



**City of Newport
Planning Commission Minutes
August 8, 2013**

1. CALL TO ORDER

Chairperson Lund called the meeting to order at 6:00 P.M.

2. ROLL CALL -

Commissioners present – Dan Lund, Matt Prestegaard, Susan Lindoo, Anthony Mahmood

Commissioners absent – Janice Anderson

Also present – Deb Hill, City Administrator; Renee Helm, Executive Analyst; Tom Ingemann, Council Liaison; Sherri Buss, TKDA Planner, Fritz Knaak, City Attorney

3. APPROVAL OF PLANNING COMMISSION MINUTES

Planning Commission Minutes of July 11, 2013

Motion by Prestegaard, seconded by Lindoo, to approve the July 11, 2013 minutes as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Susan Lindoo – I watched the presentation from last month’s meeting because I wasn’t here and I would like to recommend that it be placed on the City website for future Planning Commission members and the public because I learned more from John Stewart in that hour than I have learned the whole time I have been on the Planning Commission. I thought it was an excellent presentation.

Executive Analyst Helm – There is an Engineering Section of the website that I can place it on.

Vice-Chair Prestegaard – I was approached by a Newport resident who had seen it on TV and had similar comments.

4. APPOINTMENTS WITH COMMISSION

A. Public Hearing – To consider an application from David Quade to Vacate 1st Street between the BNSF and CP Rail Rights-of-Way in Newport

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 8, 2013 Planning Commission Packet.

Chairperson Lund – Were there any factors in favor of vacating the street?

Ms. Buss – Not from the City’s perspective.

Vice-Chair Prestegaard – Could you explain the map?

Ms. Buss – If you look at the map, there are dotted lines on either side, those are the railroad tracks. The northern area, where it says “Second” is the part of the street that Newport controls. Below that, where it says “Avenue” is the part of the street that St. Paul Park controls.

Susan Lindoo – I drove down there and it looked like a street. Is it that neither us nor St. Paul Park has maintained it and that’s why it’s not a street?

Ms. Buss – It is a street.

Susan Lindoo – Oh ok. I know that people have asked before to vacate unused streets like easements.

Ms. Buss – This is actually a street, not an easement.

Anthony Mahmood – Did staff come up with any ideas to help him with the vandalism?

Ms. Buss – We did not discuss that.

The Public Hearing opened at 6:15 p.m.

Gordon Nesvig, Mr. Quade's Lawyer – There are a lot of things that need correcting from what I've heard. First of all, from what I can tell, the City has no street between those railroad tracks. Years ago, there was a plat of east Newport and there was a part of County Road 74, which lines up with 65th Street that was vacated. That stopped east of the east tracks. There's a plat west of the Burlington Northern which does not go between the tracks. I've got the abstract for this property and have been up to Washington County; I can't find anything where the City has any ownership in this piece of property. The next thing that needs to be addressed is the pipeline. The City does not need to worry about the pipeline, the pipeline people look out for themselves. They have an easement from Mr. Quade on his property. That easement exists whether there's a street there or not. So the City doesn't need to defend the pipeline company. Secondly, that pipeline is on the St. Paul Park side. As far as the trucks are concerned, any property owner that owns land where the railroad tracks are knows that they cannot stop on the tracks. That's not something the City needs to worry about. Mr. Quade is not going to put a gate up so that his trucks can't get over the railroad tracks. I don't think the City has ever told any other property owner how to make sure that they don't stop on the tracks. As far as needing it in the future for right-of-way, that's not going to happen. Highway 61 runs down the east side of the track, it's a four lane divided highway with access at 70th and Glen Road. I don't think an act of Congress could get MN DOT to open up that highway. Newport Cemetery is across Highway 61 so there is no infrastructure that will ever go through there. There's really no advantage for the City to try to continue to assert any kind of ownership on this street. They don't need to maintain it, Mr. Quade will maintain it. I don't think the City has made any improvements on it ever. Mr. Quade needs to speak with the Post Office about some mailboxes back there. I don't even know that the vacation is necessary but it would simplify things so that everyone knows that there is not a street there. We could start a Torrance proceeding and register the property and then the City would need to show that there is a street there, I don't think they could do it because I can't find anything. I'd like to see the Planning Commission take a more neutral stand on it and tell the Council that it's up to them and acknowledge these facts that I've told you. We would not like to see you recommend denial.

Chairperson Lund – I don't think this is the venue to discuss whether or not the street exists. It is fine that you bring that up but it's our job to determine whether it's in the public interest to vacate the street.

Attorney Knaak – We had talked a bit about what is on and not on record and I had mentioned to you that I had gone to the surveyor's office and saw the survey. The survey shown is what I had seen and it shows that easement, which is still in existence. There is a portion of one of these streets that was vacated nearby but this one appears of record to still be there. You're able to withdraw your application if you want but it appears to me that this is of record and one way or another you're going to have to address it and putting a fence across isn't a good idea until the matter is resolved.

Mr. Nesvig – The thing is that a survey does not create title. The pipeline company can hire a surveyor and they will draw out what they're interested in. If they draw a street because they think one is there that doesn't create title to the street, it's just a survey.

Attorney Knaak – You can appreciate that the City needs to base their decision on what is on public record, which this is. There's nothing here that suggests that this was a mistake in putting the street there.

Mr. Nesvig – I'd have to see who did the survey work. Just because the pipeline company hired a surveyor that doesn't mean they are authorized to create titles that don't exist.

Attorney Knaak – The City’s position is that this is of record and they have to respond accordingly. If the City is aware of the fact that this is of record and you build a fence across it you’re kind of daring the City to do something about it.

Mr. Nesvig – We haven’t built the fence. I need to see how that survey is of record.

Attorney Knaak – I’m anticipating that the surveyor saw something in the platting records to put the street there. This was from the surveyor.

Mr. Nesvig – But they don’t record a bare survey, it has to be attached to something.

Attorney Knaak – It’s at the surveyor’s office; it’s supposed to reflect what is of record and we have to assume that it is.

Mr. Nesvig – Just because it’s at the surveyor’s office doesn’t mean it’s of record.

Attorney Knaak – I understand. It strikes me that you’ve got a couple options. The first is to assume that the City is right and that the City can vacate it or not. Or you can say that it’s not of record and withdraw your application but that gets you no further in advancing the problem.

Mr. Nesvig – It may or may not. It would seem logical if the City could just vacate whatever interest they might have. Mr. Quade’s legal description goes right to the center of the street and he pays the taxes right to the center of the street. There’s nothing taken out for a street like there is in other areas where you have a platted street. Here he’s paying right to the middle of the street.

Attorney Knaak - I disagree with your characterization. My response would be that virtually all the citizens of Newport are actually paying for a lot that includes a portion of the street easement.

Mr. Nesvig - No, when they calculate the square footage to calculate your taxes, it does not include the right-of-way in the plat.

Attorney Knaak - That’s how the ordinances handle it but that’s not technically the legal description of the lot, which includes the bordering...

Mr. Nesvig - If it’s a platted lot, it’s platted and you only get the four corners of the lot, you do not get the City right-of-way.

Attorney Knaak – If it’s vacated like you’re asking here...

Mr. Nesvig – Then half of the vacated goes to the lot owner on each side.

Attorney Knaak – The reason why is because he owns the underlying property subject to the easement. I’m just giving you the legal justification.

Mr. Nesvig – I know you don’t pay real estate taxes on a public street. I’ve talked with the Assessor’s Office, they have no indication that there’s a public street there. I’ve talked with the Surveyor’s Office, they have no indication that there’s a public street there.

Attorney Knaak – That’s where this came from.

Mr. Nesvig – You probably talked to someone different. I want to see who drew that survey, when it was drawn and how it came to be in the Surveyor’s Office.

Attorney Knaak – In representing the City, I have to assume that that’s a valid survey. Whatever action the City takes, it has to do so assuming that it is a valid survey because it’s of record and we have no indication to assume that it’s

incorrect. Which means, that in order to do what your client wants, they have to come up with a public purpose to justify vacating that easement.

Mr. Nesvig – The one public purpose is that they would get out of the liability to maintain a street. There's no point for the City to keep it because it's not going anywhere.

Attorney Knaak – What is the public purpose? The staff gave a detailed list of why it's not in the public purpose to vacate the street. One public purpose that I can think of would be that the fence would mitigate the crime problem. However, there is a lengthy list of items that the staff provided stating why the City shouldn't vacate the street. When there are vacations, very often there will be an allowance for the street easements and access to remain.

Mr. Nesvig – I don't see a problem with the utility easements to remain, he probably would go along with it.

Attorney Knaak – What about access to the railroad in event of an emergency?

Mr. Nesvig – The gate would be set back. There's a building on the east end of the tracks so the gate would probably be 100 feet back from the tracks. You also have to clear Hastings Avenue. Naturally, no one is going to block that. He wants his gate 100 feet east of there so that trucks have room to stop without stopping on the tracks. He has no problem with the Police or Fire having keys or access to the gates so that they can get in there if there is an emergency. The objective here is to prevent crimes and problems.

Chairperson Lund – Is there a finalized plan as to where you would put the fencing?

Mr. Nesvig – The whole perimeter would be fenced. When you go in up to the tracks and up Hastings, instead of turning south on Hastings, you'd go straight east. It would be about 140 to 160 feet past the tracks.

Chairperson Lund – Your plan is to surround both parcels with a fence, including adjacent to the railroad tracks.

David Quade – We would come up Hastings Avenue, make a right-hand turn, go about 140 feet and put a gate in.

Chairperson Lund – Is there a reason why you couldn't have two separate enclosures?

Mr. Quade – It's impossible to make a left-hand turn to get behind the property.

Chairperson Lund – You couldn't put a gate on the north side of 1st Street there?

Mr. Nesvig – You're carving it in half and there's not a good reason for doing that. Nobody needs to get back there.

Vice-Chair Prestegaard – You said earlier that you pay taxes to the middle of the street. I'm not sure I understand what you were saying. You pay taxes to St. Paul Park to the middle of the street?

Mr. Nesvig – Both sides. The middle of the street is the boundary line. Nothing is taken off of the tax rolls for the street.

Susan Lindoo – I have a question for Mr. Knaak. Is there some way that we can figure out if Newport does own the street?

Attorney Knaak – The City doesn't own anything other than have an easement for road purposes that it is the custodian of, similar to all of the other platted or surveyed roadways in the City. We have no reason to believe that the City actually owns this in fee. We haven't seen any indication that suggests that. It seems to be the more common situation that when it's dedicated the City has an easement for road purposes and nothing more. That appears to be the case here and the survey reflects that.

Susan Lindoo – Is this a road that the City has an easement for in the same way that it has an easement for the road in front of my house? Do we know that for certain?

Attorney Knaak – I know that with the same certainty that I would have going to the Surveyor’s Office to look at a survey of your house and having that reflected on the survey. That’s what we’re basing this on. As long as there is a record that indicates that I think you have to assume that that is the case.

Susan Lindoo – I was looking at this survey and saw that it’s from 1982. So as long as some surveyor as found it then that would legally indicate that there is an easement?

Attorney Knaak - Yes. A surveyor references all the reference points that are contained in the plat and they do that type of record search. The City has to assume that that’s accurate. Mr. Nesvig doesn’t believe it is accurate. The City has to go off of what’s on the public record. If you want to go through a land registration action you can certainly do that. If in fact there is an easement there, you retain utility easements. Here it doesn’t appear that there are utilities in there. The Engineer is anticipating future needs.

Councilman Ingemann – Back in 1974, I had a black lab and I took him to dog training at Red Dog Academy which was located on 1st Street, which is exactly in the middle of this property. I also recall that there was a house in that area. Red Dog Academy was located on 1st Street so I’m assuming if it was a street in 1974 it still is.

Chairperson Lund – I tried to focus this discussion on the application before us to vacate a street, which presumes that there is a street. I think it’s a separate issue whether the City is entitled to the street or not. I don’t want to get into that anymore here. I’m not going to consider, in my vote, the uncertainty related to the ownership of the street in deciding whether the City should vacate its rights to the street. I have one question for staff. The concerns we have appear to be related to potential uses for the street plus access to the railroad. Is there any way that we could let him put up a fence without giving him any legal rights to keep his fence there at any point in the future. A gentleman’s agreement that unless and until it becomes a problem, assuming we give Police and Fire access. It seems that we’re creating a big mess just because we want certainty on who does or doesn’t own the street. Is that possible?

Attorney Knaak – You can authorize a license. You are the custodian of that easement and the adjoining property owners are not allowed to do anything to that property inconsistent with the right of the public. That’s the standard rule. Where you run into it from time to time is that maybe someone will put a garage on something that is a platted alley that no one has ever used for a road. What you can do is offer a recorded license which authorizes the property owner to use the property in some way. They would have to agree to allow access if the City ever needed it. You can do that. I think we did that when we found out there were some encroachments on sidewalks. There are ways that you can address that kind of thing.

Chairperson Lund – That would be my preference, to authorize a license rather than make any legal rights or decision. If at some point it becomes an issue than the lawyers can fight about whether it’s a street or not.

Ms. Buss – So it would be to deny the application to vacate and instead recommend the owner work with the City to apply for a license to put up a fence and grant access to the Police and Fire.

Vice-Chair Prestegaard – I had some similar feelings. There’s no way we’re going to be able to approve vacation today if we don’t understand the ownership question but it pushes us into wanting to seek some solution. I was wondering something similar to Dan’s solution but a little different. Is it in the City’s interest to put a gate up to prevent cars from going back there and dumping? It’s a play on the solution Dan was talking about but doesn’t push the City has far as giving up the easement. My preference would be to seek some solution. I can’t vote in favor of the vacation without the interest issue resolved.

Susan Lindoo – I agree with Matt and I like Dan’s solution.

Anthony Mahmood – You guys said you wouldn’t have a problem letting the Police and Fire in there and would be fine with letting us put a water line under there. It sounds like a perfect solution. So what would they do next?

Ms. Buss – This will need to go to the Council with your recommendation and they will need to decide if they want to go along with your same idea. If they do, he would need to negotiate with both cities to try to get that option.

Vice-Chair Prestegaard – I didn't think about St. Paul Park.

Susan Lindoo – It sounds like they were waiting for us to make a decision.

Ms. Buss – They don't have the same issues like the potential water looping. As John looks at it, this is the place to take a line across. St. Paul Park doesn't have the same issue.

Susan Lindoo – They still haven't come to a decision so they may be open to what we suggest.

Chairperson Lund – How far back from the railroad are you hoping to put your gate?

Mr. Quade – It will be past the office building on the north side.

Chairperson Lund – Looking at the overhead, it looks like it would be about 200 feet.

The Public Hearing closed at 6:55 p.m.

Vice-Chair Prestegaard – I had one further comment. I can't vote in favor of the vacation. It seems that our options are to defer and hope we have more information next time we meet. Or do it as a denial and seek a solution as suggested.

Mr. Nesvig – You could just table it and let us explore the ownership of the street. That way no one has to make a decision tonight.

Attorney Knaak – That does handicap the City Council because they technically won't be able to address this issue until you make a decision. So unless you advance it to them with no recommendation, it kind of freezes things and I'm not sure you would want to do that.

Chairperson Lund – It's my view that there may be a solution that works for both parties but looking at the factors for public interest I haven't seen enough in favor of vacating. So it would be my preference that we deny the petition but add an instruction for staff to work with the petitioner towards a license that would allow him to put a gate up and that addresses the City's concerns.

Susan Lindoo – It seems like that would move things along. It would also let St. Paul Park know what we are thinking.

Attorney Knaak – Just as a reminder, this is not a definitive decision but is part of a process that moves it forward to the Council.

Vice-Chair Prestegaard – My only concern is that by moving it to the Council, we are taking ourselves out of the process and we are hoping that folks work toward a solution but we no longer participate in the consideration of that solution. So it directly exposes it to the Council but we've undermined our own interest in finding a solution. I'm suggesting that if a matter is reached that we hear about it at the next meeting.

Susan Lindoo – The license won't come before us?

Ms. Buss – No.

Mr. Nesvig – I would recommend that we table the application for a month.

Susan Lindoo – That's not what we're choosing to do.

Vice-Chair Prestegaard – The assumption that I'm making is that it's a denial based on the information we have today. Should additional findings turn out that Newport has no interest then they can apply again?

Ms. Buss – They wouldn't need to apply if the City doesn't own the street.

Motion by Mahmood, seconded by Lindoo, to approve Resolution No. P.C. 2013-6 recommending the City Council deny the request to vacate and instead work with the applicant to grant a license to install a fence across 1st Street that addresses all of the City's concerns, including access and future use of the street. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Public Hearing – To consider an application from the Washington County Regional Railroad Authority to amend the Conditional Use Permit that was issued November 15, 2012

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 8, 2013 Planning Commission Packet.

Chairperson Lund – Last time, we recommended that there be a bike route between Maxwell Avenue and the transit station. Is that on there?

Ms. Buss – The sidewalk width is wide enough for a shared trail.

Chairperson Lund - I had the privilege of meeting with them on Tuesday. Basically, the bids came in way over budget. We're going to have a less elegant transit station but it's pretty much the same style, just smaller.

Susan Lindoo – I was wondering why the bids came in so much over price, what went wrong? Just for background information.

The Public Hearing opened at 7:18 p.m.

Andy Gitzlaff, Washington County – I was going to go through the bids in my presentation. Before starting, I just wanted to say thanks to Deb and her staff for the great turn-a-round and get plans changed in a record amount of time. It's been a tremendous effort. It's unfortunate that we're not constructing right now but I still think we have a great project.

Mr. Gitzlaff presented on this item as outlined in the attached PowerPoint.

Chairperson Lund – Where would the National Park signs go?

Mr. Gitzlaff – They would go in the plaza area, on a seat wall or freestanding. We've given them a few options.

Chairperson Lund – We're hoping to make this a pit stop along the bike trail, is there an easy way to add an outdoor drinking fountain and water bottle fill station?

Mr. Gitzlaff – It's not something we had contemplated. We do have a drinking fountain inside.

Susan Lindoo – The roof was what was more expensive than you had anticipated and you've done away with the roof so why is everything else being cut back so dramatically? It sounds like there were a lot of things that were way more than what you had anticipated.

Mr. Gitzlaff – That's correct, it wasn't just the building. The landscape and electrical both came in high as well. We do need to reserve some funds for contingency as well during the construction phase. The number that we put out there as our goal number is where we need to be.

Susan Lindoo – Are you thinking that the bids this fall will be less?

Mr. Gitzlaff – Yes.

Susan Lindoo – So if the bids come in better, will you be able to expand and do more things?

Mr. Gitzlaff – That’s not out of the question. One of the first priorities would be to reinstall those 50 parking spots to bring it up to 200.

Susan Lindoo – I’m concerned that there won’t be any overhang as people are waiting to get on the bus. As they stand there to get on the bus, they’ll be exposed to the elements. I would find that really unpleasant on a rainy day. I understand the overhang on the two ends of the building but I would think more people will want to stand where the buses are coming. I would want to be on the sidewalk waiting for the bus to come. That seems to be a real problem and I would like some rethinking in regards to the overhang.

Mr. Gitzlaff – We did explore an overhang on that side and you would need to do it within a ten foot footprint and that’s not in our budget. Not every transit station has a roof overhang; there will always be a small area of exposure.

Susan Lindoo – You said that you would have to build a second building if you need to expand in the future, is that correct?

Ms. Buss – We asked if the building is easily expandable if needed and the comment back was that they would more likely bring in a second shelter.

Matt Kreilich, Julie Snow Architects – It’s absolutely expandable. Our comment was that on a structure of this scale, it would be more economical to build a new structure.

Susan Lindoo – So you would take this one down and build one twice as big?

Mr. Kreilich – No, we would build an adjacent structure. That’s not uncommon for transit stations.

Susan Lindoo – Is the white what we’re going to use and the grey is what you’re proposing?

Mr. Kreilich – The white is what was proposed and the grey is the new proposal.

Susan Lindoo – It does look a lot like a concrete block to me. I worked at St. Johns when Brower came in and built a new science building and it was hideous. It was beautiful when it was lush and green but that was only four months of the year and during the winter it could not be more depressing.

Ms. Buss – It’s the color you’re talking about right?

Susan Lindoo – Yes, it looks like concrete to me. What are some suggestions that we could do to it? Like a beige or something?

Chairperson Lund – That’s not the only color is it?

Mr. Kreilich – No. We could do a beige building but we tend to avoid that because they are everywhere. One of the goals was to give it a presence in the landscape. It’s a small portion of block.

Susan Lindoo – Could you change it to a warmer color?

Chairperson Lund – Just to be clear, the brick will be on two of the walls and glass will be on two walls?

Mr. Kreilich – Yes.

Mr. Gitzlaff – We've vetted this material with our maintenance department and they believe it's a good material that they can easily maintain. We can certainly look into other colors for the block but we would like to stay with the burnished block.

Susan Lindoo – A new color won't affect the cost correct? The burnished block is cheaper correct?

Mr. Kreilich – Yes. Part of the conversation was to bring in some texture and color. We wanted to keep a material that was very durable and easy to maintain.

Ms. Buss – Could you bring some other options to the Council meeting for review?

Mr. Gitzlaff – Yes.

Chairperson Lund – I don't see that impacting our decision tonight.

Susan Lindoo – I think we should be able to give feedback. We all had an image of what this was going to look like and now it's going to be a lot smaller and not nearly as attractive. There's a certain amount of adjustment to that. If we can see ways that it can be aesthetically better that would help.

Vice-Chair Prestegaard – I had a question on the financials. It looked like the consultant fees nearly doubled, why is that?

Mr. Gitzlaff – We hired a construction manager instead of having an in-house person do it. We do that on almost all of our buildings. It helps to ensure that the project is done right.

Vice-Chair Prestegaard – My second question was on the contingency which is about \$235,000. It seems like what we're being asked to consider is a modification that grants more flexibility from a budget perspective and we're building in contingency that wasn't there before, what happens to that contingency money if it's not spent?

Mr. Gitzlaff – We'd have to look at whether it goes back to the original funding sources or if we can add items back in. We don't like to give money back if we don't have to.

Vice-Chair Prestegaard – I understand the need for a contingency but I was just wondering if there's a way to ensure that it's spent as it could possibly be. I don't know if that's a question for you.

Susan Lindoo – Like an overhang.

Chairperson Lund – Maybe you could expand on what the expected cost of the extra 50 spaces is.

Mr. Gitzlaff – It's roughly a \$125,000 savings. In regards to modifying the design, it would probably cost twice as much to make changes to the building after the bids have gone out.

Chairperson Lund – There's probably limitations on how much you can change as well.

Mr. Gitzlaff – Yes.

Ms. Buss – Have you thought about bidding the landscape separately?

Mr. Gitzlaff – We did, we only had one qualified landscape bid and they didn't meet regulations so we would have had to rebid that.

Chairperson Lund – We talked about this at our meeting on Tuesday. The issue with government projects with federal money is that they need to meet the disadvantage business regulations. If you have a small piece of the project, it's hard to meet that unless the owner is a disadvantaged business owner. So by combining the projects into fewer bids, then that

portion would not have to be from a disadvantaged business owner because it would be subcontracted. Each part you bid has to meet those requirements. So by combining a project of this size, it makes it easier to meet the regulations.

Ms. Buss – My experience is that the general guys mark up the landscaping a lot because it's a place where they can get profit and usually they don't do as good a job. So we tend to bid those separately.

Chairperson Lund – Do you have a list of disadvantaged business owners that you could share?

Ms. Buss – Yes. MN Dot has a list of qualified folks as well.

Mr. Gitzlaff – We go through Met Council with that.

Vice-Chair Prestegaard – Last month we had a presentation from the Engineer on storm water and were reprimanded for approving something that didn't yet get his approval and it feels like a similar situation. I'm conflicted for those same reasons.

Ms. Buss – The condition here is what John suggested just like he did for the Cold Storage one.

Chairperson Lund – When he presented he said that he loses authority and it's difficult for him when it's just his signature standing in the way. I'm assuming that the discussions with the County aren't the same as discussions with the Cold Storage.

Admin. Hill – This is John's suggestion.

Chairperson Lund – So he was comfortable with us moving forward?

Admin. Hill – Yes.

Ms. Buss – He gets the need to move forward.

Vice-Chair Prestegaard – But he did say it was bad practice on the part of the Planning Commission to approve a plan that he had not approved.

Admin. Hill – It's not unusual that that happens.

Mr. Gitzlaff – John has been involved and we're not really modifying anything in regards to storm water. We have our permits in place from the Watershed District and are meeting all of the requirements from them. We're more than happy to send John our final plans before we go out to bid.

Chairperson Lund – That is one important distinction. This is a new project so it needs the Watershed's approval where the Cold Storage was an addition and the City was the only entity approving the storm water plans.

Susan Lindoo – Would the plan be done before he goes to the City Council?

Mr. Gitzlaff – John has all of the plans that he needs to make his recommendation.

Vice-Chair Prestegaard – One last comment. So we talked about a \$619,000 deficit, we attributed that largely to construction costs. When I look at the original 2011 versus the 2013, I see \$200,000 in construction management costs and \$235,000 in contingency costs. That's \$435,000 out of the \$619,000 but it's all coming out of the construction. With that said, I don't think we have a choice.

Chairperson Lund – The budget did go up by \$500,000 since 2011.

Ms. Buss – You do have a choice. We would really like to get something going on this site; it's an important part of redevelopment from the City's perspective and I think the sense is that the County Board and Regional Rail Board will not give any more money for this. If we want to get something started this year and have something in place that will be better than what's there now we need to make a move on this now. With a CUP, we have our standards that they need to meet. We can recommend and suggest some changes but ultimately the things that we can really enforce are our standards and this meets the minimum.

Anthony Mahmood – It says that you'll reduce the grading and site preparation on the north outlot area. Who will be responsible for paying for the grading later?

Mr. Gitzlaff – We're not developers so we wouldn't be the ones leading that, we would be the ones that sell the property. We may sell it to the Washington County HRA who would work with a private developer. They may use TIF funds to pay for the grading.

Ms. Buss – I think part of the idea is to make it a little more attractive. When staff talked about it, that lot wasn't a priority. A lot of developers wouldn't expect us to do grading.

The Public Hearing closed at 8:03 p.m.

Vice-Chair Prestegaard – My remaining comment is that I'm in a position where I'm having to take someone's word in regards to the storm water. I believe John said yes but we got scorned last month for it.

Ms. Buss – What you're being asked to do for this application in regards to storm water is very typical.

Admin. Hill – John has been involved in this process since the beginning.

Vice-Chair Prestegaard – I think I'm just trying to make the assertion that I would like to be in a position where I feel more confident in the decisions that we're making and I don't feel that because the evidence isn't in front of us or is changing as we speak and we're asked to make decisions quickly.

Susan Lindoo – Along with what Matt is saying, it seems everything meets our conditions. The thing with John Stewart, I think that's something that we can ask for in the future where he gives us a sign as to whether or not we can move forward and let him make the decision later on.

Ms. Buss – He does see every staff report beforehand and does make recommendations.

Susan Lindoo – If he could give us some sort of sign when he isn't fine with us moving something forward that would be nice.

Ms. Buss – We can ask him to be more assertive.

Admin. Hill – He did send an email a couple days ago that says "We have not seen the final drainage plan showing grades and drainage arrows for the reduced parking area. I believe that approval can be contingents on Engineers review of the final Plan set."

Vice-Chair Prestegaard – That's what I'm looking for. Thank you.

Anthony Mahmood – If this passes, when will you tear the building down?

Mr. Gitzlaff – We're hoping this fall and will let you know.

Motion by Lindoo, seconded by Prestegaard, to approve Resolution No. P.C. 2013-7 recommending the City Council approve an amendment to the Conditional Use Permit for the Transit Station. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Vice-Chair Prestegaard – I think it'll be an improvement and appreciate the partnership with the County.

Chairperson Lund – Absolutely.

5. COMMISSION AND STAFF REPORTS

Executive Analyst Helm – Just wanted to announce that Pioneer Day is on Sunday, August 11. The parade kicks off at 11 and the festival starts at 12. The Newport Business Association is sponsoring an Elvis Impersonator at 5:30 p.m. If you purchased a button you can get all-you-can-eat corn and it enters you into a raffle drawing.

6. NEW BUSINESS

7. ANNOUNCEMENTS

A. Upcoming Meetings and Events:

- | | | |
|-------------------------|-----------------|-----------|
| 1. Pioneer Day | August 11, 2013 | |
| 2. City Council Meeting | August 15, 2013 | 5:30 p.m. |

8. ADJOURNMENT

Motion by Mahmood, seconded by Prestegaard, to adjourn the Planning Commission Meeting at 8:11 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Dan Lund, Chairperson

Respectfully submitted,

Renee Helm
Executive Analyst



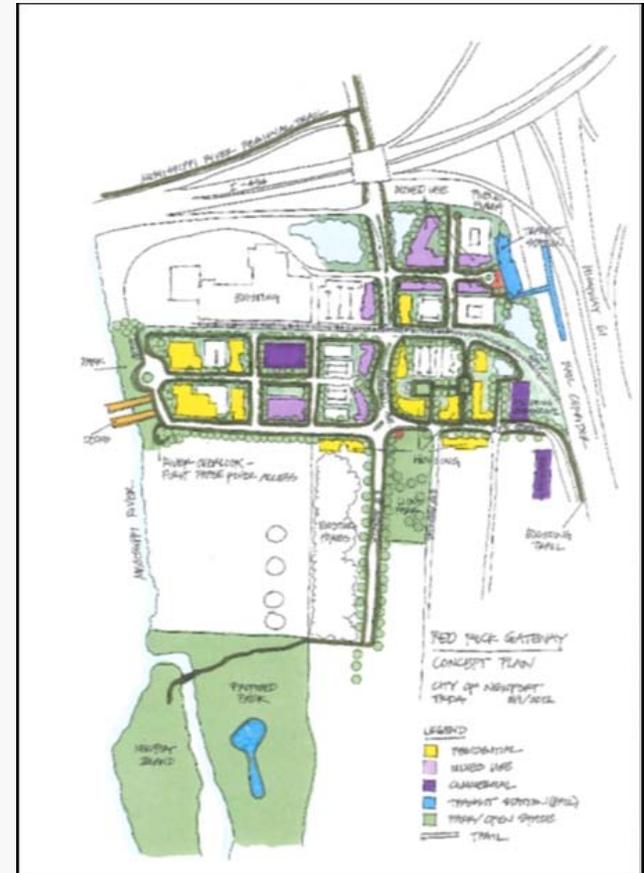
**Newport Transit Station
CUP Amendment
Planning Commission**

August 8, 2013



Project Approach

- Partner with the City
- Establish a Vision
- Plan for both transit and redevelopment
- Engage the Public



What We Heard

- Make the Transit Station Both Attractive and Functional
- Design for future growth
- Safety and Security is important
- Plan for pedestrians and trail users as well



Redevelopment Partnership

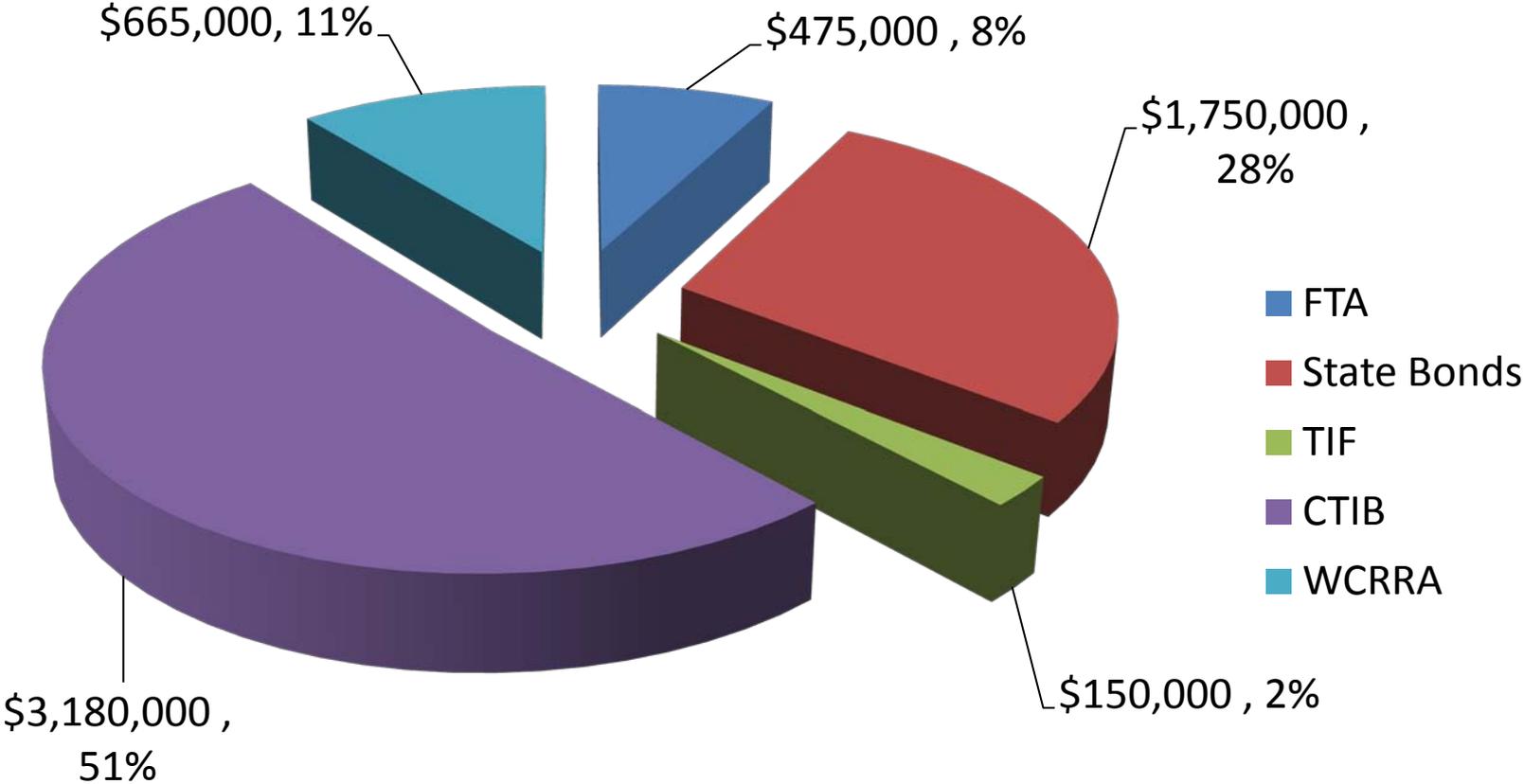
- Future transit expansion to go vertical
- 6 - 7 developable acres remain
- Initial Infrastructure investments



Challenges

- Redevelopment Project
- High bedrock discovered
- Secure necessary funding
- Meet requirements of different funding sources

Project Funding



Project Expense

Phase	Initial (2011)	Revised (2013)	Bids (2013)
Land Acquisition	\$3,295,000	\$3,295,000	\$3,295,000
Consultant Services	\$250,000	\$450,000	\$450,000
Construction	\$2,225,000	\$2,475,000	\$3,094,000
Total	\$5,770,000	\$6,220,000	\$6,839,000

Construction Gap = \$619,000

- \$2,850,000 - Bids
- \$225,000 - Contingency
- \$19,000 – Material Testing, Permits



Original Design





Revised Design



Sign Plan

- Interim Entrance Sign
 - Preserves flexibility for future site users
 - Future joint signage opportunities
- Other Signage
 - National Park Service Interpretive Signage
 - Way finding Signage
 - For Sale / Development Sign



Key Site Features

- Stormwater “Treatment Train”
- B3 Sustainability Standards
- Security Camera System / Lighting
- Trail Connections, Bicycle parking
- Outdoor Gathering Space
- Seat walls, benches
- Well Landscaped
- Library Kiosk



Next Steps

- City Approvals – August 2013
- Rebidding – September 2013
- Demolition – October-December 2013
- Construction – October-August 2014
- Opening of Bus Service – Fall 2014

Thank You

Andy Gitzlaff

Senior Planner / Acting Transportation
Coordinator,

Washington County Public Works

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