



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
APRIL 7, 2016 – 5:30 P.M.**

MAYOR: Tim Geraghty
COUNCIL: Tom Ingemann
Bill Sumner
Tracy Rahm
Dan Lund

City Administrator: Deb Hill
Supt. of Public Works: Bruce Hanson
Fire Chief: Steven Wiley
Asst. to the City Admin: Renee Eisenbeisz

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. Minutes of the March 15, 2016 Special City Council Workshop Meeting
 - B. Minutes of the March 17, 2016 Regular City Council Meeting
 - C. Minutes of the March 17, 2016 City Council Workshop Meeting
 - D. List of Bills in the Amount of \$103,804.54
 - E. Publication of Ordinance No. 2016-4 – Amending Section 450
 - F. **Resolution No. 2016-15** – Accepting donations for the Period of February 25, 2016 – March 29, 2016
 - G. Gambling Permit
6. MAYOR'S REPORT
 - A. Summary of the March 17, 2016 Closed Session
7. COUNCIL REPORTS
8. ADMINISTRATOR'S REPORT
 - A. **Resolution No. 2016-16** – Denying an Interim Use Permit Requested by Kim Brown for property located at 1675 Kolff Road to exceed the number of allowed farm animals
 - B. MRCCA Review Update
9. ATTORNEY'S REPORT
10. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT
11. FIRE CHIEF'S REPORT
12. ENGINEER'S REPORT

Agenda for 04-07-16

13. SUPERINTENDENT OF PUBLIC WORKS REPORT

14. NEW / OLD BUSINESS

15. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|--------------------------------|----------------|-----------|
| 1. Planning Commission Meeting | April 14, 2016 | 6:00 p.m. |
| 2. City Council Meeting | April 21, 2016 | 5:30 p.m. |
| 3. Park Board Meeting | April 28, 2016 | 6:00 p.m. |
| 4. City Council Meeting | May 5, 2016 | 5:30 p.m. |



**City of Newport
City Council Special Workshop Meeting Minutes
March 15, 2016**

1. ROLL CALL

Council Present – Tim Geraghty, Tom Ingemann, Bill Sumner, Tracy Rahm, Dan Lund

Commissioners Present – Emily White, Park Board Chair

Council Absent –

Staff Present – Deb Hill, City Administrator

2. PARK BOARD INTERVIEWS

Mayor Geraghty – Linda withdrew her application so we still have John and Paul Hansen is still interested but Paul couldn't make it.

A. JOHN GRABER

Mayor Geraghty – I'm just going to keep it real informal so just talk about your interest with a little introduction. I know you've lived in the community forever. I knew your mother...so I know you've lived on the river a long time.

John Graber – Yeah I like where I live in Newport. I've used the parks since I was born. I went to Newport Elementary so with all of that I've been interested in participating.

Mayor Geraghty – I'm glad you stepped up and came forward. We need that.

Admin. Hill – It's good to have new eyes.

Councilman Lund – So John's my next door neighbor and I recruited him, hopefully he'll be excited to do it. I think now is a really exciting time for Newport parks especially relating to the river development of the parks. He's the guy I go to whenever I have any questions about the river or about docks or anything like that. I think he'd be a wonderful addition and we're lucky to have him.

Councilman Rahm – So now we only have two people to fill the positions? Is that correct?

Mayor Geraghty – Yeah.

Councilman Sumner – What type of experience do you have that makes you so knowledgeable about docks?

John Graber – I put a large dock in....I've lived on the river my whole life so I've had a dock since I was old enough to walk on one. I've seen many different style docks go in. I've worked at two different marinas.

Councilman Sumner – Okay that's very important to have that professional business exposure on the docks.

John Graber – I've worked with people on building docks. I've sold docks.

Councilman Rahm – How about fishing piers?

John Graber – Well I've had people fish on my dock.

Councilman Lund – He knows how to build a bulletproof dock.

Councilman Sumner – Is yours a year-round dock?

John Graber – It is. It spends the whole time down there. It's 120 feet long, 4 slips with a big 20 inch pipe holding it in place. I've had a barge come in twice and put a pipe down for me.

Councilman Sumner – What does that mean? Put pipe down?

John Graber – It just drives it in...the pipe in. I've got power down on the dock so I've learned about putting power underwater and all of that stuff.

Councilman Sumner – Were you working with the coast guard then because of your dock? Did it go out in the channel?

John Graber – No I worked with the corps. of engineers on that.

Councilman Lund – It doesn't stick out that far from shore.

John Graber – If you put something in the water they do want to be notified though.

Councilman Ingemann – Getting back to the parks.....what kind of things would you like to see come in to the parks? We have a lot of them.

John Graber – We do have a lot of them. We don't have enough people using the parks. There's not enough people using the parks. We have a lot of park space.....we need to bring more people in to play baseball, play softball. It'd be nice if we held tournaments here and it'd be nice to see more people out there.

Councilman Ingemann – That would be the athletic association that would put that in.

Mayor Geraghty – We're in talks with Woodbury as well right?

Councilman Ingemann – Most of the kids play with Woodbury and Cottage Grove. I know the football...my grandson played up in Woodbury with the group up there that is part of the East Ridge group and that's where they're going to end up going to high school.

Mayor Geraghty – Yeah unless they change it. Who knows.....

Councilman Ingemann – We have a lot of parks not including what the school district has. The school forest is ours but the ball fields over by the grade school aren't ours.

Mayor Geraghty – Is that the one you're looking at drainage issues with too?

Councilman Lund – We take a little bit of responsibility for the school ball fields so I'm trying to figure that out. How to get some decent grass in there.

Councilman Ingemann – What kind?

Councilman Lund – We handle the infields.

Councilman Ingemann – Public Works does?

Admin. Hill – We don't mow. We just do lining and drag the field.

John Graber – We also need more water access. We have a lot of places going down but none of them are really being utilized they need to be someplace where they can be watched better.

Councilman Ingemann – Who are you going to get to watch them?

John Graber – In a position where they can be watched easier either by local people or the police. They just need to be able to have access. Over in St. Paul Park they have the island, people can go down to the island and use that island. Still, the police come in and they look around by the boat ramp.

Councilman Ingemann – Do we have a lot of vandalism in the parks right now?

Admin. Hill – I haven't heard about much lately no.

Councilman Lund – There's been some though, Bruce has had to clean stuff up. Wasn't there someone painting on stuff?

Admin. Hill – I think that was over one of the ped. bridges.

Councilman Sumner – Are we responsible for that?

Councilman Ingemann – yeah they built them and now they're ours.

Councilman Sumner – What interests and understanding do you have with trees and shrubs and other forms of vegetation in the parks?

John Graber – I'm not sure what's in the parks right now as far as what's gone in. I know there's the big beautiful oaks pioneer. Loveland Park is pretty well groomed nothing really going on there I haven't noticed any big deaths going around as far as elms or ash or anything like that.

Councilman Rahm – Just Buckthorn.

Councilman Sumner – Several years ago somebody in town had a business providing disc golf. Do you have any understanding about that?

John Graber – I know where it's located. Other than that no I don't know anything him or the sport.

Councilman Lund – I wonder if we have enough space at Loveland for 9 holes.

Councilman Ingemann – We probably do.

Commissioner White – The park board looked at that and also talked with the fellow, I didn't personally but someone on the park board did, and in order for Loveland to have a full field we'd have to take up a lot of the ball field.

Councilman Lund – They've done that other places. I guess the problem is if there is a conflict right?

Commissioner White – Bu there's structures there there's the posts that go in for it.

Councilman Lund – Yeah the holes and then there's a little concrete slab for the tee.

Commissioner White – But those posts generally stay in all the time like Cottage Grove does.

Councilman Lund – Yeah but you'd have to put it up on the hill a little bit.

Commissioner White – But to have however many poles or whatever...it wouldn't work out unless we took over part of the ball field and outfield.

Councilman Lund – Those are really popular.

Councilman Sumner – A reduced size court up there would be nice. It would be a nice attraction.

Councilman Lund – I would think that you could put the hole somewhere where it wouldn't be in the boundary of the ball field.

John Graber – The person that owns that company...have you had him look at it to see if he could come up with a design?

Commissioner White – I didn't personally but somebody on the park board at the time did. It can but it would have to come down into the ball field. Then you would have the holes there and you can't have the posts in the outfield.

John Graber – You think you'd try to find a way to make it work.

Councilman Lund – Well...I think it's a cool idea worth exploring.

Councilman Sumner – What about like a driving range where you have 2 or 3 options to throw to? Just a practice field rather than an official course. I've heard that it's a popular sport for a lot of kids.

John Graber – I've seen the one down in Cottage Grove and it's used a lot when I was there.

Councilman Ingemann – Yeah we've got parks that are not used.

Councilman Sumner – Would you have the time to serve monthly meetings?

John Graber – Yes.

Commissioner White – We meet the fourth Thursday at 6 p.m.

Mayor Geraghty – Sometimes you can cancel too.

Commissioner White – We don't meet in November and December and there might be some other months that we don't meet because we don't have anything real pressing.

John Graber – Okay. That wouldn't be an issue for me.

Councilman Ingemann – Right now it's kind of like...prioritize whatever you got to do. There is pull tab money that we're going to start using.

Commissioner White – One of the things we're talking about...Matt, the Assistant Public Works Director brought up the pet bridge landings so growing stuff there has gotten to be a lot of work for public

works. We're looking at replacing that with something that takes less effort to keep up and so last month we talked about doing native grasses, the different kinds of grasses. We do Pioneer Day where we have displays and so on. We also have a group of people who are calling themselves the "friends of the park board". These are people that have been on the park board before and they're doing a lot of work for the city. Susan Lindoo and her husband Mike took a pruning class. They had to pay for the class and you did too.

Councilman Sumner – Yeah I was out two Sundays with them.

Commissioner White – Now they're marking trees that need to be pruned and that sort of thing. This group, that also helps with the community garden that was started by Newport-on-the-Move.

John Graber – It's nice to have that.

B. LINDA KRIEL – Withdrew from consideration.

3. ADJOURNMENT

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Andrew Brunick
Administrative Intern



**City of Newport
City Council Meeting Minutes
March 17, 2016**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Council Absent –

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Renee Eisenbeisz, Assistant to the City Administrator; Fritz Knaak, City Attorney; Larry Osterman, Sergeant; Jon Herdegen, City Engineer;

Staff Absent – Steve Wiley, Fire Chief;

4. ADOPT AGENDA

Councilman Sumner – There's a couple corrections on the minutes, just minor things.

Mayor Geraghty – Alright we'll pull the minutes and you can point them out.

Motion by Geraghty, seconded by Ingemann, to approve the Agenda as amended. With 5 Ayes, 0 Nays, the motion carried.

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the March 3, 2016 Regular City Council Meeting
- B. List of Bills in the Amount of \$94,201.91
- C. **Resolution No. 2016-11** - Approving a Gambling Application for the St. Paul Park-Newport Lions Club to Conduct Off-Site Gambling at Tinucci's on April 30, 2016

With 5 Ayes, 0 Nays, the motion carried.

A. Minutes of the March 3, 2016 Regular City Council Meeting

Councilman Sumner – Well just two things...on the staff present it was mentioned that Steve Wiley, the Fire Chief, was absent and then later on it comes up with his report and it says "nothing to report". I think it should more correctly reflect that he was absent.

Asst. to the Administrator Eisenbeisz – Okay

Agenda for 03-17-16

Councilman Sumner – On page two of nine, a quote from Councilman Lund says “I traded messages with Commissioner Bigham and she said they had to intent on doing anything along these lines”. I’m sure it meant “no” intent on doing anything along these lines, first line. That was all.

Asst. to the Administrator Eisenbeisz – Okay

Motion by Geraghty, seconded by Sumner, to adopt the Minutes of the March 3, 2016 Regular City Council Meeting as amended. With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

A. Newport-on-the-Move Request

Susan Lindoo, 1280 Wild Ridge Trail – I’m Susan Lindoo and I live at 1280 Wild Ridge Trail.

Linda Michie, 475 2nd Avenue – I’m Linda Michie and I live at 475 2nd Avenue.

Susan Lindoo, 1280 Wild Ridge Trail – We’re here to ask permission to place some small boxes on city property. I don’t want to use the term “little free libraries” but I think if I use that term you’ll know what I’m talking about and our organization, “Newport on the Move”, we’d like to build about five little boxes. We’re probably not going to register them with the little free libraries because that costs quite a bit per box but we’re going to create what will essentially be little libraries and they’ll be little boxes with a plexi-glass cover and people can open them up and take a book or leave a book. We’ll have books for kids and books for adults and the idea is to have these little wayside places where people can stop and get a book. If you’ve been up in St. Paul, they’re all over St. Paul and Minneapolis. I think in fact, the idea originated in Hudson, Wisconsin originally but we’d like to build them. We’re asking for permission to put four of them on city property and the properties would be Pioneer Park, Lions Park, Loveland Park, and the Community Garden. They’ll be about two feet by two feet with a little door. We’ll build and maintain them and we’ll work with public facilities to ask for their help in figuring out where they should be put. We’ll maintain them, we’ve talked with Jamie Smith from the library and she said that she’d start setting aside extra donated books that they’ve got so we can have a supply of children’s and adult books for them. We’re not sure what we’re going to call them, we’re thinking we might call them “Libraries on a Stick” or something of that sort or “Tiny Libraries”, something of that sort. So we’re asking for permission, we want to let the public know that hopefully by this summer we’ll have them up.

Mayor Geraghty – Sounds like a great idea.

Councilman Sumner – I have a question. I think it’s a great idea, I love to get books out there. Have we had any similar experiences with cities that you’ve been involved with? Sergeant?

Sgt. Ostermann – Yes (hard to hear, he didn’t speak into the microphone).

Councilman Sumner – Okay. Are they targets for vandalism or do people respect them and appreciate them?

Sergeant Ostermann – No they seem to appreciate them (hard to hear, he didn’t speak into the microphone).

Councilman Sumner – Okay that’d be the only concern. Yeah let’s go ahead and get five of them out there and get people.

Councilman Rahm – Is it going to be like wood colored or are they going to be painted different colors?

Linda Michia, 475 2nd Avenue – We’re going to start with a basic box and then we’ve had some discussion of getting local kids involved with decorating them.

Councilman Rahm – Okay.

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Susan Lindoo, 1280 Wild Ridge Trail – We thought we'd like to have some different themes, maybe the one next to the fire station might look kinda like a fire station and the one near the garden might have gardening things to it. Something like that to give it a little more personality.

Councilman Rahm – Okay.

Councilman Sumner – Are they going to be the same quality as we see in the flower boxes?

Linda Michie, 475 2nd Avenue – Of course. Everything we do is good quality.

Councilman Sumner – I just want the public to hear that. Okay.

Motion by Ingemann, seconded by Geraghty, to authorize “Libraries in the Parks”. With 5 Ayes, 0 Nays, the motion carried.

7. MAYOR'S REPORT

Mayor Geraghty – Deb and I attended the chamber breakfast at 3M last Tuesday and it was good event. Good speaker on employee engagement and morale and was quite entertaining. Deb and I and Bill met with Northern Tier to talk about some of their property in town and to see if they wanted to put any of it on the market or think about opening it up because we need the development. It was a good discussion and they had some good ideas on certain pieces of the property so hopefully that will lead to something down the road. That's the end of my report, Tracy.

8. COUNCIL REPORTS

Councilman Rahm – Nothing to report Mr. Mayor.

Councilman Ingemann – I got an advertisement I'm assuming last week. It was some sort of insurance policy that I could pay some money towards to ensure that if my water line or sewer line ever got tree roots in it that they would cover it. Well, I just had my street repaired last year, brand new street, and they took care of the water lines and took care of the sewer lines. So the chances are real slim to zero that I'm going to need this particular policy and I would suggest that has recently had their streets done, it's probably a good idea to give a second thought to that particular advertisement but if you want to buy the insurance, go for it. That's all I've got.

Councilman Sumner – I've got a question on that. Have you seen those advertisements, Bruce? Or our attorney? And what are your thoughts on them. Are they bogus or is there some rationale for them that's a good one?

Supt. Hanson – I've seen them. I've had several calls about it. It seems to be a legit company. Again, with any insurance you're taking your chances on it but... it's very limited coverage from what the person that read it to me on the phone. Personally it didn't sound like a good deal to me. I don't know where it came from, I haven't actually seen the flier.

Councilman Rahm – And just the streets we've done happen to get the insurance I guess, right?

Councilman Ingemann – Renee, do you still have that letter?

Asst. to the Administrator Eisenbeisz – I do.

Councilman Ingemann – She's got it. I gave her mine. I wrote nasty remarks on the envelope like “what the blank is this?” So she's got it.

Mayor Geraghty – Anything Bill?

Councilman Sumner – Yeah. After the Council meeting last time, we went over to the Newport Elementary School. Mr. Lund and I did, and participated in the spaghetti dinner and it was excellent. We would urge all the

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Commission and Council members to join us next time because that's a public meeting and we could meet there couldn't we?

Mayor Geraghty – We'll just announce it.

Councilman Sumner – Yes. That was very good. We also had the group that went out and trimmed trees again the last two Sundays and we're planning to do it again this coming Sunday. Susan Lindoo, who happens to be president, is taking the task of organizing that. She's done an excellent job. She's paired us up in committed workgroups and we've gotten a lot done. Bruce has gone out the next day or sent his crew out the next day to pick up the sticks that have been trimmed and I think it's made the trees look a lot better. It just makes you realize how many trees there are and the tough shape they've been in. Also, we had a Heritage Preservation Committee meeting and afterwards a consultant gave a talk about the mill ponds so as we go forward with attempts to develop that area, we need to keep in touch with him and work closely. One point that he made was that there has been controversy and arguing amongst members of the city and outside agencies for a long time. That was no great surprise to us here in Newport. Finally, I'm sure that the sergeant will be speaking more about this. On Wednesday, March 23 at the North Pole Restaurant there's going to be something called "Coffee with a Cop" from five to seven. It's a chance to sit down and just have a little get together with one of or several of our cops and you can talk more about that later if you want. That's it.

Councilman Lund – I'm planning to attend the metro cities and met council environmental services meeting tomorrow afternoon, they're going to go over some water issues and hopefully talk about opportunities for funding but also their fee and their plan for the metro area. Hopefully I'll learn something useful and also put a good foot forward for Newport to get on the list for potential outside funding.

Councilman Sumner – Where's that?

Councilman Lund – The League of Minnesota Cities building in St. Paul from 1:30 to 3:30.

9. ENGINEER'S REPORT

Engineer Herdegen – I don't have anything formal Mr. Mayor but I can stand for questions.

Councilman Lund – Could you e-mail me a final copy of the inflow and infiltration report?

Engineer Herdegen – The facility plan?

Councilman Lund – Yes.

Engineer Herdegen – Yep.

Councilman Sumner – And you did get that off on time? The resolution?

Engineer Herdegen – Yes.

10. ADMINISTRATOR'S REPORT

A. **Resolution No. 2016-12** – Approving an interim use permit for property located at 1675 Kolff Street

Sherris Buss, TKDA Planner, presented on this item as outlined in the March 17, 2016 Regular City Council Meeting packet

Councilman Rahm – Dense vegetative cover? Do you mean grass?

Ms. Buss – Yes, grass. At least 3 inch high grass.

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Councilman Rahm – In the pasture?

Ms. Buss – In the pasture, yes.

Councilman Rahm – With that many horses?

Ms. Buss – Yep. So that's going to be a challenge.

Councilman Rahm – Yes it's going to be very challenging. I've owned horses and that is very challenging, go on.

Ms. Buss – I'm really relying on what the university equine specialist and the Washington County specialist suggest. They both own horses as well. They feel that because of the water the water moves from this property to the folks to the south who are here tonight, that there needs to be vegetative cover in the pasture or there will be runoff to the neighbor property. So then we need to review this after six months and then make a determination about whether this use will be allowed for the full term of an interim use permit. It was a lengthy discussion, I think we're relying on these experts. There were at least two planning commissioners that weren't totally comfortable with that but I think the others concluded that given that the experts say that it's managed well, we can avoid the impacts and that they were willing to recommend approval on a trial basis for six months. So that is the Planning Commission recommendation to you on this is approval for a trial period for six months with all the conditions and then a review of it at the end of that six months to determine if the use can continue. The neighbors expressed concerns, they hadn't done it before but at the first meeting expressed concerns they had experienced increased flies and odors as the number of animals has increased on the property. What the experts have told me is that if she is managing manure well that should not be happening, and so those are some ways that our inspectors would need to take a look at what's going on adjacent properties. The commission also suggested to neighbors that they need to communicate with the city if there are problems during this trial period so we have some sense of what's happening. That is the Planning Commission's recommendation to you.

Councilman Ingemann – Sherri, when I left the Planning Commission I was under the understanding that there would be eight horses that are adults.

Ms Buss – Yep.

Councilman Ingemann – The eight foals would not be considered adults because they're less than six months old but in the next paragraph you've got ten horses.

Ms Buss – No, that's not part of the recommendation. That's ten horses can be in the pasture, so eight adult horses, eight foals. The eight foals are still considered horses in your ordinance so what that means is she can have up to ten of those sixteen animals in the barn and six can be out in the pasture. Part of the what the experts told us is that the foals are as hard on the pasture or harder than the grown-ups because they run around a lot and because their nature is to graze, whereas the adults are typically not grazing. They're typically eating other things.

Councilman Ingemann – My understanding is that she's got eight horses that are pregnant so if they all come to fruition and have colts or foals, then there's 16 yes?

Ms Buss – Yep.

Councilman Ingemann – Okay, and they're considered horses as long as...if they go over 6 months old they're not longer foals they're horses and she's only allowed eight horses. Eight adult horses.

Ms Buss – Eight adult horses. Your ordinance does not distinguish. Your ordinance just says animals, the distinction has come in the discussion with the folks from the University of Minnesota. Your ordinance would consider all sixteen to be horses. We're making a distinction in this case to say eight adults, eight foals, and to make some limitations on the number of those sixteen that are using the pasture at any given time.

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Councilman Ingemann – Yeah but if they go over six months then they're beyond the eight horses.

Ms Buss – Yeah and they'll need to be gone then and that's what the applicant has told us will happen that she'll be selling horses. That the foals on the property will be no more than six months of age and she will have no more than eight adult horses.

Councilman Ingemann – Then the question came up, and I'm going to bring it up now. Yeah get some coffee because I'm going to be a while. Home occupation or is this a business enterprise or is she doing this as a hobby?

Ms Buss – That hasn't been part of this application.

Councilman Ingemann – I know it's not part of this application but it comes into consideration.

Ms Buss – It does.

Councilman Ingemann – Are we looking at another one now?

Ms Buss – One of the Planning Commissioners believes based on some things he has heard that this is an actual business operating on the property. If it's operating as a home occupation within those rules, that can happen and the city does not require a permit for that. The proper thing to do if someone thinks it's beyond a home occupation is to file a complaint and have the city take a look at it but the applicant has not filed an application to run a commercial business or to run a horse boarding business on the property. So at this point in time we don't know.

Mayor Geraghty – Yeah so...Kim, do you want to say anything?

Kim Brown, 1675 Kolff Street – Number one this is not a commercial business. Anybody that thinks they're going to make money in this horse business is sadly mistaken. This is a hobby, I have worked for 52 years of my life to save up to build this barn and have my own property and that's what it is. I buy and sell show horses. I am right now raising American thoroughbred racehorses. The babies are only on the property for 6 months. At the point they need to be weaned from their mother. Then the mothers go to a separate facility and the babies will be sold. Unless there's an instance where the horse is really, really quality, then he'll end up going to the track the second year. My goal is not to have sixteen horses in the pasture it never has been. I want a certain period of time where I can possibly have up to six. The majority of the time there's not going to be that. My barn is impeccably clean. My manure management is amazing. I spent \$10,000 on a dump trailer which the manure is put in on a daily basis, actually four times a day my barn is cleaned and brought off the property once a week.

Councilman Ingemann – It's out there now.

Mayor Geraghty – So what's the history? When you came? What did you start with and where do you want to go?

Kim Brown, 1675 Kolff Street – This is where I'm going, this is it.

Mayor Geraghty – Okay.

Councilman Ingemann – She just wants to be in compliance. Right now the horses are pregnant so she wants to be in compliance.

Kim Brown, 1675 Kolff Street – That's all I'm doing, trying to be in compliance.

Councilman Rahm – And this is not a business?

Kim Brown, 1675 Kolff Street – No.

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Mayor Geraghty – Do you hire anybody?

Kim Brown, 1675 Kolff Street – No.

Mayor Geraghty – So you don't have anybody helping?

Kim Brown, 1675 Kolff Street – I have an independent contractor that trains my horses.

Mayor Geraghty – So you have someone coming in and working there?

Kim Brown, 1675 Kolff Street – Everyday.

Mayor Geraghty – And then you're selling horses?

Kim Brown, 1675 Kolff Street – I'm selling horses.

Mayor Geraghty – Are you doing training?

Kim Brown, 1675 Kolff Street – I'm training my horses. I'm paying him to train my horses.

Mayor Geraghty – So you don't give training to anybody else?

Kim Brown, 1675 Kolff Street – No.

Councilman Rahm – But then these horses get sold or they stay there? They stay there? Or they eventually get sold?

Kim Brown, 1675 Kolff Street – They're show horses.

Councilman Rahm – So they eventually get sold?

Kim Brown, 1675 Kolff Street – Eventually they get sold. That's the purpose.

Councilman Rahm – It sounds like a business to me. It's not a business?

Kim Brown, 1675 Kolff Street – No. It's no different from someone liking to golf except you go to a golf course. It's a hobby nothing more. You can ask the IRS about that, it's a hobby.

Councilman Ingemann – Could be an expensive one but it's a hobby.

Kim Brown, 1675 Kolff Street – It is an expensive hobby and I work very very hard to afford it.

Mayor Geraghty – Right but there are concerns about the odor and the flies. Residents have told me that there is an issue with smell and flies and people are concerned about the well water and other issues.

Kim Brown, 1675 Kolff Street – I have well water, I don't have a problem.

Mayor Geraghty – Not today but it could come years from now.

Kim Brown, 1675 Kolff Street – I have well water.

Mayor Geraghty – We want to keep it safe.

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Councilman Ingemann – What they're asking for on this resolution is a six month trial to see how it works. At the end of six months if it doesn't work then it's gone. That's the way I read this.

Mayor Geraghty – What happens at the end of three years?

Councilman Ingemann – You have to reapply.

Mayor Geraghty – So they'd have to re-up it?

Ms. Buss – There is not a chance to.....it cannot be renewed in your ordinance.

Councilman Ingemann – No. After 6 months if everything is fine and everything works out then I would still like to see at least a weekly. Because right now you're saying just check it once a month?

Kim Brown, 1675 Kolff Street – He was at my property today.

Councilman Ingemann – Yeah. No what I'm saying is once we stop by and check it out it's not going to hurt anything because the guys are in that are anyhow.

Kim Brown, 1675 Kolff Street – They're at the pumping station all the time.

Councilman Ingemann – And that's just up the hill.

Kim Brown, 1675 Kolff Street – Well I see them all the time.

Councilman Ingemann – I would say if you're going to move this forward have a weekly inspection and if it continues after 6 months it's still going to be a weekly inspection. Because if after a while, let's say 6 months, and everything's hunky dory and they say well we'll do it once a month thereafter. Things can go sour in a month.

Mayor Geraghty – I know but if it was approved at the end of the 3 years we gotta change the ordinance to allow more horses. What you're saying is that it can't be renewed?

Ms. Buss – Right. Interim use permits are 3 years max. I don't know if that was a consideration when you decided that that was the permit you would give for animals in your ordinance but you decided when you adopted the revised animal ordinance that it was an interim use permit and in your ordinance, an interim use permit is a maximum of 3 years. So at that point, if she wants to continue to do this the options are to reduce the number of animals on the property so that it meets the requirement in your animal ordinance. To apply for a conditional use permit for something like boarding animals and if she's not boarding animals that doesn't make any sense, or for her to request a change in the ordinance to allow this kind of a use on a more permanent basis but right now the longest she could have the number of animals she's requesting is 3 years.

Councilman Ingemann – But it'd be for a 6 month trial right now?

Ms. Buss – Right now it'd be a 6 month trial that's right.

Councilman Lund – Before we have a full discussion on this I think it makes sense to get more input from the audience.

Mayor Geraghty – Yeah I will I just want to give Kim an opportunity to....if you have anything else to say.

Kim Brown, 1675 Kolff Street – No I don't.

Peder Wallace, 1651 11th Ave – We've been at the meetings here for the planning commission and in going through all the information that Sherri has given, we still feel that 8 horses is still very generous. We think with

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the ordinance that was changed 2 months ago. You guys changed the ordinance basically to accommodate Kim Brown to 8 horses. We just felt that to bump this up to 16 right off the get go....shouldn't there have been a trial of 8 horses before you go to 16? So that's our concern, we've had issues with manure odor and a lot of flies and I recently had my water tested just a week and a half ago and the nitrates are elevated and they say that can be from manure. So at least now I have a benchmark with my water so in the future, 6 months, a year, 3 years we test it and the nitrates continue to elevate, somebody's going to have to get me clean water because we're on a well system as well that's 200 feet from the pasture and all the runoff drains right down and pools in our backyard. So for her to keep green space on that pasture I feel is going to be impossible with 8 horses. I don't know how you can possibly do it with 6 horses. Maybe with one horse in that pasture you could keep green space. If you look at the map....Kim Brown's getting 16 horses, I know she says it's not going to be in the pasture but that just means... the pasture's in our backyard. Our grilling area and when we have friends over is right next to the pasture on the south side. She did move the fence a little bit now about 50 feet but we're just concerned about the manure and the water and other issues that come along with it. As far as all the conditions, we still feel that a city employee is not the right person to be checking this farm out. You have no experts on staffs that are equine specialists. That is a specialty barn, she's got show horses that's for sure but there are no farming people on staff that are experts. I feel that if you're going to push this through, you have to have a specialist that does this everyday. Like Sherri Buss said about the Washington County person who is an expert, those kind of people know exactly what's going on at a farm like that. So I guess we are still opposed to it but we've seen it get pushed through on the planning commission so we'll just have to see how you feel about it. Thank you. Any questions?

Mayor Geraghty – Okay thank you. Anyone else wish to comment? Susan?

Susan Lindo, 1280 Wild Ridge Trail – My concern is that I was thinking of us as living in a residential district and I'm really bothered by a farm in the midst of a residential district. I checked in the ordinance tables that we had done to look at what kinds of uses were permitted there in the RE district and it didn't appear that farming was. My thought that was if we were all on 10 or 15 acres a farm wouldn't be that big of a deal because we'd all be far enough away from it. I'm really bothered about what looks and sounds like a farming business in the middle of a residential district because we're closer together than that. We're only 1 to 2 acre sized lots and we're on that fragile bluff area as it is. I am concerned that the aquifer could get contaminated. I don't think it would happen in 6 months but what I understand about aquifer and I would expect Tracy and Dan to know more about this but from what I understand, it takes a while for the water to get through the layers to the aquifer. I have some real concerns that if we did get bacterial contamination down there it wouldn't show up for a few years so it just feels like a risky prospect to me and something that feels like an experiment and as a former scientist I like experiments but I'm not sure I want to live next to an experiment and that's kind of how I'm feeling. It really does worry me it just doesn't feel like what ought to be a part of a residential district and if I look at the zoning ordinance of what can be in a residential district, a small farm isn't a part of that district. I'm not sure exactly where it would fit in Newport. Maybe the industrial district I'm not even sure where it does fit but it doesn't feel to me like a residential use and that's really my concern. Thank you.

Mayor Geraghty – Kim do you want to say anything further?

Kim Brown, 1675 Kolff Street – I better not right now.

Mayor Geraghty – This might be the only opportunity.

Councilman Sumner – I've got something to say. I did meet with Mr. Wallace and I went onto Kim's property unannounced so that there could be no scurrying around or changing things or hiding things. In the barn, it was very clean, there are shavings in the stalls and the entire barn is on a concrete floor correct?

Kim Brown, 1675 Kolff Street – No it is not.

Councilman Sumner – Okay. How about the paddocks or the stalls?

Kim Brown, 1675 Kolff Street – No it is not.

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Councilman Sumner –The stalls are on concrete. So where the horses stay the majority of the time there's not going to be any infiltration from their urine into the groundwater.

Kim Brown, 1675 Kolff Street – No there's not.

Councilman Sumner – The stalls were very clean. I've worked in animal agriculture, I've worked at the University of Minnesota managed their dairy research and teaching facility for 13 years and I know that animal cleanliness is important and the animals were clean. Outside, there was a cart to put the manure in. Manure management depends heavily on season. When the temperature is lower, the reproductive rate and the time it takes for flies to pupate is longer than in the summer. As temperatures go up, I would anticipate that that manure would have to be removed more often in order to keep the flies from hatching there.

Kim Brown, 1675 Kolff Street – It's removed weekly.

Councilman Sumner – Now I will also say that in Newport, you can go to our City Parks and be attacked by flies too and they're nowhere near any horse areas. Flies are a part of Minnesota in the summer and I did mention to Mr. Wallace that I would be willing.... and I think it would be best to go with a member of the city staff, one of the public works people. I would go up there with somebody once a month. I'd be willing to do that and report back.

Kim Brown, 1675 Kolff Street – That's fine.

Councilman Sumner – Which is an offer that I would make on this but flies are a part of Minnesota summers. Mosquitoes are a part of Minnesota summers.

Mayor Geraghty – Well there's flies and then there's flies.....

Councilman Sumner – Exactly and flies are often periodic. If you have a deer die up in the woods you'll get a thousand maggots out of that deer carcass. If you have a mouse die you're going to get 50 maggots and flies coming out of there so that's something beyond her responsibility and that's why going up there with two independent voices. If we walk onto the place and the flies just eat you alive that's one thing and we'll go over and see. If the manure is crawling with flies then that's a problem.

Kim Brown, 1675 Kolff Street – I've never noticed a fly problem at my house and it's right there. I've sat on the patio, I don't have a fly problem. I've never noticed a fly problem. I don't smell the manure unless it's a really hot humid day of some sort. Obviously that could happen but you can also smell the marathion plant which is a lot worse than horse manure to me.

Councilman Sumner – To me the biggest concern we have is the Sanimax plant and I've been around animal agriculture and horses and cattle don't bother me. Sanimax turns my stomach but that's a different issue. Some people like it and some people don't like it so those are individual perceptions but certainly flies are a big concern and manure management is a big aspect of fly control.

Kim Brown, 1675 Kolff Street – You saw my manure management today.

Councilman Sumner – Yeah it was all in a container.

Councilmen Rahm – Well I've had horses too, not as many as that. I had 1 horse on 3 acres and 1 horse for 3 acres will keep the grass very well groomed without destroying the pasture. When I had more horses up there they would start destroying the pasture just so you know. I think you probably do have very good manure management because if you didn't you'd be overwhelmed quickly because I know what 1 horse does and I can't imagine 8 or whatever.

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Kim Brown, 1675 Kolff Street – Right.

Councilmen Rahm – I think my issue here in my opinion is that we set certain standards like 1 animal per acre for a certain reason. We think that's going to be for health and safety when it comes right down to it as far as not having too much population density. If I remember correctly, and I agreed to it, we already upped this to 1 animal per acre and at the time I said I thought that was kind of high based off of my own experience owning horses but I went along with it. Now we're exceeding it even more possibly and that does concern me.

Councilman Lund – I kind of agree with what you're saying. We looked at what surrounding communities are doing and we're on the really liberal end and I think Kim clearly does an exceptional job of keeping her barn clean but I don't think it really makes sense for the city to get in the business of monitoring and regulating horses. That's well beyond our core function and it kind of shows how extreme this request is. The only way it would make sense for us to allow it is for us to be up there all the time checking on it so in my opinion we just shouldn't do it. 8 is enough, it's generally a residential place and there are places not that far away where something like that would be allowed where the character of the neighborhood is a lot different than what it is here. So I think we were very permissive with 8 and more than that is clearly infringing on what the neighbors consider to be the character of the neighborhood.

Councilman Ingemann – Alright now she's got 8 pregnant horses and if they all come due at the same time there will be 16.

Councilman Lund – Well....I didn't get those horses pregnant.

Kim Brown, 1675 Kolff Street – At the current time, only 3 are pregnant.

Councilmen Rahm – It's a tough balance because I want people to be able to enjoy their property and use it.

Kim Brown, 1675 Kolff Street – Yeah that's why I bought it.

Councilmen Rahm – There are limits on some of these things too though. We have limits on chickens, we have limits on domestic animals, we have limits on everything.

Kim Brown, 1675 Kolff Street – I don't think you understand. My goal is to not always have 6 horses in that pasture. That is not what I'm asking for. All I'm trying to do is say that I have mares that are ready to foal and they're probably going to be there for 3 months and then I'll be down to 2 again.

Councilman Ingemann – She just wants to be legal.

Kim Brown, 1675 Kolff Street – I'm just trying to be honest. I'm just trying to tell you that.

Councilmen Rahm – I do appreciate that.

Councilman Sumner – So you'll see a population with spikes like that?

Kim Brown, 1675 Kolff Street – I'm not going to continue to breed these thoroughbreds forever. This could be my last year, it depends.

Councilman Sumner – So we've got monthly options for 6 months and then we have a 3 year cutoff to manage this and to me the conditions look like they're pretty tight.

Councilman Ingemann – I'd like to have them just a little tighter, Instead of monthly I'd like to have weekly inspections.

Councilmen Rahm – My concern is that after 6 months then the special use will stop or we review it again?

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Councilman Ingemann – Yeah we have to review it because it's only good for 6 months.

Councilman Sumner – No it's 6 months and then it goes to a year.

Councilman Ingemann – 6 month trial period.

Admin. Hill – After the 6 months you then review it and possibly extend it.

Councilman Ingemann – It doesn't mean you need to extend it, you could extend it.

Councilmen Rahm – When are the horses due? The spring?

Kim Brown, 1675 Kolff Street – Right now I have one that's due to foal the middle of April and two more at the end of May.

Councilmen Rahm – How many do you currently have? How many horses?

Kim Brown, 1675 Kolff Street – My pregnant mares aren't even on my property, they're somewhere else. I just have the babies and they're going this weekend.

Councilmen Rahm – So you have other properties that you can ship the horses to other than this property?

Kim Brown, 1675 Kolff Street – Yeah I have a friend who's fencing right now.

Councilmen Rahm – So if you rearranged your hobby, you could stay within the limit or could you not?

Kim Brown, 1675 Kolff Street – Yeah all I'm saying is that I just want them there until they foal until they're weaned.

Councilmen Rahm – I understand.

Kim Brown, 1675 Kolff Street – I'm not looking to keep 16 horses in the pasture, I'm not. That's not my goal.

Councilman Lund – I noticed that we had a couple more people walk in. Should we see if there's more input?

Mayor Geraghty – Does anyone want to speak to this issue?

Councilman Ingemann – I'll make a motion that we approve this resolution 2016-12 for 6 months which is a trial period.

Councilman Sumner – Which is how it's written.

Councilman Ingemann – I want the inspections weekly though I don't want them once a month.

Councilmen Rahm – Who's going to do the inspections? Councilman Sumner or somebody else?

Councilman Ingemann – I think as it is now, you guys stop by right?

Supt. Hansen – Well that's the way it's setup but I'm not sure with this if the county has a manure management specialist if we shouldn't contract with them.

Ms. Buss – She's retiring at the end of the year and felt that she was not a good candidate to do it. We could ask the conservation district if they have someone else who could do it if you would be more comfortable with that

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and it would be writing a contract with them to have someone do those inspections but it's not likely to be Wendy who gave these recommendations.

Admin. Hill – Mr. Mayor, we originally asked Matt Yokiell the assistant of public works to do this, he grew up on a farm and understands manure. It's basically manure management, flies, and odor so it's not like you need an expert for that unless something else comes up.

Councilman Ingemann – Yeah the neighbors will tell you if it's getting worse or better.

Admin. Hill – They are up at the pump house often enough so if there's flies there or they can smell something they can do sort of a "drive by" but that's why we asked Matt Yokiell.

Kim Brown, 1675 Kolff Street – They can see where the manure is going in the dumpster. It's right there.

Councilman Ingemann – The dumpster's right there. The dumpster is covered right?

Kim Brown, 1675 Kolff Street – Yes. There should be photos of it.

Councilmen Rahm – I didn't see any photos I just saw the arrow. Again I believe that you have to have good manure management because if you don't it would get out of control and you know that.

Mayor Geraghty – Do you want to discuss it more?

Councilman Ingemann – I think it's been discussed.

Asst. to the Admin. – Is this with weekly or monthly inspections?

Councilman Ingemann – I'm looking at weekly. Is that okay Bill? Somebody come by weekly and take a look at it. It's not a big deal.

Kim Brown, 1675 Kolff Street – It's not a big deal, you can come anytime you want.

Councilman Ingemann – Unannounced.

Kim Brown, 1675 Kolff Street – Anytime unannounced, it doesn't matter.

Councilman Sumner – Let me ask the supervisor.

Councilman Sumner – I don't know can we spare somebody weekly from the city to do that? Are they up at the pump house?

Kim Brown, 1675 Kolff Street – They're up there almost everyday.

Councilman Ingemann – How much time does it take? Bruce?

Supt. Hansen – I'm not concerned about the time as much as the quality. It's about who's making the decision. You're saying Matt's going to do it or any of my people can do it? That's the question. I'm not comfortable with the guys having that responsibility.

Councilman Ingemann – We're looking at manure management, they'd be able to smell it or see flies. The neighbors would stop you.

Supt. Hansen – I understand.

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Councilman Lund – I say again is this really in the scope of what we think the city outta be doing? This is a pretty extreme way to try and fit this into our residential neighborhood.

Admin. Hill – We originally asked Matt because of the convenience and his farm background.

Councilman Rahm – Again I don't think we'd be having this discussion if it was within the limit that we set. It's that hump that we have here and once you get past this first hump here as far as these mares foaling and stuff, are you going to have another one down the road?

Kim Brown, 1675 Kolff Street – No.

Mayor Geraghty – So it's just temporary?

Councilman Ingemann – She's trying to be legal. She could just do this and not say a damn word.

Mayor Geraghty – We could keep our ordinance and give it time to work itself out.

Councilman Ingemann – I think 6 months is a good trial.

Councilman Rahm – So we're going to check it weekly? Monthly? Who's going to check it? I still don't know if I understand that.

Asst. to the Admin. – The resolution says at least monthly. You could approve the resolution as presented and make a recommendation for weekly.

Mayor Geraghty – Which leaves discretion to do it more often.

Councilman Ingemann – I'd be willing to do it more often.

Councilman Sumner – I'd be willing to do it monthly, I'd go up with Matt or one of the guys. I told Peter to call me if it's something bad and I'll come up there. I'll put my head on the chopping block for this.

Kim Brown, 1675 Kolff Street – I didn't know he had a problem until he came to these meetings. He could have come to me and said you had an issue and I would've fixed it then.

Councilman Sumner – Okay that's a separate issue but I would go in there. I just wanted two people because then it's not well....Bill's been on the farm forever and doesn't know any better or Bill's prejudice to the farm but if there's an issue I can get somebody from the city to come down and verify it because an hour later it's not going to change. So monthly and other times as requested or as determined or as needed? Is that okay?

Councilman Ingemann – Yeah that's good.

Mayor Geraghty – Ready?

Councilman Rahm – I have a question. Do you support a temporary thing like this or not?

Peder Wallace, 1651 11th Ave – No we don't want to keep coming to meetings; we don't want to keep coming to meetings 6 months from now again and again and again. Can Kim do it? She probably can but wouldn't you start your expectations lower than ramp up to 16 right away? Can she do it? Possibly but is there going to be green pasture? I don't know how there's going to be green pasture but that's something that the city's supposed to look for. Green cover, complete green cover.

Councilman Ingemann – We'll find out.

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Motion by Ingemann, seconded by Sumner, to adopt Resolution 2016-12 for an Interim Use Permit. With 2 Ayes, 3 Nays, the motion failed.

Mayor Geraghty – Do we have to do anything with the permit then?

Asst. to the Admin Eisenbeisz – With the farm animal permit?

Attorney Knaak – She still has the horses so there's nothing wrong with permitting the horses that she has but what I was going to suggest since you provided a negative vote she would be entitled to an explanation for the decision of the Council in writing.

Ms. Buss – Along with findings for the negative decision.

Attorney Knaak – You're anticipating exactly what I was just going to say. So what I'm suggesting you do is direct the staff to prepare findings for purposes of having it done in resolution form for you at the next meeting.

Councilman Sumner – To make a resolution of our determination?

Attorney Knaak – Yes. The findings of fact.

Councilman Lund – Do you want some suggestions on findings?

Ms. Buss – I think it'd be good if we had your thoughts.

Councilman Lund – Two things. The impact on the surrounding neighbors was too much for what she was asking for.

Ms. Buss – Potential impact. Is that what you mean?

Councilman Lund – We heard about the impact they already have so impact with less than 16 is already getting close to what an individual should expect for the fair use of their property and two, I don't think the city should be bending over backwards to try to regulate horses. That's well outside the scope of the things we're normally doing and it takes away from the city's resources even if she's paying for it. We only have so many people here and we only have so many things we can get done during a work week. It's just too much to ask for.

Councilman Rahm – I think there's also a similar argument in that it exceeds our current limit on animals per acreage.

Mayor Geraghty – There's also a concern about water quality.

Attorney Knaak – Mr. Mayor if I understand it correctly. It's an undue burden on city resources.

Ms. Buss – In your ordinance, you do allow people to apply to have more so that is a hard thing to use as a finding since you allow it but I think it's the burden on resources that you identified. I wanted to clarify whether you meant existing or potential impacts on neighbors

Admin. Hill - .Are you talking about Matt's time?

Mayor Geraghty – No we're just being general with this.

Ms. Buss – So this is just kind of outside the scope of what the city does. You don't really have staff that do this kind of thing.

Admin. Hill – Using Matt, that was my suggestion that we could ask Matt.

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Mayor Geraghty – Well no I think fundamentally we just don't think it's a good fit to have 16 horses up there and the surrounding houses in the RE district.

Admin. Hill – I just thought you were saying that the public works time was going to be burdened on.

Mayor Geraghty – No.

Admin. Hill – Okay I'm sorry.

Councilman Lund – I think so. We've got a lot we're trying to accomplish.

Councilman Rahm – I have some questions as far as if they're running a business or not as far as an issue. Is that permissible do you think?

Attorney Knaak – Well certainly if something has the impact of a business even though you didn't find that it is a business. You could certainly indicate that it is the kind of use or extension of the use that would be inconsistent with the residential neighborhood.

Attorney Knaak – Are you going to draft that?

Ms. Buss – I'll draft up the resolution.

Councilman Ingemann – Is it a business or a home occupation?

Mayor Geraghty – It can't be a business.

Councilman Ingemann – So it's a home occupation.

Attorney Knaak – So as I understand it the staff has been directed to provide you with findings of fact for your consideration at the next meeting.

Ms. Buss – At the next meeting, okay. Yeah we need findings for denial.

Councilman Rahm – Is there anything at the planning commission that could be used or not?

Ms. Buss – It was similar concerns I think to yours particularly the existing and potential impacts on neighbors. The concern about the size of pasture. I do have to say that I have worked throughout Washington County and in the townships where I work, the county's rule is 2 grazeable acres per animal unit and a horse is 1 animal unit. A cow is 1.5 animal units. That is based on a lot of studies about manure management and what you need and a grazeable acre is flat pasture. It's not steep woodland. People can exceed that if they do a manure management plan that's approved by the county but your current animal ordinance is very generous about what you allow and it might be something you want to think about and revisit because this is a good example of how on properties in the city that have a lot of slope and all.....you allowing it on any 4 acre parcel and not having that word grazeable in there is much more generous than most cities would be.

Councilman Lund – I think that's a great finding of fact that we don't think it's appropriate for 16 horses to have 1 grazeable acre.

Ms. Buss – Yeah.

Councilman Lund – That's not consistent with our rules even with chickens where we require them to have their 10 square feet.

Ms. Buss – Thank you I know that was a very hard one and it was hard for the planning commission as well.

B. Farm Animal Permit for Kim Brown

Asst. to the Admin Eisenbeisz – The ordinance as it stands now allows for 1 farm animal unit per acre. She does have 8.76 acres so you can decide to either round up or down to allow for 8 or 9 horses but she still does have horses so she needs a farm animal permit.

Councilman Rahm – I would round up.

Councilman Sumner – I'll second that.

Councilman Lund – Really?

Councilman Rahm – Yep I would be as generous as we possibly can be to a limit.

Councilman Lund – We're already double the county's recommendation and that's in the pasture. I think you need at least an acre.

Councilman Sumner – I think the fact that these animals are inside the vast majority of the time is a different setup than having horses outside all the time, only outside. It's a very different setup.

Asst. to the Admin Eisenbeisz – So the motion is for 9 horses?

Councilman Lund – On this one do we have the same requirements that they maintain the grass cover?

Councilman Ingemann – Nope.

Asst. to the Admin Eisenbeisz – No.

Ms. Buss – We don't have any performance standards really other than a setback for buildings. It's another issue about your animal ordinance you really don't have much for performance standards. There's nothing about separation from wells. Typically an ordinance, if it was in the zoning ordinance, would have some standards about these kinds of facilities.

Councilman Lund – So what we learned today is that everything that applies to 16 horses applies to 8 horses. Picking up the manure everyday and keeping the grass on the slope.

Ms. Buss – You could probably do those. For an animal permit can they do the same conditions they would have had or something similar or not? It's just strictly number.

Attorney Knaak – No not unless it's already in your ordinance. You don't have the discretion you can impose for example in a situation where you're doing it. There's a lot of discretion that you get for an interim use permit but if they've got the animals and they've got the acres they get the permit.

Mayor Geraghty – Do we even have to specify the number here? Because this was modified right?

Attorney Knaak – Yeah actually you will have to do that.

Mayor Geraghty – Was it listed before? I see it's redlined here.

Asst. to the Admin Eisenbeisz – Yep and I put that in.

Mayor Geraghty – What was in the standard? Did we put in a number?

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Asst. to the Admin Eisenbeisz – For the kind and number of animals to be kept. She had just put show horses so I had put the 8 adult horses and 8 foals.

Mayor Geraghty – I think we should be consistent with what we just decided.

Councilman Ingemann – She's got 8 now doesn't she?

Councilman Lund – Sherri thinks that we should probably change our ordinance that we require an approved manure management plan when you don't have enough pasture.

Councilman Ingemann – But you can't do that now.

Councilman Lund – No but....

Councilman Rahm – No but it does make some sense about grazeable land, it does.

Councilman Lund – Yeah.

Councilman Lund – And to maintain grass cover in your pasture area but we can't do that now.

Councilman Rahm – Yeah we can't do that now and grass cover I'm a little bit concerned because that's very difficult.

Councilman Lund – Well and that's a steep slope too which certainly doesn't help anything.

Councilman Rahm – I think 9 is being very generous with the land use and everything.

Mayor Geraghty – I'm confused. What does the ordinance say they can have?

Asst. to the Admin Eisenbeisz – 1 per acre. She has 8.76 acres.

Mayor Geraghty – Okay so the interim was just trying to go to the.....

Asst. to the Admin Eisenbeisz – The ordinance allows for an increased number with an interim use permit so that's what that was for.

Motion by Ingemann, seconded by Rahm, to approve a Farm Animal Permit for 9 horses at 1675 Kolff Street. With 3 Ayes, 2 Nays, the motion carried.

C. **Resolution 2016-13** - Approving a variance for property located at 1280 Kolff Court

Sherri Buss, TKDA Planner, presented on this item as outlined in the March 17, 2016 Regular City Council Meeting packet.

Councilman Sumner – I have a question on the 11 foot setback. Are you going to continue to have the garage doors opening in the same direction? You're not going to open to the street?

Steve Bern, 1280 Kolff Court – Right.

Councilman Sumner – There was some mention made about parking.

Steve Bern, 1280 Kolff Court – Yes but it was in a different context. (Hard to hear him since he was not speaking into the microphone)

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Ms. Buss – He’s not 11 feet back from the street, he’s actually 11 feet back from the right of way and so he’s actually further back from the street but there is a condition in here to prohibit parking on the city’s right of way in the winter time to allow for snow removal and make sure there’s no damage to some vehicles there. It’s a prohibition only in the winter time related to snow plowing.

Steve Bern, 1280 Kolff Court – I think Bill to your point. Usually when there’s a variance like this you’re driving right in.

Councilman Sumner – Yeah.

Steve Bern, 1280 Kolff Court – It doesn’t matter to me but that provision is not relevant in this case. (Hard to hear him)

Councilman Sumner – If you look at the picture Bill...it comes in.

Ms Buss – It can easily be off of that right of way.

Councilman Sumner – I just wanted to confirm that there wasn’t a change in that. As you say it’s kind of a non-issue to have that in there but it’s probably gotta be put in there anyhow.

Ms. Buss – Unless he has a big party or something on a day when it snows. It’s a pretty standard condition we’ve done for everybody who’s gotten closer so it’s just something that the engineer recommended whenever we do one like this.

Councilman Sumner – When do you think this will start? This year?

Steve Bern, 1280 Kolff Court – Well yeah it’s kind of a complicated project. Never build a garage on a retaining wall. (Unable to make out the rest of what he said, he did not speak into the microphone)

Councilman Sumner – I just don’t want to see another expiration of your....

Steve Bern, 1280 Kolff Court – Neither does my pocketbook. (Unable to make out the rest, did not speak into the microphone)

Motion by Sumner, seconded by Ingemann, to approve Resolution 2016-13 requesting a variance by Steven Bern of 1280 Kolff Court . With 5 Ayes, 0 Nays, the motion carried.

D. Ordinance No. 2016-4 - Amending Section 450

Admin. Hill – Maybe Fritz can pop in on this and Renee. What we have is Cottage Grove Athletic Association has pull tabs at the Clover Leaf Bar and our ordinance says that this is supposed to be done by the Cottage Grove Athletic Association. Bar employees have been participating in selling the pull tabs and this actually cleans it up with state law to clarify who can sell pull tabs.

Attorney Knaak – Right. As you know you had a very general, very forgiving, very brief ordinance related to charitable gambling and it provided relatively little guidance and a person could look at it and not really know what kind of charitable gambling was or was not allowed in the city. So you passed a pretty basic ordinance and low and behold you found out what type of charitable gambling was being conducted in the city. This is not illegal by the way what’s been proposed. It’s just in addition to what otherwise would be allowed. It’s expressly permitted to have and that’s a revision I guess but it is expressly permitted to have the bar employees do it. There are some additional requirements obviously but they have to be complied with so this allows you to basically allow a practice that’s been going on that you did. As I’m sure you recall authorize and make sure that they’re in

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compliance otherwise what they'll have to do is significantly modify how they do business in the City. This is consistent with what Cottage Grove does so you're not an outlier.

Councilman Lund - I think the proposed language is a little awkward. What if instead of adding anything we just struck the portion after "may sell pull tabs" and then strike out "from a booth used solely by the licensed lawful gambling organization". What if we just strike that part out?

Attorney Knaak – Well because I think that what we want to do is expressly permit bar sales. That's one of two kinds of sales like this that are allowed. One is by a booth and then the other thing that the statute allows is bar sales. So since you are calling out and expressly authorizing it that was intended to be just as minimal as possible to permit the practice.

Councilman Lund - So it's not clear from the current language that the bar operations part applies to the pull tab part.

Attorney Knaak – Not clear enough and obviously they were concerned as well.

Councilman Lund - No I mean in the proposed change. Is there any way we can....because we talk about the pull tabs first and then we say "or conduct other such forms of lawful gambling with lawful gambling devices, including bar operations".

Attorney Knaak – Including bar operations right.

Councilman Lund - Does that mean that we gamble at the bar?

Councilman Ingemann – No it means that the bartender can...

Councilman Lund – No I know what we intend it to mean. It's not clear that bar operations...."including bar operations" sounds like a lawful gambling device not related to selling pull tabs.

Attorney Knaak – We can certainly improve it.

Councilman Lund – So that'd be my suggestion to change it around somehow. What if we just say "may sell pull tabs from a booth?". So the booth has to be run by the nonprofit? Is that the deal?

Attorney Knaak – If there's a booth that's run by the nonprofit.

Mayor Geraghty – It's okay then I think.

Councilman Lund – Okay well what if we move the...."from a booth used solely by the", what if we move the bar operations part up there?

Mayor Geraghty – Well if you just read the "or" it covers it. Everything after the "or" covers it. "Other gambling operations" includes pull tabs too doesn't it?

Attorney Knaak – May sell pull tabs or conduct, it's either or, they can either sell pull tabs from the booth or do something else allowing the other things. In other words that's kind of an either or exclusive including bar operations so "may sell pull tabs from a booth or conduct". Bar operations has to be in there.

Mayor Geraghty – Can you use the "lawful gambling including pull tabs?"

Attorney Knaak – "May sell pull tabs from a booth". That's language lifted straight from the statute.

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Councilman Lund – What if we say “or conduct lawful gambling devices including bar operations?” Instead of saying “other forms of lawful gambling?”

Attorney Knaak – Which one are you looking at?

Councilman Lund – Right now it says “or conduct such other forms of lawful gambling”. What if we just say “or conduct lawful gambling”. Just cross out the other. It appears that the bar operations part only applies to the other forms of gambling.

Attorney Knaak – Which is what it would be.

Councilman Lund – The only gambling they do is pull tabs.

Councilman Ingemann – Not necessarily. They have meat raffles.

Attorney Knaak – Okay, “pull tabs from a booth used solely or bar operation”. Maybe this needs more work.

Councilman Ingemann – The athletic association does come in every so often with bingo.

Asst. to the Admin. Eisenbeisz – Their permit allows for pull tabs, meat raffles, bar bingo.

Councilman Ingemann – So that’s other gambling there. The language looks good to me the way it is.

Councilman Rahm – This was much easier during prohibition.

Councilman Lund – What if we add instead “may sell pull tabs from bar operations or from a booth”?

Attorney Knaak – Getting nit picky now.

Councilman Lund – And then leave the rest of it, the other bar operations talking about other forms of lawful gambling?

Attorney Knaak – If you were to say pull tabs from a booth....well the booth is used exclusively by the licensed gambling.

Councilman Lund – Yeah so we’re going to insert it before that. We’re going to say “may sell pull tabs via bar operations or from a booth”

Attorney Knaak – That works.

Asst. to the Admin. Eisenbeisz – Before you do make a motion. Another question came up in the last couple days from Clover Leaf itself when the Cottage Grove Athletic Association and the individual teams conduct meat raffles, the athletic association has been telling them to go to St. Paul Park or Cottage Grove because we’ll take the 10% off of the individual teams’ meat raffles or fundraisers. So it is a question for the Council if you would exempt the 10% gambling fund from being taken from the individual teams’ fundraisers and meat raffles and then also in the past we have not collected 10% percent from meat raffles from the Lions Club or the Newport Fire Dept. I was wondering if you would like to continue not collecting from them.

Mayor Geraghty – Yeah we would.

Attorney Knaak – That is a valid issue but it’ll stoke up the conversation that we were just about to conclude on the language and I think you’ve got it. This is another valid issue that you’d probably want to consider.

Councilman Lund – Do we need a public hearing for this?

Agenda for 03-17-16

Asst. to the Admin. Eisenbeisz – No.

Motion by Lund, seconded by Sumner, to approve Resolution 2016-4 as proposed. With 5 Ayes, 0 Nays, the motion carried.

E. Park Board Appointments

Motion by Ingemann, seconded by Rahm, to appoint John Graber to the Park Board to a term ending December 31, 2018. With 5 Ayes, 0 Nays, the motion carried.

Motion by Geraghty, seconded by Sumner, to appoint Paul Hansen to the Park Board to a term ending December 31, 2016. With 4 Ayes, 1 Nays, the motion carried.

11. ATTORNEY'S REPORT – Nothing to report.

12. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT

Sgt. Ostermann – I'd like to invite everybody next Wednesday, March 23 to Coffee with a Cop at the North Pole from 5-7. All the deputies that work this area will be there and we'll be around the restaurant. We invite the public to come sit down with any or all of us and ask whatever you want to ask. Whether you have a question on an ordinance or just to see how things are going or whatever, just open conversation. The other piece I was going to remind everybody that the snow is gone. Please look around your yard, clean up any debris you find. If you've got questions, Renee at City Hall is a great resource and Deb. We've been around and talked to a lot of folks about the ordinances from cleaning up branches to unregistered vehicles we've had a lot of contact. So we just ask people to police themselves and make sure their yards are presentable and keep the neighborhood looking nice for not only the city but your community.

13. FIRE CHIEF'S REPORT – Not present.

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

15. NEW / OLD BUSINESS

Admin. Hill – I'd like to wish Renee the best of luck in the next few months in "babyland".

Mayor Geraghty – Yeah I want to thank you for hanging in there up until almost the last day. Enjoy your time off and take your phone off the hook or turn it off and bring the baby in when you feel you're ready to. I want to wish everyone a Happy St. Patty's Day and don't celebrate too much.

Councilman Lund – Just real quick I'd like to ask that we look at giving ourselves the option to regulate animal permits by requiring manure management and pasture management like we all discussed and learned today. So if we could put that on a to-do list for future animal permits.

Admin. Hill – We can do that.

Mayor Geraghty – After the Council meeting we will have a Workshop Meeting at which time we will discuss the baseball field and also have the performance review for Deb and that will be a closed meeting. I will announce that at the Workshop as well.

Councilman Ingemann – That's closed.

16. ADJOURNMENT

Agenda for 03-17-16

Motion by Geraghty, seconded by Ingemann, to adjourn the meeting at 6:55 p.m. With 5 Ayes, 0 Nays, the motion carried.

Upcoming Meetings and Events:

- | | | |
|--------------------------------|----------------|-----------|
| 1. Park Board Meeting | March 24, 2016 | 6:00 p.m. |
| 2. City Council Meeting | April 7, 2016 | 5:30 p.m. |
| 3. Planning Commission Meeting | April 14, 2016 | 6:00 p.m. |
| 4. City Council Meeting | April 21, 2016 | 5:30 p.m. |

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Andrew Brunick
Administrative Intern/Administrative Assistant



**City of Newport
City Council Workshop Meeting Minutes
March 17, 2016**

1. ROLL CALL

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

Council Absent – Tracy Rahm

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Renee Eisenbeisz, Assistant to the City Administrator; Fritz Knaak, City Attorney; Larry Osterman, Sergeant; Jon Herdegen, City Engineer;

Staff Absent – Steve Wiley, Fire Chief;

2. DISCUSSION REGARDING BASEBALL FIELD RESERVATIONS

Steve Bern – I’ve been a resident of Newport since around 2002. I’ve got 3 young boys ages 10, 7, and 4. It’s bothered me for years that Loveland Park is not used and sports have gone over to Woodbury. East Ridge athletics now fully encompasses Newport so we’re drawn into East Ridge and Woodbury. It’s bothered me that we have this beautiful Loveland Field facility and it lies fallow while we can’t even get fields for some of my kids to play in Woodbury. So anyway, I started making calls and one thing lead to another and the Newport Athletic Association has a long history. It started in 1976, it has been defunct for years so I ended up taking that over. I gathered all the funds and reestablished its legal status but the bottom line is that I’d like to see those parks used. I’ve done a lot of searching around and thinking about what’s the positioning of the Newport Athletic Association. Historically, the association has had a deep hand in allocating the fields for its own use and I think actually stepped beyond that. Once upon a time Newport fielded its own teams and shopped them around to Maplewood, Oakdale and those days are gone. A lot has changed with Woodbury growing up just a few minutes away but that’s all kind of a long story. The short story is that I’ve been working to get East Ridge, which draw kids from Newport, to start using the fields. They have a desperate need for fields and I’ve been working with Dan, Deb, and Bruce to figure out how to get these fields going and Bruce is a part of our initial discussions. He was able to replace all the fencing out at Loveland and I’ve got teams that are interested in using the fields this year. The question that I raised to Deb though was that as a city, we need an allocation process for the fields. It can be simple and I’m happy to “grease the skids” on working with the athletic associations to use our beautiful facilities but we just need a permitting process and I suspect eventually we’ll need formal policies in terms of how we allocate fields because it’s possible that demand will exceed supply. That’s not true right now but I suspect it might be because we happen to have a very nice 90 foot field out at Loveland and 90 foot fields are in short supply in East Ridge Athletic Association. I think the topic of the meeting here which was the particular allocation of the fields. Woodbury has a very thick policy for doing these things and in talking to Woodbury they’re most contentious issue at City Hall every time it comes up is how they allocate fields with this particular policy. We don’t need anything like that particularly nothing for 2016. I think though that it’s not within the scope of the athletic association to issue permits for the fields. As I look at my own succession planning for the athletic association I’m not sure if it’s even going to exist. So what I’m trying to do is get a sustainable model in place. I’ve taken control of all the funding for the athletic association which was in disarray. All the funding is stable, it’s not going

anywhere. I'm going to collaborate with Bruce to get things in a particular state to get our facilities used and ultimately I'd like to have a little league program that extends over to Newport Elementary but that's probably a 2017 goal. Anyway, that's a bit of who I am and why I'm here and I think the main issue before this assembly is that we need a simple process where somebody can apply for a field and get a permit for the season.

Admin. Hill – You've already spoken with the East Ridge group though?

Steve Bern – Yeah.

Admin. Hill – They've been wanting to use our 90 foot field I believe that is.

Steve Bern – Yeah there's a rec. softball league that wants to use the 6 foot at Loveland and the East Ridge Athletic Association boys travelling squad wants to use the 90 foot.

Councilman Ingemann – What size is that one down by Pioneer?

Mayor Geraghty – It's the tee ball one.

Councilman Ingemann – We've still got a batting cage up at Loveland right?

Mayor Geraghty – So we don't have any specific demand anyway right?

Mayor Geraghty – Nobody uses it right?

Steve Bern – People sneak on there, it's open.

Mayor Geraghty – I don't know if anybody tries to get a game together.....

Admin. Hill – It was granted that we'd love to see those fields used.

Mayor Geraghty – I think this is something you could take over. I'm not sure if you need any action from us just to administratively work with them. I'm not sure if they have a master calendar in Woodbury or a scheduling calendar that they could put the fields on there.

Councilman Lund - I thought we wanted to be careful about giving Woodbury control of our fields. I think all we really need is a form and a priority.

Admin. Hill – We need to get through this year. When we had our meeting with Woodbury.....they have all their programs setup. Newport kids can sign up, we could send out fliers for them to sign up for all the park and rec. programs they have and it's quite extensive from what I understand. I asked if they needed any space through this year and they said "no" they're all scheduled out for this year. When Steve was talking about getting the East Ridge teams onto the Loveland fields.....to see them being used is wonderful but maybe we could use the time in between to talk about some sort of agreement with Woodbury for a couple of our fields to see those used too.

Councilman Lund – I think we've got to backup a second. There's a lot of different organizations here and it's very easy to get confused. There's the Woodbury Park and Rec. which is for kids. That's not associated with the schools program that Woodbury puts on. They're using a very small number of the fields compared to the rest of the program although they probably use a lot of soccer fields. There's also the Woodbury Athletic Association which is separate from the schools and runs most of the programming within all of Woodbury. Then there's the East Ridge Athletic Association which doesn't have general programming just travel teams. So there's a lot of different organizations and right now East Ridge is the one that's kind of losing out on the available space in Woodbury.

Councilman Ingemann – We also want to keep in mind that our kids can go play in the Cottage Grove Athletic Association as well.

Councilman Lund – One of the things Steve has brought up is that now that we have the new school boundaries, all the Newport kids are going to be going to East Ridge and because of that, the kids who are young that are going to end up at East Ridge live in Woodbury by and large. So I think it probably makes sense to pair with Woodbury so that those kids can play with each other before they go on to play competitively in High School together.

Councilman Sumner – Is Woodbury East Ridge?

Councilman Lund – Well.....because East Ridge is only a travel program, the Woodbury Athletic Association is really a feeder for the traveling program at East Ridge. East Ridge is very small compared to the Woodbury one.

Councilman Ingemann – We've got kids playing baseball in Cottage Grove.

Councilman Lund – Yeah we've got kids playing everywhere so we can do a little bit to make it easier for them to go to one way or another.

Councilman Ingemann – What grade levels is it in East Ridge?

Steve Bern – So all of what Dan is talking about is baseball. East Ridge has football programs that are open.

Mayor Geraghty - Does it have a full spectrum of ages?

Steve Bern – It starts at third and fourth grade and goes on up to....for football and travel baseball.

Councilman Lund – So why I wanted to make that clarification is because when we start talking about Woodbury...Woodbury is completely separate from the Woodbury Athletic Association, it's not the same people. Woodbury Athletic Association schedules their fields through Woodbury the city but the city is not in charge of the program.

Councilman Sumner – So who do you propose that we be linking up with?

Councilman Lund – So one of the things that Steve is asking for is to have a priority of who can reserve our fields. Bruce has also brought up that we have people up there 6 hours a night so we probably want to limit the amount of time they can be reserved. We also need a process for people to turn in an application and any requirements they need.

Steve Bern – I don't think that right now we should link up with anybody I actually think the contrary because in 2016 we need to work and figure stuff out. There are offers on the table, for example, Woodbury has suggested that they could actually manage allocation of our fields and if they could put Woodbury teams on them and increase demand on our fields they could actually do some of the maintenance on them as well. I think that we're getting ahead of ourselves and for 2016 we should just get our kids out there and have a simple allocation process and see how it works. So there's no linking up yet. I do think that we should embrace the fact that we are a part of East Ridge. Interestingly, I asked why doesn't East Ridge use Newport's fields? Newport is the only community that is fully within the boundaries of East Ridge and completely absent from any interaction with them. I guess there's a long history when East Ridge reached out to the Newport Athletic Association back when it was being formed in 2008 and Newport Athletic Association basically said, "we want nothing to do with you". Those years

are behind us though and now it's a different perspective. I know now that the woman that was leading the Athletic Association was from Cottage Grove, who knows the politics that went into the decision.

Admin. Hill – Renee and I spoke today and we'd gotten a policy from Woodbury on how they choose who gets the fields first. First, we would request that it be a recognized youth organization for Newport residents or those that attend 833 which would be East Ridge. There'd be some requirements for liability insurance because usually the organized teams are covered. Obviously we do have our own insurance for anything that happens in our parks but this is more of a preventative type thing. Participation would be 90% of kids in the South Washington County School District.

Asst. to the Administrator Eisenbeisz – I don't think so.....and that's just if the Council wants to create a formal policy for the city to reserve the fields or if it wants the athletic association, who has been responsible for it since they formed in the 70s.

Admin. Hill – The second priority would be youth and adult Newport resident groups. We'd start with the youth and then third would be non-resident groups so that'd be the hierarchy of who could be first come first serve. It could also be used for camps and clinics too because we've got Bailey and the trails up at Loveland and the tennis courts and stuff. We would like to see them used.

Councilman Lund – Do we need a formal process or would it be okay to have an application process and then have requirements? Staff and Bruce could recommend what an appropriate use is and say that "these are the ones we should do this year" and do that with the idea that we're not trying to fill up every night.

Mayor Geraghty – No I would rather have a casual policy this first year and it might be something that the Park Board might get involved with. This year I think it could be worked out between you and Bruce and staff.

Steve Bern – I agree totally. On the website there should be a button that allows you to email somebody, just a very informal process and a question for Deb, what information do we need from here? I think that fields should be allocated from April through the end of July for seasonal use and you also have a process if somebody wants to rent facilities on a Saturday afternoon or something or maybe don't I don't know.

Councilman Lund – We already have that process.

Admin. Hill – I'm trying not to have a lot of work for staff because this used to be done by the athletic association and scheduling fields....now that we're on the shortened end now too. We've already committed the Loveland Fields for certain days of the week and extended the opportunity for them to have those.

Steve Bern – First of all, this can't live with the Newport Athletic Association, it's going to go exactly the same way, it's a closed process and nobody knows how the priority is set. It's just not how it should be done. Can I do it? Yes I can, for the first year it doesn't matter but this is kind of quintessential city's responsibility like issuing a permit. So I've made it very clear that I'm working with the city but they will have to make some sort of application form at least to the city and a permit will be issued.

Mayor Geraghty – Thinking long-term and structurally, I think the message should be that we want our kids to participate and go in that direction and get whatever information we get out to kids to promote that. Also, would they allow Newport residents on the board so that we have representation?

Steve Bern – For East Ridge that's definitely the case. For Woodbury I'm not sure.

Mayor Geraghty – But if they want our kids and our facilities.....

Councilman Lund – We could change the priority that way.

Steve Bern – But right now it's East Ridge so it's totally consistent. I think the issue is when you start going a bit further down into the main pool....how do you allocated between Woodbury or Cottage Grove?

Admin. Hill – The slippery slope here is the front office becoming the Parks and Rec. Dept.

Councilman Lund – All we have to do is reserve the fields once a year. You get a stack of permits and a deadline.

Admin. Hill – If it was that clean you'd be doing it.

Councilman Lund – The Newport Athletic Association was dead and buried and Steve pulled it out of the ground so if we want this to last, we have to do it ourselves.

Steve Bern – I think this is a half hour a year or a couple hours.

Councilman Lund – We do dog permits, this is going to be less than dog permits. Turning in an application to reserve a field will be no longer than a dog permit. With a dog permit you have to check the rabies vaccine, here they can show insurance and say they have insurance.

Mayor Geraghty – It's almost got to be set once a year right?

Councilman Lund – Yeah only once a year, there can be a single deadline.

Asst. to the Admin Eisenbeisz – Part of the Woodbury policy that was in the packet said that applications were due by November 15. It will take time to reserve so that's part of what the Council needs to discuss as well as creating a policy on the priorities, who it goes to first and when the applications will be due.

Mayor Geraghty – I would think you'd set it up in the spring. February, March, April. The other question is could the Park Board do it?

Councilman Lund – Yeah I think that's a great idea. Then we don't have to spend our time figuring out what the structure needs to look like, the Parks Board can do it. We don't need to have Steve sit through all of that.

Steve Bern – Well I want to make sure that it's done....I'm trying to get teams out there this year. Is there a way we could figure out what information they need, for example, requiring that they have insurance with names for a beneficiary.

Admin. Hill – I'm sure they have insurance forms that they have to present to other fields. We can have a checklist of things they need to have. For the two groups, they'll need to go through the council and maybe the park board.

Councilman Lund – For this year we can just do the two right? If we need a formal process we can make the parks board work on it.

Admin. Hill – That would make it the simplest to just have these two.

Steve Bern – We'll know a lot more at the end of the season.

Admin. Hill – Yeah because we're plowing new field again here.

Steve Bern – What I'd love to say is that we "have a basic process" and they need to fill out this form. I'm asking if you can define a skeleton process that's as simple as possible and then I'll have these people jump through that hoop. Then they get a permit and it can be as simple as an email. Something from the city that says " you can use this these nights of the week until the end of July".

Admin. Hill – The five things that we highlighted here is that they would have to have a written description of their program including ages so if we just define that. They should have liability insurance that has a statutory limit of \$1.5 million for each occurrence and \$2 million for general aggregate. I'm sure that's pretty classic. Also that the organization defend the city on any claims and that they must be from a surrounding area. The last is that at least 90% of their people must be in the South Washington County School District.

Councilman Lund – That sounds great.

Spt. Hansen – Is there anything on there that in the schedule determines whether it's a game or a practice if they're using it? They'll have to submit a schedule to us for maintenance.

Steve Bern – I told them that you're going to scrape it twice a week.

Spt. Hansen – Okay. In the past we've maintained it on Tuesdays and Thursdays.

Admin. Hill – The schedule will be from April to the middle of July?

Steve Bern – Yeah.

Admin. Hill – Because if they have some empty times out...if somebody calls to see if they can have the field.

Steve Bern – That whole insurance requirement thing....I'm mixed on that. I think that for athletic associations you need it but as a general requirement I'm always so-so because you get these smaller organizations. I think it would be nice to open our fields to them like we used to. If a club needs a place to play a tournament on a Saturday.

Admin. Hill – These kids won't be there on the weekends as a whole.

Steve Bern – I believe that's correct.

Mayor Geraghty – Do you want them to play tournaments?

Steve Bern – I want them to. We're working on it. It's a nice 90 foot field, I'd like to get lights out there someday.

Admin. Hill – Let's start with the two groups before we have the bar league come in and ask for a field.

Councilman Lund – We have a permit process for that already.

Asst. to the Administrator Eisenbeisz – No we don't, just the pavilion. The fields have always been through the athletic association.

Councilman Lund – The athletic association died.

Steve Bern – In 2006 or 2007 I emailed the athletic association asking if I could use the batting cages. I never got a response back. The system is opaque and we have to get away from that and make this sustainable and simple. I'm here to be a liaison between the athletic associations that want to use this and want to keep open communication. There's not going to be a problem I don't think. There might be in a couple years when there's more demand.

Admin. Hill – I'm hearing from Council that he can contact the two organizations then?

Mayor Geraghty – Yeah the message is that we want to work with them.

Councilman Lund – Could you have them email you and you reply back with a short list of thing you'd like to see? Just close it off to just those two this year and let the parks board come up with a formal process. We can have them contact Deb and she can reply with what the city would want to know before they reserve the fields and then we bring a resolution to the Council and we approve the resolution for this year and we can make the park board do all of the work and write up the formal process by next year. I'm the Council liaison for the park board so I can keep an eye on it. Maybe it'll make sense to wait until August. As far as a formal process we want to make the park board do it.

Asst. to the Administrator Eisenbeisz – I do think if we are taking over reserving the fields moving forward that we do need to create a formal policy probably by October so that we can start reserving in November and taking applications.

Councilman Lund – Part of the reason they want it so early is not because it takes an incredible amount of time for the city, although maybe it's harder with 40 fields, is because they have to send out registrations to know that those kids have a place to play.

Asst. to the Administrator Eisenbeisz – Public Works will need to know when they need the fields ready by. The earlier we can get it in so the schedule is set the better.

Councilman Lund – We don't have to commit before April do we?

Steve Bern – November 1 seems a bit draconian from Woodbury.

Asst. to the Administrator Eisenbeisz – I think at least by the end of the year because I think we need to give Public Works time.

Admin. Hill – The concern is that we become the Parks and Rec. Dept.

Councilman Lund – Could you get them to email Deb in the next couple of weeks? Hopefully we can have a resolution by next meeting.

Steve Bern – Deb can you let me know what info you want me to have and fill out?

Admin. Hill – Yeah that'll be on Monday.

3. CLOSE THE MEETING TO THE PUBLIC FOR DEB HILL'S PERFORMANCE REVIEW
4. ADJOURNMENT

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Andrew Brunick
Administrative Intern

Recurring

Paid Chk# 00 FEDERAL TA 3/17/2016	\$6,016.31	SS, Fed, & Medicare
Paid Chk# 00 MN REVENUI 3/17/2016	\$937.64	State taxes
Paid Chk# 00 MSRS 3/17/2016	\$3,172.65	HCSP & Vol. Retirement
Paid Chk# 00 SELECTACC 3/17/2016	\$692.07	HSPA
Paid Chk# 00 SELECTACC 3/17/2016	\$21.10	Monthly fees
Paid Chk# 00 FEDERAL TA 3/31/2016	\$6,240.66	FICA, SS, and Federal
Paid Chk# 00 MN REVENUI 3/31/2016	\$980.94	State taxes
Paid Chk# 00 MSRS 3/31/2016	\$3,172.65	HCSP & Vol. retirement
Paid Chk# 00 SELECTACC 3/31/2016	\$692.07	HSPA
Paid Chk# 00 SELECTACC 3/31/2016	\$21.10	Monthly administrative fees
Paid Chk# 00 DELTA DENT 3/31/2016	\$823.10	Dental insurance
Paid Chk# 01 ATOMIC DAT 3/17/2016	\$1,006.50	
Paid Chk# 01 COMCAST 3/17/2016	\$375.24	
Paid Chk# 01 DAVID DAVIS 3/17/2016	\$35.20	Lodging tax reimbursement
Paid Chk# 01 MARCO INC. 3/17/2016	\$264.00	
Paid Chk# 01 NEOPOST 3/17/2016	\$500.00	Mail postage
Paid Chk# 01 PERA 3/17/2016	\$3,601.88	
Paid Chk# 01 UNUM 3/17/2016	\$266.68	
Paid Chk# 01 XCEL ENERC 3/17/2016	\$7,755.90	
Paid Chk# 01 CENTURY LII 3/24/2016	\$102.39	Telephones
Paid Chk# 01 DEBORA HILI 3/24/2016	\$63.56	Mileage reimbursement
Paid Chk# 01 LEAF 3/24/2016	\$28.37	Copier insurance
Paid Chk# 01 DEB SCHULZ 3/24/2016	\$153.58	Supplies & mileage reimburseme
Paid Chk# 01 COMCAST 3/31/2016	\$292.84	
Paid Chk# 01 NCPERS MIN 3/31/2016	\$48.00	
Paid Chk# 01 ON SITE SAN 3/31/2016	\$230.00	Port o Potty Lions & Loveland
Paid Chk# 01 PERA 3/31/2016	\$3,660.17	
Paid Chk# 01 VERIZON 3/31/2016	\$320.90	
Paid Chk# 01 XCEL ENERC 3/31/2016	\$597.88	
Paid Chk# 01 Holstad & Kn 4/1/2016	\$5,226.00	
Paid Chk# 01 ATOMIC DAT 4/7/2016	\$89.75	
Staff	\$15,890.74	

Non-recurring

Paid Chk# 01 COMCAST 4/7/2016	\$1,811.34	Telephone service and equipmen
Paid Chk# 01 DIETRICH EL 4/7/2016	\$499.13	Electrical inspections
Paid Chk# 01 FAIR OFFICE 4/7/2016	\$47.50	Office Supplies
Paid Chk# 01 FIRE SAFETY 4/7/2016	\$149.95	Fire Boots
Paid Chk# 01 FIRST IMPRE 4/7/2016	\$515.00	Resident guidebooks
Paid Chk# 01 FLEET ONE L 4/7/2016	\$1,156.04	Petrol
Paid Chk# 01 GERRYS FIR 4/7/2016	\$314.04	Extinguisher certification
Paid Chk# 01 HEALTHPAR 4/7/2016	\$517.00	Pre-employment exam
Paid Chk# 01 KENNEDY & 4/7/2016	\$274.46	Legal fees police officer clai
Paid Chk# 01 LAWSON PRI 4/7/2016	\$256.82	Shop supplies
Paid Chk# 01 LEO A. DALY 4/7/2016	\$1,350.00	Fire Statuion needs assessment
Paid Chk# 01 MED COMPA 4/7/2016	\$2,132.00	Annual fit test
Paid Chk# 01 MENARDS - C 4/7/2016	\$156.60	City hall repairs
Paid Chk# 01 MMKR 4/7/2016	\$5,700.00	Auditor
Paid Chk# 01 MN FIRE SEF 4/7/2016	\$320.00	Certifications
Paid Chk# 01 MSA PROFE 4/7/2016	\$15,650.98	City engineering
Paid Chk# 01 NEWPORT FI 4/7/2016	\$2,000.00	Firefighter state reimbursemen
Paid Chk# 01 PACE ANALY 4/7/2016	\$5,105.00	FEMA-Stormwater Pond Excavatio
Paid Chk# 01 RESCUEPAX 4/7/2016	\$300.00	Training
Paid Chk# 01 SAFE-FAST, 4/7/2016	\$751.89	Uniforms & Magnet
Paid Chk# 01 SAVE THE S 4/7/2016	\$803.46	Dog catcher

Paid Chk# 01 SOUTH SUBL 4/7/2016	\$57.00 LP gas
Paid Chk# 01 T.A. SCHIFSL 4/7/2016	\$107.10 Asphalt
Paid Chk# 01 UNIFORMS U 4/7/2016	\$85.98 Duty Shirt
Paid Chk# 01 WATER CON 4/7/2016	\$463.38 Leak locate
	\$103,804.54

**CITY OF NEWPORT
ORDINANCE 2016-4**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, AMENDING THE CITY CODE OF
ORDINANCES, SECTION 450, GAMBLING**

WHEREAS, the City of Newport, Minnesota, acting through its City Council, has determined that it is necessary to modify the provisions of Section 450 of the City Code related to the regulation of lawful gambling in the City as authorized under Minnesota Statutes Section 349.213 in order to accommodate the ongoing practice within the City of allowing bar sales of lawful gambling with the aforesaid City.

THE CITY COUNCIL OF THE CITY OF NEWPORT, MINNESOTA, HEREBY ORDAINS THAT:

Section 450 - Gambling

450.03 Regulations

Subd. 3. Licensed organizations conducting lawful gambling within the City of Newport in an establishment licensed under the City's intoxicating liquor licensure provisions may sell pull-tabs via bar operations or from a booth used solely by the licensed lawful gambling organization, or conduct such other forms of lawful gambling with lawful gambling devices, including bar operations, as may be permitted by state law and expressly authorized by the City.

The foregoing Ordinance was moved by Councilmember _____ and seconded by Councilmember _____.

The following Councilmembers voted in the affirmative:

The following Councilmembers voted in the negative:

Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 17th day of March, 2016.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Deb Hill, City Administrator

RESOLUTION NO. 2016-15

A RESOLUTION ACCEPTING DONATIONS FOR THE PERIOD OF FEBRUARY 25, 2016 – MARCH 29, 2016

WHEREAS, The City of Newport, Minnesota is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

WHEREAS, The following persons and entities have offered to contribute the items set forth below to the City:

Individual/Business	Donated Item	Donated Amount	Donated Date
Cottage Grove Athletic Association	10% for February for Opinion and Cloverleaf	\$332.96	03/21/2016
Brianna Stenvick	Books for the Library and Community Center	Estimated - \$100	03/29/2016
Cottage Grove Athletic Association	Money for the Park and Rec. Summer Program	\$300.00	03/21/2016

WHEREAS, The City Council finds that it is appropriate to accept the donations offered.

NOW, THEREFORE, BE IT RESOLVED, That the Newport City Council hereby accepts the above donations and directs staff to write a letter of appreciation to each donor.

Adopted this 7th day of April, 2016, by the Newport City Council.

Motion by: _____, Seconded by: _____

VOTE:

Geraghty	_____
Ingemann	_____
Sumner	_____
Rahm	_____
Lund	_____

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)
Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150.
Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: NEWPORT FIREFIGHTERS RELIEF ASSOCIATION Previous Gambling Permit Number: X-82020-15-021

Minnesota Tax ID Number, if any: 3317629 Federal Employer ID Number (FEIN), if any: _____

Mailing Address: 596 7TH AVE

City: NEWPORT State: MN Zip: 55055 County: WASHINGTON

Name of Chief Executive Officer (CEO): MATTHEW AUNE

Daytime Phone: 651-332-4820 Email: matt.aune@yahoo.com

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division Secretary of State website, phone numbers:
60 Empire Drive, Suite 100 www.sos.state.mn.us
St. Paul, MN 55103 651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): CLOVER LEAF BAR & GRILL

Address (do not use P.O. box): 2146 HASTINGS AVE.

City or Township: NEWPORT Zip: 55055 County: WASHINGTON

Date(s) of activity (for raffles, indicate the date of the drawing): MAY 20, 2016

Check each type of gambling activity that your organization will conduct:

Bingo* Paddlewheels* Pull-Tabs* Tipboards*

Raffle (total value of raffle prizes awarded for the calendar year: \$ _____)

* Gambling equipment for bingo paper, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under **List of Licensees**, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

**CITY APPROVAL
for a gambling premises
located within city limits**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print City Name: NEWPORT

Signature of City Personnel: _____

Title: MAYOR Date: _____

The city or county must sign before submitting application to the Gambling Control Board.

**COUNTY APPROVAL
for a gambling premises
located in a township**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print County Name: _____

Signature of County Personnel: _____

Title: _____ Date: _____

TOWNSHIP (if required by the county)
On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)

Print Township Name: _____

Signature of Township Officer: _____

Title: _____ Date: _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: _____ Date: _____
(Signature must be CEO's signature; designee may not sign)

Print Name: MATTHEW AUNE

REQUIREMENTS

- Complete a separate application for:**
- all gambling conducted on two or more consecutive days, or
 - all gambling conducted on one day.

Only one application is required if one or more raffle drawings are conducted on the same day.

Financial report to be completed within 30 days after the gambling activity is done:

A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.

Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).

MAIL APPLICATION AND ATTACHMENTS

Mail application with:

- _____ a copy of your proof of nonprofit status, and
- _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to **State of Minnesota**.

To: Minnesota Gambling Control Board
1711 West County Road B, Suite 300 South
Roseville, MN 55113

Questions?
Call the Licensing Section of the Gambling Control Board at 651-539-1900.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the

application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, braille) upon request.



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

Memorandum

To:	Newport City Council	Reference:	Brown IUP Denial Resolution Animal Ordinance 2016-1
Copies To:	Deb Hill, City Administrator		
	Renee Eisenbeisz, Executive Analyst		
	Andy Brunick, Administrative Intern	Project No.:	16021.000
From:	Sherri Buss, RLA AICP, City Planner	Routing:	
Date:	March 22, 2016		

Denial of IUP Request for Kim Brown

The Council requested that staff create a resolution for the denial of the IUP request by Kim Brown, including findings for denial. A copy of the resolution is attached.

Ordinance Standards for Farm Animals

When the Council denied the IUP request to increase the density of animals permitted at 1275 Kolff Street, Council members asked staff to suggest potential performance standards that could be added to Ordinance 2016-1 based on the recommendations of horse experts that City staff talked with about proposed conditions for the IUP and based on the standards in other ordinances, such as Washington County's ordinance.

Ordinance 2016-1 currently has five performance standards:

1. The property must contain at least 4 acres in contiguous ownership
2. The property must contain at least one acre per farm animal unit. The number may be exceeded only by interim use permit.
3. The barn, stable housing or hive shall be located at least 150 feet from the nearest property line of adjacent property owners and must be built according to the zoning code.
4. The barn, stable, housing or hive shall be considered accessory structures.
5. All farm animals shall be kept confined by a sturdy wood or metal fence for pasture. The fence shall not be located nearer than 50 feet from any building used for human habitation. Barbed wire fences shall not be permitted.

Potential Additional Standards/Changes—Based on Washington County Ordinance

The Council may consider adopting some of the following performance standards address potential manure management issues related to farm animals:

- Change bullet #2 to “at least one grazable acre per farm animal unit. Grazable acres shall be defined as open, non-treed acreage currently providing enough pasture or other agricultural crops capable of supporting summer grazing at the density allowed in the ordinance.”
- Add to bullet #2: “To obtain an interim use permit, the applicant must demonstrate that facilities are present and appropriate practices are being employed to preclude surface or ground water contamination, excessive manure accumulation, odor, noise and other nuisances. The City may require practices to manage the animal impacts at the property owner’s expense.”
- All accessory structures used to shelter domestic farm animals must meet the following requirements setbacks (in addition to bullet #3:
 - Any existing well or residential structure on the same parcel: 50 feet
 - Any existing well or residential structure on adjacent or nearby parcel: 200 feet
 - Any lake, stream or wetland: 200 feet
- Add the following standards:
 - Manure shall be removed regularly from the pasture or barn and shall be placed in a covered area or dumpster that is located at least 100 feet from all adjacent property boundaries and at least 200 feet from residential buildings and wells on adjacent and nearby parcels. If the City receives complaints about excessive odors, flies or other impacts of the animals and animal wastes, the City may require more frequent manure removal or other practices to manage wastes and impacts.
 - The property owner shall contract to have manure removed and taken off-site by a licensed hauler.
 - The property owner shall maintain a dense vegetated cover in pasture areas that prevents erosion and pollution of stormwater runoff.

The standards are similar to standards included in the Washington County ordinance. They do not include requirements for City inspections of properties with farm animals based on the rationale for denial of the Brown IUP request.



RESOLUTION NO. 2016-16

A RESOLUTION DENYING AN INTERIM USE PERMIT REQUESTED BY KIM BROWN, PO BOX 25407, WOODBURY, MN 55125, FOR PROPERTY LOCATED AT 1675 KOLFF ROAD, NEWPORT, MN 55055 TO EXCEED THE NUMBER OF ALLOWED FARM ANIMALS

WHEREAS, Kim Brown, PO Box 25407, Woodbury, MN 55125, has submitted a request for an Interim Use Permit to exceed the number of farm animals allowed per City Ordinance from 8 to 16 horses; and

WHEREAS, the property is located at 1675 Kolff Road, Newport, MN 55055 and is more fully legally described as follows:

PID #36.028.22.12.0002 - BLOCK D BEING THAT PART OF BLOCK D-NEWPORT VILLAS EXCEPT THE NORTH 170 FEET OF THE EAST 256.24 FEET AND EXCEPT: THAT PART OF BLOCK D OF NEWPORT VILLAS COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 36 TOWNSHIP 28 RANGE 22 THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 570 FEET THENCE SOUTHERLY PERPENDICULAR TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 180 FEET TO THE POINT OF BEGINNING THENCE WESTERLY PARALLEL WITH THE NORTH LINE OF SAID SECTION A DISTANCE OF 75 FEET THENCE NORTHERLY PERPENDICULAR TO THE NORTH LINE OF SAID SECTION A DISTANCE OF 110 FEET THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION A DISTANCE OF 260 FEET THENCE SOUTHWESTERLY TO THE POINT OF BEGINNING AND THERE TERMINATING CONTAINING APPROXIMATELY .42 ACRES MORE OR LESS NEWPORT CITY Block D SubdivisionCd 55045 SubdivisionName NEWPORT VILLAS

WHEREAS, The described property is zoned Residential Estate (RE); and

WHEREAS, Ordinance 2016-1 requires that property owners obtain an interim use permit if the number of animals on the property exceeds the number allowed by the ordinance, and includes standards for setbacks and management of the animals; and

WHEREAS, Section 1310.13 of the Zoning Ordinance states that the City Council may authorize an interim use permit in the same manner as a conditional use permit. The ordinance requires that the City establish a specific date or event that terminates the permit, and the permit shall terminate within three years of the date of approval; and

WHEREAS, Section 1310.14 Subd. 1 of the Zoning Ordinance includes the criteria for a conditional use permit, and states that the criteria for acting upon a Conditional Use Permit (C.U.P.) application as follows: *"In acting upon an application for a conditional use permit, the City shall consider:*

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

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on February 11, 2016; and

WHEREAS, the Planning Commission's findings related to the request for approval of an Interim Use Permit include the following:

1. The proposed use requires an IUP based on Ordinance 2016-1.
2. The required conditions for approval of the IUP shall include requirements to control the impacts of the proposed use so that it will not create noise, glare, odor, dust or nuisances that could affect public health or welfare.
3. The conditions require that animal wastes and other nuisances be managed to avoid all potential impacts to ground and surface waters, other resources, and adjacent properties.
4. The applicant shall pay the cost of additional City inspections of the proposed use.
5. The required conditions for approval of the IUP shall include a six-month trial period, inspections by the City, and City review of compliance with the IUP with the applicant. The IUP may be granted for a maximum of three years, and after that time, the property shall return to uses allowed by the ordinance.

WHEREAS, The Planning Commission recommended Council approval of the proposed Interim Use Permit, Resolution No. P.C. 2016-4 on a 3-2 vote; and

WHEREAS, the City Council reviewed the Planning Commission's findings and recommended conditions for approval, the staff report, and information related to this application, and made the following findings and conclusions:

1. The applicant is seeking a significant increase in the density of horses on the property. She is requesting a permit to double the number of horses permitted on the 8.76-acre property under the City's ordinance, from eight horses to 16 horses. The proposed density is also much higher than farm animal densities permitted by other local governments. For example, Washington County permits a maximum of 1 horse per two grazable acres within the areas where it has zoning authority. The density limits in the City and County ordinance are based on the area required for managing manure and other impacts so that the farm animal density does not negatively impact adjacent properties and natural resources, such as surface and ground waters.
2. The proposed density of the farm animal use has the potential to negatively impact the health, safety, and general welfare of the City and surrounding properties due to the effects of odors, flies, and other nuisances that may be generated by doubling the density of horses on the parcel beyond the density permitted by Ordinance 2016-1. The City consulted with the Washington Conservation District staff and University of Minnesota Equine Extension Specialist regarding the density of horses proposed by the applicant. These experts stated that if the horse manure generated by the proposed number of horses is not managed strictly in accord with recommended manure management standards and procedures, that the use is likely to generate odors, flies and other nuisances that impact adjacent properties.
3. The Washington Conservation District staff and University of Minnesota Equine Extension Specialist also stated that regular use of the pasture by more than several horses could damage the vegetative cover in the pasture due to its limited size (approximately one acre) and the loss of vegetative cover could result in feedlot-like conditions and in soil erosion and polluted runoff to adjacent properties to the south based on the site topography.
4. The Washington Conservation District staff and University of Minnesota Equine Extension Specialist recommended the following conditions for approval of the proposed animal density to prevent negative impacts: 1) an initial six-month trial period for Interim Use Permit, 2) conditions for the permit that would limit the use of the pasture area, require at least daily manure removal from the pasture and barn, storage of all manure in a covered dumpster and at least weekly removal of manure from the property by a licensed waste hauler, require maintenance of dense, vegetated cover in the pasture, and require frequent City inspections to determine compliance with the conditions and identify any impacts on adjacent properties. The experts recommended that the City review the applicant's performance in meeting the conditions and impacts on adjacent properties in six months, and then determine if the use could continue, or be denied.
5. The specialists stated that their recommended conditions for management of horse activities and wastes and required City inspections were the minimum conditions that should be required to manage the use to avoid impacts to adjacent properties, soils, vegetation, and surface and ground waters from the proposed use, and that if the City inspections documented negative impacts, more stringent conditions and more frequent inspections may be needed to prevent negative impacts due to the number of horses on the property and wastes that would be generated.

6. The City Council determined that the City does not have the resources, staff, or experience needed to complete the intensive inspections and monitoring that would be required to approve the permit and prevent the potential negative impacts to the health and welfare of the City and its residents and natural resources. The City's staff do not have the skills or time available to complete the necessary inspections, and the amount of time needed would negatively impact their ability to provide other necessary City services. The City considered potential assistance from the Washington Conservation District staff to provide the inspection services, but the staff person who currently provides such services is retiring, and may not be replaced, and therefore this resource is not reliably available to the City for the length of time of a potential Interim Use Permit.
7. The City Council also noted that the applicant is was not in compliance with her farm animal permit at the time of permit renewal in early 2016 because the number of horses on the parcel exceeded the number permitted by the City's Animal Ordinance, and that the applicant continues to have more horses on her property than are allowed by the current ordinance. The pattern of noncompliance with City ordinances increases the potential need for inspections and monitoring for the life of an approved permit to assure that the applicant is complying with the conditions of the permit.
8. The City Council concluded that the use the applicant has requested has the potential to negatively impact the health, safety and welfare of City residents and surrounding properties and to negatively impact natural resources, including surface and ground waters. Providing the inspections required to assure that the use will not have those negative impacts would negatively impact governmental facilities and services, and is beyond the scope of services that the City provides.

NOW, THEREFORE, BE IT RESOLVED that based on these findings, the Newport City Council Denies the request for an Interim Use Permit to exceed the number of farm animals permitted by Ordinance 2016-1 at 1275 Kolff Street.

Adopted this 7th day of April, 2016 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
 Tim Geraghty, Mayor

ATTEST: _____
 Deb Hill, City Administrator

Sample Communications for Interested Parties to use in their Communications

Mississippi River Corridor Critical Area Rulemaking Update

The Minnesota Department of Natural Resources (DNR) is embarking on the next phase of rulemaking for the Mississippi Corridor Critical Area (MRCCA). During this phase, an Administrative Law Judge will review the proposed rules and take public input through a formal comment and public hearing process. This phase will begin in early April when the DNR publishes a Notice of Hearing to adopt rules for the MRCCA. This notice kicks off an approximately three-month comment period on the proposed rules, including three public hearings in mid-June.

The proposed rules will replace a 37-year old Executive Order that currently regulates development in the MRCCA. Designated by Governor's Executive Order in the 1970s, the MRCCA is a 72-mile land corridor along the Mississippi River in the Twin Cities Metropolitan Area. The MRCCA is governed by special land development regulations that protect and preserve the unique natural, recreational, transportation, and cultural features of this section of the Mississippi River. The corridor comprises 54,000 acres of land in 30 jurisdictions (including-insert name of city, if applicable). These regulations are implemented through local plans and zoning ordinances, and include structure setbacks from the river and bluffs and requirements for structure height, the design of public and private facilities, vegetation management, land alteration, and subdivisions.

Over time, the Executive Order has become outdated and difficult for state and local governments to administer. In 2009, the legislature directed the DNR to replace the Executive Order with rules establishing new districts and updated land development standards that sustain key natural, scenic, cultural and economic resources and features. The 2013 Legislature directed the DNR to resume rulemaking after its rulemaking authority lapsed in 2011.

City (or interest group) staff (and other city officials or interest group representatives, if applicable) have been involved in rule development over the past five years and have provided feedback to the DNR in the development of rule drafts.

You can find the proposed rules, the Statement of Need and Reasonableness (SONAR) and other information about the proposed rules at the DNR website: <http://www.dnr.state.mn.us/input/rules/mrcca/index.html>. (Note, this website will be updated on the date of notice publication) The SONAR explains the need and justification for the proposed rules, and is a useful companion document to review along with the proposed rules. Anyone with an interest in this process is encouraged to visit the DNR website to learn more and sign up for e-mail updates.

Once the new rules are adopted (projected for late 2016), they will not take effect (in -name of community, if applicable) immediately. The DNR will work with the Metropolitan Council and communities in the MRCCA to develop a notification schedule for communities to begin the process of amending their MRCCA plans and ordinances to be consistent with the new rules. Notification will be phased over a multi-year period. It is not clear when the DNR will notify communities to start this process, but once it starts, it will take about one year to update local plans and ordinances.

Interested parties may submit written comments on the proposed rules throughout the comment period and/or provide oral comments at one of the following three public hearings:

Tuesday, June 14, 2016, 4:30 p.m.

Schaar's Bluff Gathering Center

8395 127th Street East, Hastings, Minnesota 55033

Wednesday, June 15, 2016, 4:30 p.m.

Greenhaven Golf Course Event Center

2800 Greenhaven Road, Anoka, Minnesota 55303

Thursday, June 16, 2016, 10:00 a.m.

Mississippi Watershed Management Organization

2522 Marshall Street NE, Minneapolis, Minnesota 55418

(Insert local government or organization contact information, if needed.)



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Memorandum

To:	Newport City Council	Reference:	Mississippi River Corridor Critical Area (MRCCA) Rulemaking Update
Copies To:	<u>Deb Hill, City Administrator</u> <u>Andy Brunick, Administrative Intern</u>		
From:	<u>Sherri Buss, RLA AICP, City Planner</u>	Project No.:	<u>16021.000</u>
Date:	<u>March 22, 2016</u>	Routing:	

Since 2010, the Minnesota DNR has been working on changes to the rules that affect the Mississippi River Corridor Critical Area (MRCCA). This area is identified on the City's Zoning Maps, and generally follows the river corridor. The area is wider than the Shoreland Zone along the river, and affects more properties than the Shoreland District requirements.

The City has submitted comments related to the new rules and their impacts on residents, property owners, and the City at several points in this process. The DNR modified the rules based on the comments received from Newport and other cities, but did not make all of the changes that cities requested.

The rulemaking process is entering its final phases. A communication from the DNR related to the next stages in the process is attached. Staff have placed this information on the City's website so that affected property owners who are following the process have access to it. The DNR has also completed meetings with property owners, communities, and other interested organizations as a part of the rulemaking process to date.

The following are of interest to the City:

- A formal hearing process will begin in early April. An Administrative Law Judge will review the rules and take public input. The process is scheduled to last about 3 months. The City may choose to submit its previous comments again to the judge.
- The DNR estimates that the new rules will be adopted in late 2016. The DNR and Metro Council will notify cities about the process to amend local plans and ordinances to be consistent with the new rules. Cities will have about 1 year to amend their plans and ordinances.
- The City will need to include a new chapter that incorporates the MRCCA requirements in its 2040 Comprehensive Plan, which is due in 2018.
- The City will need to update its zoning ordinance to incorporate the new rule requirements—most likely amending the existing Critical Areas Overlay District section 1370.04, and related sections in other parts of the Zoning Ordinance.