



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
JANUARY 3, 2013 – 5:30 P.M.**

MAYOR: Tim Geraghty
COUNCIL: Tom Ingemann
Bill Sumner
Tracy Rahm
Steven Gallagher

City Administrator: Brian Anderson
Supt. of Public Works: Bruce Hanson
Chief of Police: Curt Montgomery
Fire Chief: Mark Mailand
Executive Analyst: Renee Helm

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. List of Bills in the Amount of \$28,440.82
 - B. Kennel License
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
 - A. **Resolution No. 2013-1** – Approving a Variance for 627 6th Avenue
 - B. **Ordinance No. 2013-1** – Amending Chapter 7, General Regulations and Offenses
 - C. Approve Annual Appointments for 2013
10. ATTORNEY'S REPORT
11. POLICE CHIEF'S REPORT
12. FIRE CHIEF'S REPORT
13. ENGINEER'S REPORT
14. SUPERINTENDENT OF PUBLIC WORKS REPORT

Agenda for 01-03-2013

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|---|------------------|-----------|
| 1. Planning Commission Meeting | January 10, 2013 | 7:00 p.m. |
| 2. City Council Meeting | January 17, 2013 | 5:30 p.m. |
| 3. City Offices Closed due to
Martin Luther King Jr. Holiday | January 21, 2013 | |

Text25	Text26	Text28	Comments
Paid Chk# 014431	BUSINESS FORMSA ND ACCOUNTII	106.69	W2 forms, envelopes
Paid Chk# 014432	CCP INDUSTRIES INC	382.64	shop towels
Paid Chk# 014433	DIETRICH ELECTRIC, INC	457.58	electrical inspection
Paid Chk# 014434	GRAINGER PARTS	121.19	well #1
Paid Chk# 014435	INSTRUMENTAL RESEARCH, INC.	36.00	water testing
Paid Chk# 014436	INTERNATIONAL UNION OF OP. ENI	162.50	
Paid Chk# 014437	JOHN BARTL HARDWARE	255.63	supplies
Paid Chk# 014438	KENNEDY & GRAVEN, CHARTERED	210.00	façade loan program
Paid Chk# 014439	KEYS WELL DRILLING	19,540.00	well #1 rehab
Paid Chk# 014440	MARK MAILAND	1,807.00	rental inspections
Paid Chk# 014441	MARTIN JOSEPH REAL ESTATE, LL	1,923.50	façade grant
Paid Chk# 014442	MID STATE PLUMBING & HEATING	25.75	plumbing permit refund
Paid Chk# 014443	MSA PROFESSIONAL SERVICES, IN	1,535.82	engineering
Paid Chk# 014444	XCEL ENERGY	1,876.52	electricity
		28,440.82	



**City of Newport, Minnesota
ANNUAL KENNEL LICENSE**

Name: LINDA A RATAY

Address: 400-3RD AVE

Phone: 651-459-8857

Total Lot Size (Sq Ft): 100' x 150'

Size of Kennel (Sq Ft): Inside Dogs -

Type of Animal to be Kenneled: Dogs

Breed(s): Shep-lab-husky mixes

Maximum Adult Animals to be Kenneled: 5

Applicants Signature: Linda A Ratay

Fee: \$50

Receipt #: 883 Date: 12/03/12 Cash: _____ Check #: ✓

Approved by the Newport City Council on the _____ day of _____, 20__.

This license is valid until December 31, 20__.

City Administrator

Mayor

EVALUATION OF THE REQUEST

The Frank's home is located in the R-1 Low Density Single-Family Residential District. The District requires a 10 foot minimum side setback.

Colbie Carlin lives at this home with his grandparents. Colbie is unable to walk and uses a wheelchair for mobility.

The lot is relatively narrow, and options for location of a wheelchair ramp are limited. A ramp could be constructed on the south side of the home that would meet the setback requirements, but that location would require removal of a large tree, which will add significant expense to the project. If the tree remains, it would require that the ramp have multiple turns and landings, also affecting the cost of the project and making the ramp more difficult to use.

The Americans with Disabilities Act requires that local governments provide for "reasonable accommodation" of the needs of persons with disabilities. The Planner discussed this application with the City Attorney, who indicated that granting the variance in this case would be a reasonable accommodation of the needs of the wheelchair-dependent child.

Variance Request

MN Statute (Statute 394.27, Subdivision 7) regarding variances was amended in 2011, replacing the "Hardship" standards with criteria for evaluating the "Practical Difficulties" that are the basis for the variance request and approval. The Practical Difficulty standards are printed below in italics, with the Planner's findings following each standard.

Section 1310.11 of the City's zoning ordinance regarding variances has not yet been updated to include the "Practical Difficulties" standard, but it is advisable to use the state standard, until the City's standard is updated. The Planning Commission has reviewed a proposed revision to the variance section of the ordinance, and will hold a public hearing on it in January.

Evaluation and Findings

- *Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan.*

The purpose of the River Residential District is to preserve, create and enhance areas for low density single-family development. The home will remain a single-family residence. The comprehensive plan supports creating and updating housing in the city to meet the life-cycle needs of its residents. The requested variance is in harmony with the general purposes of the development code and the comprehensive plan.

- *The variance request should be reasonable under the development code.*

The request is reasonable because a single family home is an allowed use under the development code.

- *The request is due to circumstances that are unique to the property, and were not created by the landowner.*



The difficulties are not created by the applicant, but are unique to size of the lot, the orientation of the home and doorways, the location of the existing tree on the lot, and the requirements for the design of the wheelchair ramp.

- *The variance, if granted, will not alter the essential character of the area.*

The home will remain a single-family residence. Granting of the variance would not alter the essential character of the area.

- *Economic considerations alone do not constitute practical difficulties.*

The variance request is based on the need to reasonably accommodate the needs of a disabled child for access to the home. The potential alternative ramp location would create a ramp that is more difficult to use.

- *The proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.*

The addition of the wheelchair ramp will not impair the supply of light or air to adjacent properties, increase street congestion, increase the danger of fire or endanger public safety, or impair property values within the neighborhood.

- *The requested variance should be the minimum action required to eliminate the practical difficulty.*

The applicant is requesting the minimum variance needed to construct the ramp in a location that meet standards for accessibility and safety.

- *Practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems.*

Granting the variance request will not affect access to direct sunlight for solar energy systems.

The Planner recommends that the findings support granting the variance.

PLANNING COMMISSION DISCUSSION AND RECOMMENDATION

The Planning Commission held a public hearing on the variance request at their regular meeting on December 13. No one testified at the hearing. The City did receive telephone comments from neighbors that they did not understand why a hearing was being held, since the ramp was constructed prior to the public notice for the hearing.

The Planning Commission discussed the application, and recommended that the Council grant the variance. The Planning Commission also recommended that the Council require that the Applicant (Accessibility Options, Inc., not the homeowner) be required to



pay the penalty for construction prior to obtaining the required variance, and express the Commission's concern that the Accessibility Options, Inc., had potentially jeopardized the project for their client by not obtaining the required variance prior to construction of the ramp.

ACTION REQUESTED

The City Council may take one of the following actions:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request, if additional information is needed to make a decision

PLANNING STAFF FINDINGS AND RECOMMENDATIONS

The Planning Commission recommends approval of Accessibility Options, Inc. request for a variance from the required side setback to allow construction of a wheelchair ramp 3 feet from the property line on the north side of the Philip Frank house located at 627 6th Ave, Newport MN, based on the following findings:

1. The request to modify the single-family home to add a wheelchair ramp to meet the lifecycle needs of the home's residents and maintain an existing single-family home in the R-1 District is consistent with the purposes of the development code and policies in the Comprehensive Plan.
2. The request is reasonable because a single-family home is an allowed use under the development code in the R-1 District.
3. The practical difficulties are unique to the lot and are related to its size, to the orientation of the home and doorways, the location of an existing large tree on the lot, and the requirements for the design of a wheelchair ramp.
4. Granting the variance will not alter the essential single-family character of the area.
5. The variance request is based on the need to reasonably accommodate the needs of a disabled child for access to the home.

The Planning Commission recommends the following conditions:

1. The wheelchair ramp must meet applicable standards for accessible design.
2. The applicant, Accessibility Options, Inc., shall pay all fees and escrow associated with this application, including a penalty for construction of the ramp prior to approval of the variance.



CITY OF NEWPORT

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

PUBLIC HEARING/DATE _____ DATE OF APPLICATION 11-20-12

APPLICANT NAME ACCESSABILITY OPTIONS, INC PHONE 763-571-6789

ADDRESS 8362 TAMARACK VILLAGE #119 WOODBURY MN 55119
Street City State Zip

OWNER NAME PHILIP FRANK PHONE 651-307-1437

ADDRESS 627 6TH AVE N NEWPORT MN 55055
Street City State Zip

ADDRESS / LOCATION OF PROPERTY: 627 6TH AVE N NEWPORT MN

LEGAL DESCRIPTION OF PROPERTY & P.I.D. #

01.027.22.22.0038

Block 46, Lot 3 Subdivision Cd 55030, Subdivision Name
Newport town of

PLANNING REQUEST

APPLICATION FEE

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | \$500 or Actual Cost Plus \$50 for Additional Staff Hours
(10 Hour Minimum) |
| <input type="checkbox"/> Rezoning | \$500 |
| <input type="checkbox"/> Zoning Amendment | \$500 |
| <input checked="" type="checkbox"/> Variance | \$300 |
| <input type="checkbox"/> Conditional Use Permit | \$300 - Residential
\$450 - Commercial |
| <input type="checkbox"/> Subdivision Approval | \$300 - Minor Subdivision
-\$2,000 Parkland Dedication Fee

\$500 - Major Subdivision (Plus \$50 Per Lot)
-Parkland Dedication Fee is 10% of
land value or a fee per lot as established
by City Council |

Other (Specify) _____

APPLICABLE ZONING CODE CHAPTER: _____ SECTION: _____

SUB-SEC: _____

*Review by Engineer...(Charged at cost) \$

\$ Grand Total _____

PRESENT ZONING OF PROPERTY:

RE _____ R-1 _____ R-1A _____ R-2 _____ R-3 _____
Res. Est. Sin. Fam. River Res. Med. Den. High Den

B-1 _____ I-1 _____ I-2 _____ I-S _____
Gen. Bus. Light Ind. Gen. Ind. Ind. Storage

MX-1 _____ MX-2 _____
Mixed Use Downtown Mixed Use Mainstreet

PRESENT USE OF PROPERTY _____

STATE REASON(S) FOR PLANNING REQUEST

Colbie CARLIN, A child
LIVES AT THE HOME OF HIS GRANDPARENTS AT
627 6TH AVE N IN NEWPORT. COLBIE HAS
DISABILITIES THAT REQUIRE HIM TO BE
ASSISTED WHEN MOVED IN HIS WHEELCHAIR
AS HE IS UNABLE TO WALK. HE IS
CURRENTLY BEING CARRIED IN AND OUT OF HIS
HOME EACH TIME HE LEAVES THE HOME AND HIS
WHEELCHAIR IS ALSO CARRIED IN AND OUT OF THE
HOME. A RAMP ON THE NORTH SIDE OF THE
HOME WILL CREATE SAFE AND EASY ACCESS
FOR COLBIE AND HIS CAREGIVERS. THE NORTH
SIDE LOCATION IS THE MOST PRACTICAL FOR RAMP.
A RAMP ON THE SOUTH SIDE WOULD SIGNIFICANTLY
CHANGE THE USABILITY OF THE YARD AND WOULD
HAVE TO HAVE MULTIPLE LEVEL LANDINGS TO
ALLOW TURNS NEEDED TO MISS A LARGE TREE AND STILL
ALLOW ACCESS TO MATURS ALONG SIDE THE HOUSE.
VARIANCE REQUEST IS TO ALLOW THE RAMP TO BE PLACED
3 FEET FROM NORTH PROPERTY LINE.

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY DECLARE THAT ALL STATEMENTS MADE ON THIS REQUEST AND ON THE ADDITIONAL MATERIAL ARE TRUE.

Robert Zimmerman
SIGNATURE OF APPLICANT

[Signature]
SIGNATURE OF OWNER
(IF APPLICABLE)

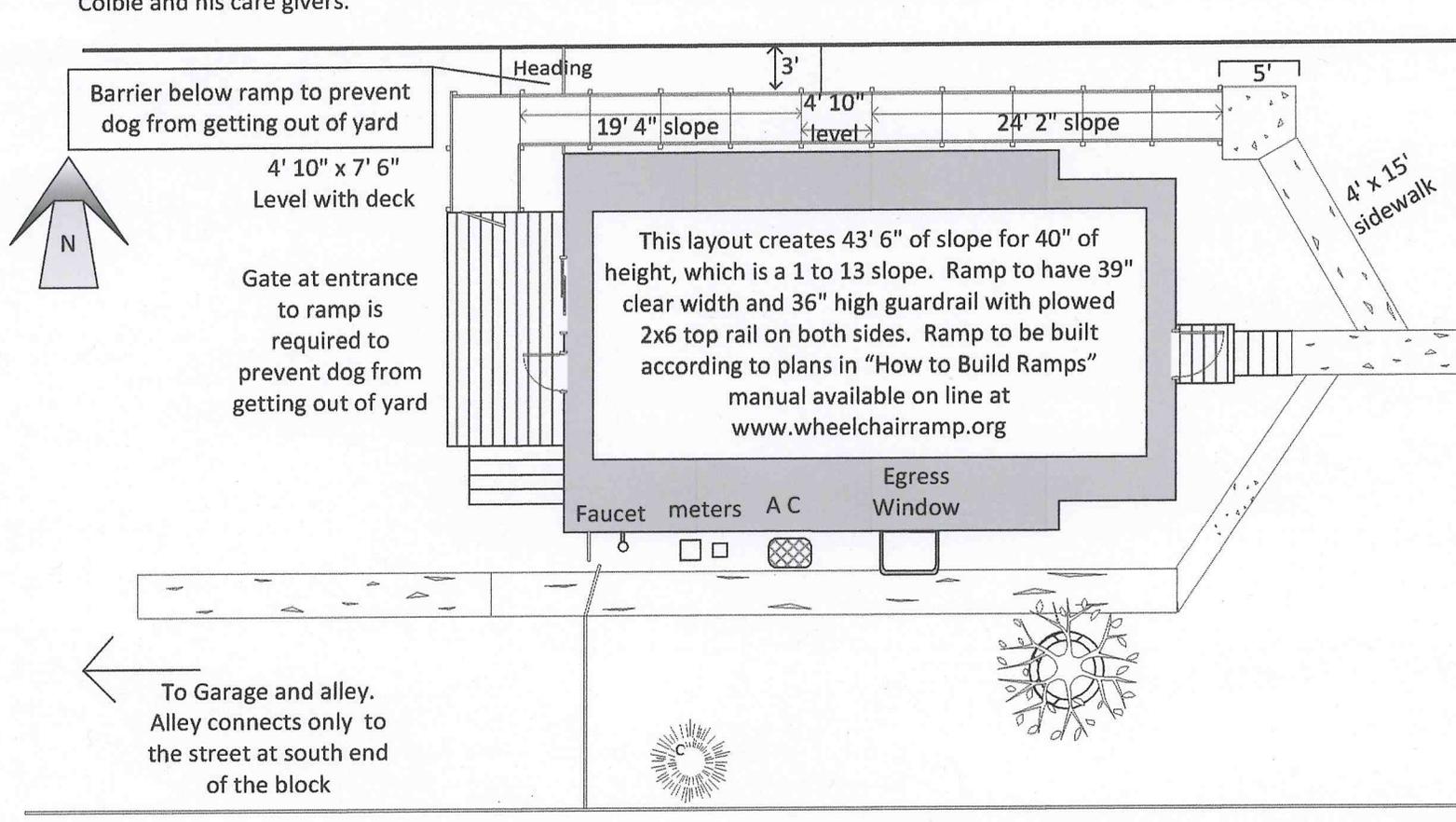
11-20-12
DATE

Renee Helm
RECEIVED BY

OFFICE USE ONLY	
FEE \$	<u>300</u>
RECEIPT #	<u>842</u>
PUBLICATION OF NOTICE DATE	<u>11/28/12</u>
PUBLIC HEARING DATE	<u>12/13/12</u>
P.C. RES. #	_____
COUNCIL ACTION DATE	_____
COUNCIL RES. #	_____

Factors affecting location of ramp

1. Ramp has to provide access to the street in front of the home because the school bus can not use the dead end alley at the back of the home
2. A ramp in the front yard leading to the front door is not feasible due to insufficient space for a ramp with a minimum of 40' of slope to create a 1 to 12 slope as required by code
3. A ramp on the south of the home is not practical because the ramp would hinder walking access from the front to back yard and significantly reduce access to the water faucet, meters and air conditioner. The location of the large tree in the south side yard is also a limiting factor.
4. A ramp on the north side of the home can have enough length to meet code requirements and is also positioned so it is not very visible from the street. Locating the ramp on the north side of the homes creates the least amount of disruption to the available yard space while creating a safe slope for Colbie and his care givers.



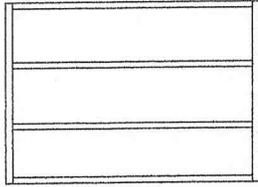
AccessAbility Options, Inc
"Building your Independence"

This drawing is the property of AccessAbility Options, Inc and all copyright is reserved. No use of this drawing may be made without the express written consent of AccessAbility Options, Inc.

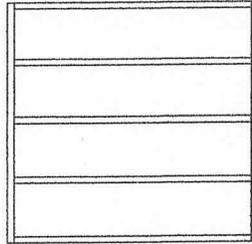
Client: Colbie Carlin/Deanna Frank home
627 6th Ave N
Newport Mn 55055

Scale: 3/32" = 1' 0"

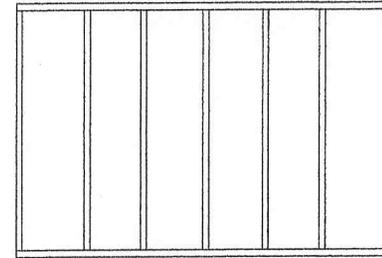
Issue Date: 11-19-2012



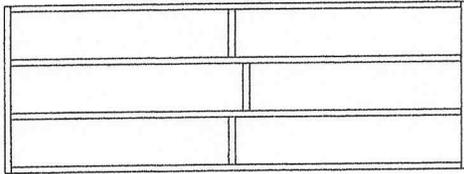
42" x 4' 10" 2x6 frame with joist hangers and corner brackets.
Bull nose decking will be attached perpendicular to joists



4' 10" x 5' 2x6 frame with joist hangers and corner brackets. Bull nose decking will be attached perpendicular to joists



4' 10" x 8' 2x6 frame with joist hangers and corner brackets. Bull nose decking will be attached perpendicular to joists

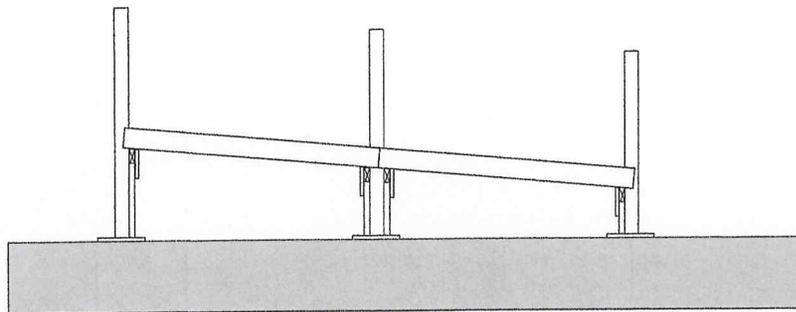


42" x 9' 8" 2x6 frame with joist hangers and corner brackets.
Bull nose decking will be attached perpendicular to joists

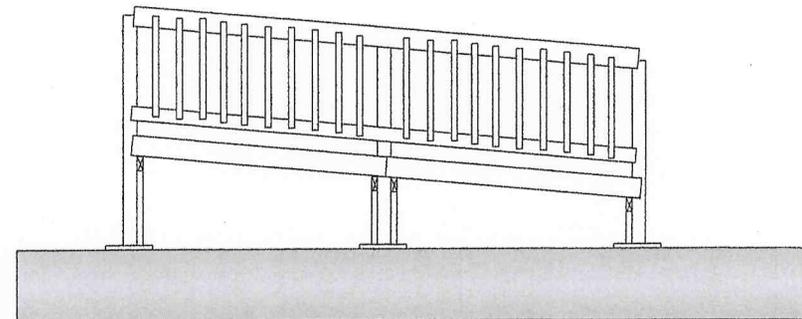
Framing, Support and Guardrail details for wheelchair ramp at

DEANA FRANK / Colbie CARLIN
627 GTH AVE N NEWPORT

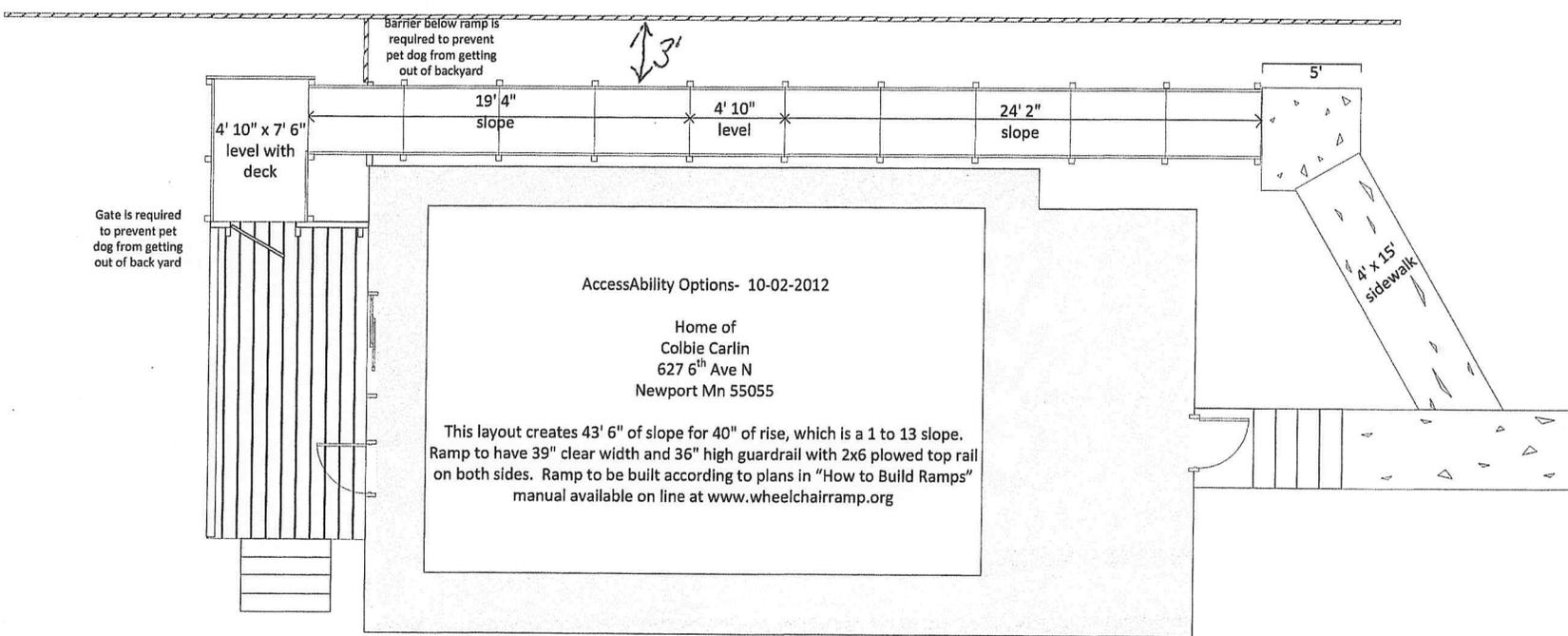
All lumber to be treated (top rail may cedar)

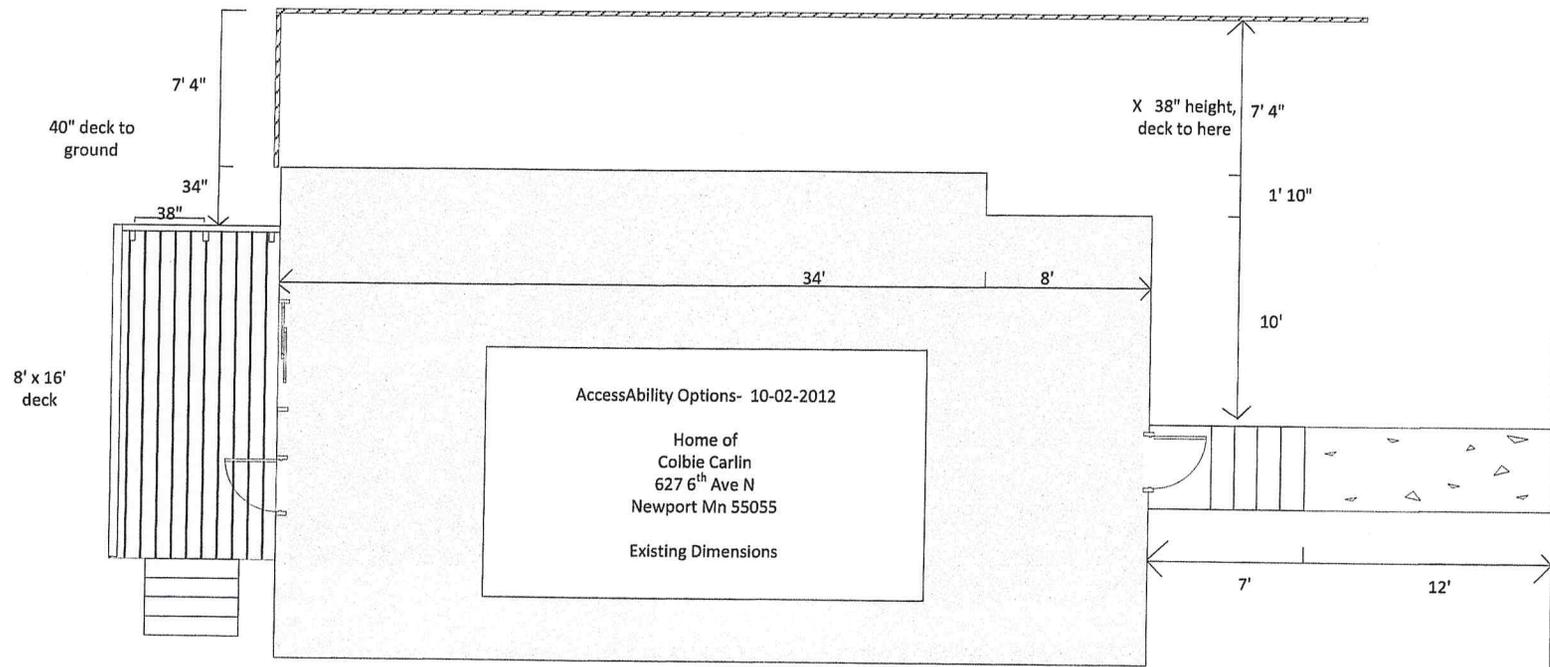


Frames are supported by 4x4 posts with 2x6 cross supports, 2x4 trimmers and 3/4" plywood gussets sitting on 12" x 12" x 3/4" plywood bearing plates

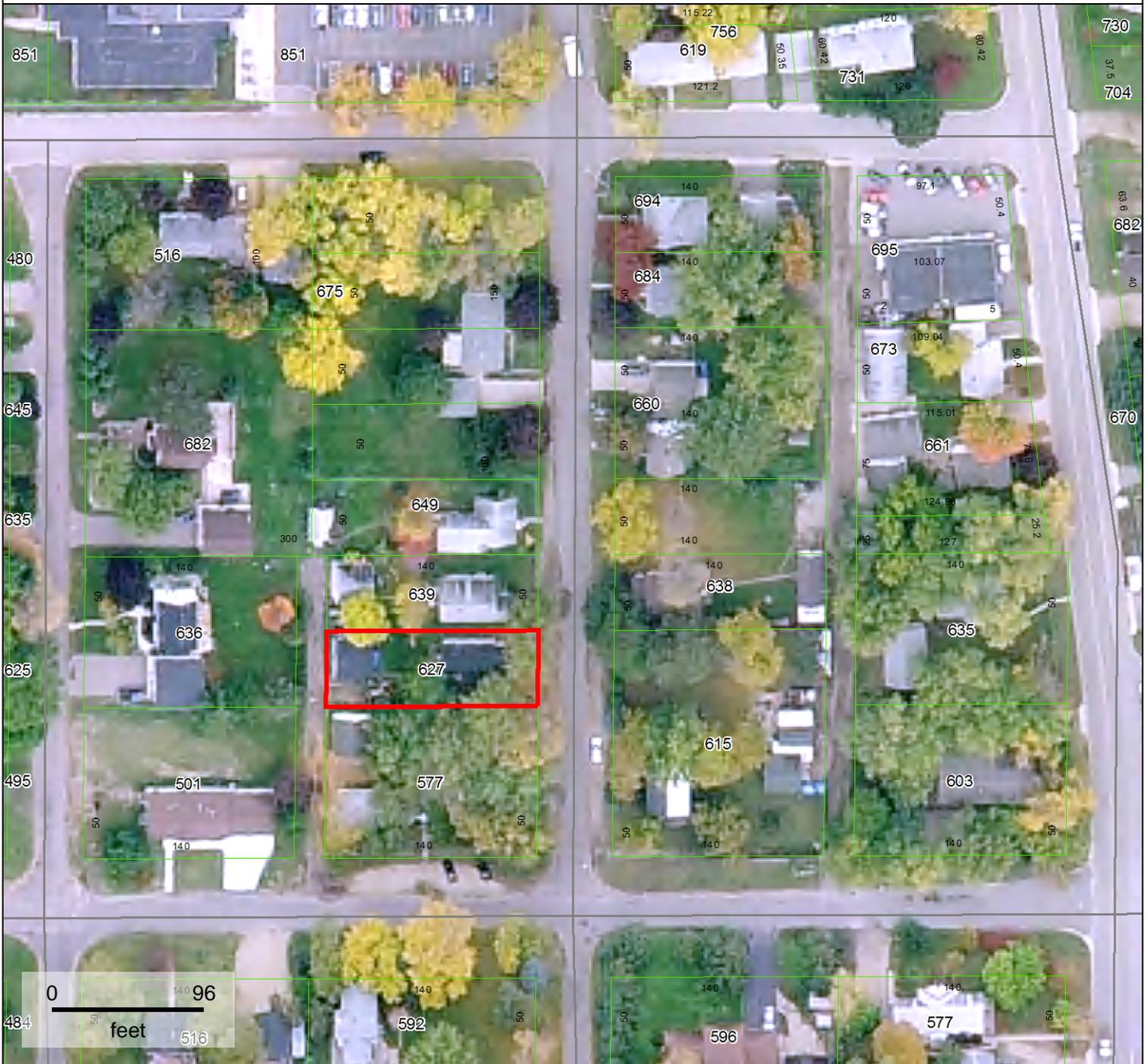


36" high guardrail consists of 2x6 top rail, 2x4 bottom rail and 2x2 vertical spindles spaced so that a 4" sphere can not pass through.
Top rail to be either treated or plowed cedar





Washington County, MN



Property Information

Property ID 0102722220038
Location 627 6TH AVE



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

This drawing is a result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.





RESOLUTION NO. 2013-1

A RESOLUTION BY THE NEWPORT CITY COUNCIL APPROVING A VARIANCE REQUESTED BY ACCESSABILITY, 8362 TAMARACK VILLAGE #119, WOODBURY, MN 55119, FOR PROPERTY LOCATED AT 627 6TH AVENUE, NEWPORT, MN 55055

WHEREAS, AccessAbility, 8362 Tamarack Village #119, Woodbury, MN 55119, has submitted a request for a Variance; and

WHEREAS, the property is located at 627 6TH Avenue, Newport, MN 55055, and is more fully legally described as follows:

PID #01.027.22.22.0038 - Block 46 Lot 3 SubdivisionCd 55030 SubdivisionName NEWPORT TOWN OF

WHEREAS, The described property is zoned Low Density Single Family Residential District (R-1); and

WHEREAS, **Minnesota Statutes 394.27** states that the criteria for granting a variance include that variances are permitted when they are in harmony with the general purpose and intent of the official control and are consistent with the comprehensive plan; that the request shall be reasonable under the development code; the need for the variance is due to circumstances that are unique to the property and were not created by the landowner; the variance, if granted, will not alter the essential character of the area; economic considerations alone do not constitute practical difficulties; the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood; the requested variance should be the minimum action required to eliminate the practical difficulties; and practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on December 13, 2012; and

WHEREAS, the Planning Commission's findings related to the request for approval of a Variance include the following:

1. The request to modify the single-family home to add a wheelchair ramp to meet the lifecycle needs of the home's residents and maintain an existing single-family home in the R-1 District is consistent with the purposes of the development code and policies in the Comprehensive Plan.
2. The request is reasonable because a single-family home is an allowed use under the development code in the R-1 District.
3. The practical difficulties are unique to the lot and are related to its size, to the orientation of the home and doorways, the location of an existing large tree on the lot, and the requirements for the design of a wheelchair ramp.
4. Granting the variance will not alter the essential single-family character of the area.
5. The variance request is based on the need to reasonably accommodate the needs of a disabled child for access to the home.

WHEREAS, The Planning Commission recommended Council approval of the proposed variance Resolution No. P.C. 2012-12.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport City Council Approve a Variance with the following conditions:

1. The wheelchair ramp must meet applicable standards for accessible design.

2. The applicant, Accessibility Options, Inc., shall pay all fees and escrow associated with this application, including a penalty for construction of the ramp prior to approval of the variance.

Adopted this 3rd day of January, 2013 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: December 13, 2012

SUBJECT: Hunting Ordinance

BACKGROUND

Due to the growing number of complaints regarding wild turkeys, it was recently requested that City staff research the possibility of amending the archery hunting ordinance to allow for wild turkeys to be hunted with a bow and arrow as well. City staff contacted the Minnesota Department of Natural Resources regarding this and was told that there are two turkey hunting seasons where individuals can use either a gun or bow and arrow. The spring season consists of eight, one-week seasons and individuals obtain their state license for the first four seasons through a lottery system, anyone who wishes to hunt the last four seasons do not have to apply through the lottery. There are 345 spring licenses available for the section that Newport is in. Applications for the spring 2013 season are due by January 11, 2013. The fall 2013 season is September 28 through October 27 and does not require individuals to get an application through a lottery system. Additionally, the DNR stated that the ordinance should state that individuals must hunt in accordance with state regulations, which was already in the ordinance for archery deer hunting.

DISCUSSION

Attached for Council's review is Ordinance No. 2013-1 amending Section 760, Archery Deer Hunting. As you can see from the red-lined version, staff added language so that both deer and wild turkeys could be hunted with a bow and arrow. The amendment leaves the stipulation for acreage as is. If Council would like to amend this, it can be discussed at the meeting. Attached for your review is the current archery hunting map.

RECOMMENDATION

It is recommended that the City Council approve Ordinance No. 2013-1.

**CITY OF NEWPORT
ORDINANCE 2013-1**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, AMENDING THE CITY CODE OF
ORDINANCES CHAPTER 7, GENERAL REGULATIONS AND OFFENSES**

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

Section 760 – Archery Hunting

760.01 Definitions.

Subd. 1. Archery Hunting. “Archery Hunting” shall mean the sport of shooting a deer or wild turkey with a bow and arrow.

760.02 Designated Hunting Areas. The Newport City Council shall determine, by Resolution, areas for archery hunting. The said Resolution shall define the area(s), by map, which may be hunted. This map shall be effective for the stated hunting season.

760.03 Hunting Permitted. Archery hunting shall be permitted on private lots consisting of a minimum of five (5) contiguous acres as allowed by Resolution. A combination of parcels may be used to create five (5) contiguous acres of land. All hunting must be done in accordance with archery deer hunting and turkey hunting regulations set forth by Minnesota State Statutes and the Ordinances of the City. Hunters must obtain written permission from the landowner(s) to hunt on the property owner’s land.

760.04 Regulations.

Subd. 1 Persons who wish to conduct archery hunting in Newport shall complete the Metro Bowhunters Resource Base (MBRB) Proficiency Test Certificate on an annual basis at an approved location. Individuals must possess the MBRB Proficiency Test Certificate when conducting archery hunting in Newport.

Subd. 3 Persons may hunt deer or wild turkey with a bow and arrow on land approved by the map provided they are at least:

Subd. 4 Deer and wild turkey shall be the only animals allowed to be hunted. No other small or large game hunting shall be permitted.

Subd. 6 Persons successful in harvesting deer or wild turkey shall notify the City.

760.05 Deer Management Program.

760.06 Feeding of Deer and Wild Turkey.

Subd. 1 No person may place or permit to be placed on the ground, or within five feet (5') of the ground surface any grain, fodder, fruit, vegetables, nuts, hay or other edible materials (including feed for birds), which may reasonably be expected to intentionally result in deer or wild turkey feeding, unless such items are screened or protected in a manner that prevents deer or wild turkey from feeding on them. Living fruit trees and other live vegetation shall not be considered as deer or wild turkey feeding.

760.07 Enforcement.

Subd. 2 Seizure, Confiscation, and Disposal of Deer, Wild Turkey and Property. A peace officer is hereby authorized and empowered to seize and confiscate any deer or wild turkey taken in violation of this Ordinance

and to seize, confiscate, and dispose of all guns, firearms, bows and arrows, boats, or vehicles used by the owner or any other person with his or her knowledge in unlawfully taking or transporting such deer or wild turkey in violation of this Ordinance. Articles which have no lawful use may be summarily destroyed. Upon conclusion of the prosecution of any case, the guns, firearms, bows and arrows, boats, or vehicles seized pursuant to this subsection shall be returned to the lawful owner thereof upon payment to the City of all costs incurred by the City in the seizure, to include towing fees and storage or impound fees. In the event the lawful owner cannot be determined or located, the property shall be disposed of in compliance with court order

760.08 Violations and Penalties.

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 3rd day of January, 2013.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Brian Anderson, City Administrator

Section 760 – Archery ~~Deer~~-Hunting

760.01 Definitions. As used in this Section, the following terms have the meanings given:

Subd. 1. Archery ~~Deer~~-Hunting. “Archery ~~Deer~~-Hunting” shall mean the sport of shooting a deer or wild turkey with a bow and arrow.

760.02 Designated Hunting Areas. The Newport City Council shall determine, by Resolution, areas for archery ~~deer~~-hunting. The said Resolution shall define the area(s), by map, which may be hunted. This map shall be effective for the stated hunting season.

760.03 Hunting Permitted. Archery ~~deer~~-hunting shall be permitted on private lots consisting of a minimum of five (5) contiguous acres as allowed by Resolution. A combination of parcels may be used to create five (5) contiguous acres of land. All hunting must be done in accordance with archery deer hunting and turkey hunting regulations set forth by Minnesota State Statutes and the Ordinances of the City. Hunters must obtain written permission from the landowner(s) to hunt on the property owner’s land.

760.04 Regulations.

Subd. 1 Persons who wish to conduct archery ~~deer~~-hunting in Newport shall complete the Metro Bowhunters Resource Base (MBRB) Proficiency Test Certificate on an annual basis at an approved location. Individuals must possess the MBRB Proficiency Test Certificate when conducting archery ~~deer~~-hunting in Newport.

Subd. 2 Written permission from the landowner(s) must be in the possession of the hunter at the time of hunting, along with adequate identification.

Subd. 3 Persons may hunt deer or wild turkey with a bow and arrow on land approved by the map provided they are at least:

- A. Twenty feet (20’) from any property with a zoning classification other than those areas identified by the hunting map.
- B. Twenty feet (20’) from any public right-of-way.
- C. Twenty feet (20’) from any land or building not owned by the landowner, unless permission has been granted.

Subd. 4 Deer and wild turkey shall be the only animals allowed to be hunted. No other small or large game hunting shall be permitted.

Subd. 5 Hunting on public land is prohibited unless authorized by the City.

Subd. 6 Persons successful in harvesting deer or wild turkey shall notify the City.

760.05 Deer Management Program. The City Administrator may designate times and dates to conduct a controlled hunt on public property after October 15th of each year.

760.06 Feeding of Deer and Wild Turkey.

Subd. 1 No person may place or permit to be placed on the ground, or within five feet (5') of the ground surface any grain, fodder, fruit, vegetables, nuts, hay or other edible materials (including feed for birds), which may reasonably be expected to intentionally result in deer or wild turkey feeding, unless such items are screened or protected in a manner that prevents deer or wild turkey from feeding on them. Living fruit trees and other live vegetation shall not be considered as deer or wild turkey feeding.

Subd. 2. Exceptions. This prohibition shall not apply to:

- A. Veterinarians, city animal control officers or county, state or federal game officials who are in the course of their duties, have deer in custody or under their management;
- B. Persons authorized by the City of Newport to implement the Deer Management Program approved by the City Council; or
- C. Any food placed upon the property for purposes of trapping or otherwise taking deer where such trapping or taking is pursuant to a permit issued by the Minnesota Department of Natural Resources.

760.07 Enforcement.

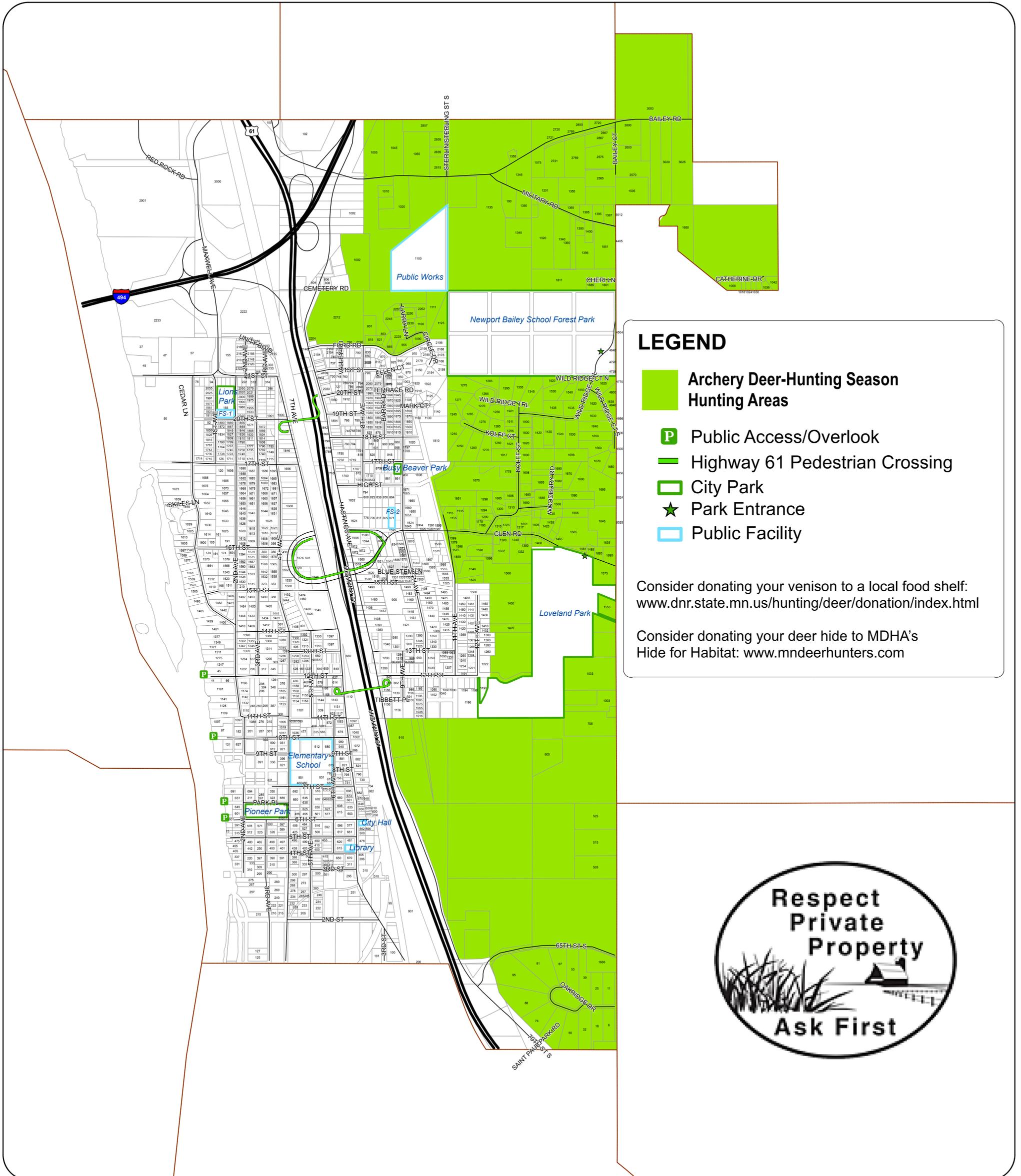
Subd. 1 Authority of Peace Officers. A peace officer is hereby authorized and empowered to enforce all requirements of this Ordinance and related Minnesota State Statutes.

Subd. 2 Seizure, Confiscation, and Disposal of Deer, Wild Turkey and Property. A peace officer is hereby authorized and empowered to seize and confiscate any deer or wild turkey taken in violation of this Ordinance and to seize, confiscate, and dispose of all guns, firearms, bows and arrows, boats, or vehicles used by the owner or any other person with his or her knowledge in unlawfully taking or transporting such deer or wild turkey in violation of this Ordinance. Articles which have no lawful use may be summarily destroyed. Upon conclusion of the prosecution of any case, the guns, firearms, bows and arrows, boats, or vehicles seized pursuant to this subsection shall be returned to the lawful owner thereof upon payment to the City of all costs incurred by the City in the seizure, to include towing fees and storage or impound fees. In the event the lawful owner cannot be determined or located, the property shall be disposed of in compliance with court order

760.08 Violations and Penalties. Any person violating, or otherwise refusing to comply with any provisions of this Ordinance, shall be guilty of a misdemeanor and subsequent penalties shall apply.



City of Newport Archery Deer-Hunting Season Hunting Areas



LEGEND

-  Archery Deer-Hunting Season Hunting Areas
-  Public Access/Overlook
-  Highway 61 Pedestrian Crossing
-  City Park
-  Park Entrance
-  Public Facility

Consider donating your venison to a local food shelf:
www.dnr.state.mn.us/hunting/deer/donation/index.html

Consider donating your deer hide to MDHA's
Hide for Habitat: www.mndeerhunters.com



Data sources: City of Newport, Washington County
Map printed May 24, 2011



2,000

Feet



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: December 20, 2012

SUBJECT: 2013 Annual Appointments

BACKGROUND

Each year the City Council revises its annual appointments for items such as official newspaper, inspectors, Council Advisory Boards, and Council Appointed Committees. A draft of the 2013 Annual Appointments is attached for your review, the items that are up for renewal or have been added are in red. Please note that the Heritage Preservation Planner has been added to the list of annual appointments.

In October 2012 City staff contacted the following members whose terms expire on December 31, 2012:

- Park Board
 - Anita Perkins
 - Marge Meconis
 - Emily White
- Wakota Bridge Coalition
 - Barb Wilcziek
- South Washington County Cable Commission
 - Virginia Keenan
 - Barb Wilcziek (Alternate)

All five have requested to be reappointed in 2013. The Park Board members would be reappointed for three years and the members of the Wakota Bridge Coalition and South Washington County Cable Commission would be reappointed for one year. Staff did not advertise since all five requested to be reappointed.

DISCUSSION

Please note that the fees for the City Attorney, Auditor, Engineer, Building Inspector, Plumbing and Heating Inspector, and Electrical Inspector will remain the same for 2013. It is anticipated that the fee for the Planning Professional will increase by 2%.

RECOMMENDATION

It is recommended that the City Council provide direction on the Mayor Pro Tem, Council Liaisons and reappointments of the five members listed above.



CITY OF NEWPORT 2013 ANNUAL APPOINTMENTS

- | | |
|--|----------------------------------|
| 1) MAYOR PRO TEM (Until 12/31/2012): | Tom Ingemann |
| 2) OFFICIAL NEWSPAPER: | South Washington County Bulletin |
| 3) OFFICIAL DEPOSITORIES: | Central Bank |
| 4) CITY ADMINISTRATOR / CLERK / TREASURER: | Brian J. Anderson |
| 5) CITY ATTORNEY: | Knaak & Associates, P.A. |
| 6) CITY AUDITOR: | Jim Eichten (MMKR) |
| 7) CITY ENGINEER: | John Stewart (BDM) |
| 8) CITY HERITAGE PRESERVATION CONSULTANT: | Robert Vogel |
| 9) CITY PLANNING PROFESSIONAL: | Sherri Buss (TKDA) |
| 10) BUILDING INSPECTOR: | City of Cottage Grove |
| 11) PLUMBING/HEATING INSPECTOR: | City of Cottage Grove |
| 12) ELECTRICAL INSPECTOR: | William Dietrich |
| 13) FIRE MARSHAL: | Mark Mailand |
| 14) WEED INSPECTOR: | Tim Geraghty |
| 15) ASST. WEED INSPECTOR: | Bruce Hanson |
| 16) CIVIL DEFENSE DIRECTOR: | Mark Mailand |

COUNCIL ADVISORY BOARDS (3-Year Terms)

17) PLANNING COMMISSION:

Expiration Date:

- | | |
|--|------------|
| a. Katy McElwee-Stevens | 12-31-2013 |
| b. Janice Anderson | 12-31-2013 |
| c. Susan Lindoo | 12-31-2014 |
| d. Dan Lund | 12-31-2014 |
| e. Matthew Prestegaard | 12-31-2014 |
| f. <u>Tom Ingemann (Council Liaison)</u> | 12-31-2012 |

18) PARK BOARD:

Expiration Date:

- | | |
|--|------------|
| a. Mary Ann Newman | 12-31-2013 |
| b. Anita Perkins | 12-31-2012 |
| c. Marge Meconis | 12-31-2012 |
| d. Emily White | 12-31-2012 |
| e. Tom Aguilar-Downing | 12-31-2013 |
| f. Laura Duffey | 12-31-2014 |
| g. <u>Tim Geraghty (Council Liaison)</u> | 12-31-2012 |

19) LIBRARY BOARD:

Expiration Date:

- | | |
|---|------------|
| a. Nancy Wetsel | 12-31-2013 |
| b. Jo Bailey | 12-31-2013 |
| c. Beverly Bartl | 12-31-2013 |
| d. Pam Geraghty | 12-31-2014 |
| e. Sheila Laughton | 12-31-2014 |
| f. <u>Tracy Rahm (Council Liaison)</u> | 12-31-2012 |

20) HERITAGE PRESERVATION COMMISSION:

Expiration Date:

- | | |
|--|------------|
| a. Linda Michie | 12-31-2013 |
| b. Steven Lanz Jr. | 12-31-2013 |
| c. Beverly Bartl | 12-31-2014 |
| d. Jo Bailey | 12-31-2014 |
| e. | 12-31-2014 |
| f. <u>Tim Geraghty (Council Liaison)</u> | 12-31-2012 |

COUNCIL APPOINTED COMMITTEES

21) WAKOTA BRIDGE COALITION (1-Year Term):	Expiration Date:
a. Barb Wilcziek	12-31-2012
b. Matt Prestegaard (alternate)	12-31-2012
22) NEWPORT / BAILEY SCHOOL FOREST GOVERNANCE COMMITTEE:	Expiration Date:
a. Thomas Aguilar-Downing	Indefinite
b. John Neska	Indefinite
c. Laura Duffy	Indefinite
d. Marge Meconis	Indefinite
23) RESOURCE RECOVERY (1-Year Term):	Expiration Date:
a. Tom Ingemann	12-31-2012
24) SOUTH WASHINGTON COUNTY CABLE COMMISSION (1-Year Term):	Expiration Date:
a. Virginia Keenan	12-31-2012
b. Barb Wilcziek (Alternate)	12-31-2012
c. <u>Tracy Rahm (Council Liaison)</u>	12-31-2012
25) RED ROCK CORRIDOR COMMISSION: (1-Year Term)	Expiration Date:
a. <u>Steve Gallagher (Council Liaison)</u>	12-31-2012
b. <u>Tracy Rahm (Council Liaison Alternate)</u>	12-31-2012
26) PIONEER DAY COMMITTEE:	Expiration Date:
a. Steven Lanz, Jr.	12-31-2012
b. Mary North	12-31-2012
c. Arnie Horn	12-31-2012
d. Christine Heuer	12-31-2012
e. <u>Tim Geraghty (Council Liaison)</u>	12-31-2012
f. <u>Bill Sumner (Council Liaison Alternate)</u>	12-31-2012
27) CITY APPROVED SOCIAL MEDIA OUTLETS	
a. Facebook	
b. Twitter	
c. You Tube	

November 10, 2012

Mr. Brian Anderson
Newport City Council
596 7th Ave
Newport, MN 55055

Dear Mr. Anderson and City Council members,

I am requesting reappointment for another term to the Newport Park Board. I enjoy being a part of the Park Board. We have many goals and ideas for the future of Newport that I would love to be a part of. It takes time and planning to achieve some of these goals. I believe I am the right person to continue the efforts that the Park Board has started.

Thank you for consideration.

Sincerely,

A handwritten signature in cursive script that reads "Anita Perkins". The signature is written in black ink and is positioned below the word "Sincerely,".

Anita Perkins
1695 Glen Road
Newport, MN 55055

November 8, 2012

Dear Renee,

I would like to put my name forth for the Newport Park Board. It has been a pleasure to work with the city and the board since its inception and I would like to continue on as a Board Member.

Sincerely,

A handwritten signature in cursive script that reads "Marge Meconis".

Marge Meconis

October 21, 2012

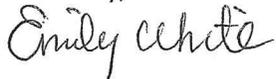
City of Newport
577 7th Ave
Newport, MN 55055

Dear Newport City Council,

I am writing to request my appointment to the Newport Parks Board be renewed for another term. I enjoy working together as a team with the other members of the Board and I think we accomplish a lot as a group.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Emily White".

Emily White

October 21, 2012

Renee Helm
Executive Analyst
City of Newport
596 7th Ave
Newport, MN 55055

Dear Renee,

Yes I would like to continue helping with the SWCTC (South Washington County Telecommunication Commission) representing Newport. With the expertise I have, I feel I bring some great value to the board and to the communities.


Virginia Keenan
651-269-4856