some workshop meetings?

Ms. Doyle Brown - I think there will be several meetings and what is yet to be defined but we would be interested in thoughts is how we're going to integrate with the City.

Mayor Geraghty - The issues with the name, Red Rock is rooted here and belongs to us so how can we ensure that we keep it? Tracy, I know you're interested in branding and marketing as well.

Councilman Rahm - It's part of our strategy and ties along with it. Right now, there is no cost to the City?

Ms. Doyle Brown - That's my understanding.

Councilman Sumner - Did I hear correctly that you don't have experience doing this type of work?

Ms. Doyle Brown - I've worked mostly in non-profit communications and branding. A good portion of my work, especially in the last several years, has been exclusively with affordable housing developers. I think understanding

how developers make these choices is something I need to understand, I need to be able to think like a developer. I have several questions to ask developers.

Mayor Geraghty - Are you developing some sort of matrix and scorecard?

Ms. Doyle Brown - Yes.

Councilman Sumner - Do we have any follow-up with the developers that we talked to? Where are we with potential developers?

Ms. Dacy - A year and a half ago we had a letter of interest from the Sand Companies to do a market-rate development and they are still interested. That was one out of the many that we talked to that has indicated their continued interest.

Councilman Sumner - How do we see ourselves positioned against this Gateway development along 94. I don't know if we didn't get started first and they should change their name if we decided to use the Gateway.

Ms. Dacy - I think that's what part of the process should try to sort out. We definitely want to establish that strong, unique identification for the area.

Councilman Sumner - For the Newport site because Red Rock was the original name of Newport.

Ms. Dacy - We've talked about the history a lot during the initial conversations so I think that's one strong feature.

Mayor Geraghty - I know you're focused just on the Knox site but is there a way to do this so that the City can leverage off of what you discover because we do have other sites.

Ms. Doyle Brown - Absolutely, all of the information will be available to you. I did take a look at the branding piece that you had done and I think that's a great start to thinking about the brand of Newport overall.

Sherri Buss, TKDA Planner, and John Stewart, City Engineer, presented on the stormwater piece of this item as outlined in the December 19, 2013 City Council packet.

Mayor Geraghty - It seems like we've studied stormwater management a lot over the years, is it always done piecemeal like this?

Engineer Stewart - The City has never approved an overall one. Even if you did have an overall one we'd still need to do a piecemeal item. In this case, it's almost essential that you take an overall look at the area that's being developed. We don't want each developer to have a stormwater pond. This is an opportunity to do stormwater management in one location, it would enhance the area and make it so that we don't have several stormwater ponds in the area that resolve one at a time issues.

Mayor Geraghty - What area are you looking at?

Engineer Stewart - I'm thinking of the area around Unity Blvd to 21st and Maxwell.

Mayor Geraghty - We're dealing with water issues across the street as well. Can we encompass those with this?

Engineer Stewart - What we have there a big problem on our sewer system. Any time it rains, we get I & I in our sewer line that is out of control. We're looking at that as a problem for I & I and an opportunity for stormwater management. What we've envisioned is constructing an interceptor drain along the top part of the site where the spur line is. We'd intercept that stormwater and bring it up to the surface into a channel and send it down to Maxwell where it would go back into the groundwater. I don't think it'll be a cascading stream.

Mayor Geraghty - So it wouldn't go to the River?

Engineer Stewart - Some of it would.

Mayor Geraghty - You need an answer tonight?

Ms. Buss - Pretty soon. This needs to be done by April.

Mayor Geraghty - You said \$35,000 with a third being paid by the Watershed potentially?

Ms. Buss - That's what we're hoping.

Mayor Geraghty - These would most likely come out of NEDA.

Admin. Hill - We could but this is a stormwater issue. I talked with Stacie from Ehler's and we talked about NEDA doing an inter-fund loan to the Stormwater Enterprise Fund.

Councilman Gallagher - I'd rather take it from NEDA.

Mayor Geraghty - I'm ok with proceeding.

Councilman Sumner - How do we know there's an underwater stream?

Engineer Stewart - When we did the pond up at Glen and 11th, the contractor could not stay ahead of the spring water that was coming up through that pond and I believe we have the same situation down here. You won't find a stream but you'll find that the water follows the fractures in the bedrock down to the River. This project will give us an opportunity to capture that and use it.

Councilman Gallagher - Could we implement a community garden and re-use some of the water?

Engineer Stewart - One of the things that we were looking at was to irrigate within the development, which means we need to provide enough storage for the stormwater.

Ms. Buss - That would be a perfect re-use example.

Councilman Rahm - I just want to make sure we're comfortable with what we're spending and what we're getting.

Councilman Sumner - My motion is for the \$35,000 proposal.

Motion by Sumner, seconded by Gallagher, to authorize MSA and TKDA to move forward with the stormwater study at a proposal of \$35,074. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Ordinance No. 2013-10 - Approving a Zoning Amendment to Section 1300, General, Section 1340 Residential Districts, and Section 1350 Non-Residential Districts

Sherry Buss, TKDA Planner, and Executive Analyst Helm presented on this item as outlined in the December 19, 2013 City Council packet.

Councilman Sumner - I want to make sure that we're talking about Residential Estates only and that anything that has been built prior to this are grandfathered in.

Ms. Buss - That's correct. This would be for any new accessory structures.

Councilman Sumner - So the potential size would be reduced quite a bit?

Ms. Buss - Yes, now you have no limit. This one sets it at a limit more similar to your neighbors.

Councilman Sumner - This would meet the Met Council's requirements?

Ms. Buss - They don't have any requirements for accessory structures.

Attorney Knaak - I've reviewed it and it's standard. I don't want anyone to think that you've been dwelling on this topic because you haven't. Overtime these are accumulated definitions that have been used.

Ms. Buss - We took these from Woodbury.

Councilman Rahm - One the accessory structures, I looked at some of the numbers and compared them to my structures, I don't think they're large and they could be larger. I don't think 3,000 square feet is that big when you get down to it. I have a 1,500 square feet structure and I could stand to have one double the size.

Mayor Geraghty - Were those sizes average?

Ms. Buss - We're on the high end. Woodbury allows much smaller. I think for a suburban community these are on the high end.

Councilman Gallagher - What did you change in Section 1350?

Executive Analyst Helm - A reference to Section 1300, because the numbering had changed in Section 1300. It's on the ordinance, I didn't include a red-line version because it's such a small change.

Councilman Rahm - One thing about the restrictions, it probably does cut down on people have a home business.

Ms. Buss - That's a typical reason for it.

Motion by Sumner, seconded by Gallagher, to approve Ordinance No. 2013-10 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

D. Resolution No. 2013-62 - Resolution Regarding Alleged Legal Non-Compliance of an Off-Sale Liquor License Holder

Admin. Hill and Attorney Knaak presented on this item as outlined in the attached resolution.

Councilman Gallagher - Does this meeting count as the notice, could we do Saturday?

Attorney Knaak - Yes.

Mayor Geraghty - Can we pick a certain date? I don't want it to be excessive. I was thinking January 2, 2014.

Councilman Rahm - I recommend that too.

Mayor Geraghty - It is a penalty.

Attorney Knaak - The ordinance requires you to suspend for at least one day. The findings in the Resolution are suggested based on what was provided at the hearing.

Councilman Sumner - I would like to ask the business owner if there's a day that would be least burdensome to them.

Mr. Her - That is fine.

Councilman Sumner - Hopefully this will be the last time. I would accept the 2nd.

Councilman Gallagher - Can we require training? Have you sent your employees there?

Mayor Geraghty - I don't know if we can.

Mr. Her - I'm working on a schedule to send them.

Councilman Gallagher - Hopefully this doesn't happen again because the penalties are much more severe.

Motion by Geraghty, seconded by Sumner, to approve Resolution No. 2013-62 as attached and directing the City Administrator to send a letter to Newport Liquor informing them that they're liquor license will be suspended on January 2, 2014 and informing them of training through Washington County. With 4 Ayes, 0 Nays, the motion carried.

E. Presentation on the Local Performance Measurement Report

Executive Analyst Helm presented on this item as outlined in the December 19, 2013 City Council packet.

Councilman Sumner - Do we have any data about the operating cost of water for neighboring cities?

Executive Analyst Helm - I don't but I can look into it.

Councilman Sumner - That would be good.

Councilman Rahm - We did pump more water but our cost was less, I'm wondering why that is.

Engineer Stewart - When you have development, the amount of irrigating water makes a big difference in the amount of water you pump.

Mayor Geraghty - When is the next time we'll do this?

Executive Analyst Helm - You need to do a Resolution every year if you want to participate in it and receive the funding.

Councilman Gallagher - Did we receive any funding from this year?

Executive Analyst Helm - No because I haven't submitted the report.

Councilman Gallagher - And we weren't exempt from the levy limits this year either.

Executive Analyst Helm - That's right, I believe it was because I haven't submitted the report yet.

Attorney Knaak - Do you still get funding even though there was statistically significant findings?

Executive Analyst Helm - I believe so because you need to participate in the program and submit a report to the State. In all of the documents from the program it didn't say anything about that.

Mayor Geraghty - Thank you. Submit it to the State.

F. Discussion Regarding Grievance (1:24)

Admin. Hill presented on this item as outlined in the attached memo and supporting documents.

Mayor Geraghty - I read your memo and agree with your conclusion. Is there a way in the payroll system to have a cap?

Admin. Hill - Yes, we've done that now.

Mayor Geraghty - Also do you review the vacation rollover?

Admin. Hill - Yes.

Mayor Geraghty - Do we just accept her memo?

Attorney Knaak - Mr. Mayor, this is part of the process that the contract requires, which is your review. I see no one representing the other side here, which is alright. It's based on a review of the facts and involves interpretation of the contract and the City's practices. Given those items, I've made my recommendation to the City Administrator and she's made hers to you. It is your decision at this point to either uphold the grievance or uphold the position of the City Administrator.

Councilman Sumner - That was established recently that there would be a maximum amount that would be paid out and it's not the full amount of the cap, it's 60%?

Admin. Hill - Yes.

Councilman Sumner - So aside from an employee being able to take that sick leave there's no harm being done to them with the 960 cap?

Councilman Rahm - I understand there's a grievance here, there's only one grievance right?

Admin. Hill - Yes.

Councilman Rahm - And they're saying there would be a difference of 284 hours. There's another way, in my opinion, to approach this. We could cap this person at the hours they currently accumulated.

Admin. Hill - We have two other employees who exceeded the 960 hours.

Mayor Geraghty - I don't want to set a precedence.

Councilman Rahm - But we made the cap after this person accumulated these hours.

Mayor Geraghty - No the cap was in place it just wasn't enforced on the time sheet.

Councilman Rahm - I understand that but in my opinion we've made a change in policy.

Mayor Geraghty - We made a change in regards to what we're paying out but the cap was there in the handbook.

Admin. Hill - The cap has always been there.

Councilman Rahm - I understand that, we're saying that since the contract is silent the handbook takes over, I understand that. What I'm saying is that there's another way of doing it. This person has filed a grievance. What are they asking for?

Councilman Gallagher - To be reinstated their hours.

Admin. Hill - It's my understanding that they expect 50% of their entire hours, not the 960 when they leave.

Councilman Rahm - That's a little different.

Mayor Geraghty - That's why we're talking about it. I'm confident in Deb's decision.

Councilman Sumner - So just because the numbers were in their payroll incorrectly that doesn't mean it supersedes the policy.

Admin. Hill - And that does happen.

Councilman Gallagher - That happens all the time.

Admin. Hill - The 960 is very generous compared to other cities.

Councilman Rahm - I agree with that. I just wonder if we're changing things and now someone feels slighted on it.

Councilman Gallagher - There's no evidence that was brought forward that says under the contract, past or current, that there was no cap correct?

Councilman Rahm - That's my understanding.

Admin. Hill - Yes, the contract does not state it either way.

Attorney Knaak - Yes, and I believe there are two things that govern interpretation. One, the responsibility to abide by the policies of the City. Secondly and more importantly is past practice, which has been enforced at 960. The only exception that has been made was specifically called out and was for a non-union employee. From an arbitration point of view, the past practice is the more important of the two.

Councilman Gallagher - Does the public works union contract mention a cap at all?

Admin. Hill - No, they are also silent.

Councilman Rahm - Why don't you put that in there next time?

Councilman Gallagher - According to the Attorney we don't need it in there because it's in the handbook.

Attorney Knaak - You might get an arbitrator if this goes forward that disagrees with my opinion but as a practical matter, once an issue like this comes up it will end up being talked about during the contract discussions.

Mayor Geraghty - Did the Chief deny it?

Councilman Gallagher - It's in there, he says he doesn't have the authority.

Councilman Rahm - So we're denying the grievance and upholding the City policy by doing that. Are we saying that he doesn't have a grievance?

Attorney Knaak - Yes, he has other options to move forward but this is a necessary step for him to move forward.

Councilman Rahm - I think he has a grievance. The City might prevail in asserting its policy.

Mayor Geraghty - I disagree strongly with you. The policy was there, he didn't understand that the handbook kicked in. Our position is that the 960 cap was there. Just because his records show he had more it was in error.

Councilman Rahm - So we're saying that our system was in error?

Mayor Geraghty - Yes.

Councilman Sumner - In these cases, do we see a spat of sickness?

Mayor Geraghty - That's where we should have had discussions with severance. That's the one thing I don't like about our policy is that this encourages the use of sick leave because of the cap.

Admin. Hill - Yes, the employee mentioned that to me.

Mayor Geraghty - The way you get around that is you reduce the percentage of severance pay and don't have a cap.

Councilman Gallagher - That's a management issue. Was the employee invited to show up tonight?

Admin. Hill - Yes, I talked with the Chief and he didn't think he would be here tonight. He did know it was tonight.

Councilman Rahm - That's too bad.

Councilman Sumner - There is no cap on vacation though?

Admin. Hill - We can only roll over 80 hours per year.

Councilman Sumner - But that is paid out at 100%?

Admin. Hill - Yes.

Councilman Rahm - If we uphold this, he could then go to arbitration?

Attorney Knaak - He could.

Councilman Rahm - What usually happens at those hearings?

Attorney Knaak - Both sides describe their case to a neutral party and the arbitrator makes their decision. You are bound to abide by the arbitrator's decision.

Mayor Geraghty - And you would cite the past practices?

Attorney Knaak - Yes.

Councilman Rahm - I wish the Chief was here to talk about how it could affect morale.

Councilman Sumner - Chief Muzniks was part of staff.

Councilman Gallagher - He wasn't union either.

Attorney Knaak - He started as union and continued forward, but in any event he was capped at 960.

Admin. Hill - The payout was at the 960.

Councilman Gallagher - At 60%?

Admin. Hill - It was 50 or 60. Wanda was capped too.

Councilman Gallagher - But those are non-union so that makes a difference.

Attorney Knaak - It does and the basis for the grievance is that their union. I would say it's a valid basis for a grievance, I don't agree with the assertion. There's nothing wrong with the employee for doing this.

Councilman Gallagher - Is there a timeline for us to act on this?

Admin. Hill - I think 15 days.

Councilman Gallagher - Then I really wish he would have been here.

Councilman Sumner - He has the ability to take the next step then.

Attorney Knaak - Yes. It may have been helpful for him to be here.

Mayor Geraghty - Are there any other employees that are approaching that mark or does this discussion stating that we believe we're right set precedence?

Attorney Knaak - The impact of this would be, assuming this is upheld and goes no further, you would be stating what the City's policy and position is so there could be no question in the future as to how the contract is being interpreted. If he goes beyond this, the arbitrator will render an opinion on the contract.

Mayor Geraghty - That was my understanding when we changed the severance that we had the cap and that's why I voted the way I did. We have to rely on the Attorney's opinion that if it's silent in the contract than the policy takes over.

Motion by Geraghty, seconded by Sumner to concur with the Chief and City Administrator and deny the grievance. With 3 Ayes, Rahm voting Nay, 1 Absent, the motion carried.

10. ATTORNEY'S REPORT – Nothing to report

11. POLICE CHIEF'S REPORT – Nothing to report

12. FIRE CHIEF'S REPORT – Nothing to report

13. ENGINEER'S REPORT –

A. MS4 SWPPP Application for Reauthorization

Engineer Stewart presented on this item as attached. Superintendent Hanson has been presenting the MS4 Report for the past couple years. The MS4 regulations recently changed and therefore the City needs to submit an Application for Reauthorization. The regulations are also changing whereas the City will eventually receive a

permit for every pipe that discharges into the Mississippi River. The permit will control the total number of pounds of nutrients that can go into the River. The new regulations require us to control all pipes above 12 inches in diameter instead of 24 inches. The City also needs to provide a method for managing and penalizing property owners that contribute runoffs that exceed the permit requirements. The City's current stormwater ordinance doesn't allow for that. The City will need to amend the ordinance in the future to comply with the new regulations.

Councilman Sumner - This will be done every year?

Engineer Stewart - The reapplication will be done in five years but we'll need to redo the ordinance in the next six months or so.

Councilman Sumner - Will we be able to comply with these laws?

Engineer Stewart - At this stage, we will be passing the responsibility and cost to the Watershed District. In five years, it'll be another issue.

Mayor Geraghty - Meaning?

Engineer Stewart - Meaning that we'll need to do sampling off of the pipes on a quarterly basis and do a report for what is actually discharged.

Councilman Gallagher - So this is another unfunded mandate?

Engineer Stewart - Yes.

Councilman Sumner - How many pipes do we have running to the River?

Engineer Stewart - I believe 15. Because we're going from 24 to 12 inches, we need to map all of the pipes in the City that are 12 inches or larger.

Councilman Gallagher - So they want us to report everything from a 12 inch or larger pipe?

Engineer Stewart - Yes.

Councilman Gallagher - Again, I want to make sure our residents know that this is an unfunded mandate from the State.

Engineer Stewart - Yes and they're passing it down from the EPA.

Councilman Sumner - What kind of costs are we looking at?

Engineer Stewart - At this time, not much will change except for our ordinance. The only cost is producing a map that shows pipes 12 inches or larger. The majority of the costs will be in five years. My guess is that the Watershed would do the testing and reporting but they'll ask for reimbursement.

Mayor Geraghty - Why wouldn't the Watershed pay for it?

Engineer Stewart - Because the City owns the pipes.

Mayor Geraghty - But they paid for the North Ravine and we own that.

Councilman Rahm - But the Watershed Supervisor is an elected position.

Engineer Stewart - It would go to the staff. We do the same thing with our on-site systems. If we have someone that wants to put in a septic system we designate that to the County so they need to meet the County requirements. We're basically doing the same thing here. We're postponing getting involved as long as we can.

Motion by Gallagher, seconded by Rahm to authorize the Mayor to sign and direct the City Administrator to submit the MS4 SWPPP Application for Reauthorization. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Update on the Wellhead Protection Plan

Engineer Stewart updated the City Council on the Wellhead protection plan. It was anticipated that the Plan would be done by December 31, 2013, however the Department of Health added a requirement to the scope of work. Staff now needs to provide two cross sections that show the different bedrock profiles. Engineer Stewart is requesting an additional two weeks and will not increase the cost of the project. The City Council authorized the additional two weeks.

Engineer Stewart also requested that the Memorandum of Understanding for Newport St. Paul Cold Storage's stormwater be extended from December 31, 2013. This is being requested because the City is still working with Cold Storage regarding a cooperative stormwater pond between the Cold Storage property and MnDot property.

Councilman Gallagher - Could the stormwater project for the Red Rock area incorporate his project?

Engineer Stewart - It will be part of the overall understanding.

Councilman Gallagher - Would a month be too soon or should we assume everything gets in together?

Engineer Stewart - I don't think our study will make a lot of difference on the outcome with this property. It's a no brainer that if we do two lots over there that they end up in a common treatment plant. This won't affect it. I don't think the six weeks would change that. Nothing will change between now and April but if you want to give us that flexibility that would be fine.

Councilman Gallagher - I don't mind granting more time if you have innovative items to think about.

Engineer Stewart - I'm comfortable with April. I know we won't be digging a lot of trenches with the bedrock out there.

Councilman Gallagher - Has he started building?

Engineer Stewart - He did, he's waiting for steel to get the walls and roof up.

Councilman Gallagher - Would he be able to implement any plan before the spring thaw?

Engineer Stewart - We don't anticipate it starting until late summer.

Mayor Geraghty - I think there are a number of issues that need to be resolved down there. We're still trying to get the title and easements and we'll probably be updating our MOU with MnDot. Fritz has been directed to get us the title by July.

Motion by Gallagher, seconded by Sumner, to extend the deadline for the Memorandum of Understanding to April 15, 2014. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Set Possible Date for Plan Review with 2014 Street Project Residents

Engineer Stewart will be setting a possible date for the first neighborhood meetings for the 2014 Street Improvement Project between January 14 and 28, 2014.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT – Nothing to report

15. NEW/OLD BUSINESS

Mayor Geraghty - I talked with staff about cancelling the January 2 meeting if that's fine with everyone.

Councilman Gallagher - Sounds good.

Attorney Knaak - Just to be clear your first organizational meeting will be on the 16th? The State requires that the first meeting is the organizational meeting.

Admin. Hill - In regards to appointments, we do have one application for the Planning Commission vacancy and we're still advertising for both.

Councilman Rahm - What about Council representation?

Mayor Geraghty - We'll talk about that at the first meeting.

Councilman Rahm - I'm on the Library Board and a lot of times they meet when I can't get there.

Executive Analyst Helm - The Library Board did approve a new schedule and they're meeting at 5:30 now.

16. ADJOURNMENT

Motion by Geraghty, seconded by Rahm, to adjourn the regular Council Meeting at 7:31 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst

RESOLUTION NO. 2013-62

A RESOLUTION OF THE CITY OF NEWPORT, MINNESOTA, STATING CERTAIN FINDINGS OF FACT AND IMPOSING A ONE DAY SUSPENSION OF THE OFF-SALE LIQUOR LICENSE OF A BUSINESS KNOWN AS "NEWPORT LIQUOR" LOCATED WITHIN THAT CITY

WHEREAS, on December 5, 2013, the City Council of Newport, Minnesota, conducted a public hearing on the question of whether the Newport Liquor store had violated the conditions of its license to sell intoxicating liquor within the City limits; and

WHEREAS, testimony was presented to the City Council regarding the alleged failure of the Newport Liquor Store to comply with the aforesaid conditions; and

WHEREAS, the owner of the Newport Liquor Store admitted that an employee of that business had, in fact, sold intoxicating beverages to a minor in violation of Minnesota State law.

NOW, THEREFORE, BE IT RESOLVED That the City of Newport, Minnesota, by and through its City Council, makes the following:

FINDINGS OF FACT.

- A. On October 30, 2013, Investigator Freemyer of the Newport Police Department conducted a compliance check on the premises of the Newport Liquor Store by sending a minor, under his direction and for the purpose of conducting this investigation, into the Newport Liquor Store to purchase intoxicating liquor, a violation of State law and the conditions of the license for selling such products within the City.
- B. That the aforesaid minor successfully purchased intoxicating liquor in the Newport Liquor Store on that date.
- C. That the owner of the Newport Liquor Store has admitted that the aforesaid violation of State law and the conditions of the liquor license did, in fact, occur on that date.

BE IT FURTHER RESOLVED that the Liquor License of the Newport Liquor Store shall be suspended for one day, as required by Newport City Code §530.02, Subd. 2, on a date to be determined by the City Council of the City of Newport, written notice of which shall be given to the license holder for Newport Liquor at least two days prior to the date of the suspension.

Adopted this 19th day of December, 2013 by the Newport City Council.

Motion by: _____, Seconded by: _____

VOTE:	Geraghty	_____
	Ingemann	_____
	Sumner	_____
	Gallagher	_____
	Rahm	_____

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator



MEMO

TO: Mayor and Council
FROM: Deb Hill, City Administrator
DATE: December 17, 2013
SUBJECT: Grievance – Sick Leave Accrual
Scott Freemyer - Grievant

Background: For more than 19 years, per the City of Newport's Employee Handbook, employees were able to accumulate a maximum of 960 hours of sick time. It was realized earlier this year that our payroll program wasn't set up for this maximum and that a couple of employee's sick time had accumulated more than the 960 hours and the hours were corrected for each.

Officer Freemyer had the understanding that Police Officers had no cap on their sick time and that nowhere in the union contract does it state that sick time is capped.

The Union contract addresses sick time as:

Sick Leave

- A. Sick leave days will accumulate at the rate of eight (8) hours per calendar month of service for full-time employees. Whenever an employee uses more sick leave than accumulated at the end of each month, the employee's pay will be reduced at the daily rate of pay for all days of absences in excess of accumulated sick leave.
- B. Employees must work at least fourteen (14) days in any one calendar month for sick leave to accumulate for that month.
- C. Sick leave will be granted for actual sickness, temporary physical disability, or serious illness in the immediate family or quarantine.
- D. The City at its discretion may require a doctor's certificate showing the nature of any injury or illness.
- E. Holidays established by Article VI, which occur while an employee is on sick leave, shall not be deducted from the accumulated sick leave.
- F. Employees may voluntarily elect to donate sick leave to another employee.

And:

Employees shall receive 60% of unused sick leave if the employee terminates in good standing after a minimum of 10 years' service with the City and shall be applied toward the Employees Minnesota State Retirement Health Care Savings Plan.

The contract is silent when it comes to a cap of accumulated sick time.

The current Employee Handbook states:

"Employees will be allowed to accumulate a total of 960 hours of sick leave benefits."

The following is the opinion of our attorney that states when the union contract is silent, the personnel policy applies:

Where, as here, a collective bargaining agreement permits the accumulation of sick leave hours but does not expressly provide a cap for those hours, the existence of a long-term formal policy by the City that had been applied to the governed employees would be an actual, ongoing workplace practice that would be deemed a part of the overall governance and interpretation of that agreement.

In other words, absent an express provision in the collectively bargaining agreement that could clearly be construed to limit or modify the policy, the policy would apply to those employees governed by the agreement as well as all others employed by the City.

Discussion:

Officer Freemyer is grieving the 960 hour cap stating that it is 'new policy' and that Police Officers have no cap when it comes to sick time accumulation. The 960 hour cap has been in place at least since 1995 and legal counsel has advised that when a contract is silent on an issue, the personnel policy applies.

Officer Freemyer's grievance was denied on November 27th by Chief Montgomery and by the City Administrator on December 12th. The council needs to decide whether to approve the appeal or deny the grievance.

11-26-13

TO: Chief Montgomery

After our discussion yesterday on 11-25-13 about sick time being capped at 960 hours you stated that this new policy was to take effect immediately. It was my understanding that the Police Officers for the city of Newport had no cap on their sick time. Nowhere in the union contract does it state that our sick time is capped. On my pay stub dated 11-14-13 I had 1244.33 hours of sick time accumulated. My most recent pay stub dated 11-27-13 I have 960 hours, that is a difference of 284.33 hours. I have many more pay stubs showing that my sick time was accumulating above the 960 hours.

This is a formal letter indicating that I am grieving article XV in the union contract.

Scott Freemyer

11/27/2013

TO: Investigator Scott Freemyer

It is my current understanding that all sick time has always been capped at 960 hours per the Newport City Employee Handbook. Since your contract doesn't address the number of hours of sick leave allowed to accumulate, it falls back to the Newport City Employee Handbook. The Newport City Employee Handbook addresses this subject.

I'm not able nor do I have the authority, to change this Handbook. I also have no authority to change the actions taken by the Council or other City Employees.

Your Grievance is denied.

Newport Police Chief Curt Montgomery



CITY OF NEWPORT

596 7th Avenue
Newport, Minnesota 55055
(651) 459-5677
Fax: (651) 459-9883

December 18, 2013

To: Officer Scott Freemyer

From: Deb Hill

Re: Sick time accrual grievance

I have considered your grievance that was filed on a 'new' policy of capping sick time accrual at 960 hours. Your pay stubs had indicated that you had accumulated more than that and that you believe police officers have no cap in regards to sick time accrual and that you were entitled to your additional hours.

In our meeting on December 12, it was discussed that there has been a cap of 960 hours per the employee handbook for many years and that putting a cap on the accrual was overlooked when a new payroll program was put into place. Staff adjusted the program to reflect this policy. The union contract is silent in regards to a cap of accumulated hours.

Additionally, according to our city attorney, when a union contract is silent, the city handbook rules apply.

I agree to Chief Montgomery's denial of the grievance.

Deb Hill

Newport City Administrator





Law Enforcement Labor Services, Inc.

327 YORK AVENUE • ST. PAUL, MN 55130-4039
(651) 293-4424



Fax (651) 293-0203

December 12, 2013

Newport City Council
c/o City Administrator
City of Newport
596 7th Avenue
Newport, MN 55055

Re: Sick Leave Accrual grievance
Scott Freemyer, Grievant

Dear Council Members

Please accept this letter as a Step 3, Grievance filed on behalf of Investigator Scott Freemyer as provided in Article XII, Grievance Procedure, subsection 12.3 of the current Labor Agreement Between of THE CITY OF NEWPORT and LAW ENFORCEMENT LABOR SERVICES, INC., Local # 347. Step 2 was denied by yourself.

NATURE OF THE GRIEVANCE

On or about November 25, 2013, The City notified Investigator Scott Freemyer that his sick leave accrual were in excess of a 960 hour cap set by the City and the new policy was taking effect immediately. Investigator Freemyer's pay stub showed an accrual of 1244.33 hours on November 14th and it was reduced to 960 hours on his pay stub on November 27, 2013. The current Labor Agreement has no cap on sick leave.

PROVISION VIOLATED

The City violated the Labor Agreement to include, but not limited to, Article V, Paid Absences, subsection 5.1:

5.1 Sick Leave

- A. Sick leave days will accumulate at the rate of eight (8) hours per calendar month of service for full-time employees. Whenever an employee uses more sick leave than accumulated at the end of each month, the employee's pay will be reduced at the daily rate of pay for all days of absences in excess of accumulated sick leave.
- B. Employees must work at least fourteen (14) days in any one calendar month for sick leave to accumulate for that month.
- C. Sick leave will be granted for actual sickness, temporary physical disability, or serious illness in the immediate family or quarantine.
- D. The City at its discretion may require a doctor's certificate showing the nature

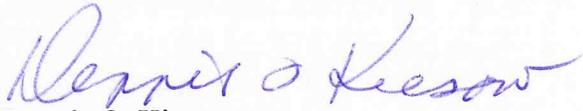
of any injury or illness.

- E. Holidays established by Article VI, which occur while an employee is on sick leave, shall not be deducted from the accumulated sick leave.
- F. Employees may voluntarily elect to donate sick leave to another employee.

REMEDY REQUESTED

The City of Newport shall restore the sick leave accruals to Investigator Freemyer's sick leave bank and any other action required making him whole.

Sincerely,



Dennis O. Kiesow
Business Agent

cc: Scott Freemyer

HOLSTAD & KNAAK, PLC

Attorneys at Law

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Wayne B. Holstad**

**Also Licensed in
Wisconsin & Colorado*

***Also Licensed in
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October 29, 2013

Ms. Deb Hill
City Administrator
City of Newport
597 7th Street
Newport, MN 55155
(BY Email attachment at dhill@newportmn.com & U.S. Mail)

Dear Ms. Hill:

As a follow-up to our opinion of yesterday regarding the accumulation of sick leave hours in light of a long-standing City policy regarding capping, your staff has clarified and requested an additional evaluation and opinion regarding the applicability of the City's policy as it would affect the City's union employees who are subject to a collective bargaining agreement with the City.

The collective bargaining agreement is silent on the question of limits.

As a general rule, all matters not expressly addressed in a collective bargaining agreement are deemed to be reserved in the management discretion and function of the City. The exception to this rule would be in instances where State or Federal law provides for requirements that the collective bargaining agreement does not address.

Where, as here, a collective bargaining agreement permits the accumulation of sick leave hours but does not expressly provide a cap for those hours, the existence of a long-term formal policy by the City that had been applied to the governed employees would be an actual, ongoing workplace practice that would be deemed a part of the overall governance and interpretation of that agreement.

In other words, absent an express provision in the collectively bargaining agreement that could clearly be construed to limit or modify the policy, the policy would apply to those employees governed by the agreement as well as all others employed by the City.

I hope this additional clarification will provide the information you were requesting regarding the possible limits on police sick leave hours under the provisions of their contract.

Sincerely,

Frederic W. Knaak
(MKH)

Frederic W. Knaak

Newport City Attorney



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

**for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document**

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of Newport *County: Washington
(city, county, municipality, government agency or other entity)

*Mailing address: 596 7th Avenue

*City: Newport *State: MN *Zip code: 55055-1345

*Phone (including area code): (651) 459-5677 *E-mail: dhill@newportmn.com

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Hanson *First name: Bruce
(department head, MS4 coordinator, consultant, etc.)

*Title: Public Works Superintendent

*Mailing address: 596 7th Avenue

*City: Newport *State: MN *Zip code: 55055-1345

*Phone (including area code): (651) 459-2475 *E-mail: brhanson@mninter.net

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Burns First name: Kevin
(department head, MS4 coordinator, consultant, etc.)

Title: Consultant

Mailing address: 60 Plato Blvd East

City: St. Paul State: MN Zip code: 55107

Phone (including area code): (612) 548-3144 E-mail: kburns@msa-ps.com

Verification

- I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). Yes
- I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. Yes

Certification (All fields are required)

Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: _____
(This document has been electronically signed)

Title: Mayor Tim Geraghty Date (mm/dd/yyyy): 12/23/13

Mailing address: 596 7th Avenue

City: Newport State: MN Zip code: 55055-1345

Phone (including area code): (651) 459-6790 E-mail: timghty@gmail.com

Note: The application will not be processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
South Washington Watershed District	MCM 1, Public Education and Outreach

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

<http://www.swwdmn.org/>

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? Yes No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

Ordinance Contract language
 Policy/Standards Permits
 Rules
 Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

1371.99 Violation a Mideemeanor

Direct link:

http://www.ci.newport.mn.us/documents/Section1371StormWaterManagement_001.pdf

Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

The City code has a citation, but does not completely meet all the requirements of an effective regulatory mechanism. The City staff will review the requirements in the first 8 months of the date the permit coverage is extended. The City staff will draft and new regulatory mechanism to meet the permit requirements and send it to

the City Council for approval within the next 12 months. The process should be completed within 12 months of the date the permit coverage is extended.

Construction site stormwater runoff control

A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? Yes No

1. If **yes**:

a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

- Ordinance Contract language
 Policy/Standards Permits
 Rules
 Other, explain: _____

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Ch 1371.08 Subd. 2, 3, 6

Direct link:

http://www.ci.newport.mn.us/documents/Section1371StormWaterManagement_001.pdf

Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg.*

B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? Yes No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. BMP maintenance | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.4 Amend the ordinance to include site inspections and records of rainfall events. The City will draft the amendment that requires the owner and operators of construction activity the required inspection and documentation of rainfall events. The draft will be completed within 8 months of the date the permit coverage is extended. The ordinance will be completed within 12 months of the date the permit coverage is extended.

Post-construction stormwater management

A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities? Yes No

1. If **yes**:

a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- Ordinance Contract language
 Policy/Standards Permits
 Rules
 Other, explain: _____

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Ch 1371.08 Subd. 7

Direct link:

http://www.ci.newport.mn.us/documents/Section1371StormWaterManagement_001.pdf

Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg.*

B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. Yes No

2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):

a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: Yes No

- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
- 2) Stormwater discharges of Total Suspended Solids (TSS).
- 3) Stormwater discharges of Total Phosphorus (TP).

b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: Yes No

- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
- 2) Stormwater discharges of TSS.
- 3) Stormwater discharges of TP.

3. **Stormwater management limitations and exceptions:**

a. Limitations

1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: Yes No

- a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
- b) Where vehicle fueling and maintenance occur.
- c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
- d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.

2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: Yes No

- a) With predominately Hydrologic Soil Group D (clay) soils.
- b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
- c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
- d) Where soil infiltration rates are more than 8.3 inches per hour.

- 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. Yes No

4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:

- a. Mitigation project areas are selected in the following order of preference: Yes No
- 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
- b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Yes No
- c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. Yes No
- d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. Yes No
- e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. Yes No
- f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). Yes No

5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:

- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. Yes No
- b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. Yes No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. Yes No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? Yes No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

They City does not have written Enforcment Repsonse Procedures (ERPs) that meet the requirements of the MCM's per say. Thru the partnership with SWWD the ordinance will need to be modified to incorporate SWWD's ERP's. The city staff will look into adding ERPs within the first 6 months of permit coverage. The ordinance will be completed within 12 months of the date the permit coverage is extended.

B. Describe your ERPs:

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

City CADD and Record Drawings along with the SWWD MS4 partnership.

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. Yes No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. Yes No
3. Structural stormwater BMPs that are part of the permittee's small MS4. Yes No
4. All receiving waters. Yes No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

B.1. The City map currently displays pipes only 15 inches or greater in diameter, with a large majority of 12 inch pipes added as well. Starting in in the Spring 2014 , the Public Works Department will continue working with the city engineer to map all pipeline locations that are 12 inches and greater in diameter. We will use a GPS to field mark all additional pipeline needed to be added, and then integrate them into the map. The work will be completed within 12 months of the date the permit coverage is extended.

B.4 Map does not have ID numbers for all recieving waters. Will have to review our map and inventory to add more information on the receiving waters. The work will be completed within 12 months of the date the permit coverage is extended.

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. Yes No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. Yes No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. Yes No
2. A geographic coordinate. Yes No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. Yes No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA Yes No

on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*.

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

Thru the means of cable television broadcasts, city web-site stormwater page, quarterly newsletter and annual meeting, the importance of raking grass clippings, leaves off streets, automobile tune-ups, pesticides, fertilizers use and disposal and proper disposal of pet waste are emphasized to ensure safe and cleaner stormwater discharge.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Cable Television Broadcast Channel 16	Year 3 develop a plan to publish stormwater related issues; number of stormwater related segments aired
Quarterly Newsletter	Year 3 develop a plan to publish stormwater related articles, number of stormwater related articles. (quarterly)
City Website Stormwater Information	Year 3 develop a plan to publish issues, Year 3 determine material to include in website; Year 4 active stormwater information on website; number of articles on city website; number of website "hits" from counter (quarterly)
Stormwater Related Brochures	Year 3 cooperate with neighbor MS4's ; contact neighbor MS4's to discuss cooperative agreement between MS4's; number of Brochures distributed (annual)
Follow applicable public notice requirements	Provide notice of public informational meeting at least 30 days prior; on an annual interval; completed public notice (annual)
BMP categories to be implemented	Measurable goals and timeframes

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bruce Hanson, Superintendent, Public Works

B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

Annual SWPPP meeting with input and comments allowed from the public.

Publish the legal advertisement in the local paper and cities website as required.

2. List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Public Meeting	Annual meeting in each year of the Permit cycle; number of complaints on stormwater quality; completed public meetings; attendance at public meeting (ongoing – annual)
Household Cleanup Day	Year 3 Evaluate program; complete recycle days each year; evaluate existing program; number of participants (ongoing – annual)
Volunteer Storm Drain Stenciling and Program	Year 3 develop a standard program; Year 4 the City will purchase the materials and equipment for stenciling and distribute information to the public to become aware of the program; Year 3 to 5 promote groups to volunteer to stencil storm drains; number of storm drains stenciled; establish a volunteer storm drain stenciling program; number of volunteers participating in the program each year the program is in place. (ongoing – annual)
BMP categories to be implemented	Measurable goals and timeframes

3. Do you have a process for receiving and documenting citizen input? Yes No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bruce Hanson, Superintendent, Public Works

C. MCM 3: Illicit discharge detection and elimination

1. The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

At the present time, the city is in an MS4 partnership with SWWD, it does have an explicit ordinance that prohibits illicit discharges and connections. The public works staff are trained to look for any signs of an illicit discharge / connections while on the job.

2. Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). Yes No
- b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. Yes No

- c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. Yes No
- d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. Yes No
- e. Procedures for the timely response to known, suspected, and reported illicit discharges. Yes No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. Yes No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. Yes No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). Yes No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Illicit discharge ordinance	Year 3 to 4 – Review existing ordinance and compare with other communities; Year 3 – Completed illicit discharge, detection, and elimination ordinance; completed ordinance; review of existing ordinance and comparison with other communities. (annual)
Storm Sewer Map	Examine existing system data; Year 3 – Identify and document 50%; Year 5 – Identify and document 100%; examine and compile existing data; complete the storm sewer map; show all pipes, at a minimum 12" and larger; show outfalls (ongoing – annual)
Septic System Ordinance	Year 3 – Review existing ordinance and compare with others; Year 4 – Completed illicit discharge, detection, and elimination ordinance; completion of existing ordinance and comparison with others
Recreational Sewage Control	Year 4 determine locations for proper recreational disposal; number of illicit recreational sewer discharges; publish disposal locations
Illicit Discharge Inspection Program	Gather existing information on illicit connection tests performed to date within the City; Year 4 – Begin conducting field tests; percentage of outfalls inspected for dry weather flows; number of illicit discharges located
BMP categories to be implemented	Measurable goals and timeframes
Written Enforcement Response Procedures	Implement ERP's in the city ordinance to refer to the partnership with SWWD and to be available on city website. Completed within 12 months of extension of permit coverage.

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as

specified within the Permit (Part III.D.3.h.)? Yes No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bruce Hanson, Superintendent, Public Works

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

Newport has a permit application that requires, for any construction site that disturbs 1 acre or more. We require review of construction site erosion and sediment control (ESC) plans before projects begin, and work with contractors to ensure appropriate and correct use of erosion and sediment control BMPs on sites.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):

- a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? Yes No
- b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? Yes No
- c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? Yes No
- d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - 1) Does your program include procedures for identifying priority sites for inspection? Yes No
 - 2) Does your program identify a frequency at which you will conduct construction site inspections? Yes No
 - 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? Yes No
 - 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? Yes No
- e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? Yes No
- f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? Yes No
- g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? Yes No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

D.2.c. The City reviews reports of noncompliance as they are submitted. The City will review policies to see if there are actual written procedures within the first 6 months from the date the permit coverage is extended.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Storm Water Management Regulations Ordinance	Year 4 – Evaluate existing ordinance by comparing it to MPCA minimum standards; Year 4 – Complete a draft ordinance from the year 1 assessment; Year 4 – Implement new construction site erosion and sedimentation ordinance; complete evaluation

	of existing ordinance; completed draft ordinance; implemented ordinance (ongoing – annual)
ESC Inspection and Enforcement Program	Inspection schedule; Performance Bond; number of construction sites for each year; number of warnings issued; number of stop work orders issued; number of financial security money taken for ESC noncompliance. (ongoing – annual)
Minimum Erosion and Sediment Control BMPs	Establish list of minimum ESC BMPs for construction activities; provide contractor list of required BMPs. (ongoing – annual)
Public Non Compliance Complaints and Reports	Year 3 – Review existing procedure and identify areas for revision; Year 4 – Implement procedure; develop a receipt log for taking information in regarding construction site issues and complaints. (ongoing – annual)

BMP categories to be implemented	Measurable goals and timeframes
Written Enforcement Response Procedures	Implement ERP's in the city ordinance to refer to the partnership with SWWD and to be available on city website. Completed within 12 months of extension of permit coverage.

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:
Bruce Hanson, Superintendent, Public Works

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

Newport has a post-construction stormwater management ordinance to encourage the utilization of BMPs for stormwater runoff from new and redevelopment projects, as well as to ensure the maintenance and operation of the stormwater BMPs

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? Yes No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? Yes No
 - b. All supporting documentation associated with mitigation projects that you authorize? Yes No
 - c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? Yes No
 - d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? Yes No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

E.3. The city will review the specifications of the Permit (Part III.D.5c) with in 6 months from the date the permit coverage is extended. The City will also investigate the need for regulations on Part III.D.5 Long-Term maintenance of Structural Stormwater BMPs within the first 6 months from the date the permit coverage is extended

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Plan Review Procedures	Year 4 – Completion of plan review process and documentation procedures; Year 5 – Developed and implemented Plan Review Program; number of plan reviews performed each year; completed plan review process and documentation procedures. (ongoing – annual)
Storm Water Management Plan	Year 5-Complete SWMP for Newport (annual).

BMP categories to be implemented	Measurable goals and timeframes
Written Enforcement Response Procedures	Implement ERP's in the city ordinance to refer to the partnership with SWWD and to be available on city website. Completed within 12 months of extension of permit coverage.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bruce Hanson, Superintendent, Public Works

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

The city has a Storm Water Maintenance Training Program that is reviewed annually by the public works personnel. The plan includes: inspection and cleaning of the cities storm sewer system, salt applied on an annual cycle, annual and ongoing street sweeping, city fleet automobile maintenance program, hazardous material storage and recycling program and grass clipping and fertilizer review.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? Yes No

3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Storm Water System Maintenance Training Program	Create a training program; implemented training program; number of employees trained per year (reviewed annually).

Storm drainage system inspection and cleaning	Document existing cleaning program and justification; number of sumps cleaned and inspected; number of sumps full of sediment or debris; Sump and Inlet cleaning and inspection schedule (annual).
Pond and outfall inspection and cleaning procedure program	Number of outfalls inspected (20% minimum); number of outfalls full of sediment or debris; Year 4 reevaluate inspection intervals from history; outfall cleaning procedures and outfall inspection schedule (annual).
Street deicing program	Year 3 – Evaluate alternative deicing products, equipment, or procedures; amount of salt applied to street; amount of sand applied to street (annual).
Municipal Street Maintenance Program	Annual urban street sweeping (100% of the urban streets); number of street miles swept (ongoing – annual).
Equipment Maintenance Program	Establish vehicle maintenance program; implement vehicle maintenance program; number of equipment maintained; number of vehicles in fleet inspected each year (ongoing – annual).
Hazardous Material Storage and Recycling Program	Continue operating program; Year 3-Evaluate and document material storage and recycling program (ongoing – annual).
Pesticide and Herbicide control program	Evaluate alternative fertilizer and herbicide products, equipment, or procedures; amount of Pesticide and Herbicide applied; Proper handling and application covered by training (annual).
Fertilizer Application Program	No phosphorus fertilizer; amount of fertilizer applied
Municipal lawn care program	Proper discharge of grass clippings; continue existing training program (annual).
BMP categories to be implemented	Measurable goals and timeframes
Quarterly inspections of stock pile/storage and material handling areas.	Revise the annual inspections to a quarterly inspection cycle. The city will review with in first 6 months of the extension of permit coverage is granted. Completed within 12 months of extension of permit coverage.

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? Yes No
- a. If **no**, continue to 6.
- b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:
- 1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? Yes No
- 2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? Yes No
- c. Have you developed and implemented BMPs to protect any of the above drinking water sources? Yes No
6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? Yes No
7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? Yes No
8. Have you developed and implemented a stormwater management training program commensurate with each

employee's job duties that:

- a. Addresses the importance of protecting water quality? Yes No
 - b. Covers the requirements of the permit relevant to the duties of the employee? Yes No
 - c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? Yes No
9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? Yes No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Bruce Hanson, Superintendent, Public Works

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? Yes No
- 1. If **no**, continue to section VII.
 - 2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? Yes No
- 1. If **no**, this section requires no further information.
 - 2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program