



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
JANUARY 17, 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. Minutes of the December 20, 2012 Regular City Council Meeting
 - B. Minutes of the January 3, 2013 Regular City Council Meeting
 - C. Minutes of the January 3, 2013 City Council Workshop Meeting
 - D. Minutes of the January 7, 2013 Special City Council Meeting
 - E. List of Bills in the Amount of \$356,064.22
 - F. Gambling Permit for Knights of Columbus for April 28, 2013
 - G. Farm Animal Permit for Kim Brown
 - H. Agreement for Subsurface Sewage Treatment System Inspection Services with Washington County
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
 - A. **Resolution No. 2013-2** – Approving Comprehensive Plan Amendment Distribution
 - B. Purchase Solar Lights for the Michael J. Phillips Pavilion at the Bailey School Forest
 - C. **Ordinance No. 2013-2** – Amending Chapter 7, General Regulations and Offenses
 - D. Approve the Employment Agreement between the City and Deb Hill as the new City Administrator and authorize the Mayor to sign the Agreement
 - E. Authorize Councilmember Tom Ingemann to sign City-issued checks in the absence of a City Administrator and Accountant

Agenda for 01-17-2013

- F. Discuss Accountant Vacancy and Appointment
- G. Discuss Planning Commission Vacancy and Appointment

10. ATTORNEY’S REPORT

11. POLICE CHIEF’S REPORT

12. FIRE CHIEF’S REPORT

13. ENGINEER’S REPORT

- A. CIP Pavement Management and CIU Schedule
 - 1. **Resolution No. 2013-3** – Ordering Preparation of Feasibility Report on Improvement

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|---|-------------------|-----------|
| 1. City Offices Closed due to
Martin Luther King Jr. Holiday | January 21, 2013 | |
| 2. Park Board Meeting | January 24, 2013 | 7:00 p.m. |
| 3. City Council Meeting | February 7, 2013 | 5:30 p.m. |
| 4. Planning Commission Meeting | February 14, 2013 | 7:00 p.m. |



**City of Newport
City Council Minutes
December 20, 2012**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

Council Present – Tim Geraghty, Tom Ingemann, Bill Sumner, Tracy Rahm, Steven Gallagher

Council Absent –

Staff Present – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; John Stewart, City Engineer;

Staff Absent – Curt Montgomery, Police Chief; Fritz Knaak, City Attorney;

4. ADOPT AGENDA

Motion by Gallagher, seconded by Sumner, to adopt the Agenda as presented. With 5 Ayes, 0 Nays, the motion carried.

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the December 6, 2012 Regular City Council Meeting
- B. List of Bills in the Amount of \$169,930.43

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT –

Mayor Geraghty – I attended the Holiday Train event and it was very successful. I think they raised over \$100,000.

8. COUNCIL REPORTS –

Councilman Gallagher – I also attended the Holiday Train and went to a Met Council meeting.

Councilman Sumner – Nothing to report

Councilman Rahm – I also attended the Holiday Train event and a SWCTC meeting. The meeting was at the new Cottage Grove City Hall and I got to tour it. It's a very nice building but I think it points to the differences between Newport and Cottage Grove. We don't have the growth opportunities that Cottage Grove does and we compare more to St. Paul Park. When we talk about different policies and how to improve Newport I think people need to understand what we have here and the challenges that we are facing here.

Councilman Ingemann – Recently, there was an article in the Washing County Bulletin, where the county passed on some information that stated that the City of Newport had the highest taxes in the county. From basic numbers, that may be true, but what is not stated, what is missing is some very important information. For the citizens of this community to have the basic services that they do, it takes a certain amount of money. For the citizens of Cottage Grove to have the

same basic services, it also takes a certain amount of money. When you take their bill for services and divide it by approx 8,648 households, (assuming 4 people in each household, you divide 4 into 34,590 population) you get one price. Now take the comparable service for Newport and divide it by approx 859 households (4 divided into 3435 population) you get another price. It is quite obvious that with a fewer number of households to share the cost, it will cost more than if you were to split the total amount among a larger number of households. It is called simple math. Now, for those that were not aware, mathematics was a class that was taught in elementary school. If one may have gone to school, one may have remembered the class. Even modern math can figure it out.

If some people want their taxes to go down, there is a way to do that, quite simple, what services do you want eliminated or sharply curtailed? One must remember that you get what you pay for. If you want no services, your taxes would be lower than all other cities in the county. Roads would not be plowed, and after awhile it would become pot hole ridden, water and sewer could become a life safety hazard, there would be very little police protection, you may get a response to a call hours after the fact, there would be no fire service, just a lot of empty lots where houses once stood. The services that this city provides to the citizens, was established a long, long time ago, even before people, who have no knowledge of the city history, started to complain. One should have checked out the community that one moves into before complaining about taxes and service. The services in this community have not changed in the 35+ years that I have lived here. The services provided in this city are far better than the services provided in the City of St Paul and at a better price.

Another thought to remember, the present council all voted for the present budget, the increase barley takes into account for inflation. This administration, the past administration and the administrations before that, all set the level of services that the citizen in this city want and expect to be provided, so it would be totally false to say this administration is the evil doers, to just keep up with inflation. I guess, if we are the evil bad ones, so be it.

When it comes to private industry, I just recently read, no big deal is made when, for example, EXCEL energy can increase their rates 9% and no one says anything about it. That happens to be more than 8 times the rate of inflation. I guess that is no big deal, except when cities need to increase taxes in order to continue to pay for electrical use. I guess cities are the only ones that need to live within their own means. Not private industry, too bad greed is such a power full force.

9. ADMINISTRATOR'S REPORT –

A. City Administrator Vacancy

Admin. Anderson – As you know, I have accepted a job as City Administrator for the City of Faribault. You have before you my resignation letter. My last day with the City will be January 27, 2013. In addition to that, the Council will need to discuss what they would like to do to fill my position. You have a proposal from Brimeyer Fursman before you. Brimeyer conducted the search in 2009.

Mayor Geraghty – We'll begrudgingly accept your letter of resignation. I had asked Brimeyer to submit a proposal because we did use them in 2009 when we hired Brian. At that time we were satisfied with the process and the work that was done. I asked Mr. Fursman to come to present.

Richard Fursman, President of Brimeyer Fursman, was present to discuss his proposal to search and hire for the position of City Administrator. The proposal is outlined in the December 20, 2012 City Council packet.

Mayor Geraghty – You estimate about a three to four month process?

Mr. Fursman – Yes, the place where I can trim the most time is upfront because we have worked with you before. I still need to spend some time with each of you though. Depending on who gets hired will make a big difference on their start date.

Councilman Rahm – I see that you have your fee broken up in phases, does that mean that at the fees are due at the beginning of each phase?

Mr. Fursman – Yes, we're pretty flexible on that. We typically break it into thirds. We expect one-third at the start, when

you're selecting your top five candidates we'll get the second payment and we'll get a final payment at the completion of the process. At each phase you become owners of certain documents. For instance, you'll become the owner of the profile at the end of the first phase and at that time you can end the process with us and utilize the profile to conduct your own search. We haven't had anyone do that to date.

Councilman Rahm – I'm used to a different structure in where retainers are paid up front and then we'll pay the rest if we hire someone from your search. We could also search too and whoever comes up with the best candidate gets paid.

Mr. Fursman – In this case, it's pretty specific in what we do. You have the option right now to search on your own. I think the advantages we have is knowing the industry very well. I know a lot of managers, administrators, senior staff, etc. It's in our interest to keep connected with people who are promising and show an interest in this line of work. Both Jim and I have experience being city managers and understand the role. Our team will be able to find people and discern the level of expertise that they have, bring forward people in the marketplace, explain that to you and talk with you about the type of wages you're paying and the expectation with those wages. You have a partner in this search that has been the job and searches before and know what to look for.

Councilman Rahm – If I want to reinvent government, why would I want someone with a government background instead of someone with a different background?

Mr. Fursman – I always tell Councils that we're not searching for a single Council member, we're searching for the entire Council and if everyone on the Council wants someone with a different background then I think you recruit differently. You would ask for public and private experience or private experience only. If you get someone without any public experience, they will have a steep learning curve and will have a different outlook. You raise a very good question and that is a discussion we would have as a group.

Councilman Rahm – How many concurrent searches are you conducting?

Mr. Fursman – Some are wrapping up and will be done the first week in January. I'll have two searches running concurrently.

Councilman Rahm – And your team is pretty much three people?

Mr. Fursman – We have administrative staff that aren't mentioned in the profile. The primary consulting group for this is three.

Councilman Sumner – We of course have a responsibility to look at other firms as well. Can you tell us why we would want to choose your firm above others?

Mr. Fursman – We're a research based firm. We do a lot of research on where the search pool is. I've done studies on where managers are now and how many are retiring in the near future. My doctoral research was on the first year of a city manager in a new community and spent two years on that. My whole research was how I can get someone to be successful from the minute they start. We've been very proactive on our systems and the impact they have on communities. We also conduct an onboard session with the new administrator and Council and go into the process of the City.

Councilman Sumner – How do you communicate all that information to the newly hired?

Mr. Fursman – We do a lot upfront in the research and then talk with the candidates about the position during the interviews.

Councilman Rahm – What do you see as challenges that we face to attract someone to this position?

Mr. Fursman – There have been several retirements and openings in the field lately. Candidates are shy in applying for several positions. It's very difficult for a candidate to interview with another city and tell the Council that and if they don't make it they need to reestablish that trust. It's an emotional experience for both parties. The Council is emotional about

their administrator applying and the administrator is emotional with having to go through the process over and over again. As a result, candidates will only select a few positions to apply for. On the positive side, you have a very good reputation. People like Brian and will be asking him what it was like to work here. I don't think you'll have any trouble.

Councilman Gallagher – I think we should reach out to candidates as well.

Motion by Rahm, seconded by Sumner to approve Resolution No. 2012-48 authorizing the Mayor to negotiate an agreement with Brimeyer Fursman Search Firm to hire for the position of City Administrator. With 5 Ayes, 0 Nays, the motion carried.

B. Ordinance No. 2012-14 – Amending Chapter 7, General Regulations and Offenses

Admin. Anderson presented on this item as outlined in the December 20, 2012 City Council packet.

Councilman Ingemann – I'm not in favor of the ordinance because I feel the government is overregulating everything anyhow. If they want to go and smoke then go for it.

Councilman Rahm – I wish our attorney was here because when I read it, I was concerned that it may target ethnic groups.

Admin. Anderson – He did look at it and didn't see any issues.

Mayor Geraghty – Well, what image do you want to set?

Councilman Sumner – I would support this because I think this restricts businesses that we probably don't want in Newport.

Councilman Gallagher – If someone has a standalone business with proper ventilation, do you want to prevent them from opening a business?

Councilman Sumner – This comes from the League and it's been implemented by other cities.

Councilman Rahm – What about our peer group, do they have ordinances like this?

Councilman Ingemann – No.

Mayor Geraghty – I'm in support of it because I'm concerned with the image it attracts.

Motion by Gallagher, seconded by Geraghty to table the ordinance until January 2013. With 5 Ayes, 0 Nays, the motion carried.

10. ATTORNEY'S REPORT – Nothing to report

11. POLICE CHIEF'S REPORT – Nothing to report

12. FIRE CHIEF'S REPORT – Nothing to report

13. ENGINEER'S REPORT – Nothing to report

14. SUPERINTENDENT OF PUBLIC WORKS REPORT – Nothing to report

15. NEW/OLD BUSINESS

Mayor Geraghty – I want to wish everyone a Merry Christmas and Happy New Year.

Councilman Rahm – I would like to discuss the possibility of electronic billboards at a workshop. I was also wondering if we wanted to have a close-door meeting to discuss our strategy for hiring a City Administrator.

Mayor Geraghty – We'd have to ask Fritz on the rules of close-door meetings.

Councilman Gallagher – Or we could have a workshop and invite the public.

16. ADJOURNMENT

Motion by Geraghty, seconded by Rahm, to adjourn the regular Council Meeting at 6:19 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____

Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst



**City of Newport
City Council Minutes
January 3, 2013**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

At this time Admin. Anderson administered the Oath of Office to Mayor Tim Geraghty, Councilman Tom Ingemann and Councilman Bill Sumner.

3. ROLL CALL -

Council Present – Tim Geraghty, Tom Ingemann, Bill Sumner, Tracy Rahm, Steven Gallagher

Council Absent –

Staff Present – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; Jim Stremel, City Engineer;

Staff Absent –

4. ADOPT AGENDA

Motion by Gallagher, seconded by Rahm, to adopt the Agenda as presented. With 5 Ayes, 0 Nays, the motion carried.

5. ADOPT CONSENT AGENDA

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

A. List of Bills in the Amount of \$28,440.82

B. Kennel License for Linda Ratay

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Virgil Voller, 1685 Kolff Street – Mr. Voller was present to discuss several concerns he has including the Police Department, Fire Department, and Public Works Department.

7. MAYOR'S REPORT –

Mayor Geraghty – We are having a workshop following the meeting tonight to discuss the street reconstruction projects.

8. COUNCIL REPORTS –

Councilman Rahm – The only report I have is I would like to include in the official minutes the proposal I have for the electronic billboards. We have some people lined up to come in and talk with us about electronic billboards at an EDA meeting. We have one set up for the January 17, 2013 EDA meeting.

Councilman Ingemann – Nothing to report

Councilman Sumner – Nothing to report

Councilman Gallagher – Nothing to report

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2013-1 – Approving a Variance for 627 6th Avenue

Sherri Buss, TKDA Planner, presented on this item as outlined in the January 3, 2013 City Council packet.

The Applicant, Accessibility Options, Inc. is requesting a variance on behalf of Philip Frank, the property owner. The variance would allow for construction of a wheel chair ramp to serve a grandchild who lives at the home at 627 6th Avenue North. The property is approximately .16 acres in size, and is located in the R-1 Low Density Single-Family Residential District. The first condition stating that they need a building permit is no longer needed as the ramp is low enough to the ground and does not need a building permit per the Code. The Planning Commission approved a resolution recommending the City Council approve the variance at its December 13, 2012 meeting. The Planning Commission added a condition requiring Accessibility Options Inc to pay any penalties. The Planning Commission also wanted to express concern that Accessibility Options had risked getting the variance for the client by building the ramp prior to obtaining the variance.

Councilman Sumner – When was the ramp constructed?

Executive Analyst Helm – It was prior to sending out the December Planning Commission packet so it would have been the end of November or beginning of December.

Councilman Gallagher – Is there anyone here from Accessibility Options?

Executive Analyst Helm – No.

Councilman Sumner – Was there an explanation of why they went ahead and did it such as the weather?

Ms. Buss – They never gave a rationale for it. The first time they called for it, they tried to tell me that in most cities he was not required to get a variance and he hoped the City would like the other way. I said that we can't do that and need to go through the process. I don't know if it related to winter or what.

Councilman Sumner – Mr. Attorney, ramps would have slightly different context in regards to their approval process right?

Attorney Knaak – What you have is a built-in provision from the ADA which gives you an immediate reason for approving a variance under the circumstances. It tends to be a very unique set of circumstances and if you deny it you could raise issues. That doesn't prevent you from imposing reasonable conditions. When you're dealing with something like this for a practical matter you pretty much have to allow it.

Councilman Ingemann – But we can also charge a higher rate since it was built prior to obtaining a variance correct?

Attorney Knaak – Yes, in other words somebody does need to go through the application and proper channels to obtain a variance, they don't get a free pass.

Councilman Gallagher – Brian, can you update us with how much the penalty fee would be?

Executive Analyst Helm – The fee would be double the variance fee, which is \$300. They would need to pay another \$300.

Councilman Sumner – Did they indicate that would be a hardship?

Executive Analyst Helm – It would be from the applicant.

Councilman Gallagher – What if they don't pay?

Attorney Knaak – Technically, you can require them to take it down and rebuild it. I don't see that as a practical matter. You could sue them or go after the license.

Councilman Gallagher – We would have approved this but they didn't follow the procedure and businesses building in Newport do have to go through the proper channels.

Mayor Geraghty – Is it typical for the contractor to apply for the variance?

Attorney Knaak – Theoretically it's the property owner but it's typically the contractor.

Mayor Geraghty – They will eventually go back to the property owner for the fees.

Attorney Knaak – They will presumably have to do business again with the City and they wouldn't want to create problems with the City.

Mayor Geraghty – But we don't have any recourse with the property itself?

Attorney Knaak – Ultimately it could go on to the property.

Councilman Sumner – I would oppose putting any burden on the property owner.

Councilman Ingemann – But the bill is going to the contractor.

Ms. Buss – You could also send a letter to the family to make them aware of it.

Councilman Gallagher – I'll make a motion and request that Renee write a letter to the homeowner.

Councilman Sumner – I oppose leveling any fines.

Councilman Gallagher – The fine would go to the company.

Motion by Gallagher, seconded by Ingemann to approve Resolution No. 2013-1 approving a variance for 627 6th Avenue. With 4 Ayes, 1 Nay, the motion carried.

B. Ordinance No. 2013-1 – Amending Chapter 7, General Regulations and Offenses

Executive Analyst Helm presented on this item as outlined in the January 3, 2013 City Council packet.

Councilman Rahm – When we first did the deer hunting ordinance, it was because we had a population problem and there were certain types of ecological damage that they were doing to properties and plants. Do the turkeys impose the same threat?

Councilman Gallagher – No, but they can be aggressive.

Mayor Geraghty – Have they bothered any people?

Chief Montgomery – Not lately. I recall a couple years ago a turkey chasing a child.

Admin. Anderson – The people that do call complain about the amount of damage that turkeys are doing to their lawn because they do scratch at lawns.

Councilman Sumner – My concern is that they're hunted differently in regards to where the arrow goes. With deer you

shoot down and with turkeys you're shooting parallel to the ground. I would be opposed to this.

Councilman Gallagher – I don't see a need for this. Does this ordinance need a public hearing?

Executive Analyst Helm - No

Motion by Geraghty, seconded by Ingemann approved Ordinance No. 2013-1 amending Chapter 7, General Regulations and Offenses. With 2 Ayes, 3 Nays, the motion failed.

C. Approve Annual Appointments for 2013

Mayor Geraghty – I think the Wakota Bridge Coalition can be removed as it's no longer needed.

Councilman Gallagher – And we still don't have someone on the Resource Recovery board?

Mayor Geraghty – I think we need to research that legally. I'd recommend we keep that. I would like to be re-appointed to the Bailey School Forest Committee and remove Tom Aguilar-Downing.

Councilman Gallagher – Can we have that as a Council Liaison position?

Mayor Geraghty – I was a voting member.

Councilman Gallagher – It's a governance committee for the forest itself so we can't just add a Council Liaison?

Mayor Geraghty – No, it's a charter membership.

Councilman Rahm – Why is it indefinite?

Mayor Geraghty – The agreement doesn't have an end date. Bill, would you be interested in being the HPC Council Liaison?

Councilman Sumner – I would take that.

Councilman Gallagher – I think it would be nice to have the Parks Board recommend who they would like on the Governance Committee.

Mayor Geraghty – We already have two Park Board members on there. If they want to come up next year they can do that.

Councilman Sumner – What about 1-16? I wanted to correct the City Engineer's name, it's MSA instead of BDM. The memo states that it's anticipated the Planner's fee will increase by 2%, why is that?

Admin. Anderson – They haven't made a final decision yet, they expect it to go up due to insurance rates for 2013. When she is here, it's a flat rate no matter how long she is here, it's a good deal.

Councilman Sumner – So that would go up 2%?

Admin. Anderson – Yes. I have received compliments from the Planning Commission that they enjoy working with her.

Councilman Sumner – I was looking at the fact that the unions and staff accepted a flat salary for the year and I would suggest she do that as well.

Admin. Anderson – I can suggest that to her.

Mayor Geraghty – I see that Steve and Christine are done with the Pioneer Day Committee.

Admin. Anderson – Yes. This last year it was staff working with you and Arnie and Mary.

Councilman Rahm – Do we have somewhere that the Bulletin is our official newspaper?

Executive Analyst Helm – Yes, #2.

Motion by Geraghty, seconded by Sumner, to approve the 2013 Annual Appointments as amended. With 5 Ayes, 0 Nays, the motion carried.

10. ATTORNEY'S REPORT –

Attorney Knaak – You have before you the prosecution report. The resolution percentage is higher which is good. Our numbers for the month were down.

11. POLICE CHIEF'S REPORT –

Chief Montgomery – I have a couple of updates in regards to staff. Officer Crist is done with his field training and is running solo. Officer Freemyer started as investigator on January 1. I'm starting to look for the new Code Officer for 2013.

Councilman Sumner – CSO will be 50%?

Chief Montgomery – I believe it's budgeted for 20 hours per week.

Councilman Gallagher – Can you show us what you had last year with your next activity report?

Chief Montgomery – Yes, I'll have the annual report in February.

12. FIRE CHIEF'S REPORT – Nothing to report

13. ENGINEER'S REPORT – Nothing to report

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Superintendent Hanson – The rinks are open.

15. NEW/OLD BUSINESS

Councilman Ingemann – I have something. A question was asked before the holidays whether or not the library would be open, the Administrator said that it would closed on the holidays. Now when you make a decision, do you like when your decisions are overridden? What is the next administrator going to think when he makes a decision and someone goes crying to the Mayor or Council because we're not keeping the library open on holidays and they go ahead and open it anyway. I always thought that whoever works for the City is an employee of the City, the library is a building that the City owns, and henceforth the employee should listen to the Administrator who is his supervisor. And here we went and you guys went and opened up the library and overrode the Administrator. What's going to happen when the next administrator comes in, you guys pretty much castrated his administrative decision-making ability. I think that totally sucks.

Mayor Geraghty – Quiet down. I did ask Brian to put this on the next Council meeting so that we can have a discussion about it with Mike and the volunteers. I did make a decision to open the library on New Year's Day since it was advertised in the Bulletin that it would be. I don't know how it got in there but it was. I checked with Fritz and he said there is no issue if he waives his rights to compensation. We encourage the use of the Community Center and Library. I don't consider it babysitting. I encourage you to vote the motion down because I think we should here from both sides.

Councilman Ingemann – Alright. All public holidays are closed on national holidays, you can't find a public building open on national buildings anywhere.

Councilman Rahm – I think there are rules that we have closures but we should think about the fact that some cultures don't have the same holidays that are recognized nationally but when we make a policy stating which holidays the library should be closed then it should be closed.

Mayor Geraghty – What if someone comes and asks to use the Library or Community Center on New Year's Day?

Councilman Ingemann – They should have rented it out prior.

Councilman Gallagher – I can see both points to this.

Councilman Ingemann – You pretty much cut the knees off of the Administrator because they're going to find out that no matter what decision they make it's negated.

Mayor Geraghty – We still run the City.

Motion by Ingemann, seconded by Gallagher to establish a policy that all non-emergency functions of the City are closed on national holidays except the warming houses. With 2 Ayes, 3 Nays, the motion failed.

16. ADJOURNMENT

Motion by Rahm, seconded by Gallagher, to adjourn the regular Council Meeting at 6:13 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst

November 25, 2012



Concept Proposal Newport Economic Development Authority



"Fair Use Doctrine" on all images in document, 17 U.S.C, Sec. 107.

Project "Golden Billboard"

Prepared by:

Tracy B. Rahm
Council Member
Newport City Council

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I. Summary

This proposal recommends that Newport Economic Development Funds should be spent on a concept feasibility study for the economic viability of an Electronic Billboard to be erected along the I-494/US 61/10 highway interchange to provide the City of Newport with future advertising revenue *conservatively* estimated to total over *\$12 million* over 20 years and provide a return on investment (ROI) of over *900%*.

Changeable Electronic Variable Message Signs (CEVMS), the official name for electronic billboards, are a maturing technology with only limited market penetration in the Twin Cities region compared to other major metropolitan areas. Newport’s prime location as a transportation hub located at the Wacota Bridge Mississippi river crossing, with over 90,000 vehicles a day in passing traffic, gives it a compelling strategic advantage for the location of digital signage and adaptive advertising media.

This proposal is to economically evaluate the construction, operational costs and associated revenue stream produced by an outdoor digital electronic billboard that is wholly-owned by the City of Newport, but its daily operation and maintenance are outsourced to an experienced company in the billboard management industry.



The main benefit of a successful initiative is to secure additional sources of city revenue that is not dependent on property taxation or fees and would enable the city regular display time for periodic city announcements or emergency management communications. If approved by the Council for construction, it is estimated that it would take about a year to prepare a suitable site and construct an operational electronic billboard that could generate over *\$50,000* per month in free cash flow to the City of Newport.

II. Introduction

The Electronic Billboard and Digital Signage Market

Billboards are one of the oldest mass advertising mediums. The first standardized advertising posters appeared in Europe and the United State around the early 19th century and, not surprisingly, the medium has adapted over time. What was once a simple poster on the side of the road or a building became a freestanding, purpose-built billboard. Hand painting a sign on a building eventually became printed paper pasted on a board that could be periodically changed for rent. Original paper and paste has already given way to complex computer-generated images on exotic plastic substrates. Today, the next generation of billboards are now going digital.



These new electronic billboards allow advertisers and communities to communicate and target specific messages with dynamic content, not unlike internet advertising. These dynamic electronic signs currently represent a small fraction of the total number of installed billboards in the United States. However, the communities which have erected digital billboards have come to rely on them for increasing operational revenue streams and keeping property taxes as low as possible.

Many small business owners and large corporations turn to them as an affordable way to reach a large audience of diverse customers with a dynamic message. Public safety organizations rely on them to help bring fugitives to justice and provide emergency information. The news media use them to give up to the minute news and information to an increasingly mobile audience. The uses for this new technology are as varied as the places the signs are located in to serve.

As with any new advertising technology, there are questions about how best to incorporate digital billboards into the existing body of regulations and aesthetic fabric of a geographic area. The following section gives only a brief and broad overview of how communities have answered those questions and why many states and hundreds of municipalities are welcoming digital billboards (and the revenue they generate) into their communities.

III. Digital Billboards

Regulatory Framework

Changeable Electronic Variable Message Signs (CEVMS), the official name for electronic billboards, are a heavily regulated technology. The federal government, state governments, and counties, cities, and towns all regulate outdoor signage advertising. To keep pace with new technology, the federal government has permitted roadside billboards (any off-premise signs) could use “changeable-message” technologies as long as these signs don’t scroll or flash.

On September 25, 2007⁽¹⁾, the Federal Highway Administration (FHWA) issued a regulatory guidance memo to the public safety divisions of the states:



“Proposed laws, regulations, and procedures that would allow CEVMS ... subject to acceptable criteria ... do not violate a prohibition against ‘intermittent’ or ‘flashing’ or ‘moving’ lights as those terms are used in the various FSAs (federal-state agreements) that have been entered into during the 1960s and 1970s.”

The 2007 memo gave states the green light to approve digital billboards, as long as there were appropriate regulatory controls in place. The memo went on to list suggested areas of control, including lighting, display time, and transition time (the amount of time it takes for one message to change to another message).

Most industry practices conform to federal guidance. FHWA recommends a minimum eight second display time, a suggestion mirrored by industry standards. Federal guidelines say digital billboards should “adjust brightness in response to changes in surrounding light levels so that the signs are not unreasonably bright.” Digital billboards are equipped with sensors to make sure the billboards are only as bright as necessary to be legible. Messages change instantaneously, avoiding transition effects. Many states and localities have provided additional regulations for the size and spacing of digital billboards and the Outdoor Advertising Association of America (OAAA) Code of Industry Principles includes clauses against animation and excessive lighting.

Traffic Safety Considerations

Traffic safety can be among the most contentious public questions raised about digital billboards. However, current official pronouncements from the National Highway Traffic Safety Administration (NHTSA) on modern digital billboards following established safety protocols has found them to be “safety neutral” and unrelated to traffic accidents. Specifically, studies commissioned by the Foundation for Outdoor Advertising Research and Education (FOARE) have considered digital billboards and driver distraction from two different angles.

One study was performed by the Virginia Tech Transportation Institute (VTTI), an independent academic traffic safety research institute used by government agencies and the private sector. Researchers analyzed the eye glances of drivers along with driving factors such as lane changes and speed. Randomly selected people drove a specially equipped car which monitored when

their eyes moved toward billboards and other objects in their field of vision. The study found the typical glance toward a digital billboard was less than one second. This finding is important, because a separate study released in April 2006⁽²⁾ by VTTI for the NHTSA identified a two second threshold for increased risk due to distraction: “Glances totaling more than two seconds for any purpose increase near-crash/crash risk by at least two times that of normal, baseline driving” and noted “... the typical glance toward a digital billboard is well under the threshold.”

Additional accident records reviewed by the NHTSA indicate digital billboards are not an increased traffic safety risk. Multiple comprehensive studies have been performed by Tantala Associates, a consulting engineering firm based in Philadelphia, which has performed analytical research



for various levels of government. Since 2007, researchers have examined years of accident data for highways and local streets in Cuyahoga County (Cleveland) OH, Rochester, MN, Albuquerque, NM, and Reading, PA. Each study reached the same conclusion: there is no correlation between digital or traditional billboards and traffic accidents.

These analyses looked at various view zones, or distances, from the digital billboards and other factors such as deer hits and weather conditions (known as “bias factors”). The studies accounted for differences between younger and older drivers and driving during the day and at night. No matter how the accident data were analyzed, the conclusion was the same: digital billboards do not increase accident rates.

Several states have also performed their own independent studies related to digital billboards, looking at accident data near digital billboards in comparison to traditional (static) billboards. Transportation officials in South Carolina, Virginia, and West Virginia reported digital billboards have not caused additional traffic safety problems. The Federal Highway Administration has noted there is “no scientific evidence” causing the government to believe digital billboards are unsafe or lead to increased accident rates. These studies remove the city from any potential traffic safety liabilities.

Public Perception

In 2008 and again in 2009⁽³⁾, Arbitron, a mass media research firm, sought to answer a relatively simple question: what does the public think about digital billboards? Arbitron researchers found most people are aware of electronic billboards and are positively inclined toward this new technology. The Arbitron studies focused on two metro areas (Cleveland, OH, and Los Angeles, CA) where digital billboards have operated for over five years. Through telephone surveys, researchers found “the vast majority of commuters (more than four out of five) feel digital billboards provide an important community service.”

More than seven out of ten people said digital billboards help the community with emergency information, and the majority said they were visually attractive. Cleveland City Councilman Joe Cimperman⁽⁴⁾ described the use of digital billboards as “modern and tech-savvy way of advertising that brings the city [of Cleveland] increasing revenues.”

Among younger demographics, digital billboards are even more popular. The Arbitron studies found high percentages of those 18-34 consider digital billboards highly attractive and are more likely to view them because of dynamic changing content, while a majority agreed digital billboards help the community by providing emergency information. More than three quarters of 18-34 year olds said digital billboards are a “cool way to advertise.”

Public Service

Among the most important users of digital billboards are law enforcement agencies. The FBI, the National Center for Missing and Exploited Children (NCMEC), the US Marshals Service, and county sheriff and local city police departments use digital billboards to help keep their communities safe.

Because digital billboards can be updated remotely and instantaneously, they are ideal for quickly pushing emergency information to the public. In 2008, NCMEC (which operates the national AMBER Alert system) signed an agreement with the outdoor advertising industry to display AMBER Alerts on digital billboards. Since then, hundreds of abducted children were displayed on digital billboards within minutes of the Alerts being issued. Almost all of those children were quickly reunited with their families.



The FBI uses digital billboards to generate leads that track down wanted fugitives and crack difficult cases. In August, 2010, agents activated digital billboards nationwide to identify and arrest a suspected serial bank robber who was wanted in a dozen states. Agents had been investigating the case for almost two years, yet it took just nine days to identify and arrest the bank robber after his image was displayed on digital billboards. The FBI credits digital billboards with generating the tip leading to the man’s arrest.

“If we have a crack at over a quarter-million people seeing that photo every day, then we have a very good chance at catching the person we’re after,” -Special Agent Sean Quinn, FBI-Newark

Typically, law enforcement agencies are given access to digital billboards for free. AMBER Alerts preempt paying advertisers and the outdoor advertising industry maintains a sophisticated computer network to keep track of lost advertising time while instantly notifying operators in every state with digital billboards of every new Alert at no cost to the government. The FBI

uses a similar system for wanted regional fugitives at no additional cost to taxpayers.



From the most recent statistics available from 2010, the FBI credits digital billboards with directly leading to 49 arrests. When state and local fugitives are added to that total, the number is even higher. Many law enforcement officials now agree that digital billboards can assist in criminal apprehension and make communities safer.

IV. Opportunity Analysis

Electronic Billboard Market Penetration

In August 2008 I.T. Strategies, a national IT media consulting firm, concluded that electronic billboards *did not appear* to be an imminent threat to traditional printed billboards. At that time there were a little more than 500 electronic billboards out of an estimated 450,000⁽⁵⁾ total billboards in the US. However since that report, the electronic billboard market has exploded in the US with installation growth rates in excess of 150 percent CAGR between 2006 and 2009⁽⁶⁾ with an estimated 3,600 digital billboards in place (2010). Even with such growth, this figure still only amounts to one half of one percent of total installed billboards.

As of 2011, 39 states allow electronic billboards and Minnesota is one of them. There are a few electronic billboards in the Twin Cities market; some of which are located nearby along the I-494 highway corridor in Oakdale and South St. Paul. Industry sources report that billboard construction costs are starting to drop significantly from nearly \$1 million in 2002 to \$200,000 to \$300,000 in 2010. However, total unit placements in 2011 slowed because the production capability of making these large electronic billboards has fallen behind demand and increasing regulation by municipalities in electronic billboard placement. I.T. Strategies now believes the 2011 slowdown is not reflective of the long-term market demand, but rather a short-term effect of limited manufacturing capacity and increasing government regulations. Given the limited market penetration of existing electronic billboards, the future growth of this digital advertising medium seems almost assured.

Estimated Advertising Revenue Generation

Electronic billboards and digital signage advertising have become very valuable to their owners. The revenue that is generated from an electronic billboard can be up to 10 times higher than for traditional print billboards, in part because the number of advertising turns is typically six to 25 times greater, and in part because owners can charge more since the consumer retention rate on electronic billboard advertisements is said to be over 90 percent; much higher than 40 percent on printed billboards.

Global digital out-of-home media (DOOH) revenues, generated by digital place-based networks (DPNs) and billboards and signage operators (DBBs), grew 15.3% to \$6.97 billion in 2011, and are forecast to accelerate 19.2%, to \$8.3 billion in 2012, according to data from PQ Media. The continuing economic recovery and record political ad spending are cited as key drivers of the strong 2012 forecast, according to PQ Media. Depending on location, industry affiliated websites estimate traditional print billboards bring in \$2,000 to \$20,000 in monthly advertising revenue, while newer digital format billboards generate \$20,000 to \$80,000⁽⁷⁾ in monthly ad revenue, with top producing sites in Los Angeles reportedly bringing in nearly \$150,000⁽⁸⁾ in estimated monthly revenue!



Given Newport's desirable transportation hub location on the I-494 and US 61/10 interchange, with over 90,000⁽⁹⁾ individual vehicles passing over the Wacotah Bridge daily, it is not unreasonable to expect that a single-sided, electronic billboard could generate monthly revenues in excess of \$50,000. A double-sided electronic sign facing both directions on I-494 in Newport could possibly generate \$80,000 to \$120,000 in total monthly revenue. These revenue estimates need to be confirmed by further analysis from local billboard advertising industry experts in an Initial Concept Feasibility Study as recommended by this proposal. However, the advertising revenue potential at Newport's location looks very strong.

V. Proposed Scope of Work

This project proposes to hire an industry knowledgeable expert to complete a formal feasibility study with return on investment (ROI) analysis of potential funding for construction of an outdoor digital electronic billboard that is wholly-owned by the City of Newport, but with its daily operation and maintenance outsourced to an experienced company in the billboard management/advertising industry. The primary objectives of the feasibility study would be to estimate the potential revenues, costs and projected project payback.

The main benefit of a successful initiative is to secure additional revenue sources for the City of Newport city that are not dependent on property taxation and fees and would enable the city regular display time for periodic city announcements or emergency management communications.

VI. Alignment to City Goals/Objectives

Among Newport's Guiding Principles are to provide effective police, fire and emergency management protection capabilities to meet the demands of a changing community and ensure continuation of City services in a fiduciary responsible and cost efficient manner. As with many communities of Newport's size, it faces significant financial challenges in raising resources to meet its ongoing service responsibilities in an uncertain economic environment where increasing taxes remains an unpopular option.

Among the six guiding principles of the city's Strategic Plan initiatives, funding for this project aligns and supports four key city policy goals and objectives of:

- **Planning & Economic Development** – Newport will look for opportunities to invest in public infrastructure that will strengthen and enhance its overall revenue base.
- **Emergency Management & Public Safety** – Newport will promote emergency communication procedures and other systems to notify and inform Newport residents of critical emergencies.
- **Community Identity** - Newport will pursue open communications in an effort to keep residents and businesses informed.
- **Fiduciary Responsibility** – Supports responsible use of city resources and revenues that ensures core city services and future infrastructure needs are funded.

The proposed electronic billboard project meets these overall city goals of securing additional revenue for providing core city services without significantly raising taxes by aligning our

economic development fund resources to established advertising technology trends and using Newport’s traditional transportation hub location as a strategic advantage to provide a communication infrastructure platform that can be used to generate future advertising revenue streams for the city that are independent of its tax base.

VII. Estimated Budget

The budget of this proposed electronic billboard for the City of Newport is estimated as follows. The project is broken into typical phases with estimated budget for each phase. A more detailed budget would be developed in an actual cost proposal.

Activity	Description of Work	Rough Order of Magnitude (ROM) Costs
Phase One	Initial Concept Feasibility Study	\$10,000 for external consulting
Approval Gate	Go/No Go Decision	Council
Phase Two	Generation of Request For Proposal (RFP)	Staff Time, \$15K for external consulting
Phase Three	Evaluation of RFP’s	Council, Staff & Legal, Contracts
Approval Gate	Go/No Go Decision	Council
Phase Four	Acquisition & Preparation of Land	\$100,000
Phase Five	Construction of Billboard Sign & all Utilities	\$500,000
Phase Six	Operational Turnover	\$10,000
	Estimated Project Total	\$635,000

This project plan assumes some upfront funding for external consulting for initial feasibility concept evaluation and preparations of RFP’s etc. to increase subject matter expertise and lower requirements for administration staff preparation time.

VIII. Estimated Construction Timetable

The construction schedule of the proposed electronic billboard is estimated as follows. The project is broken into typical phases with estimated time duration for each phase. A more detailed schedule would be developed in an actual proposal.

Activity	Description of Work	Duration (calendar days)
Phase One	Initial Concept Feasibility Study	20 – 30 days
Phase Two	Generation of Request For Proposal (RFP)	15 – 30 days
Phase Three	Evaluation of RFP’s	30 days
Phase Four	Acquisition & Preparation of Land	90 – 120 days
Phase Five	Construction of Billboard Sign & Utilities	90 – 120 days
Phase Six	Operational Turnover	10 – 20 days
	Estimated Total	9 months to 1 year

IX. Estimated Payback & ROI

The payback and ROI for the project is estimated using a conservative straight line calculation method, neglecting depreciation or impairment accounting expenses for the sake of simplicity and with some adjustments made for future inflation of utility costs, but no corresponding increase in inflation adjusted advertising revenue. A more detailed financial analysis would be included in an actual project cost proposal.

Table 1. Break-even Payback

<i>Item</i>	<i>Description (Includes Labor)</i>	<i>Annualized Revenue/(Cost)</i>
<i>Land</i>	<i>Acquisition & Site Preparation</i>	<i>(\$100,000)</i>
<i>Support Structure</i>	<i>Foundation, Post, Electrical, Communications</i>	<i>(\$200,000)</i>
<i>Digital Billboard</i>	<i>LED Billboard, 16mm pitch, Standard 14' x 48"</i>	<i>(\$300,000)</i>
<i>Consulting</i>	<i>Misc. Project Consulting</i>	<i>(\$35,000)</i>
<i>Utilities</i>	<i>\$1000 per month, 99.9% average uptime</i>	<i>(\$12,000)</i>
<i>Operational</i>	<i>24x7x365 Operational Support</i>	<i>Included in service contract</i>
	Year 1 Total Cost	(\$647,000)
<i>Advertising Revenue</i>	<i>\$50,000 per month guaranteed revenue (includes operational service contract)</i>	<i>\$600,000</i>
	Break-even Payback	<u>12.7 months</u>

Table 2. Return on Investment

<i>Item</i>	<i>Description (Exclude depreciation)</i>	<i>Total Lifecycle Revenue/(Cost)</i>
<i>Useful Life</i>	<i>20 Years (industry figure)</i>	
<i>Total Revenue</i>	<i>\$600,000 per year (flat projection, no revenue increase due to inflation)</i>	<i>\$12 Million</i>
<i>Initial Construction</i>	<i>Construction & utility connection costs</i>	<i>(\$635,000)</i>
<i>Utilities</i>	<i>\$1000 per month, \$15K per year avg. over useful life with 50% electricity inflation rate</i>	<i>(\$300,000)</i>
<i>Maintenance & Insurance</i>	<i>Storm damage, Insurance costs over useful life</i>	<i>(\$200,000)</i>
	Total Useful Life Investment Costs	(\$1.135 Million)
	ROI	<u>957%</u>

X. Possible Billboard Locations

There exist multiple possibilities for billboard location at the I-494/US 61/10 intersection. These sites offer good visibility to both directions of I-494 as motorists cross the Wacota Bridge. Construction could be couple with the Newport Transit Station development project. There may be some suitable land that is currently owned by the state that can be turned back over to the city.



Figure 1. Possible Billboard Location

XI. Project Management

In addition to Council and City Administration oversight, the following key staffing areas would be required for the planning, execution, and completion of the proposed project. Other groups may be identified and required as the project plan becomes more fully developed. This is an organizational structure outline only:

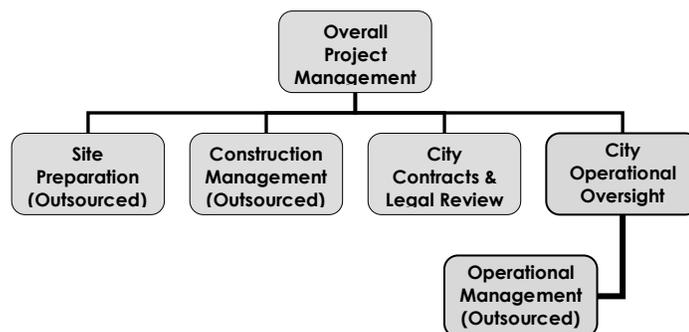


Figure 2. Proposed Project Structure

XII. Evaluation Criteria

There are multiple factors the Council should consider when evaluating the viability of any proposal. This is a partial list of major considerations for this specific proposal and is not intended to be all inclusive.

- Does the construction of the proposed electronic billboard in the best economic development interests for the residents and the City of Newport?
- Can suitable land be secured or acquired along the I-494/US 61/10 interchange that would be conducive to construction of an electronic billboard?
- What are the projected costs of the project, the source of the intended funding sources, the contractual arrangements of the ongoing operational and maintenance support and the projected revenue generated for a return on investment and payback period?
- What is the public perception and desirability of an electronic billboard in Newport?
- What additional approval authorities (state/county) and/or permits are needed to construct an electronic billboard in Newport?
- What Newport zoning ordinances would need to be revised or changed?

Progress against major milestones will be evaluated periodically throughout the project. Any major deviations requiring expenditures of additional funds not originally planned will require Council approval.

XIII. Next Steps

Specific action steps necessary for Council to evaluate and consider the recommendation of this proposal:

1. Review proposal at next regular Newport EDA meeting
2. Go/No Go Decision on Initial Concept Feasibility Study
3. Final decision based on results of concept feasibility study

XIV. Appendix

Supporting materials:

“Rahm Touts Digital Billboards”

Each new billboard would replace at least five conventional billboards

Thursday, Nov 1, 2012, Source: <http://www.nbcchicago.com/blogs/ward-room/Rahm-Touts-Digital-Billboards-176768411.html#ixzz2Cui4r9Ej>

Citations – References

1. INFORMATION: Guidance On Off-Premise Changeable Message Signs, <http://www.fhwa.dot.gov/realestate/offprmsgsguid.htm>
2. Transportation Institute releases findings on driver behavior and crash factors, <http://www.vtnews.vt.edu/articles/2006/04/2006-237.html>

3. The Arbitron National In-Car Study,
https://www.cbsoutdoor.com/Tools/Resources/Documents/Arbitron2009_InCarStudy.pdf
4. City of Cleveland, WARD 3, COUNCILMAN JOE CIMPERMAN,
<http://www.clevelandcitycouncil.org/ward-3/>
5. Electronic Billboards in the US, <http://www.highbeam.com/doc/1P3-2545652801.html>
6. Market Intelligence: Electronic Billboards in the US,
<http://www.myprintresource.com/article/10364260/market-intelligence-electronic-billboards-in-the-us>
7. Billboard Consulting Services,
http://www.billboardbroker.com/Billboard_Consulting.html
8. LA City Council Allowed Illegal Billboards to be Erected,
http://www.kcet.org/shows/social_connected/content/investigation/billboard-confidential-update-la-city-council-allowed-illegal-billboards-to-be-erected.html
9. New Wakota Bridge Opens Up Possibilities, Star Tribune,
www.startribune.com/local/east/97585094.html



**City of Newport
City Council Workshop Meeting Minutes
January 3, 2013**

1. ROLL CALL -

Council Present – Tim Geraghty, Bill Sumner, Tom Ingemann, Steven Gallagher, Tracy Rahm

Council Absent – None

Staff Present – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; Jim Stremel, City Engineer

Staff Absent - Curt Montgomery, Police Chief; Mark Mailand, Fire Chief;

2. DISCUSSION REGARDING THE CIP PAVEMENT MANAGEMENT AND CIU SCHEDULE

Admin. Anderson and Jim Stremel, City Engineer, presented on this item as outlined in the January 3, 2013 City Council Workshop packet.

Tom Aguilar-Downing, 1550 Wild Ridge Ct North – Will the trails along Hastings be done as well?

Mr. Stremel – No, the trails are just on the map to show where they are.

Mr. Aguilar-Downing – The only reason I ask is because in the fall Mayor Geraghty and Councilman Ingemann were at Red Rock Manor and I remember them saying that they would like to have access to the Newport Center. After that meeting I walked from Red Rock to Hastings and there are cut-outs already so this might be a time to consider that.

The City Engineer is recommending the following actions in regards to the CIP Pavement Management and CIU Schedule:

1. Evaluate Cost Schedule and Financing to accept CIP recommendations.
2. Update Assessment Policy to include Graduated Assessment Rates and include a requirement for Appraisal of Benefit.
3. Obtain Appraisal of Benefit on differing property classes (Residential, Multi-Family, Commercial, etc.)
4. Schedule Neighborhood Meetings to get public input on projects.

If the City Council agrees to move forward with the Century Avenue project in 2013, City staff will need to begin on it in the immediate future.

Councilman Ingemann is concerned about upgrading Ford Road due to debris from a property along it. The said property currently has a gravel driveway which is washed into the road when it rains and deteriorates the condition of the road. City staff has reviewed this issue and is proposing to add curb and gutter along Ford Road, including this property, to decrease the amount that is washed into the road. The City has been billing the property owner when this occurs because Public Works cleans up the debris. City staff will continue to research solutions for this issue.

The City Council gave City staff permission to move forward with the project. Mr. Stremel will bring back quotes for appraisers at a future meeting. Additionally, staff will prepare a draft of the new assessment policy.

3. ADJOURNMENT

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst



**City of Newport
Special City Council Minutes
January 7, 2013**

1. CALL TO ORDER

Mayor Tim Geraghty called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

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

Council Absent – Steven Gallagher

Staff Present – Brian Anderson, City Administrator; Fritz Knaak, City Attorney; Deb Hill, Accountant

Staff Absent – Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst;

4. CLOSE THE MEETING TO THE PUBLIC

At this time the City Council closed the meeting to the public to discuss the performance review with City employee Deb Hill.

5. DISCUSS PERFORMANCE REVIEW WITH CITY EMPLOYEE DEB HILL

6. ADJOURNMENT

Motion by Ingemann, seconded by Sumner, to adjourn the special Council Meeting at 7:15 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: January 14, 2013

SUBJECT: List of Bills for January 17, 2013

Please note that the list of bills includes the following:

Check Register	\$333,462.69
Accumulated Personal Time Off for Brian Anderson	22,601.53
<u>Total</u>	<u>\$356,064.22</u>

Text25	Text26	Text28	Comments
Paid Chk# 000127E	DELTA DENTAL OF MN	1,209.57	dental insurance
Paid Chk# 000128E	MN REVENUE	869.00	4th qtr water tax
Paid Chk# 000130E	FEDERAL TAXES	9,021.31	withholding, fica medicare
Paid Chk# 000131E	MN REVENUE	1,858.80	withholding
Paid Chk# 000132E	ING LIFE INSURANCE & ANNUITY	414.65	employee contribution
Paid Chk# 014459	Knaak & Assoc. PA	5,200.00	legal services
Paid Chk# 014460	ATOMIC-COLO, LLC	2,523.24	it support
Paid Chk# 014461	BDS LAUNDRY SYSTEMS	6,101.84	washing machine
Paid Chk# 014462	BRIMEYER FURSMAN, LLC	5,100.00	recruitment - administrator
Paid Chk# 014463	CENTURY COLLEGE	595.00	training - 2012
Paid Chk# 014464	COMCAST	123.40	
Paid Chk# 014465	CRYSTEEL TRUCK EQUIPMENT	820.21	snow plow for cutting edges
Paid Chk# 014466	FRONTIER AG & TURF	38.54	sweeper cab
Paid Chk# 014467	GERLACH OUTDOOR POWER EQUI	178.60	chainsaw
Paid Chk# 014468	GOPHER STATE ONE-CALL	39.25	
Paid Chk# 014469	HAWKINS	10.00	chlorine
Paid Chk# 014470	KENNEDY TRANSMISSION	905.88	transmission repair
Paid Chk# 014471	LIBERTY NAPA OF NEWPORT	1,000.40	supplies
Paid Chk# 014472	Metropolitan Council	14,855.66	
Paid Chk# 014473	MN DEPT OF LABOR AND INDUSTRY	689.93	surcharge fee - 4th qtr 2012
Paid Chk# 014474	MNCPA	45.00	membership dues
Paid Chk# 014475	NORTHLAND TRUST SERVICES, INC	94,142.50	2011A go bond debt service
Paid Chk# 014476	POWER PLAN	1,193.76	9822 loader
Paid Chk# 014477	REEDS SALES & SERVICE	384.74	snowthrower
Paid Chk# 014478	SELECTACCOUNT	23,300.00	
Paid Chk# 014479	SOUTH SUBURBAN RENTAL, INC.	19.77	propane - service truck
Paid Chk# 014480	STREICHERS	32.05	mag holder - uniforms
Paid Chk# 014481	SW/WC SERVICES COOPERATIVES	15,077.00	
Paid Chk# 014482	TENNIS SANITATION LLC	21.80	garbage
Paid Chk# 014483	TOTAL CONSTRUCTION	344.46	well # 1
Paid Chk# 014484	US Bank	89,026.25	2002A bond payment
Paid Chk# 014485	VIKING ELECTRIC SUPPLY	407.50	lighting - hockey rink, shop
Paid Chk# 014486	Washington Cty Public Safety	1,545.30	4th qtr 2012 radio costs
Paid Chk# 014487	XCEL ENERGY	7.10	electricity
Paid Chk# 014497	ATOM	150.00	membership dues
Paid Chk# 014498	AUTO NATION	138.67	pd repairs
Paid Chk# 014499	COMCAST	315.67	
Paid Chk# 014500	FLEET ONE LLC	3,255.75	fuel
Paid Chk# 014501	GALLS, LLC	28.98	uniforms
Paid Chk# 014502	ING LIFE INSURANCE & ANNUITY	923.00	
Paid Chk# 014503	MN CHILD SUPPORT PAYMENT CNT	400.00	child support
Paid Chk# 014504	MN DEPT. OF TRANSPORTATION	1,846.82	north ravine
Paid Chk# 014505	MN PUBLIC FACILITIES AUTHORITY	2,522.85	pfa bond payment
Paid Chk# 014506	ON SITE SANITATION	42.76	parks
Paid Chk# 014507	OXYGEN SERVICE CO.	15.90	welding supplies
Paid Chk# 014508	PERA	7,764.15	
Paid Chk# 014509	SCHELEN GRAY AUTO & ELECTRIC	477.05	motor repair
Paid Chk# 014510	SELECTACCOUNT	1,667.00	has employee

Paid Chk# 014511	SO ST PAUL PARK ANIMAL HOSPIT,	523.20 impound fees
Paid Chk# 014512	ST. PAUL PARK REFINING CO. LLC	1,392.63
Paid Chk# 014513	UNIQUE PAVING MATERIALS	273.71 asphalt
Paid Chk# 014514	VIKING ELECTRIC SUPPLY	407.50 parks repairs
	wages	34,214.54
		333,462.69



MEMO

TO: Newport City Council

FROM: Brian J. Anderson, City Administrator

DATE: January 14, 2013

SUBJECT: City Administrator's PTO Payout

In accordance with the City Administrator's contract, Brian Anderson, City Administrator, will be paid 100% for any unused Personal Time Off (PTO) and personal floater days. At this time Mr. Anderson isn't scheduled to take of any additional time between now and January 27th, the last day of his employment with the City of Newport. Therefore, Mr. Anderson's PTO payout will be 491 PTO hours plus 20 hours of unused floater days for a combined total of 511 hours at \$44.23/hour for a grand total of \$22,601.53. The check will be processed by the City after Mr. Anderson's departure.

Bank Name	Amount
Anchor Bank	\$2,617.77

1/10/2013

\$2,617.77

Brian Anderson



VOID

10

Employee Name	SSN	Employee #	Period	Period Ending	Check Date
Brian Anderson		00000001	1	1/6/2013	1/10/2013

EARNINGS				DEDUCTIONS			LEAVE		
Units	Rate	Amount	Description	Current	Y-T-D	Description	Used	Accr.	Balance
1.00	115.38	\$115.38	Auto allowance	\$232.11	\$232.11	PERA			
80.00	44.23	\$3,538.40	Hourly	\$18.40	\$18.40	LTD	0.00	20.00	20.00
1.00	60.00	\$60.00	Phone allowance	\$37.14	\$37.14	MSRS			
				\$43.00	\$43.00	Health Family	0.00	0.00	491.00
				\$18.01	\$18.01	Dental			

Bank Name	Amount
Anchor Bank	\$2,617.77

	Gross Pay	Soc. Sec.	Medicare	Retirement	Federal Tax	State Tax	Local Tax	Deductions	Net Pay
CURRENT	\$3,713.78	\$227.59	\$53.23	\$232.11	\$318.39	\$148.14		\$116.55	\$2,617.77
Y-T-D	\$3,713.78	\$227.59	\$53.23	\$232.11	\$318.39	\$148.14	\$0.00	\$116.55	\$2,617.77

10

Employee Name	SSN	Employee #	Period	Period Ending	Check Date
Brian Anderson		00000001	1	1/6/2013	1/10/2013

EARNINGS				DEDUCTIONS			LEAVE		
Units	Rate	Amount	Description	Current	Y-T-D	Description	Used	Accr.	Balance
1.00	115.38	\$115.38	Auto allowance	\$232.11	\$232.11	PERA			
80.00	44.23	\$3,538.40	Hourly	\$18.40	\$18.40	LTD	0.00	20.00	20.00
1.00	60.00	\$60.00	Phone allowance	\$37.14	\$37.14	MSRS			
				\$43.00	\$43.00	Health Family	0.00	0.00	491.00
				\$18.01	\$18.01	Dental			

511 x 44.23 = 22760.53

511 hrs

	Gross Pay	Soc. Sec.	Medicare	Retirement	Federal Tax	State Tax	Local Tax	Deductions	Net Pay
CURRENT	\$3,713.78	\$227.59	\$53.23	\$232.11	\$318.39	\$148.14		\$116.55	\$2,617.77
Y-T-D	\$3,713.78	\$227.59	\$53.23	\$232.11	\$318.39	\$148.14	\$0.00	\$116.55	\$2,617.77



City of Newport, MN

Financial Status Report

Period ended December 31, 2012

(Un-Audited)

Prepared by:
Administration Department



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Section 1 – Cash & Investment Report

Section 2 – Budget Control Summary

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Section 6 – Balance Sheets

Section 1 – Cash & Investment

Purpose:

This report provides a detailed view of current cash, investments and rates of return for the specified time period. City funds are maintained in accordance with the City's Investment Policy which defines the manner in which the City accounts for and protects cash and investments.

City of Newport

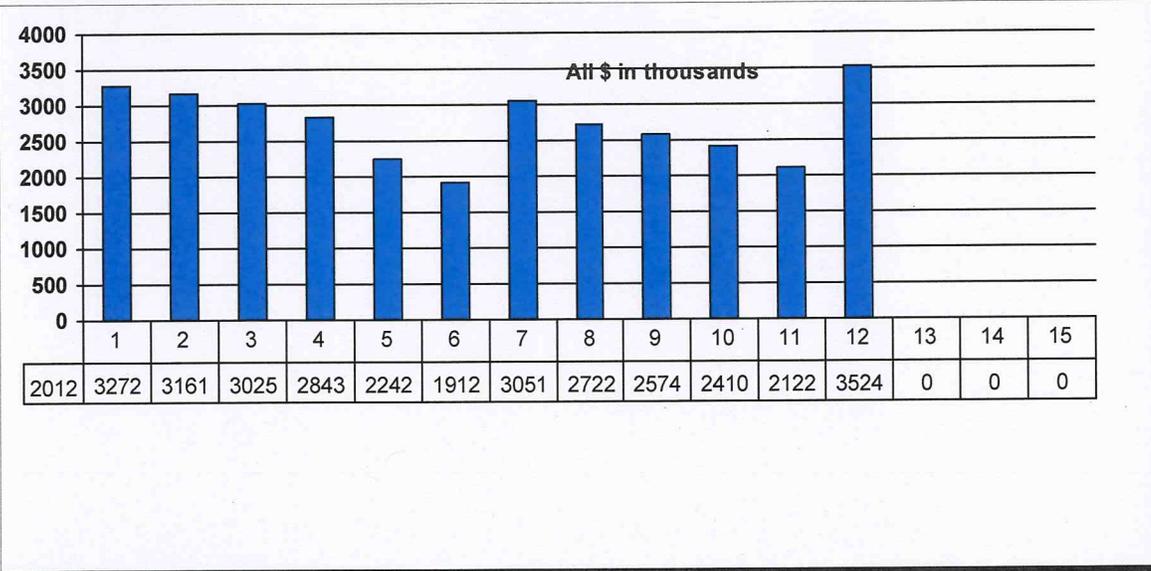
INVESTMENTS
Dec-12

<u>TYPE</u>	<u>BOUGHT DATE</u>	<u>MATURITY DATE</u>	<u># OF DAYS</u>	<u>COST</u>	<u>RATE</u>	<u>GASB #40 Value</u>
SB						
FHL	6/12/2003	6/12/2013	365	98,124	4.00%	101,930.11
CD	2/4/2009	2/6/2012	365	96,000	3.00%	-
MF						533,506.03
sub total						<u>635,436.14</u>
NORTHLAND						
MNY MKT	Govmt security money market class B					11,909.17
GO BOND	10/6/2010	3/1/2015	365	240,000.00	1.85%	241,418.40
GO BOND	10/6/2010	3/1/2015	365	100,000.00	1.75%	102,467.00
subtotal						<u>355,794.57</u>
Sub-total Investments GASB 40						<u>991,230.71</u>
Central Bank						
CD	8/19/2012	7/19/2013		312,635.63	0.85%	312,320.74
		6/13/2013		62,083.37	0.25%	62,239.00
sub total						<u>374,559.74</u>
Checking						<u>3,558,884.53</u>
Total Investments and CD's						<u>4,924,674.98</u>



CITY OF NEWPORT
***Check Reconciliation©**

Central Bank
10100 CASH
December 2012



Account Summary

Beginning Balance on	12/1/2012	\$2,161,248.53	Cleared	\$3,558,884.53
+ Receipts/Deposits		\$1,670,228.19	Statement	\$3,558,884.53
- Payments (Checks and Withdrawals)		\$272,592.19	Difference	\$0.00
Ending Balance as of	12/31/2012	\$3,558,884.53		

Check Book Balance

Active	G 101-10100	GENERAL FUND	\$552,327.78
Active	G 201-10100	PARKS SPECIAL FUND	\$28,245.45
Active	G 204-10100	HERITAGE PRESERVATIO	\$2,331.94
Active	G 205-10100	RECYCLING	\$24,415.26
Active	G 206-10100	FIRE ENGINE	\$0.14
Active	G 208-10100	BUY FORFEITURE	\$1,298.92
Active	G 225-10100	PIONEER DAYS	\$18,246.49
Active	G 270-10100	EDA	\$568,101.36
Active	G 301-10100	G.O. CAPITAL IMP. PLAN 2	-\$119,972.42
Active	G 305-10100	GO TIF 1991/1999 BOND	\$0.48
Active	G 307-10100	GO TIF 1994B	-\$0.30
Active	G 308-10100	CERIFICATES OF INDEBT	\$0.53
Active	G 313-10100	GO IMP BOND 2000B	\$0.00
Active	G 315-10100	\$690,000 BOND 2002A	-\$46,381.69
Active	G 316-10100	PFA/TRLF REVENUE NOT	\$335,500.11
Active	G 321-10100	EQUIP CERTIFICATE 2006	\$0.00
Active	G 322-10100	GO BONDS OF 2011A	-\$28,626.06
Active	G 401-10100	GENERAL CAPITAL PROJ	\$208,997.58
Active	G 402-10100	TAX INC DIST 1	\$4.75

Active	G 405-10100	T.H. HWY 61	\$242,433.26
Active	G 409-10100	STREET RECONSTRUCTI	\$40,808.86
Active	G 411-10100	CERT. OF INDEBTEDNESS	-\$80,194.73
Active	G 416-10100	4TH AVENUE RAVINE	\$12,706.62
Active	G 417-10100	NORTH RAVINE	\$8,313.63
Active	G 422-10100	2011A UTILITY CAPITAL	-\$0.44
Active	G 423-10100	2011A EQUIPMENT CAPIT	\$572,774.26
Active	G 601-10100	WATER FUND	\$468,926.45
Active	G 602-10100	SEWER FUND	\$683,451.84
Active	G 603-10100	STREET LIGHT FUND	\$13,787.56
Active	G 604-10100	STORM WATER FUND	\$16,189.93
		Cash Balance	\$3,523,687.56

Beginng Balance	\$2,161,248.53	
+ Total Deposits	\$1,670,693.95	
- Checks Written	\$308,254.92	
		\$3,523,687.56
Check Book Balance		\$3,523,687.56
Difference		\$0.00

Section 2 – Budget Control Summary

Purpose:

This section provides a detailed summary on the General Fund and Enterprise Fund accounts as it corresponds to the annual budget. The variance provides a percentage of the amount of the budget that remains in each account.



CITY OF NEWPORT

*Budget Control Summary

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Varianc	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
FUND 101 GENERAL FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$2,978,785.00	\$3,442,361.78	-\$463,576.78	-15.56%	\$0.00	\$2,978,785.00	-\$2,978,785.00	0.56	0.20
DEPT 45000 Parks (GENERAL)	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 45100 Recreation (GENERAL)	\$2,000.00	\$4,025.96	-\$2,025.96	-101.30%	\$0.00	\$2,000.00	-\$2,000.00	1.01	0.51
Total Revenue Accounts	\$2,980,785.00	\$3,446,387.74	-\$465,602.74	-15.62%	\$0.00	\$2,980,785.00	-\$2,980,785.00	0.57	0.20
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$220,397.20	-\$220,397.20	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 41000 Administration (GENERAL)	\$326,277.00	\$303,680.56	\$22,596.44	6.93%	\$0.00	\$326,277.00	-\$326,277.00	1.20	0.44
DEPT 41110 Mayor and Council	\$24,081.00	\$22,059.94	\$2,021.06	8.39%	\$0.00	\$24,081.00	-\$24,081.00	0.53	-0.11
DEPT 41410 Elections	\$7,000.00	\$4,539.43	\$2,460.57	35.15%	\$0.00	\$7,000.00	-\$7,000.00	0.72	-0.28
DEPT 41600 Professional Services	\$297,000.00	\$287,316.62	\$9,683.38	3.26%	\$0.00	\$297,000.00	-\$297,000.00	0.83	0.03
DEPT 41910 Planning and Zoning	\$39,067.00	\$69,130.18	-\$30,063.18	-76.95%	\$0.00	\$39,067.00	-\$39,067.00	0.80	0.30
DEPT 41940 City Hall Bldg	\$18,542.00	\$13,207.99	\$5,334.01	28.77%	\$0.00	\$18,542.00	-\$18,542.00	2.21	1.21
DEPT 42000 Police Department(GENERAL)	\$845,095.00	\$785,889.90	\$59,205.10	7.01%	\$0.00	\$845,095.00	-\$845,095.00	0.46	-0.22
DEPT 42100 Civil Defense	\$0.00	\$4,622.35	-\$4,622.35	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 42260 Fire Protection	\$180,068.00	\$164,784.57	\$15,283.43	8.49%	\$0.00	\$180,068.00	-\$180,068.00	0.58	-0.15
DEPT 42280 Fire Stations No. 1	\$14,246.00	\$6,530.37	\$7,715.63	54.16%	\$0.00	\$14,246.00	-\$14,246.00	0.19	-0.81
DEPT 42290 Fire Station No. 2	\$3,818.00	\$1,898.80	\$1,919.20	50.27%	\$0.00	\$3,818.00	-\$3,818.00	0.14	-0.36
DEPT 43000 PW Street (GENERAL)	\$439,283.00	\$481,680.76	-\$42,397.76	-9.65%	\$0.00	\$439,283.00	-\$439,283.00	0.44	-0.08
DEPT 43100 Public Works Garage	\$17,759.00	\$14,433.07	\$3,325.93	18.73%	\$0.00	\$17,759.00	-\$17,759.00	1.09	0.09
DEPT 43160 Street Lighting	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 43260 Composting	\$5,000.00	\$5,998.86	-\$998.86	-19.98%	\$0.00	\$5,000.00	-\$5,000.00	0.32	0.10
DEPT 45000 Parks (GENERAL)	\$251,284.00	\$275,943.44	-\$24,659.44	-9.81%	\$0.00	\$251,284.00	-\$251,284.00	1.57	1.01
DEPT 45100 Recreation (GENERAL)	\$3,500.00	\$2,453.55	\$1,046.45	29.90%	\$0.00	\$3,500.00	-\$3,500.00	0.17	-0.16
DEPT 45206 Parks Bldgs. & Warming Houses	\$5,500.00	\$3,301.27	\$2,198.73	39.98%	\$0.00	\$5,500.00	-\$5,500.00	0.17	-0.34
DEPT 45501 Library Bldg	\$24,753.00	\$28,287.94	-\$3,534.94	-14.28%	\$0.00	\$24,753.00	-\$24,753.00	0.43	-0.01
DEPT 45550 Heritage Pres. Committee	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49470 Street Lights	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49754 Railroad Tower	\$1,182.00	\$611.40	\$570.60	48.27%	\$0.00	\$1,182.00	-\$1,182.00	1.02	0.27
DEPT 49985 Special Contributions	\$5,000.00	\$2,912.91	\$2,087.09	41.74%	\$0.00	\$5,000.00	-\$5,000.00	0.58	-0.42
DEPT 49995 Miscellaneous Contingency	\$10,000.00	\$0.00	\$10,000.00	100.00%	\$0.00	\$10,000.00	-\$10,000.00	0.00	-0.50
Total Expenditure Accounts	\$2,518,455.00	\$2,699,681.11	\$181,226.11	-7.20%	\$0.00	\$2,518,455.00	-\$2,518,455.00	0.70	0.09
Total FUND 101 GENERAL FUND	\$462,330.00	\$746,706.63	-\$284,376.63	-61.51%	\$0.00	\$462,330.00	-\$462,330.00		
FUND 201 PARKS SPECIAL FUND									



CITY OF NEWPORT
***Budget Control Summary**

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Varianc	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$13,093.64	-\$13,093.64	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$13,093.64	-\$13,093.64	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$58,841.45	-\$58,841.45	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$58,841.45	\$58,841.45	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 201 PARKS SPECIAL FUND	\$0.00	-\$45,747.81	\$45,747.81	0.00%	\$0.00	\$0.00	\$0.00		
FUND 202 POLICE FORFEITURE FUND									
Revenue Accounts									
DEPT 42000 Police Department(GENERAL)	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 202 POLICE FORFEITURE FUND	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 204 HERITAGE PRESERVATION COMM									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$7,205.60	-\$7,205.60	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$7,205.60	-\$7,205.60	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$9,655.65	-\$9,655.65	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$9,655.65	\$9,655.65	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 204 HERITAGE PRESERVATION COM	\$0.00	-\$2,450.05	\$2,450.05	0.00%	\$0.00	\$0.00	\$0.00		
FUND 205 RECYCLING									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$4,715.31	-\$4,715.31	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$4,715.31	-\$4,715.31	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$5,432.14	-\$5,432.14	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

*Budget Control Summary

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Variance	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$500,012.87	-\$500,012.87	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$500,012.87	-\$500,012.87	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$164,004.57	-\$164,004.57	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$164,004.57	\$164,004.57	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 270 EDA	\$0.00	\$336,008.30	-\$336,008.30	0.00%	\$0.00	\$0.00	\$0.00		
FUND 301 G.O. CAPITAL IMP. PLAN 2010A									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.12	-\$0.12	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.12	-\$0.12	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$120,822.16	-\$120,822.16	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$120,822.16	\$120,822.16	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 301 G.O. CAPITAL IMP. PLAN 2010A	\$0.00	-\$120,822.04	\$120,822.04	0.00%	\$0.00	\$0.00	\$0.00		
FUND 305 GO TIF 1991/1999 BOND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 305 GO TIF 1991/1999 BOND	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 307 GO TIF 1994B									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT
***Budget Control Summary**

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Variance	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 307 GO TIF 1994B	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 308 CERIFICATES OF INDEBTEDNESS									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 308 CERIFICATES OF INDEBTEDNES	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 313 GO IMP BOND 2000B									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 313 GO IMP BOND 2000B	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 315 \$690,000 BOND 2002A									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$43,881.56	-\$43,881.56	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$43,881.56	-\$43,881.56	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

*Budget Control Summary

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Variance	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$90,263.75	-\$90,263.75	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$90,263.75	\$90,263.75	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 315 \$690,000 BOND 2002A	\$0.00	-\$46,382.19	\$46,382.19	0.00%	\$0.00	\$0.00	\$0.00		
FUND 316 PFA/TRLF REVENUE NOTE									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$175,523.50	-\$175,523.50	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$175,523.50	-\$175,523.50	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$124,703.90	-\$124,703.90	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$124,703.90	\$124,703.90	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 316 PFA/TRLF REVENUE NOTE	\$0.00	\$50,819.60	-\$50,819.60	0.00%	\$0.00	\$0.00	\$0.00		
FUND 321 EQUIP CERTIFICATE 2006A									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 321 EQUIP CERTIFICATE 2006A	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 322 GO BONDS OF 2011A									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.19	-\$0.19	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.19	-\$0.19	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$29,138.75	-\$29,138.75	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT
***Budget Control Summary**

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Varianc	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
Total Expenditure Accounts	\$0.00	\$29,138.75	\$29,138.75	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 322 GO BONDS OF 2011A	\$0.00	-\$29,138.56	\$29,138.56	0.00%	\$0.00	\$0.00	\$0.00		
FUND 401 GENERAL CAPITAL PROJECTS									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$50,181.21	-\$50,181.21	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$50,181.21	-\$50,181.21	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$59,985.88	-\$59,985.88	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$59,985.88	\$59,985.88	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 401 GENERAL CAPITAL PROJECTS	\$0.00	-\$9,804.67	\$9,804.67	0.00%	\$0.00	\$0.00	\$0.00		
FUND 402 TAX INC DIST 1									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$5.01	-\$5.01	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$5.01	-\$5.01	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49995 Miscellaneous Contingency	\$0.00	\$10,308.00	-\$10,308.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$10,308.00	\$10,308.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 402 TAX INC DIST 1	\$0.00	-\$10,302.99	\$10,302.99	0.00%	\$0.00	\$0.00	\$0.00		
FUND 405 T.H. HWY 61									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$201.65	-\$201.65	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$201.65	-\$201.65	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

*Budget Control Summary

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Variance	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$719,492.65	-\$719,492.65	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$719,492.65	\$719,492.65	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 417 NORTH RAVINE	\$0.00	\$8,313.47	-\$8,313.47	0.00%	\$0.00	\$0.00	\$0.00		
FUND 422 2011A UTILITY CAPITAL									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 422 2011A UTILITY CAPITAL	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 423 2011A EQUIPMENT CAPITAL									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$490.59	-\$490.59	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$490.59	-\$490.59	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$20,228.92	-\$20,228.92	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$20,228.92	\$20,228.92	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 423 2011A EQUIPMENT CAPITAL	\$0.00	-\$19,738.33	\$19,738.33	0.00%	\$0.00	\$0.00	\$0.00		
FUND 601 WATER FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$78.15	-\$78.15	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49400 Water Utilities (GENERAL)	\$159,095.00	\$247,152.52	-\$88,057.52	-55.35%	\$0.00	\$159,095.00	-\$159,095.00	0.08	-0.08
Total Revenue Accounts	\$159,095.00	\$247,230.67	-\$88,135.67	-55.40%	\$0.00	\$159,095.00	-\$159,095.00	0.06	-0.06
Expenditure Accounts									
DEPT 49400 Water Utilities (GENERAL)	\$193,905.00	\$120,854.48	\$73,050.52	37.67%	\$0.00	\$193,905.00	-\$193,905.00	0.13	-0.07



CITY OF NEWPORT

*Budget Control Summary

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Varianc	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
Total Expenditure Accounts	\$193,905.00	\$120,854.48	-\$73,050.52	37.67%	\$0.00	\$193,905.00	-\$193,905.00	0.13	-0.07
Total FUND 601 WATER FUND	-\$34,810.00	\$126,376.19	-\$161,186.19	463.05%	\$0.00	-\$34,810.00	\$34,810.00		
FUND 602 SEWER FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$2,584.12	-\$2,584.12	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49450 Sewer (GENERAL)	\$260,000.00	\$564,174.96	-\$304,174.96	-116.99%	\$0.00	\$260,000.00	-\$260,000.00	0.15	0.05
Total Revenue Accounts	\$260,000.00	\$566,759.08	-\$306,759.08	-117.98%	\$0.00	\$260,000.00	-\$260,000.00	0.10	0.03
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$605,726.34	-\$605,726.34	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49450 Sewer (GENERAL)	\$309,172.00	\$305,123.14	\$4,048.86	1.31%	\$0.00	\$309,172.00	-\$309,172.00	0.14	-0.10
DEPT 49460 Storm Water	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$309,172.00	\$910,849.48	\$601,677.48	194.61%	\$0.00	\$309,172.00	-\$309,172.00	0.12	-0.09
Total FUND 602 SEWER FUND	-\$49,172.00	-\$344,090.40	\$294,918.40	599.77%	\$0.00	-\$49,172.00	\$49,172.00		
FUND 603 STREET LIGHT FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.27	-\$0.27	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 43160 Street Lighting	\$43,657.00	\$55,366.59	-\$11,709.59	-26.82%	\$0.00	\$43,657.00	-\$43,657.00	0.31	0.06
Total Revenue Accounts	\$43,657.00	\$55,366.86	-\$11,709.86	-26.82%	\$0.00	\$43,657.00	-\$43,657.00	0.17	0.03
Expenditure Accounts									
DEPT 43160 Street Lighting	\$42,803.00	\$43,484.70	-\$681.70	-1.59%	\$0.00	\$42,803.00	-\$42,803.00	1.02	0.02
DEPT 49470 Street Lights	\$0.00	\$38.96	-\$38.96	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$42,803.00	\$43,523.66	\$720.66	-1.68%	\$0.00	\$42,803.00	-\$42,803.00	0.34	0.01
Total FUND 603 STREET LIGHT FUND	\$854.00	\$11,843.20	-\$10,989.20	1286.79%	\$0.00	\$854.00	-\$854.00		
FUND 604 STORM WATER FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$3.37	-\$3.37	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49460 Storm Water	\$0.00	\$23,330.62	-\$23,330.62	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

***Budget Control Summary**

Current Period: December 2012

Account Descr	2012 Cumulative Budget	2012 Cumulative Actuals	2012 Cumulative Variance	2012 % Varianc	2012 Adopted Budget	2012 Forecast	Variance at Completion	2012 YTD Perf	2012 Est to Complete
Total Revenue Accounts	\$0.00	\$23,333.99	-\$23,333.99	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$20,000.00	-\$20,000.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49460 Storm Water	\$293.00	\$2,251.09	-\$1,958.09	-668.29%	\$0.00	\$293.00	-\$293.00	3.66	3.16
Total Expenditure Accounts	\$293.00	\$22,251.09	\$21,958.09	-7494.23	\$0.00	\$293.00	-\$293.00	2.44	2.10
Total FUND 604 STORM WATER FUND	-\$293.00	\$1,082.90	-\$1,375.90	469.59%	\$0.00	-\$293.00	\$293.00		
	\$378,909.00	\$575,233.65	-\$196,324.65	-51.81%	\$0.00	\$378,909.00	-\$378,909.00		

FILTER: None

Section 3 – Cash Balances

Purpose:

This section provides a summary of the beginning cash balances for the year and ending cash balances at the end of each period, after receipts and disbursements. The funds listed in cash balances lists all City funds.



CITY OF NEWPORT
***Cash Balances**

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Current Period December 2012

Fund	2012 Begin Balance	Receipts	Disbursements	-----Transfers-----		JE Payroll	Balance		
				Rec/Disb	Journal Entry				
10100 Central Bank									
101 GENERAL FUND	(\$126,960.52)	\$3,435,363.87	\$1,740,443.49	\$31,740.76	(\$253,203.75)	(\$794,169.09)	\$552,327.78	In Bal	
201 PARKS SPECIAL F	\$73,993.26	\$1,293.64	\$58,841.45	\$0.00	\$11,800.00	\$0.00	\$28,245.45	In Bal	
204 HERITAGE PRESE	\$4,781.99	\$5.60	\$9,655.65	\$0.00	\$7,200.00	\$0.00	\$2,331.94	In Bal	
205 RECYCLING	\$25,132.09	\$4,715.31	\$5,432.14	\$0.00	\$0.00	\$0.00	\$24,415.26	In Bal	
206 FIRE ENGINE	\$0.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.14	In Bal	
208 BUY FORFEITURE	\$1,297.84	\$1.08	\$0.00	\$0.00	\$0.00	\$0.00	\$1,298.92	In Bal	
225 PIONEER DAYS	\$18,080.37	\$5,050.11	\$4,883.99	\$0.00	\$0.00	\$0.00	\$18,246.49	In Bal	
270 EDA	\$232,093.06	\$350,012.87	\$145,254.57	\$0.00	\$131,250.00	\$0.00	\$568,101.36	In Bal	
301 G.O. CAPITAL IMP	\$849.62	\$0.12	\$120,822.16	\$0.00	\$0.00	\$0.00	(\$119,972.42)	In Bal	
305 GO TIF 1991/1999	\$0.48	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.48	In Bal	
307 GO TIF 1994B	(\$0.30)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.30)	In Bal	
308 CERIFICATES OF I	\$0.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.53	In Bal	
313 GO IMP BOND 200	(\$1,498.24)	\$0.00	\$0.00	\$0.00	\$1,498.24	\$0.00	\$0.00	In Bal	
315 \$690,000 BOND 20	\$0.50	\$43,881.56	\$90,263.75	\$0.00	\$0.00	\$0.00	(\$46,381.69)	In Bal	
316 PFA/TRLF REVEN	\$284,680.51	\$175,523.50	\$124,703.90	\$0.00	\$0.00	\$0.00	\$335,500.11	In Bal	
321 EQUIP CERTIFICA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal	
322 GO BONDS OF 20	\$512.50	\$0.19	\$29,138.75	\$0.00	\$0.00	\$0.00	(\$28,626.06)	In Bal	
401 GENERAL CAPITA	\$218,802.25	\$181.21	\$59,985.88	\$0.00	\$50,000.00	\$0.00	\$208,997.58	In Bal	
402 TAX INC DIST 1	\$10,307.74	\$5.01	\$10,308.00	\$0.00	\$0.00	\$0.00	\$4.75	In Bal	
405 T.H. HWY 61	\$242,231.61	\$201.65	\$0.00	\$0.00	\$0.00	\$0.00	\$242,433.26	In Bal	
409 STREET RECONS	\$37,716.31	\$3,092.55	\$0.00	\$0.00	\$0.00	\$0.00	\$40,808.86	In Bal	
411 CERT. OF INDEBT	\$0.00	\$0.00	\$80,194.73	\$0.00	\$0.00	\$0.00	(\$80,194.73)	In Bal	
416 4TH AVENUE RAV	\$12,696.06	\$10.56	\$0.00	\$0.00	\$0.00	\$0.00	\$12,706.62	In Bal	
417 NORTH RAVINE	\$0.16	\$709,056.12	\$719,492.65	\$0.00	\$18,750.00	\$0.00	\$8,313.63	In Bal	
422 2011A UTILITY CA	(\$0.44)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.44)	In Bal	
423 2011A EQUIPMEN	\$592,512.59	\$490.59	\$20,228.92	\$0.00	\$0.00	\$0.00	\$572,774.26	In Bal	
601 WATER FUND	\$346,575.69	\$245,072.30	\$91,963.81	\$0.00	\$0.00	(\$30,757.73)	\$468,926.45	In Bal	
602 SEWER FUND	\$1,027,542.24	\$566,759.08	\$880,091.93	\$0.00	\$0.00	(\$30,757.55)	\$683,451.84	In Bal	
603 STREET LIGHT FU	\$1,944.36	\$55,366.86	\$43,523.66	\$0.00	\$0.00	\$0.00	\$13,787.56	In Bal	
604 STORM WATER F	\$15,107.03	\$23,333.99	\$22,251.09	\$0.00	\$0.00	\$0.00	\$16,189.93	In Bal	
	\$3,018,399.43	\$5,619,417.77	\$4,257,480.52	\$31,740.76	(\$32,705.51)	(\$855,684.37)	\$3,523,687.56		

Section 4 – Revenue Summary

Purpose:

This section provides a summary view of revenues for the specified period compared to the current year budget as amended. Revenues are reported on a cash basis. Adjustments are required at the end of the fiscal year for audit purposes and are not reflected in the report.



CITY OF NEWPORT

*Revenue Summary

FUND	Description	2012 YTD Budget	December 2012 Amt	2012 YTD Amt	YTD Balance	% of Budget
101	GENERAL FUND	\$2,980,785.00	\$1,416,540.85	\$3,446,387.74	-\$465,602.74	115.62%
201	PARKS SPECIAL FUND	\$0.00	\$2.08	\$13,093.64	-\$13,093.64	0.00%
202	POLICE FORFEITURE FUND	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
204	HERITAGE PRESERVATION C	\$0.00	\$0.17	\$7,205.60	-\$7,205.60	0.00%
205	RECYCLING	\$0.00	\$1.80	\$4,715.31	-\$4,715.31	0.00%
206	FIRE ENGINE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
208	BUY FORFEITURE	\$0.00	\$0.10	\$1.08	-\$1.08	0.00%
225	PIONEER DAYS	\$0.00	\$1.34	\$5,050.11	-\$5,050.11	0.00%
270	EDA	\$0.00	\$28,342.48	\$500,012.87	-\$500,012.87	0.00%
301	G.O. CAPITAL IMP. PLAN 2010	\$0.00	\$0.00	\$0.12	-\$0.12	0.00%
305	GO TIF 1991/1999 BOND	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
307	GO TIF 1994B	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
308	CERIFICATES OF INDEBTEDN	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
313	GO IMP BOND 2000B	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
315	\$690,000 BOND 2002A	\$0.00	\$21,483.42	\$43,881.56	-\$43,881.56	0.00%
316	PFA/TRLF REVENUE NOTE	\$0.00	\$84,604.67	\$175,523.50	-\$175,523.50	0.00%
321	EQUIP CERTIFICATE 2006A	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
322	GO BONDS OF 2011A	\$0.00	\$0.00	\$0.19	-\$0.19	0.00%
401	GENERAL CAPITAL PROJECT	\$0.00	\$15.38	\$50,181.21	-\$50,181.21	0.00%
402	TAX INC DIST 1	\$0.00	\$0.00	\$5.01	-\$5.01	0.00%
405	T.H. HWY 61	\$0.00	\$17.84	\$201.65	-\$201.65	0.00%
409	STREET RECONSTRUCTION	\$0.00	\$3.00	\$3,092.55	-\$3,092.55	0.00%
416	4TH AVENUE RAVINE	\$0.00	\$0.93	\$10.56	-\$10.56	0.00%
417	NORTH RAVINE	\$0.00	\$18,964.99	\$727,806.12	-\$727,806.12	0.00%
422	2011A UTILITY CAPITAL	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
423	2011A EQUIPMENT CAPITAL	\$0.00	\$42.15	\$490.59	-\$490.59	0.00%
601	WATER FUND	\$159,095.00	\$33,675.33	\$247,230.67	-\$88,135.67	155.40%
602	SEWER FUND	\$260,000.00	\$54,386.93	\$566,759.08	-\$306,759.08	217.98%
603	STREET LIGHT FUND	\$43,657.00	\$6,928.74	\$55,366.86	-\$11,709.86	126.82%
604	STORM WATER FUND	\$0.00	\$3,005.90	\$23,333.99	-\$23,333.99	0.00%
		\$3,443,537.00	\$1,668,018.10	\$5,870,350.01	-\$2,426,813.01	170.47%

FILTER: None

Section 5 – Expenditure Summary

Purpose:

This section provides a summary and detailed view of expenses for the specified period compared to the current budget as emended. Expenses are reported on a cash basis and do not reflect any outstanding encumbrances. Adjustments are required at the end of the fiscal year for audit purposes and are not reflected in the report.



CITY OF NEWPORT

*Expenditure Summary

FUND	Description	2012 YTD Budget	December 2012 Amt	2012 YTD Amt	Enc Current	YTD Balance	% YTD Budget
101	GENERAL FUND	\$2,518,455.00	\$177,647.18	\$2,699,681.11	\$0.00	-\$181,226.11	107.20%
201	PARKS SPECIAL FUND	\$0.00	\$0.00	\$58,841.45	\$0.00	-\$58,841.45	0.00%
204	HERITAGE PRESERVATION C	\$0.00	\$9,000.00	\$9,655.65	\$0.00	-\$9,655.65	0.00%
205	RECYCLING	\$0.00	\$0.00	\$5,432.14	\$0.00	-\$5,432.14	0.00%
208	BUY FORFEITURE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
225	PIONEER DAYS	\$0.00	\$0.00	\$4,883.99	\$0.00	-\$4,883.99	0.00%
270	EDA	\$0.00	\$9,255.23	\$164,004.57	\$0.00	-\$164,004.57	0.00%
301	G.O. CAPITAL IMP. PLAN 2010	\$0.00	\$0.00	\$120,822.16	\$0.00	-\$120,822.16	0.00%
305	GO TIF 1991/1999 BOND	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
307	GO TIF 1994B	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
308	CERIFICATES OF INDEBTEDN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
313	GO IMP BOND 2000B	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
315	\$690,000 BOND 2002A	\$0.00	\$0.00	\$90,263.75	\$0.00	-\$90,263.75	0.00%
316	PFA/TRLF REVENUE NOTE	\$0.00	\$0.00	\$124,703.90	\$0.00	-\$124,703.90	0.00%
321	EQUIP CERTIFICATE 2006A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
322	GO BONDS OF 2011A	\$0.00	\$0.00	\$29,138.75	\$0.00	-\$29,138.75	0.00%
401	GENERAL CAPITAL PROJECT	\$0.00	\$0.00	\$59,985.88	\$0.00	-\$59,985.88	0.00%
402	TAX INC DIST 1	\$0.00	\$0.00	\$10,308.00	\$0.00	-\$10,308.00	0.00%
405	T.H. HWY 61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
411	CERT. OF INDEBTEDNESS	\$0.00	\$0.00	\$80,194.73	\$0.00	-\$80,194.73	0.00%
416	4TH AVENUE RAVINE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
417	NORTH RAVINE	\$0.00	\$1,738.61	\$719,492.65	\$0.00	-\$719,492.65	0.00%
422	2011A UTILITY CAPITAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
423	2011A EQUIPMENT CAPITAL	\$0.00	\$1,136.85	\$20,228.92	\$0.00	-\$20,228.92	0.00%
601	WATER FUND	\$193,905.00	\$26,549.27	\$120,854.48	\$0.00	\$73,050.52	62.33%
602	SEWER FUND	\$309,172.00	\$20,098.36	\$910,849.48	\$0.00	-\$601,677.48	294.61%
603	STREET LIGHT FUND	\$42,803.00	\$1,410.27	\$43,523.66	\$0.00	-\$720.66	101.68%
604	STORM WATER FUND	\$293.00	\$20,000.00	\$22,251.09	\$0.00	-\$21,958.09	7594.23%
		\$3,064,628.00	\$266,835.77	\$5,295,116.36	\$0.00	-\$2,230,488.36	172.78%

FILTER: None

Section 6 – Balance Sheets

Purpose:

The purpose of the GL Yearly Report is to provide a monthly snapshot of the funds' various assets, liabilities, and equity. Please note that the basic formula is:

$$\text{Assets} = \text{Liabilities} + \text{Equity}$$



CITY OF NEWPORT

GL Yearly

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Current Period: December 2012

FUND 101 GENERAL FUND

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 101-10100 Cash	(\$126,960.52)	\$1,420,838.35	\$182,036.47	\$3,562,207.55	\$2,882,919.25	\$552,327.78
G 101-10200 Petty Cash	\$74.73	\$0.00	\$0.00	\$0.00	\$0.00	\$74.73
G 101-10300 Bond Street Account	\$0.00	\$0.00	\$0.00	\$62,055.00	\$0.00	\$62,055.00
G 101-10400 Investments	(\$0.44)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.44)
G 101-10401 Northland Securities	\$346,572.69	\$0.00	\$0.00	\$0.00	\$0.00	\$346,572.69
G 101-10402 CDARS/Central Bank	\$311,699.33	\$0.00	\$0.00	\$0.00	\$0.00	\$311,699.33
G 101-10406 Smith Barney	\$201,472.16	\$0.00	\$0.00	\$0.00	\$0.00	\$201,472.16
G 101-10410 Smith Barney MM	\$431,990.14	\$0.00	\$0.00	\$0.00	\$0.00	\$431,990.14
G 101-10450 Interest Receivable	\$3,590.25	\$0.00	\$0.00	\$0.00	\$0.00	\$3,590.25
G 101-10500 Taxes Receivable-Current	\$42,866.41	\$0.00	\$0.00	\$0.00	\$0.00	\$42,866.41
G 101-10700 Taxes Receivable-Delinquent	\$108,942.12	\$0.00	\$0.00	\$0.00	\$0.00	\$108,942.12
G 101-13100 Due From Other Funds	\$4,233.75	\$0.00	\$0.00	\$0.00	\$0.00	\$4,233.75
G 101-15500 Prepaid Items	\$28,144.42	\$0.00	\$0.00	\$0.00	\$0.00	\$28,144.42
G 101-21705 Medica payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 101-21706 Garnishment	\$0.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.40
G 101-21721 Child Support	\$0.00	\$800.00	\$800.00	\$5,185.80	\$5,185.80	\$0.00
G 101-22100 Escrow	\$0.00	\$0.00	\$0.00	\$0.00	\$5,500.00	(\$5,500.00)
Total Asset	\$1,352,625.44	\$1,421,638.35	\$182,836.47	\$3,629,448.35	\$2,893,605.05	\$2,088,468.74
Liability						
G 101-20200 Accounts Payable	(\$58,999.87)	\$0.00	\$0.00	\$0.00	\$0.00	(\$58,999.87)
G 101-20800 Due to Other Governments	(\$3,318.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$3,318.00)
G 101-21600 Accrued Wages & Salaries P	(\$17,878.33)	\$0.00	\$0.00	\$0.00	\$0.00	(\$17,878.33)
G 101-21701 Federal W/H Payable	(\$0.18)	\$9,622.59	\$9,622.59	\$115,876.90	\$115,876.90	(\$0.18)
G 101-21702 State Withholding Payable	\$0.00	\$4,243.17	\$4,243.17	\$63,629.77	\$51,030.16	\$12,599.61
G 101-21703 FICA Tax Withholding	(\$803.77)	\$7,690.32	\$7,690.32	\$74,903.60	\$74,903.60	(\$803.77)
G 101-21704 PERA	(\$2,257.33)	\$16,813.55	\$16,813.55	\$202,976.63	\$202,976.63	(\$2,257.33)
G 101-21707 Union Dues	(\$0.25)	\$595.00	\$432.50	\$6,542.00	\$4,932.00	\$1,609.75
G 101-21708 United Way	(\$0.45)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.45)
G 101-21709 Medicare	(\$325.88)	\$3,317.52	\$3,317.52	\$34,997.90	\$34,997.90	(\$325.88)
G 101-21710 Other Deductions	\$0.00	\$750.00	\$750.00	\$9,100.00	\$9,100.00	\$0.00
G 101-21711 NPERS - Life	\$0.09	\$80.00	\$80.00	\$1,162.86	\$1,184.00	(\$21.05)
G 101-21712 HSA Employee	\$0.22	\$1,188.00	\$1,188.00	\$14,753.00	\$14,753.00	\$0.22
G 101-21713 Dental Family	(\$0.05)	\$0.00	\$150.00	\$0.00	\$1,575.00	(\$1,575.05)
G 101-21714 LTD Employee	(\$0.50)	\$480.24	\$429.24	\$5,784.97	\$4,446.64	\$1,337.83
G 101-21715 MSRS Employee	\$0.33	\$826.50	\$826.50	\$8,241.03	\$10,744.60	(\$2,503.24)
G 101-21716 Health Insurance	\$0.00	\$602.00	\$557.20	\$5,239.63	\$7,164.00	(\$1,924.37)
G 101-21717 MNBA Life Ins.	(\$0.45)	\$61.43	\$61.44	\$614.30	\$737.28	(\$123.43)
G 101-21719 ING Employee	(\$0.10)	\$1,769.24	\$1,769.24	\$26,859.07	\$25,380.12	\$1,478.85
G 101-21722 Cobra Payment	\$0.00	\$996.00	\$1,012.50	\$996.00	\$1,012.50	(\$16.50)
G 101-22200 Deferred Revenues	(\$108,942.13)	\$0.00	\$0.00	\$0.00	\$0.00	(\$108,942.13)
Total Liability	(\$192,526.65)	\$49,035.56	\$48,943.77	\$571,677.66	\$560,814.33	(\$181,663.32)
Equity						
G 101-25300 Unreserved Fund Balance	(\$1,160,098.79)	\$180,182.18	\$1,419,075.85	\$2,764,660.70	\$3,511,367.33	(\$1,906,805.42)
Total Equity	(\$1,160,098.79)	\$180,182.18	\$1,419,075.85	\$2,764,660.70	\$3,511,367.33	(\$1,906,805.42)
Total 101 GENERAL FUND	\$0.00	\$1,650,856.09	\$1,650,856.09	\$6,965,786.71	\$6,965,786.71	\$0.00



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FUND 201 PARKS SPECIAL FUND

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 201-10100 Cash	\$73,993.26	\$2.08	\$0.00	\$13,093.64	\$58,841.45	\$28,245.45
Total Asset	\$73,993.26	\$2.08	\$0.00	\$13,093.64	\$58,841.45	\$28,245.45
Equity						
G 201-25300 Unreserved Fund Balance	(\$73,993.26)	\$0.00	\$2.08	\$58,841.45	\$13,093.64	(\$28,245.45)
Total Equity	(\$73,993.26)	\$0.00	\$2.08	\$58,841.45	\$13,093.64	(\$28,245.45)
Total 201 PARKS SPECIAL FUND	\$0.00	\$2.08	\$2.08	\$71,935.09	\$71,935.09	\$0.00



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FUND 204	HERITAGE PRESERVATION COMM	December 2012					
		Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset							
	G 204-10100 Cash	\$4,781.99	\$0.17	\$9,000.00	\$7,205.60	\$9,655.65	\$2,331.94
	Total Asset	\$4,781.99	\$0.17	\$9,000.00	\$7,205.60	\$9,655.65	\$2,331.94
Equity							
	G 204-25300 Unreserved Fund Balance	(\$4,781.99)	\$9,000.00	\$0.17	\$9,655.65	\$7,205.60	(\$2,331.94)
	Total Equity	(\$4,781.99)	\$9,000.00	\$0.17	\$9,655.65	\$7,205.60	(\$2,331.94)
Total 204 HERITAGE PRESERVATION COMM		\$0.00	\$9,000.17	\$9,000.17	\$16,861.25	\$16,861.25	\$0.00



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FUND 205 RECYCLING

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 205-10100 Cash	\$25,132.09	\$1.80	\$0.00	\$4,715.31	\$5,432.14	\$24,415.26
Total Asset	\$25,132.09	\$1.80	\$0.00	\$4,715.31	\$5,432.14	\$24,415.26
Equity						
G 205-25300 Unreserved Fund Balance	(\$25,132.09)	\$0.00	\$1.80	\$5,432.14	\$4,715.31	(\$24,415.26)
Total Equity	(\$25,132.09)	\$0.00	\$1.80	\$5,432.14	\$4,715.31	(\$24,415.26)
Total 205 RECYCLING	\$0.00	\$1.80	\$1.80	\$10,147.45	\$10,147.45	\$0.00



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Current Period: December 2012

FUND 208 BUY FORFEITURE

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 208-10100 Cash	\$1,297.84	\$0.10	\$0.00	\$1.08	\$0.00	\$1,298.92
Total Asset	\$1,297.84	\$0.10	\$0.00	\$1.08	\$0.00	\$1,298.92
Equity						
G 208-25300 Unreserved Fund Balance	(\$1,297.84)	\$0.00	\$0.10	\$0.00	\$1.08	(\$1,298.92)
Total Equity	(\$1,297.84)	\$0.00	\$0.10	\$0.00	\$1.08	(\$1,298.92)
Total 208 BUY FORFEITURE	\$0.00	\$0.10	\$0.10	\$1.08	\$1.08	\$0.00



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FUND 225 PIONEER DAYS

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 225-10100 Cash	\$18,080.37	\$1.34	\$0.00	\$5,050.11	\$4,883.99	\$18,246.49
Total Asset	\$18,080.37	\$1.34	\$0.00	\$5,050.11	\$4,883.99	\$18,246.49
Liability						
G 225-20200 Accounts Payable	\$0.03	\$0.00	\$0.00	\$0.00	\$0.00	\$0.03
Total Liability	\$0.03	\$0.00	\$0.00	\$0.00	\$0.00	\$0.03
Equity						
G 225-25300 Unreserved Fund Balance	(\$18,080.40)	\$0.00	\$1.34	\$4,883.99	\$5,050.11	(\$18,246.52)
Total Equity	(\$18,080.40)	\$0.00	\$1.34	\$4,883.99	\$5,050.11	(\$18,246.52)
Total 225 PIONEER DAYS	\$0.00	\$1.34	\$1.34	\$9,934.10	\$9,934.10	\$0.00



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FUND 270 EDA

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 270-10100 Cash	\$232,093.06	\$28,342.48	\$9,255.23	\$500,086.87	\$164,078.57	\$568,101.36
G 270-10500 Taxes Receivable-Current	\$305,806.00	\$0.00	\$0.00	\$0.00	\$0.00	\$305,806.00
Total Asset	\$537,899.06	\$28,342.48	\$9,255.23	\$500,086.87	\$164,078.57	\$873,907.36
Liability						
G 270-20200 Accounts Payable	(\$750.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$750.00)
Total Liability	(\$750.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$750.00)
Equity						
G 270-25300 Unreserved Fund Balance	(\$537,149.06)	\$9,255.23	\$28,342.48	\$164,078.57	\$500,086.87	(\$873,157.36)
Total Equity	(\$537,149.06)	\$9,255.23	\$28,342.48	\$164,078.57	\$500,086.87	(\$873,157.36)
Total 270 EDA	\$0.00	\$37,597.71	\$37,597.71	\$664,165.44	\$664,165.44	\$0.00



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Current Period: December 2012

FUND 301 G.O. CAPITAL IMP. PLAN 2010A

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 301-10100 Cash	\$849.62	\$0.00	\$0.00	\$0.12	\$120,822.16	(\$119,972.42)
Total Asset	\$849.62	\$0.00	\$0.00	\$0.12	\$120,822.16	(\$119,972.42)
Equity						
G 301-25300 Unreserved Fund Balance	(\$849.62)	\$0.00	\$0.00	\$120,822.16	\$0.12	\$119,972.42
Total Equity	(\$849.62)	\$0.00	\$0.00	\$120,822.16	\$0.12	\$119,972.42
Total 301 G.O. CAPITAL IMP. PLAN 2010A	\$0.00	\$0.00	\$0.00	\$120,822.28	\$120,822.28	\$0.00



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FUND 313 GO IMP BOND 2000B

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 313-10100 Cash	(\$1,498.24)	\$0.00	\$0.00	\$1,498.24	\$0.00	\$0.00
G 313-12200 Special Assess Rec-Delinque	(\$0.07)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.07)
Total Asset	(\$1,498.31)	\$0.00	\$0.00	\$1,498.24	\$0.00	(\$0.07)
Liability						
G 313-22200 Deferred Revenues	\$0.07	\$0.00	\$0.00	\$0.00	\$0.00	\$0.07
Total Liability	\$0.07	\$0.00	\$0.00	\$0.00	\$0.00	\$0.07
Equity						
G 313-25300 Unreserved Fund Balance	\$1,498.24	\$0.00	\$0.00	\$0.00	\$1,498.24	\$0.00
Total Equity	\$1,498.24	\$0.00	\$0.00	\$0.00	\$1,498.24	\$0.00
Total 313 GO IMP BOND 2000B	\$0.00	\$0.00	\$0.00	\$1,498.24	\$1,498.24	\$0.00



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FUND 315 \$690,000 BOND 2002A

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 315-10100 Cash	\$0.50	\$21,483.42	\$0.00	\$43,881.56	\$90,263.75	(\$46,381.69)
Total Asset	\$0.50	\$21,483.42	\$0.00	\$43,881.56	\$90,263.75	(\$46,381.69)
Equity						
G 315-25300 Unreserved Fund Balance	(\$0.50)	\$0.00	\$21,483.42	\$90,263.75	\$43,881.56	\$46,381.69
Total Equity	(\$0.50)	\$0.00	\$21,483.42	\$90,263.75	\$43,881.56	\$46,381.69
Total 315 \$690,000 BOND 2002A	\$0.00	\$21,483.42	\$21,483.42	\$134,145.31	\$134,145.31	\$0.00



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FUND 316 PFA/TRLF REVENUE NOTE

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 316-10100 Cash	\$284,680.51	\$84,604.67	\$0.00	\$175,523.50	\$124,703.90	\$335,500.11
G 316-12100 SA Recievable -Current	\$11,472.28	\$0.00	\$0.00	\$0.00	\$0.00	\$11,472.28
G 316-12200 Special Assess Rec-Delinque	\$18,061.12	\$0.00	\$0.00	\$0.00	\$0.00	\$18,061.12
G 316-12300 Special Assess Rec-Deferred	\$446,334.68	\$0.00	\$0.00	\$0.00	\$0.00	\$446,334.68
Total Asset	\$760,548.59	\$84,604.67	\$0.00	\$175,523.50	\$124,703.90	\$811,368.19
Liability						
G 316-22200 Deferred Revenues	(\$464,395.80)	\$0.00	\$0.00	\$0.00	\$0.00	(\$464,395.80)
Total Liability	(\$464,395.80)	\$0.00	\$0.00	\$0.00	\$0.00	(\$464,395.80)
Equity						
G 316-25300 Unreserved Fund Balance	(\$296,152.79)	\$0.00	\$84,604.67	\$124,703.90	\$175,523.50	(\$346,972.39)
Total Equity	(\$296,152.79)	\$0.00	\$84,604.67	\$124,703.90	\$175,523.50	(\$346,972.39)
Total 316 PFA/TRLF REVENUE NOTE	\$0.00	\$84,604.67	\$84,604.67	\$300,227.40	\$300,227.40	\$0.00



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FUND 321 EQUIP CERTIFICATE 2006A

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 321-10100 Cash	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Asset	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total 321 EQUIP CERTIFICATE 2006A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



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FUND 322 GO BONDS OF 2011A

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 322-10100 Cash	\$512.50	\$0.00	\$0.00	\$0.19	\$29,138.75	(\$28,626.06)
Total Asset	\$512.50	\$0.00	\$0.00	\$0.19	\$29,138.75	(\$28,626.06)
Equity						
G 322-25300 Unreserved Fund Balance	(\$512.50)	\$0.00	\$0.00	\$29,138.75	\$0.19	\$28,626.06
Total Equity	(\$512.50)	\$0.00	\$0.00	\$29,138.75	\$0.19	\$28,626.06
Total 322 GO BONDS OF 2011A	\$0.00	\$0.00	\$0.00	\$29,138.94	\$29,138.94	\$0.00



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FUND 401 GENERAL CAPITAL PROJECTS	December 2012					
	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 401-10100 Cash	\$218,802.25	\$15.38	\$0.00	\$50,181.21	\$59,985.88	\$208,997.58
Total Asset	\$218,802.25	\$15.38	\$0.00	\$50,181.21	\$59,985.88	\$208,997.58
Equity						
G 401-25300 Unreserved Fund Balance	(\$218,802.25)	\$0.00	\$15.38	\$59,985.88	\$50,181.21	(\$208,997.58)
Total Equity	(\$218,802.25)	\$0.00	\$15.38	\$59,985.88	\$50,181.21	(\$208,997.58)
Total 401 GENERAL CAPITAL PROJECTS	\$0.00	\$15.38	\$15.38	\$110,167.09	\$110,167.09	\$0.00



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FUND 402 TAX INC DIST 1

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 402-10100 Cash	\$10,307.74	\$0.00	\$0.00	\$5.01	\$10,308.00	\$4.75
G 402-10500 Taxes Receivable-Current	\$0.44	\$0.00	\$0.00	\$0.00	\$0.00	\$0.44
G 402-10700 Taxes Receivable-Delinquent	\$0.02	\$0.00	\$0.00	\$0.00	\$0.00	\$0.02
G 402-12100 SA Recievable -Current	\$0.07	\$0.00	\$0.00	\$0.00	\$0.00	\$0.07
G 402-12200 Special Assess Rec-Delinque	\$0.06	\$0.00	\$0.00	\$0.00	\$0.00	\$0.06
Total Asset	\$10,308.33	\$0.00	\$0.00	\$5.01	\$10,308.00	\$5.34
Liability						
G 402-22200 Deferred Revenues	(\$0.02)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.02)
Total Liability	(\$0.02)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.02)
Equity						
G 402-25300 Unreserved Fund Balance	(\$10,308.31)	\$0.00	\$0.00	\$10,308.00	\$5.01	(\$5.32)
Total Equity	(\$10,308.31)	\$0.00	\$0.00	\$10,308.00	\$5.01	(\$5.32)
Total 402 TAX INC DIST 1	\$0.00	\$0.00	\$0.00	\$10,313.01	\$10,313.01	\$0.00



CITY OF NEWPORT

GL Yearly

Current Period: December 2012

FUND 405 T.H. HWY 61

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 405-10100 Cash	\$242,231.61	\$17.84	\$0.00	\$201.65	\$0.00	\$242,433.26
G 405-13200 Due From Other Government	(\$62,221.18)	\$0.00	\$0.00	\$0.00	\$0.00	(\$62,221.18)
Total Asset	\$180,010.43	\$17.84	\$0.00	\$201.65	\$0.00	\$180,212.08
Equity						
G 405-25300 Unreserved Fund Balance	(\$180,010.43)	\$0.00	\$17.84	\$0.00	\$201.65	(\$180,212.08)
Total Equity	(\$180,010.43)	\$0.00	\$17.84	\$0.00	\$201.65	(\$180,212.08)
Total 405 T.H. HWY 61	\$0.00	\$17.84	\$17.84	\$201.65	\$201.65	\$0.00



CITY OF NEWPORT
GL Yearly

Current Period: December 2012

FUND 409 STREET RECONSTRUCTION

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 409-10100 Cash	\$37,716.31	\$3.00	\$0.00	\$3,092.55	\$0.00	\$40,808.86
Total Asset	\$37,716.31	\$3.00	\$0.00	\$3,092.55	\$0.00	\$40,808.86
Equity						
G 409-25300 Unreserved Fund Balance	(\$37,716.31)	\$0.00	\$3.00	\$0.00	\$3,092.55	(\$40,808.86)
Total Equity	(\$37,716.31)	\$0.00	\$3.00	\$0.00	\$3,092.55	(\$40,808.86)
Total 409 STREET RECONSTRUCTION	\$0.00	\$3.00	\$3.00	\$3,092.55	\$3,092.55	\$0.00



CITY OF NEWPORT
GL Yearly

Current Period: December 2012

FUND 411 CERT. OF INDEBTEDNESS

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 411-10100 Cash	\$0.00	\$0.00	\$0.00	\$0.00	\$80,194.73	(\$80,194.73)
Total Asset	\$0.00	\$0.00	\$0.00	\$0.00	\$80,194.73	(\$80,194.73)
Equity						
G 411-25300 Unreserved Fund Balance	\$0.00	\$0.00	\$0.00	\$80,194.73	\$0.00	\$80,194.73
Total Equity	\$0.00	\$0.00	\$0.00	\$80,194.73	\$0.00	\$80,194.73
Total 411 CERT. OF INDEBTEDNESS	\$0.00	\$0.00	\$0.00	\$80,194.73	\$80,194.73	\$0.00



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Current Period: December 2012

FUND 416 4TH AVENUE RAVINE

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 416-10100 Cash	\$12,696.06	\$0.93	\$0.00	\$10.56	\$0.00	\$12,706.62
G 416-13200 Due From Other Government	\$12,776.47	\$0.00	\$0.00	\$0.00	\$0.00	\$12,776.47
Total Asset	\$25,472.53	\$0.93	\$0.00	\$10.56	\$0.00	\$25,483.09
Liability						
G 416-20700 Due to Other Funds	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
Total Liability	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
Equity						
G 416-25300 Unreserved Fund Balance	(\$25,472.78)	\$0.00	\$0.93	\$0.00	\$10.56	(\$25,483.34)
Total Equity	(\$25,472.78)	\$0.00	\$0.93	\$0.00	\$10.56	(\$25,483.34)
Total 416 4TH AVENUE RAVINE	\$0.00	\$0.93	\$0.93	\$10.56	\$10.56	\$0.00



CITY OF NEWPORT
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Current Period: December 2012

FUND 417 NORTH RAVINE

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 417-10100 Cash	\$0.16	\$38,964.99	\$21,738.61	\$766,014.47	\$757,701.00	\$8,313.63
G 417-13200 Due From Other Government	\$61,176.00	\$0.00	\$0.00	\$0.00	\$0.00	\$61,176.00
Total Asset	\$61,176.16	\$38,964.99	\$21,738.61	\$766,014.47	\$757,701.00	\$69,489.63
Liability						
G 417-20200 Accounts Payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 417-20700 Due to Other Funds	(\$4,235.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$4,235.00)
Total Liability	(\$4,235.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$4,235.00)
Equity						
G 417-24400 Fund Balance For Encumbra	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
G 417-25300 Unreserved Fund Balance	(\$56,941.41)	\$21,738.61	\$38,964.99	\$757,701.00	\$766,014.47	(\$65,254.88)
Total Equity	(\$56,941.16)	\$21,738.61	\$38,964.99	\$757,701.00	\$766,014.47	(\$65,254.63)
Total 417 NORTH RAVINE	\$0.00	\$60,703.60	\$60,703.60	\$1,523,715.47	\$1,523,715.47	\$0.00



CITY OF NEWPORT
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Current Period: December 2012

FUND 423 2011A EQUIPMENT CAPITAL		December 2012					
		Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset							
G 423-10100 Cash		\$592,512.59	\$42.15	\$1,136.85	\$490.59	\$20,228.92	\$572,774.26
	Total Asset	\$592,512.59	\$42.15	\$1,136.85	\$490.59	\$20,228.92	\$572,774.26
Equity							
G 423-25300 Unreserved Fund Balance		(\$592,512.59)	\$1,136.85	\$42.15	\$20,228.92	\$490.59	(\$572,774.26)
	Total Equity	(\$592,512.59)	\$1,136.85	\$42.15	\$20,228.92	\$490.59	(\$572,774.26)
Total 423 2011A EQUIPMENT CAPITAL		\$0.00	\$1,179.00	\$1,179.00	\$20,719.51	\$20,719.51	\$0.00



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Current Period: December 2012

FUND 601 WATER FUND

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 601-10100 Cash	\$346,575.69	\$35,858.77	\$27,876.17	\$256,381.20	\$134,030.44	\$468,926.45
G 601-11500 Accounts Receivable	\$40,599.57	\$0.00	\$0.00	\$0.00	\$0.00	\$40,599.57
G 601-12300 Special Assess Rec-Deferred	\$2,780.81	\$0.00	\$0.00	\$0.00	\$0.00	\$2,780.81
G 601-15500 Prepaid Items	\$823.63	\$0.00	\$0.00	\$0.00	\$0.00	\$823.63
G 601-16100 Land	(\$0.50)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.50)
G 601-16200 Building and Improvements	\$123,291.00	\$0.00	\$0.00	\$0.00	\$0.00	\$123,291.00
G 601-16300 Improvements other building	\$2,942,727.40	\$0.00	\$0.00	\$0.00	\$0.00	\$2,942,727.40
G 601-16400 Equipment	\$294,264.08	\$0.00	\$0.00	\$0.00	\$0.00	\$294,264.08
G 601-16410 Accumulated dep. Equip.	(\$1,648,638.19)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,648,638.19)
G 601-21720 Online fees payable	\$0.00	\$56.81	\$44.85	\$539.19	\$571.09	(\$31.90)
G 601-26100 Contributions From City	(\$858,692.15)	\$0.00	\$0.00	\$0.00	\$0.00	(\$858,692.15)
Total Asset	\$1,243,731.34	\$35,915.58	\$27,921.02	\$256,920.39	\$134,601.53	\$1,366,050.20
Liability						
G 601-20200 Accounts Payable	(\$6,290.53)	\$0.00	\$0.00	\$0.00	\$0.00	(\$6,290.53)
G 601-21500 Accrued Interest Payable	(\$3,829.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$3,829.00)
G 601-21600 Accrued Wages & Salaries P	(\$7,137.21)	\$0.00	\$0.00	\$0.00	\$0.00	(\$7,137.21)
G 601-21701 Federal W/H Payable	(\$0.22)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.22)
G 601-21702 State Withholding Payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 601-21703 FICA Tax Withholding	(\$0.28)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.28)
G 601-21704 PERA	\$0.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.08
G 601-21707 Union Dues	(\$0.17)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.17)
G 601-21708 United Way	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 601-21709 Medicare	\$0.22	\$0.00	\$0.00	\$0.00	\$0.00	\$0.22
G 601-21711 NPERS - Life	(\$0.30)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.30)
G 601-21712 HSA Employee	(\$0.11)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.11)
G 601-21714 LTD Employee	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
G 601-21715 MSRS Employee	(\$0.08)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.08)
G 601-21718 Water sales tax payable	(\$237,124.12)	\$0.00	\$0.00	\$685.00	\$0.00	(\$236,439.12)
G 601-99999 Utility Overpayments	\$12,779.21	\$157.55	\$1,026.05	\$9,244.57	\$5,872.24	\$16,151.54
Total Liability	(\$241,602.26)	\$157.55	\$1,026.05	\$9,929.57	\$5,872.24	(\$237,544.93)
Equity						
G 601-25300 Unreserved Fund Balance	(\$1,002,129.08)	\$27,661.81	\$34,787.87	\$123,561.68	\$249,937.87	(\$1,128,505.27)
Total Equity	(\$1,002,129.08)	\$27,661.81	\$34,787.87	\$123,561.68	\$249,937.87	(\$1,128,505.27)
Total 601 WATER FUND	\$0.00	\$63,734.94	\$63,734.94	\$390,411.64	\$390,411.64	\$0.00



CITY OF NEWPORT

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Current Period: December 2012

FUND 602 SEWER FUND

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 602-10100 Cash	\$1,027,542.24	\$55,522.41	\$21,233.84	\$575,903.13	\$919,993.53	\$683,451.84
G 602-11500 Accounts Receivable	\$56,995.89	\$0.00	\$0.00	\$0.00	\$0.00	\$56,995.89
G 602-12300 Special Assess Rec-Deferred	\$2,780.81	\$0.00	\$0.00	\$0.00	\$0.00	\$2,780.81
G 602-13100 Due From Other Funds	\$523.29	\$0.00	\$0.00	\$0.00	\$0.00	\$523.29
G 602-15500 Prepaid Items	\$823.63	\$0.00	\$0.00	\$0.00	\$0.00	\$823.63
G 602-16100 Land	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.50
G 602-16200 Building and Improvements	\$360,863.00	\$0.00	\$0.00	\$0.00	\$0.00	\$360,863.00
G 602-16300 Improvements other building	\$1,365,822.15	\$0.00	\$0.00	\$0.00	\$0.00	\$1,365,822.15
G 602-16400 Equipment	\$56,342.75	\$0.00	\$0.00	\$0.00	\$0.00	\$56,342.75
G 602-16410 Accumulated dep. Equip.	(\$1,104,888.22)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,104,888.22)
G 602-16500 Construction in Progress	\$15,083.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,083.00
G 602-26100 Contributions From City	(\$632,448.36)	\$0.00	\$0.00	\$0.00	\$0.00	(\$632,448.36)
Total Asset	\$1,149,440.68	\$55,522.41	\$21,233.84	\$575,903.13	\$919,993.53	\$805,350.28
Liability						
G 602-20200 Accounts Payable	(\$5,388.51)	\$0.00	\$0.00	\$0.00	\$0.00	(\$5,388.51)
G 602-21500 Accrued Interest Payable	(\$2,552.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$2,552.00)
G 602-21600 Accrued Wages & Salaries P	(\$3,297.64)	\$0.00	\$0.00	\$0.00	\$0.00	(\$3,297.64)
G 602-21701 Federal W/H Payable	\$0.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.08
G 602-21702 State Withholding Payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 602-21703 FICA Tax Withholding	(\$0.28)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.28)
G 602-21704 PERA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 602-21707 Union Dues	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
G 602-21709 Medicare	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
G 602-21711 NPERS - Life	(\$0.28)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.28)
G 602-21712 HSA Employee	\$0.47	\$0.00	\$0.00	\$0.00	\$0.00	\$0.47
G 602-21714 LTD Employee	(\$0.35)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.35)
G 602-21715 MSRS Employee	(\$0.08)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.08)
G 602-22510 General Obligation Bonds Pa	(\$304,000.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$304,000.00)
Total Liability	(\$315,238.09)	\$0.00	\$0.00	\$0.00	\$0.00	(\$315,238.09)
Equity						
G 602-25300 Unreserved Fund Balance	(\$834,202.59)	\$21,233.84	\$55,522.41	\$919,993.53	\$575,903.13	(\$490,112.19)
Total Equity	(\$834,202.59)	\$21,233.84	\$55,522.41	\$919,993.53	\$575,903.13	(\$490,112.19)
Total 602 SEWER FUND	\$0.00	\$76,756.25	\$76,756.25	\$1,495,896.66	\$1,495,896.66	\$0.00



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FUND 603 STREET LIGHT FUND

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 603-10100 Cash	\$1,944.36	\$6,937.08	\$1,418.61	\$55,550.92	\$43,707.72	\$13,787.56
G 603-11500 Accounts Receivable	\$3,315.03	\$0.00	\$0.00	\$0.00	\$0.00	\$3,315.03
G 603-12200 Special Assess Rec-Delinque	\$0.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.20
Total Asset	\$5,259.59	\$6,937.08	\$1,418.61	\$55,550.92	\$43,707.72	\$17,102.79
Liability						
G 603-20200 Accounts Payable	(\$4,539.99)	\$0.00	\$0.00	\$0.00	\$0.00	(\$4,539.99)
G 603-20700 Due to Other Funds	(\$523.48)	\$0.00	\$0.00	\$0.00	\$0.00	(\$523.48)
Total Liability	(\$5,063.47)	\$0.00	\$0.00	\$0.00	\$0.00	(\$5,063.47)
Equity						
G 603-25300 Unreserved Fund Balance	(\$196.12)	\$1,418.61	\$6,937.08	\$43,707.72	\$55,550.92	(\$12,039.32)
Total Equity	(\$196.12)	\$1,418.61	\$6,937.08	\$43,707.72	\$55,550.92	(\$12,039.32)
Total 603 STREET LIGHT FUND	\$0.00	\$8,355.69	\$8,355.69	\$99,258.64	\$99,258.64	\$0.00



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Current Period: December 2012

FUND 604 STORM WATER FUND

December 2012

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 604-10100 Cash	\$15,107.03	\$3,088.90	\$20,083.00	\$23,430.39	\$22,347.49	\$16,189.93
G 604-11500 Accounts Receivable	(\$648.20)	\$0.00	\$0.00	\$0.00	\$0.00	(\$648.20)
G 604-12100 SA Recievable -Current	(\$0.07)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.07)
G 604-12200 Special Assess Rec-Delinque	\$378.00	\$0.00	\$0.00	\$0.00	\$0.00	\$378.00
Total Asset	\$14,836.76	\$3,088.90	\$20,083.00	\$23,430.39	\$22,347.49	\$15,919.66
Liability						
G 604-20200 Accounts Payable	(\$1,512.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,512.00)
G 604-20700 Due to Other Funds	\$0.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.19
Total Liability	(\$1,511.81)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,511.81)
Equity						
G 604-25300 Unreserved Fund Balance	(\$13,324.95)	\$20,083.00	\$3,088.90	\$22,347.49	\$23,430.39	(\$14,407.85)
Total Equity	(\$13,324.95)	\$20,083.00	\$3,088.90	\$22,347.49	\$23,430.39	(\$14,407.85)
Total 604 STORM WATER FUND	\$0.00	\$23,171.90	\$23,171.90	\$45,777.88	\$45,777.88	\$0.00
Report Total	\$0.00	\$2,037,485.91	\$2,037,485.91	\$12,104,422.68	\$12,104,422.68	\$0.00

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 prize value for the year will be \$1,500 or less, contact the licensing specialist assigned to your county.

Application fee	
If application posted or received:	
less than 30 days before the event	more than 30 days before the event
\$100	\$50

ORGANIZATION INFORMATION

Organization name **Knights of Columbus** Previous gambling permit number
Fr. Jeremiah O'Callaghan Council #3659 **19075**

Minnesota tax ID number, if any Federal employer ID number (FEIN), if any

Type of nonprofit organization. Check one.
 Fraternal Religious Veterans Other nonprofit organization

Mailing address City State Zip code County
P.O. Box 465 South St. Paul Mn. 55075 Dakota

Name of chief executive officer [CEO] Daytime phone number E-mail address
Laurence Bidwell (651) 455-8665

NONPROFIT STATUS

Attach a copy of ONE of the following for proof of nonprofit status.

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing.
 Don't have a copy? This certificate must be obtained each year from:
 Secretary of State, Business Services Div., 60 Empire Drive, Suite 100, St. Paul, MN 55103
 Phone: 651-296-2803

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 at 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:
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 b. 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.
Tinucci's Restaurant

Address [do not use PO box] City or township Zip code County
396 - 21ST. St. Newport, Mn. 55055 Washington

Date[s] of activity. For raffles, indicate the date of the drawing.
Sunday, April 28, 2013.

Check each type of gambling activity that your organization will conduct.
 Bingo* Raffle Paddlewheels* Pull-tabs* Tipboards*

***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.gcb.state.mn.us and click on **Distributors** under the **WHO'S WHO? LIST OF LICENSEES**, or call 651-639-4000.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

**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 _____

Signature of city personnel _____

Title _____ Date _____

Local unit of government must sign

**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 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 Minnesota Statutes 349.166.]

Print township name _____

Signature of township officer _____

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

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 *Laurence Bidwell* Date 1/2/13

Print name Laurence Bidwell

Print form and have CEO sign

REQUIREMENTS

Reset form

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.

Send application with:

- a copy of your proof of nonprofit status, and
- application fee. Make check payable to "State of Minnesota."

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

Financial report and recordkeeping required

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.gcb.state.mn.us.

Within 30 days of the event date, complete and return the financial report form to the Gambling Control Board.

Questions?

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

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

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.



**City of Newport, Minnesota
ANNUAL FARM ANIMAL PERMIT**

Name of Applicant: Kim L Brown
Address: 1675 Kolff St Newport MN 55055
Phone: 651-730-9803

Upon application made by the above name individual and approved by the Newport City Council at its regularly scheduled meeting of January 17, 2013, and subject to the requirements of Newport City Code Section 600.21, Kim Brown has been granted this permit for the farm animals identified below for property located at: 1675 Kolff Court

The applicant has also provided the following information to the City:

- Site Plan of Property, identifying property lines, location and size of pasturage area and shelters
- Kind and number of animals to be kept: 2 Horses
- If the applicant is keeping bees, a list of the property owners that were provided with written notification

Approved by the Newport City Council on the _____ day of _____, 20__.
This license is valid until December 31, 20__.

Kim L Brown
Applicant

City Administrator

Mayor

Fee: \$25

Receipt #: 992 Date: 01/08/13 Cash: _____ Check #: ✓

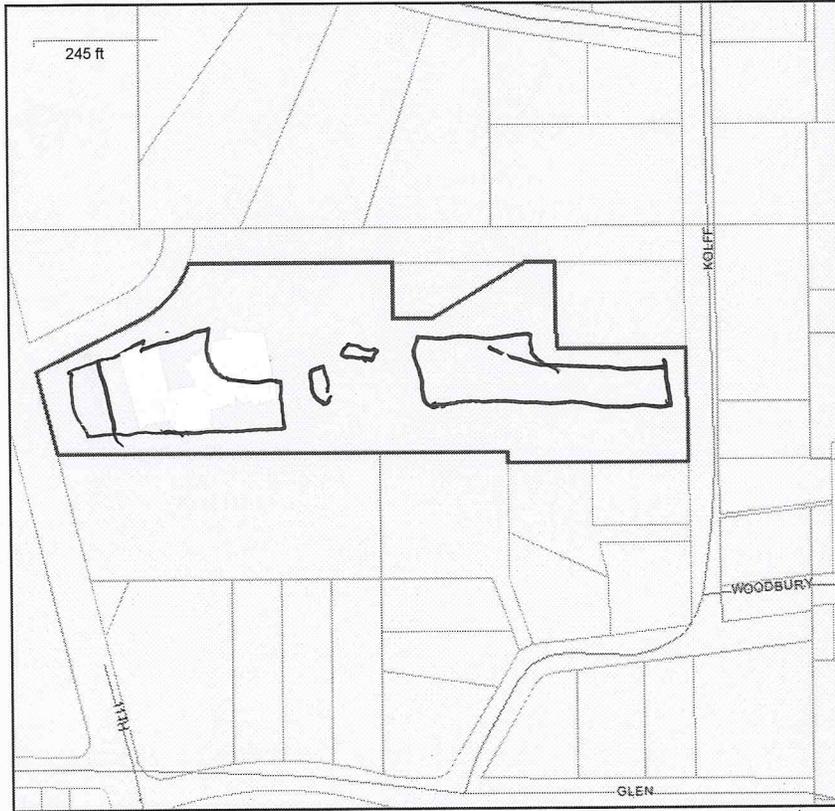
Property Viewer

Interactive Map

Foreclosures

Print

New Search



Your search returned 1 results.

[Export Results](#) | [Map All Results](#)

Property ID	House No. Address
3602822120002	1675 KOLFF RD

Property ID	3602822120002
Location	1675 KOLFF RD
Municipality	CITY OF NEWPORT
Owner	BROWN KIM L
Owner 2	
Owner Address	1675 KOLFF RD
Owner City	NEWPORT, MN 55055
Parcel Size (Ac)	8.76
School District	ISD833
Homestead	Yes
Watershed	South Washington

[Property Record Card](#)

[Property Tax Card](#)

Aerial Photo

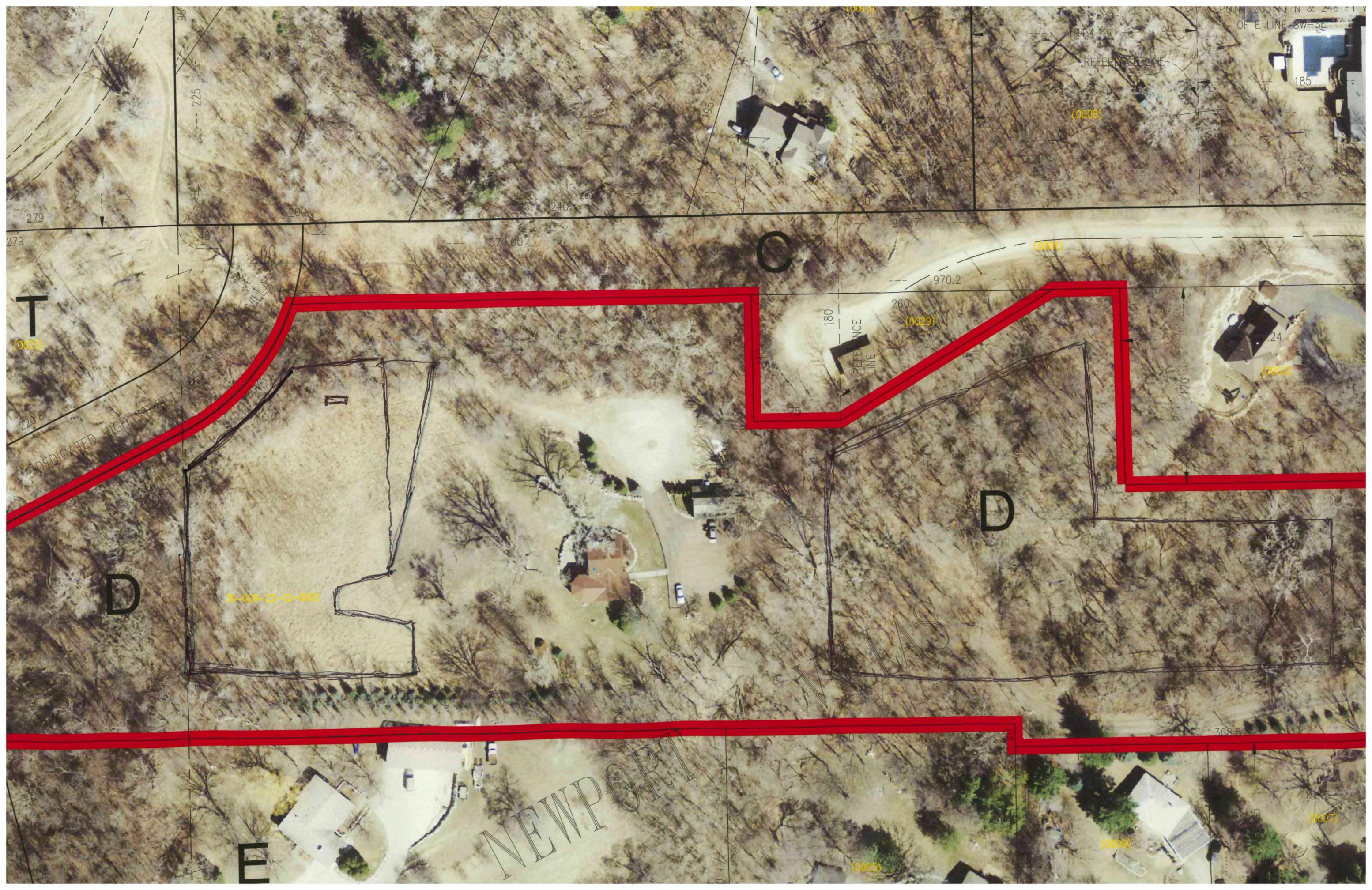
Scale 1" = 245 ft



[Home](#) | [Info for Residents](#) | [Info for Business](#) | [Things to Do Here](#) | [Employment](#)
[Dept. Directory](#) | [Your County Government](#)

General Information: 651-430-6000 • (TTY: 651-430-6246)

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T
(0023)

DEDICATED HIGH STREET

NEWPORT VILLAS

D

36-028-22-12-0002

C

REFERENCE LINE

D

NEWPORT VILLAS

E

REFERENCE LINE

POINT 200 FT N & 240 FT W
OF E LINE SW-SE

185

62

(0006)

260

(0029)

24

(0003)

170

368.5

187.5

(0007)

(0008)

(0005)



Department of Public Health and Environment

Lowell Johnson
Director

Sue Hedlund
Deputy Director

November 27, 2012

City of Newport
Attn: Brian Anderson
596 7th Ave
Newport, MN 55055-9798

Washington County, through its Department of Public Health and Environment (Department), has historically provided, and it is the county's desire to continue to provide, septic system permitting and inspection services for the City of Newport.

The most recent Agreement between the city and the county will expire on December 31, 2012. Please be assured there will be no interruption of service to the city while we work jointly to execute a new Agreement.

The changes to the Agreement include:

- **SCOPE OF SERVICES – City's Responsibilities –**
 - Removed language that the city 'shall' adopt an ordinance at least one year after the county adopts an ordinance. It is not a requirement for the communities to have their own ordinance. If they choose to not adopt the county ordinance the inspection, permitting, and enforcement all defer to the county. Each city may choose their level of involvement. Because your city has adopted the county ordinance by reference or has adopted your own ordinance this agreement continues to lay out the roles and responsibilities for each party. The county will undertake an ordinance revision process in 2013 and will seek input from the cities on the level of involvement the cities will like to have.
- **Independent Contractor** – Removed independent contractor language as it does not apply to this agreement.
- **Nondiscrimination** – Changed language to county standard.
- **TERMS AND EFFECTIVE DATE** – Dates changed to reflect effective date of January 1, 2013 and termination date of December 31, 2014.

Please review the enclosed Agreement, and, if the language is satisfactory, return the signed original Agreement to the **attention to Kris Keller** as I will be on leave until the end of February. We will send a fully executed copy of the Agreement to the city as soon as it is signed by the County Board Chair and County Administrator. If, however, there are paragraphs in the Agreement you would like to discuss more fully, please contact our Department at your earliest convenience.

We look forward to continued service to your community. If you have any questions or if I can be of further assistance, please contact me at 651-430-6744 or via email at amanda.strommer@co.washington.mn.us or Kris Keller at 651-430-6704 or via email at kristofer.keller@co.washington.mn.us.

Agreement for Subsurface Sewage Treatment System Inspection Services

This agreement is made and entered into, by and between the County of Washington (hereinafter referred to as the County) and the City of Newport (hereinafter referred to as the City).

I. WITNESSETH

WHEREAS, the City wishes to contract with the County to perform subsurface sewage treatment system (SSTS) inspection services within the City's boundaries; and

WHEREAS, the City adopted the County's Subsurface Sewage Treatment System Regulations Ordinance #179 (Washington County Development Code Chapter 4), hereinafter SSTSRO, regulating subsurface sewage treatment systems, which applies to all areas of the City; and

WHEREAS, the County agrees to provide subsurface sewage treatment system inspection services under the terms and conditions hereinafter set forth; and

WHEREAS, this contract is authorized under Section 471.59 of the Minnesota Statutes.

NOW THEREFORE, it is mutually agreed between the County and City as follows:

II. SCOPE OF SERVICES

County's Responsibilities

1. The County agrees to provide, through its Department of Public Health and Environment, subsurface sewage treatment system inspection services for the City. The County shall provide a Qualified Employee(s), as described in Minn. Rule 7083.1010 and 7083.0020 subp 17.
2. The standards of performance, method of providing subsurface sewage treatment system inspection services, and other matters incident to the performance of services under this Agreement, including personnel to be employed, shall be determined by the County. The City shall be notified in advance of any proposed changes in standards of performance or methods of providing services.
3. The County shall provide the necessary SSTS application review and sewage system plan approval as required by laws, regulations and ordinances, provide all job site inspections of projects under permit, and conduct special inspections as deemed necessary to ensure compliance with the SSTSRO. Services shall include clerical support incidental to the performance of this agreement.
4. The County shall provide and issue all sewage permits as required by the SSTSRO, existing laws or regulations and shall maintain records of all such permits. If the City requests a copy

of a granted permit, the County shall provide a copy to the City within 5 (five) working days.

5. The County shall send a copy of the County's issuance of a certificate of compliance of the sewage system's completion to the City within 10 (ten) working days of the County granting the certificate.
6. In the event of a violation or threatened violation of the SSTSRO or sewage permit the County may pursue the administrative issuance of stop work orders on the installation of the septic system, and/or issue corrective orders, and/or issue notices of non-compliance.
7. The County shall advise the City if a misdemeanor citation is warranted for any violation of a sewage permit or SSTSRO.
8. The County may request appropriate actions or proceedings be brought by the City, to prevent, restrain, correct or abate violations or threatened violations of a sewage permit or SSTSRO.
9. The County will cooperate with the City's officials and/or employees in fulfilling its obligations under this Agreement.

City's Responsibilities:

1. In areas not served by municipal sewer, the City shall not issue a building permit for new dwelling construction and/or for the addition of bedrooms until the County has issued a sewage permit for the new construction and/or addition of bedrooms.
2. The City shall act on all applications for special permits and SSTSRO variance requests.
3. Upon request from the County the City shall issue a stop work order on projects commencing construction prior to the issuance of a sewage permit.
4. The City is responsible for commencing appropriate actions or proceedings to prevent, restrain, correct or abate violations or threatened violations of a sewage permit or SSTSRO and shall represent the County during appeals of the administrative remedies issued by the County.
5. The City may issue misdemeanor citations for violations of the SSTSRO or sewage permit.
6. The City shall not issue a certificate of occupancy for new construction or the addition of bedrooms prior to receipt of the County's certificate of compliance.
7. The City, and its agents and employees, will cooperate and assist the County in the performance of this Agreement.
8. In the event of County SSTS Ordinance revision, the City may adopt a revised SSTS Ordinance which is consistent with or more restrictive than the County's revised SSTS

Ordinance no more than 12 (twelve) months after the County revised SSTS Ordinance has been adopted.

III. SCHEDULE OF FEES AND CHARGES

1. The County shall establish the schedule of fees for its subsurface sewage treatment system inspection services. The septic permit application and installation fees shall be in accordance with the fee schedule adopted annually by the Washington County Board of Commissioners. The County shall collect, receipt for, disburse, and maintain records for all fees and charges collected incident to the administration of subsurface sewage treatment system inspection and permit services contained herein.
2. Fees and charges shall be due and payable by the applicant upon issuance of the permit and will be collected by the County from the applicant for said permit.
3. The City agrees that in payment for the subsurface sewage treatment system inspection and permit services provided by the County that the County shall retain, out of the fees and charges collected incident to this service, an amount equal to one hundred percent (100%) of all SSTS permit fees.
4. The City shall not assume any liability for the direct payment of any salary, wage, or other compensation to any County employee performing subsurface sewage treatment system inspection services pursuant to this agreement.

IV. GENERAL TERMS AND CONDITIONS

Data Privacy

1. All data collected, created, received, maintained or disseminated for any purposes by the activities of the County because of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Chapter 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as Federal Regulations on data privacy, including but not limited to, the Health Insurance Portability and Accountability Act (HIPAA) where it applies. The City and County agree to abide by these statutes, rules and regulations and as they may be amended.

Indemnity Clause

2. The City agrees that it will indemnify and hold harmless the County, its officers and employees, against any and all liability, loss, costs, damages and expenses which the County, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the City's negligent performance or failure to adequately perform its obligations pursuant to this Agreement.

The County agrees that it will indemnify and hold harmless the City, its officers and

employees, against any and all liability, loss, costs, damages and expenses which the City, its officers or employees may hereafter sustain, incur, or be required to pay arising out of the County's negligent performance or failure to adequately perform its obligations pursuant to this Agreement.

Insurance

3. The City further agrees that in order to protect itself, as well as the County, under the indemnifications provisions set forth above that it shall at all times during the terms of this Agreement, provide maximum tort liability limits as set forth in Minnesota Statute, Sections 3.736 and 466.04. This provision shall be set as a condition subsequent; failure to abide by this provision shall be deemed a substantial breach of contract.

The County further agrees that in order to protect itself, as well as the City, under the indemnifications provisions set forth above that it shall at all times during the terms of this Agreement, provide maximum tort liability limits as set forth in Minnesota Statute, Section 466.04. This provision shall be set as a condition subsequent; failure to abide by this provision shall be deemed a substantial breach of contract.

Records – Availability and Retention

4. Pursuant to Minnesota Statute 16C.05, Subd 5., the County/City agrees that the County/City, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. which are pertinent to the accounting practices and procedures of the County/City and involve transactions relating to this agreement. The County/City agrees to maintain these records for a period of six years from the date of termination of this Agreement and make available as requested.

Nondiscrimination

5. The provisions of Minn. Stat. 181.59 and of any applicable ordinance relating to civil rights and discrimination shall be considered part of this Agreement as if fully set forth herein, and shall be part of any Agreement entered into by the parties with any contractor, subcontractor, or material suppliers.

Merger and Modification

6. It is understood and agreed that the entire Agreement between the parties is contained here and that this agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter.

Any material alterations, variations, modifications, or waivers of provisions of this

Agreement shall be valid only when they have been reduced to writing as an amendment and signed by the parties.

Severability

7. Every section, provision or part of this Agreement is declared severable from every other section, provision or part thereof to the extent that if any sections, provision or part of this Agreement shall be held invalid by a court of competent jurisdiction, it shall not invalidate any other section, provision or part thereof.

V. TERM AND EFFECTIVE DATE

1. The effective date of this agreement shall be January 1, 2013, notwithstanding the date of the signatures below.
2. This agreement shall run until December 31, 2014, at which time it will automatically terminate unless it is renewed by official action of both the City and the County prior to the termination date. Notice of either the City's intent or the County's intent not to renew the agreement should be given to the other party ninety (90) days in advance of the December 31, 2014, termination date.

IN WITNESS WHEREOF, the City has caused this agreement to be signed by its Mayor and attested to by its Clerk, and the County of Washington, by order of its Board of County Commissioners, has caused this Agreement to be signed by its Board Chair and attested to by its County Administrator.

City of Newport, Minnesota

Washington County, Minnesota

By: _____
Mayor

By: _____
Chair, Board of Commissioners

Date: _____

Date: _____

By: _____
City Clerk

By: _____
County Administrator

Approved as to Form:


Assistant Washington County Attorney



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: January 14, 2013

SUBJECT: Comprehensive Plan Amendment

BACKGROUND

Over the last couple months, the Planning Commission has been discussing amendments to the zoning map and Section 1350, Non-Residential Districts and will be holding a public hearing in February to discuss and recommend approval to the City Council. Part of the process includes amending the Comprehensive Plan in regards to the zoning map. In order to amend the Comprehensive Plan, the City needs to distribute the amendments to neighboring municipalities and organizations and needs City Council approval in order to do so. The Planning Commission discussed this at their January 10 meeting and approved a resolution recommending the City Council approve the distribution of the Comprehensive Plan amendments. Attached for your review is the packet item from the January 10 Planning Commission meeting and Resolution No. 2013-2 approving the distribution of the Comprehensive Plan Amendment.

RECOMMENDATION

It is recommended that the City Council approve Resolution No. 2013-2.

RESOLUTION NO. 2013-2

A RESOLUTION BY THE NEWPORT CITY COUNCIL APPROVING COMPREHENSIVE PLAN AMENDMENT DISTRIBUTION

WHEREAS, the City of Newport adopted its 2030 Comprehensive Plan Update on January 21, 2010, and

WHEREAS, the Comprehensive Plan includes goals to support transit-oriented development and a variety of mixed-use districts within the City; and

WHEREAS, the Planning Commission has completed proposed updates to the Zoning Ordinance and Zoning Map to create several new districts and the standards to govern future development in those districts that will implement the goals of the Comprehensive Plan; and

WHEREAS, at its January 10, 2012 meeting, the Planning Commission approved Resolution No. P.C. 2013-1 recommending that the City Council approve the revised zoning map and updated zoning ordinance Section 1350 for distribution to neighboring communities and other agencies as required by the Metropolitan Council prior to final approval.

NOW, THEREFORE, BE IT RESOLVED, That the Newport City Council approve the revised zoning map and updated zoning ordinance Section 1350 for distribution to neighboring communities and other agencies as required by the Metropolitan Council.

Adopted this 17th 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



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

Memorandum

To:	Newport Planning Commission	Reference:	January 10, 2013 Meeting
Copies To:	Brian Anderson, City Administrator		
	Renee Helm, Executive Assistant		
From:	Sherri Buss, RLA, AICP, Planner	Project No.:	14816.000
Date:	January 2, 2013	Routing:	

The items for discussion at this meeting include the following:

- Draft materials for Comprehensive Plan Amendment submittal

The City will need to apply to the Metropolitan Council for a Comprehensive Plan amendment for our proposed changes to the zoning map. We need the Planning Commission to approve the draft amendment submittal so that we can send it out to the neighboring communities and start the amendment process.

The draft materials that we need to send to the Metro Council are attached for your review and comments. We need to get this process going as soon as possible—we had originally included this task as part of the Livable Communities grant that ended on December 31, 2012.

Berry and I have updated the map based on our discussions in November and December, including the shape of the northern pedestrian bridge. We also completed the updates to the proposed section of the ordinance based on that discussion. I have attached those items as well, so you can review for the public hearing. City staff forgot to notice the public hearing for January, so we have rescheduled that for the February Planning Commission meeting.

See you on January 10!

Comprehensive Plan Amendment Submittal Form

Please complete the following information. When completing this form electronically, fields in grey need your input. Use the Tab key to quickly navigate to each field. Question 37 on the last page of this form is for MUSA Expansions or Changes only and does not contain grey fields, but is directly editable. The form for Question 37 is also available in Excel format. <http://www.metrocouncil.org/planning/assistance/resources.htm>

This form is available in electronic format on the Metropolitan Council's website: <http://www.metrocouncil.org/planning/assistance/resources.htm>.

AMENDMENT NAME City of Newport Mixed Use Districts

COMMUNITY PROFILE AND AMENDMENT OVERVIEW

1. Please provide the following information:

Local governmental unit: City of Newport
Contact name: Sherri Buss, RLA, AICP
Contact title: Senior Planner
Address: TKDA, 444 Cedar Street, Suite 1500
City, State, Zip: St. Paul, MN 55101
Telephone number: (651)292-4582
FAX number: (651)292-0083
Email address: sherri.buss@tkda.com
Date of preparation: January 14, 2012

2. Identify the type of amendment and describe. Check all that apply:

- 2a. Land use change: creation of Mixed Use Districts to support transit-oriented development around the Red Rock Transit Station, support transition from highway-oriented uses to a diverse mix of housing, commercial and office uses and replace obsolete business classification
- 2b. MUSA expansion or change: _____
- 2c. Text Change: Update text related to Mixed Use Districts and Future Land Use map change
- 2d. Other: _____

3. Provide a description of the amendment:

Location: both sides of Highway 61
Brief description: Change previous Commercial/Residential designation to four Mixed Use designations
Affected area, in acres: 243 acres
Number of housing units in CPA area, if any: _____

SECTION 1: PROCESS OVERVIEW

<http://www.metrocouncil.org/planning/LPH/LPHSect1.pdf>

4. Indicate the official local status of the plan amendment. Check all that apply.

NOTE: *The local governing body must take action on the proposed amendment before submittal to the Metropolitan Council.*

Action	Date of Action
<input checked="" type="checkbox"/> Acted upon by the planning commission.	January 10, 2013
<input type="checkbox"/> Approved by governing body, contingent upon Metropolitan Council review	

5. List the adjacent local governments, school districts, and other jurisdictions that were contacted and the date the copies were sent. Notifying adjacent governmental units and affected school districts is one of the criteria the Council will use to determine whether an application is deemed complete for review.

City of Woodbury, City of Cottage Grove, City of St. Paul Park, City of Inver Grove Heights, City of South St. Paul, City of St. Paul, City of Maplewood, South Washington County School District 833, South Washington County Watershed District, and Washington County

Date sent:

6. Identify outstanding issues or conditions made in the Metropolitan Council's review of the municipality's 2030 Comprehensive Plan Update or subsequent comprehensive plan amendments:

- The Council's review(s) did not identify any issues or conditions.
- The Council's review(s) identified the following issues/conditions:

Issue/Condition	Steps taken or future planned actions, including date

7. Will/has and environmental review (Environmental Assessment Worksheet, Environmental Impact Statement, or Alternative Urban Areawide Review) be/been completed for this site?

- No, none required.
- Yes. Indicate the type of review and approximate date of completion. If completed, include a summary of the findings below:

SECTION 2: FORECASTS

<http://www.metrocouncil.org/planning/LPH/LPHSect2.pdf>

8. Does the plan amendment change the population, household, or employment forecasts that appear in the Metropolitan Council's published forecast tables? Published forecast tables can be found online on the Council's website: <http://www.metrocouncil.org/metroarea/stats.htm>. Please note that the Council's practice is to round forecasts to the nearest hundred.

- No, no change in community-level forecasts. This plan amendment enables development that is already assumed in current, approved forecasts.
- Yes. Identify the net changes to community-level forecasts in the table below:

Net Changes to Community-level Forecasts (additions or reductions due to the amendment)			
	2010	2020	2030
Population			
Households			
Employment			

For all amendments that propose land use or forecast changes, you must complete the following:

- Item #10 Land Use
- Item #11 Housing
- Item #12 Critical Area / MNRRA
- Item #13 Trip Generation
- Item #22 Wastewater Flow
- Item #32 Water Supply

SECTION 3: LAND USE

<http://www.metrocouncil.org/planning/LPH/LPHSect3.pdf>

9. Does the plan amendment propose any impacts to wetlands located on the site?

- No wetlands on the site.
- No, no impacts to wetlands located on the site.
- Yes. Describe the type of wetland(s), potential impacts, and mitigation plans below:

10. Describe land use changes in acres applicable to this amendment site in the table below. Use the community's land use categories as contained in the local comprehensive plan.

- Not applicable. No land use changes proposed.

Land Use Designation (fill in the community's specific land use categories)	All Land Uses in CPA Area Acres		Residential Land Uses Only # of Units & Density Range	
	Pre-CPA	Post-CPA	Pre-CPA	Post-CPA
Commercial/Residential	243	0	432 units (6-8 dua)	0
Mixed Use Downtown (MX 1)	0	38		6 - 18 dua
Mixed Use Commercial (MX 2)	0	53		6 - 10 dua
Mixed Use Transit-Oriented Design (MX 3)	0	54		30 - 50 dua
Mixed Use General (MX 4)	0	98		6 - 18 dua
Totals	243	243		432 units

CPA = Comprehensive Plan Amendment

11. Housing: If the proposed amendment changes the amount of land city-wide staged for development for the 2011-2020 timeframe for medium density, high density, or mixed use residential development, complete the following table to identify the amount of land available pre- and post-amendment.

Fill in all land use categories that allow multi-family residential development	Acres city-wide for each land use category Pre-CPA			Acres city-wide for each land use category Post-CPA	
	Total Acres	Developed Acres	Developable Acres*	Amendment Acres**	Developable Acres
	A	B	A - B = C	D	C + D = E

* Developable means land planned for urban residential development, infill, or redevelopment for the 2011-2020 timeframe.
 ** Amendment acres from the municipality's response to Question #10 above.

12. Mississippi River Critical Area / MNRRA: Does the proposed amendment include any land within the designated Mississippi National River and Recreation Area (MNRRA) and Critical Area boundaries?

- No. Not a community with CA / MNRRA boundaries or project site is not within CA / MNRRA boundaries.
- Yes. Describe below how Critical Area guidelines and MNRRA Comprehensive Management Plan policies are being addressed with this amendment.

SECTION 4: TRANSPORTATION <http://www.metrocouncil.org/planning/LPH/LPHSect4.pdf>

13. Trip Generation: Complete the table below using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual to show whether this plan amendment increases or decreases trip generation compared to the planned land use and transportation element of the community's comprehensive plan.

	Trip Generation for the Site Based on Planned Land Use Pre-Amendment	Trip Generation for the Site Based on Planned Land Use Post-Amendment
Estimated average daily traffic		
Estimated peak hour traffic		

14. Will these changes require improvements to the existing local and regional road network or to interchanges beyond what is in the community's current transportation plan?

- No, existing local and regional road networks can accommodate increase.
- Yes, improvements are needed. Describe improvements and who will pay for them below:

Access

15. If this site has direct access to a Principal or "A" Minor Arterial, is the location and spacing consistent with applicable County guidelines or MnDOT's Access Management Guidelines? (<http://www.oim.dot/state.mn.us/access/index.html>)

- Not applicable. No direct access to a Principal or "A" Minor Arterial.
- No. Explain:
- Yes. Describe below:

City ordinances regulate access management consistently with the Guidelines. Washington County and Mn/DOT have reviewed the proposed roadway system in the Red Rock District, which includes Maxwell Avenue (CR 38), and have approved the access and spacing among roadways.

16. Will the amendment increase or decrease by 10% or more the 2030 forecasted households, population, or employment forecasts allocated to the development's Traffic Analysis Zone (TAZ)?

- Yes. No. If Yes, explain below:

Transit and Other Modes of Transportation

17. Is the amendment likely to have any impact, positive or negative, on transit service?

- No, not currently served by transit or will not affect transit.
- Yes. List existing routes, describe changes, and identify proposed/necessary transit facility improvements (e.g. shelters, park & rides, etc) below:

The amendment supports transit oriented development opportunities for the Red Rock corridor. The MX-3 District will support transit-oriented development around the Red Rock Transit facility.

18. Does the amendment include Traffic Demand Management (TDM) strategies or land use and urban design measures, if applicable?

- Yes. No.

If No, explain why not. If Yes, describe below (e.g. car and van pooling, flexible work hours, mixed land uses that discourage vehicle trips and promote walking, biking, ridesharing, and transit):

The amendment promotes mixed use development.

19. Does the amendment include any pedestrian or bicycle access or facilities?

- Yes. No. If No, explain why not. If yes, describe access/facilities below:

Facilities will be required as development occurs.

Aviation
20. Does the amendment affect any airport functions?

- Not applicable. Site is not within airport compatibility area or search area.
- No. The site is within airport compatibility area or search area, but no impacts. Explain below:
 The site is within the South St. Paul Airport joint zoning board, but there will be no impacts due to the proposed change in zoning districts
- Yes. The CPA site is within an airport compatibility area or search area, and experiences off-airport impacts related to the following:
- Aircraft Noise. Describe whether the community has adopted land use compatibility guidelines, including preventive and corrective noise abatement and/or mitigation measures being applied.
 - Airport Safety Zoning. Indicate whether the community participates on a joint airport/community zoning board, has an approved airport zoning ordinance, and how those requirements relate to the proposal.
 - Airport Infrastructure. Describe how the proposal affects or is affected by the provision of services or facilities to the airport (e.g. roads, utilities, police/fire, etc.).

SECTION 5: WATER RESOURCES
<http://www.metrocouncil.org/planning/LPH/LPHSect5.pdf>
Wastewater
21. What type of wastewater treatment will be used to serve the proposed amendment?

- Individual Sewage Treatment System (ISTS)
- Privately Owned / Community Treatment System
- Local / Municipal Owned Wastewater Treatment Plant
- Regional Wastewater Treatment

22. Wastewater Flow: Complete the following table to show whether the amendment increases or decreases wastewater flow compared to the currently planned land use and sewer flow projections.

Year	Total Community Flow Pre-Amendment (mgd)	Total Community Flow Post-Amendment (mgd)
2010	139	139
2020	180	180
2030	208	208

mgd = million gallons per day

23. Does the local wastewater system have adequate capacity or staged capacity to accommodate the proposed amendment?

Yes. No. Explain response below:

NA - no local system.

24. Does the regional wastewater system have adequate capacity or staged capacity to accommodate the proposed amendment?

Yes. No. Explain response below:

The Plan Amendment does not yild a change from the adopted comprehensive plan.

25. Has the community and/or Metropolitan Council identified an inflow and infiltration (I/I) problem?

Yes. No. If Yes, describe steps taken to address the I/I issue and plans for action below:

The City's efforts to address I/I include identification and correction of cross-connections and overflows between the sanitary and storm sewer systems; the City has required that all homes located below the regulatory flood elevation be equipped with check valves to allow shut off when river levels increase infiltration; and there is an ongoing program to replace all manhole covers with seal "pickless" lids. The City requires the PVC pipes be used in all new construction to reduce seepage into sewer pipes. The city has an ordinance that prohibits the use of sump pumps to discharge water into the sanitary sewer system.

26. Identify regional interceptor(s) that will be impacted by these changes and indicate if flows will be diverted from one interceptor service area to another below.

None

27. Does the amendment include any wastewater flow to an adjacent community? For new inter-community agreements, the receiving community must also amend the sewer element of its plan.

Yes. Enclose a copy of the inter-community agreement with the amendment submittal.
 No.

Surface Water

28. Will stormwater runoff generated from the amendment be treated on-site?

No. Check one of the following and describe:

Runoff will not receive treatment. Describe below:

Runoff will be treated off-site. Identify off-site treatment facility below:

Yes. Describe type and level of on-site pollutant removal treatment/mitigation plans below:

Local stormwater and erosion control ordinances require on-site pretreatment/ treatment. All stormwater generated by new development or redevelopment will meet the City's requirements and the rules and standards adopted by the South Washington Watershed District.

29. Does the community an updated local surface water management plan?

Yes. Year adopted: 2010 No. Explain below:

30. Does the community have an adopted erosion control or stormwater management ordinance?

Yes. Year adopted: 2011 No. Explain below:

Water Supply

31. Does the community have an updated water supply plan?

Yes. Year adopted: 2010 No.

32. Will the amendment increase or decrease projected water use from the community's current water supply plan?

- Yes. Provide the water supply plan amendment as an attachment to describe necessary facilities improvements or changes.
- No increase or decrease in projected water use from the water supply plan.

SECTION 6: PARKS

<http://www.metrocouncil.org/planning/LPH/LPHSect6.pdf>

33. Does the amendment include, or is it adjacent to or within 1/2 mile of an existing or planned regional park, reserve, or trail as identified in the Metropolitan Council's 2030 Regional Parks Policy Plan?

Yes. No.

If Yes, indicate the name of the regional park, reserve, or trail and describe potential impacts and mitigations plans below:

The Washington County Mississippi River Regional Trail runs along the Highway 61 corridor. Any trail improvements will be considered as development is proposed.

34. Does the community have a Parks & Open Space Plan including regional park elements?

Yes. Year adopted: 2010 No.

SECTION 7: IMPLEMENTATION

<http://www.metrocouncil.org/planning/LPH/LPHSect7.pdf>

35. Will the amendment require changes in zoning or subdivision ordinances, the capital improvement program (CIP), or other official controls?

Yes. No. If Yes, describe proposed changes and timeline for making those changes below:

The change will be implemented with Zoning Map and Zoning Ordinance amendments.

36. Does the community have natural resources protection ordinances, including those addressing wetlands, tree preservation, or steep slopes?

Yes. No. If Yes, identify applicable ordinances below:

Zoning, Floodplain Management, Shoreland Management (includes wetlands and steep slopes), Bluffland Overlay (includes bluffs and steep slopes), Critical Area Overlay and Subdivision Chapters of the City Code.

DON'T FORGET!

A complete comprehensive plan amendment submittal must include the following:

- Completed CPA Submittal Form
- Staff report regarding CPA
- Other relevant information related to the CPA

And the following color maps:

- General location of CPA
- Current planned land use
- Proposed planned land use change
- Current sewer staging
- Proposed sewer staging changes
- Existing land cover (MLCCS if available)

PROPOSED REVISIONS TO
COMP PLAN TEXT IN RED

**Table 4 - 2:
2030 Future Land Use**

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<i>Land Use Type</i>	<i>Acres</i>	<i>Percent</i>
Single Family Detached/ River Residential	720432	29.217.5%
Conservation Residential	523895	21.236.3%
Multi-Family	17	0.70.7%
Commercial/Residential <u>Mixed Use-</u>		
<u>Downtown (MX-1)</u>	<u>38224</u>	<u>9.11.5%</u>
<u>Mixed Use-Commercial (MX-2)</u>	<u>53</u>	<u>2.2</u>
<u>Transit Oriented Mixed Use (MX-3)</u>	<u>54</u>	<u>2.2</u>
<u>General Mixed Use (MX-4)</u>	<u>98</u>	<u>4.0</u>
Commercial /Business		
Park/ <u>Office/Warehouse</u>	<u>4751</u>	<u>1.92.1%</u>
Light Industrial	<u>8072</u>	<u>3.32.9%</u>
General Industrial	154112	6.14.5%
<u>Industrial-Storage</u>	<u>44</u>	<u>1.8</u>
<u>Institutional</u>	<u>63</u>	<u>-2.6%</u>
<u>Parks and Open Space</u>	<u>188147</u>	<u>7.66.0%</u>
Transportation	296	12.012.0%
Water	156	6.36.3%
	2,465	100.0.0%

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**Table 4 - 3:
Planned Residential Densities**

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<i>Residential Land Use</i>	<i>Gross Acres</i>	<i>Net Acres</i> (lands vacant for development or planned for redevelopment, less wetlands and bluff area)	<i>Minimum-Maximum Density</i>	<i>2030 New Housing Units</i>
SF Single Family Detached/ River Residential	720432	<ul style="list-style-type: none"> 50 vacant, platted lots in Old Town area available for development. No additional acres undeveloped/ planned for redevelopment. 	3 - 5 dua	50 units
Conservation Residential	523895	<ul style="list-style-type: none"> 211 Net Acres It is not expected that 100% of the area will develop in the 2030 planning horizon. 100 Net Acres anticipated for 2030. 	2 - 3 dua	200 units
Multi-Family	17	<ul style="list-style-type: none"> Zero acres undeveloped/ planned for redevelopment. 	6-14 dua	Zero units
Commercial/ Residential <u>Mixed Use Districts</u>	234243	<ul style="list-style-type: none"> 181 Net Acres It is not expected that 100% of the area will develop in the 2030 planning horizon. 144 Net Acres anticipated for 2030. 50/50 mix; 72 Residential Net Acres for 	6 - 8-50 dua	432 units

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		2030.		
			TOTAL	682 units

**Table 4 - 4:
Staging Plan**

Area	2010	2020	2030
SF Detached (existing platted lots)	20 units	30 units	--
Conservation Residential	25 units	75 units	100 units
Commercial/Residential <u>Mixed Use</u>	117 units	165 units	180 units
New units	162	270	280
Total Households	1,580	1,850	2,130
Total Population	3800	4,400	4,890
Employment	3,900	5,200	6,500

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1. Residential Land Use Designations - Single Family Detached/~~River Residential~~, ~~Conservation Residential~~, ~~Commercial/Residential~~Mixed Use, and Multi-Family

Residential development in the community will focus on maintaining and enhancing the existing housing areas and diversifying the housing supply. The future land use plan provides opportunities for additional housing that will help the community meet the population and household projections identified by the Metropolitan Council for the 2030 plan.

The following additional housing opportunities are recommended through 2030:

- *Infill Housing*: Some vacant platted single family lots remain scattered throughout the "old town" neighborhood. The City will revise its zoning ordinance to allow development on these lots. The Ordinance will also include design and performance standards to assure that the character and design of the new units is compatible with existing housing.
- Redevelopment in ~~Commercial/Residential~~Mixed Use Zones: The districts to the east and west of Highway 61 provide opportunities to integrate higher-density housing with commercial, office, restaurant and entertainment uses, as a part of redevelopment in these areas. Housing types are likely to include condominiums and townhomes.
- *New Housing Development in the Conservation Residential Zones identified in the wooded bluff areas*: The bluff lands area has some remaining vacant parcels of land that would be highly conducive to residential development. Delivery of urban services in these areas is difficult, but feasible.

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The City ~~will~~ revised its zoning ordinance to establish a two-acre minimum lot size in the entire bluffs area. (The ~~current~~ previous ordinance ~~requires~~ required a minimum lot size of 10 acres.) The two-acre lot size is similar to the size of many existing lots in the bluffs area. The City will maintain or strengthen the performance standards in the zoning and subdivision code to protect the natural resources that give the area its character, including tree preservation standards, storm water management and erosion control standards, and bluff protection.

The City ~~will~~ also developed an Open Space ordinance that encourages “clustering” of homes and protection of bluff and wooded areas through permanent conservation easements. The “Open Space” approach is critical to protect the bluffs, steep slopes, and native woodlands in the Bluffs areas. Clustering will maintain the overall 1 unit per 2 acres density in the bluffs area, but would allow clustering at higher densities with protection of 50 percent of the development as open space. The open space may be dedicated to the public or remain private, but the City will require public easements for future trails identified for this area.

The land use districts on the Future Land Use map are characterized as follows:

Single Family Zones in Newport include a variety of large and small lot detached single family housing units. Future housing development within this land use classification will typically consist of scattered site infill development, redevelopment and new development.

Density within this district will be limited to 4 units per gross acre but also will encompass existing low density (large lot) estate residential development. After taking out land area for public street right of way, a density of 4 units per gross acre equates to an average lot size of approximately 9,000 square feet. However, individual lot sizes will vary for lots that have environmental significance or limitations (river or bluff areas) versus lots that are in more dense areas (near downtown).

The City intends to continue to allow a variety of lot sizes and housing styles within the single family land use area to adjust to the physical surroundings of each neighborhood. Existing platted lots of record may be allowed to develop infill housing units. The City estimates that there may be up to 50 existing platted lots of record that could be developed in the Old Town area. In these instances, architectural guidelines will be established to ensure adequate open space, street lighting and streetscaping, and a visual appearance that is complementary to the surrounding neighborhood.

Conservation Residential Zones will allow for “open space” development that protects 50 percent or more of the land within a development in a permanent conservation easement, clustering single family homes on the remainder of the land. These zones are designated to protect the natural resources within the bluff

land areas. The minimum density of this zone is 2 dwelling units per acre. Metropolitan Council policy for sewer residential development density is an overall average minimum density of 3 units per acre for new development. The lower density allowed in the Conservation Residential Zones is offset by the higher minimum density in the ~~Commercial/Residential~~Mixed Use Zones. Overall, the combined Conservation Residential and ~~Commercial/Residential~~Mixed Use zones in year 2030 will have a minimum average density of 3.7 dwelling units per acre. (662 units/177 net acres).

It is anticipated that approximately half of the Conservation Residential area will develop by the year 2030, though the exact location of development within the zone will depend on market conditions.

~~Commercial/Residential~~Mixed Use Zones will allow for development of new housing units along with commercial, office, restaurant and entertainment uses. The City expects that new housing in these areas is likely to include condominiums ~~and~~, townhomes, ~~but may include other housing types as well,~~ and market-rate apartments. Some of the mixed-use zones may accommodate single-family homes and detached townhomes on small lots.

Existing and new housing units in these areas will be convenient to local commercial land uses, have good access to major roadways and future transit, and be served by public utilities. Housing development may be part of vertically-integrated developments, with housing over commercial or office use.

The MX-3 District is focused on transit-oriented development, including uses and densities that will support the proposed Red Rock Corridor transit station. The MX-1 District supports a mix of residential and commercial uses that serve a local market in the City's "downtown" district. The MX-2 and MX-4 districts support a wider range of commercial and residential uses in districts that will allow the evolution from historic "highway-oriented" uses to those that fit future markets and demographics.

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Redevelopment will be driven by land-holders and may occur at various locations within the ~~Commercial/Residential~~Mixed Use area, depending on market forces. It is likely that the full area will not be redeveloped by the year 2030. This area can accommodate the City's share of the region's affordable housing, as designated by the Metropolitan Council (68 units by 2020).

A 50/50 mix of commercial and residential land uses is anticipated. Existing housing will not be lost through redevelopment, as the existing land uses are non-residential within the ~~Commercial/Residential~~Mixed Use area.

Multifamily Housing Zones will continue to allow for a variety of housing types including apartments, condominiums, and townhomes. The density of this zone

is 6 to 14 dwelling units per acre. This area is developed and redevelopment within the 2030 planning period is not expected.

Residential Land Use Policy: In regards to residential land use, it is the policy of the City of Newport to:

- a. Protect the character and integrity of existing residential neighborhoods.
- b. Encourage reinvestment in the community's existing residential neighborhoods while protecting the historical integrity of architecturally significant structures.
- c. Allow flexibility within zoning regulations for the provision of alternative housing types and styles including townhomes, condominiums, [market-rate rentals](#) and senior housing, with or without supportive services where appropriate.
- d. Encourage infill housing developments on existing vacant, platted single family lots of record throughout the community consistent with the City's design requirements.
- e. Guide future rezoning according to the land use map ensuring minimal conflicts between residential and non-residential land uses.
- f. Ensure new housing development has minimal negative impacts on the community's natural resource base especially the Mississippi River and bluff areas.
- g. Encourage development in the wooded bluffs area designated as Conservancy Residential to utilize open space design development.
- h. Ensure residential developments are well served by local street and sidewalk/trail systems to provide safe pedestrian and vehicular movements.
- i. Require site plan reviews for all multi-family housing developments to ensure multi-family housing developments are designed with sensitivity given to the surrounding land uses in order to minimize conflicts associated with refuse storage, excessive traffic and recreation.

2. Commercial/Industrial Land Use Designations - ~~Commercial/Industrial, Business Park/Office/Warehouse, and Commercial-Residential/Mixed Use,~~

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2. ~~General Industrial, and Light Industrial~~

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General industrial land use will remain focused on the northwest quadrant of I-494 and Highway 61 and around the Marathon Oil Refinery in southwest Newport. These areas include heavy industry and utilities.

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Light industrial land use is designated along the river where the current Newport Cold Storage facility and other miscellaneous storage and light manufacturing

industries are located and on the periphery of the Marathon Oil Refinery site. These areas are intended to allow land uses such as light manufacturing and assembly and warehousing. Both General and Light Industrial land uses will take advantage of access to a major rail line.

Industrial-Storage land use is designated in areas bordering City limits and in areas adequately buffered with open land to permit storage of petroleum products and other similar storage uses.

Commercial/Business Park/Office/Warehouse and Commercial/Residential land use designations will provide locations for office, warehouse and related uses in a business park setting. Some accessory commercial services may also be a part of this land use type to serve the large employment base. create zones of mixed residential, commercial and other compatible uses within the corridors east and west of Highway 61. These areas will allow for a variety of office, commercial, retail and service establishments that tailor primarily to the Newport community but also (because of its location at a major new interchange) to the immediate region.

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The Commercial/Business Park area will focus on a variety of commercial, office, warehouse and light manufacturing uses. The Commercial/Residential areas will include residential uses with a variety of commercial uses. The areas may also include public uses such as a community center, City offices and a transit hub.

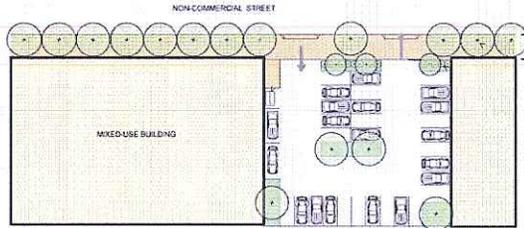
Mixed Use land use designations will foster a development pattern that encourages a mix of supportive residential and commercial uses, and supports a multi-modal transportation system that services all users. These districts will integrate places to live, shop, work and play. The mixed-use districts are intended to help shape Newport's downtown and small town identity.

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The Hastings Avenue mixed-use area (*Mixed Use Downtown, MX-1 District*) is intended to foster a dense, focused downtown business district that is not dominated by large, sprawling uses or by automobile or highway oriented uses. Instead, development within the area should consist of smaller buildings, where possible, placed close to the street with the parking at the sides or in the rear to create a relationship with the street. Parking should also be allowed on the street where possible and developments should be controlled by a set of architectural

guidelines established through a community process.



Public spaces are also likely to be an important part of areas with residential and commercial land uses. These spaces function as a gathering place and therefore, should be well lit and be inviting to the pedestrian. Public art, unique street lighting, benches that serve functions other than just resting on, bicycle racks and other streetscape amenities are important in establishing downtown character. Uses should be both horizontally and vertically integrated, with residential and office uses over commercial uses.

The All of the Hastings Avenue Mixed Use Downtown area Districts should be designed to be pedestrian-friendly. Integrating residential, retail and office and commercial developments in these areas will provide services and activities for residents within walking distance of residential areas. Sidewalk and streetscape design should be inviting and comfortable to pedestrians, bicyclists and those who arrive in autos.



7th Avenue is a key component to the “downtown theme”. Currently this roadway plays an important link from southern Newport and St. Paul Park to gain access to TH-61 at Glen Road. Future plans for 7th Avenue are to reduce the level of heavy truck access while maintaining the road as a key transit route for Metro Transit buses, which may connect with a future commuter rail facility will utilize the Red Rock Transit station in the MX-3 District.

While Highway 61 and the railroad tracks definitely create an obstacle to establish a unified community, opportunities should be pursued to link both sides of the highway. These opportunities might include using the same streetscape scheme, promoting or requiring similar architectural components to buildings, requiring similar signage, and utilizing the new pedestrian overpasses that cross Highway 61, linking the east and west portions of the City.

Commercial/Industrial Land Use Policy: The City’s policies for commercial and industrial land uses include the following:

- a. Implement the recommendations of *Revisioning Newport* for the Commercial/Residential Mixed Use areas proposed in the Red Rock Gateway and Hastings Avenue areas.
- b. Minimize land use conflicts between non-compatible uses through site plan review, landscape buffers, and approval of all commercial/industrial developments or redevelopment.
- c. Carefully review expansion of commercial/industrial development to ensure adjacent residential areas are protected.
- d. Enforce architectural standards and site amenities (including landscaping and streetscaping requirements) within new development and redevelopment areas.
- e. Ensure industrial areas have attractive buildings and grounds including no visible outside storage.
- f. Encourage disruptive home occupational uses to move out of residential neighborhoods and relocate in more compatible environs.
- g. Require commercial/industrial developments to adhere to the Minnesota Pollution Control Agency's "urban best management practices" during design and construction stages.
- h. Encourage medium density, multi-story buildings where appropriate (for example in the Commercial/Residential Mixed Use areas to establish a place of appropriate character and to maximize land use efficiency.
- i. Require a pedestrian path or trail system plan as a component of Commercial/Residential developments, which connect buildings to parking, surrounding neighborhoods, parks, City services and transit stops.
- j. Facilitate and encourage clean up of polluted lands to make land usable for commercial/industrial uses.
- k. Encourage and support growth of high quality commercial and industrial development to provide property tax relief to residential homesteads.
- l. Facilitate redevelopment of underutilized or deteriorated commercial/industrial lands where feasible.
- m. Maintain storm ponding areas as attractive greenspaces and buffers of non-desirable uses rather than single purpose ponds.
- n. Substantially increase taxable development within the Highway 61 corridor.

- o. Prohibit commercial/industrial development from negatively imposing upon bluff areas.
- p. The City will use its wellhead protection plan to identify commercial or industrial land uses that may require a groundwater monitoring plan or groundwater protection plan as part of a permit application—for example, land uses that propose to store, use or transport hazardous materials, and properties formerly used as a waste disposal site or waste transfer facilities.

3. **Public Places (Cemetery, Green Space, Park and Ponds)**

Institutional land use includes cemeteries, schools and City facilities. Newport has two historical cemeteries located on the north and south ends of the community near TH 61. These areas are intended to be permanently preserved as public cemetery space.

Park land includes Parks and Open Spaces, and is intended to provide areas of passive open space and developed recreational space that serve the recreational needs of Newport residents and businesses. The City's parks include active recreation facilities, such as ball fields, shelters, and ice rinks, several public access sites to the Mississippi river, and also include areas for passive recreation such as hiking, bird watching and simply enjoying the outdoors.

The concept plans for the Red Rock Transit Station and surrounding redevelopment area emphasize providing public green space and trails within the district, and connecting the area to the Mississippi River and the City-wide trail system. The City is working with planners from the Mississippi National River and Recreation Area (MNRRA) to improve connections between the redevelopment area and existing neighborhoods and the Mississippi River.

~~The Future Land Use plan identifies a new open space area along the Mississippi River, at the north end of the Old Town area. This area has experienced flooding problems, and the existing flood protection is deteriorating. The City will discuss potential purchase of this area and development of a park with Federal and State agencies.~~

Public Places Policy: It is the policy of the City of Newport to:

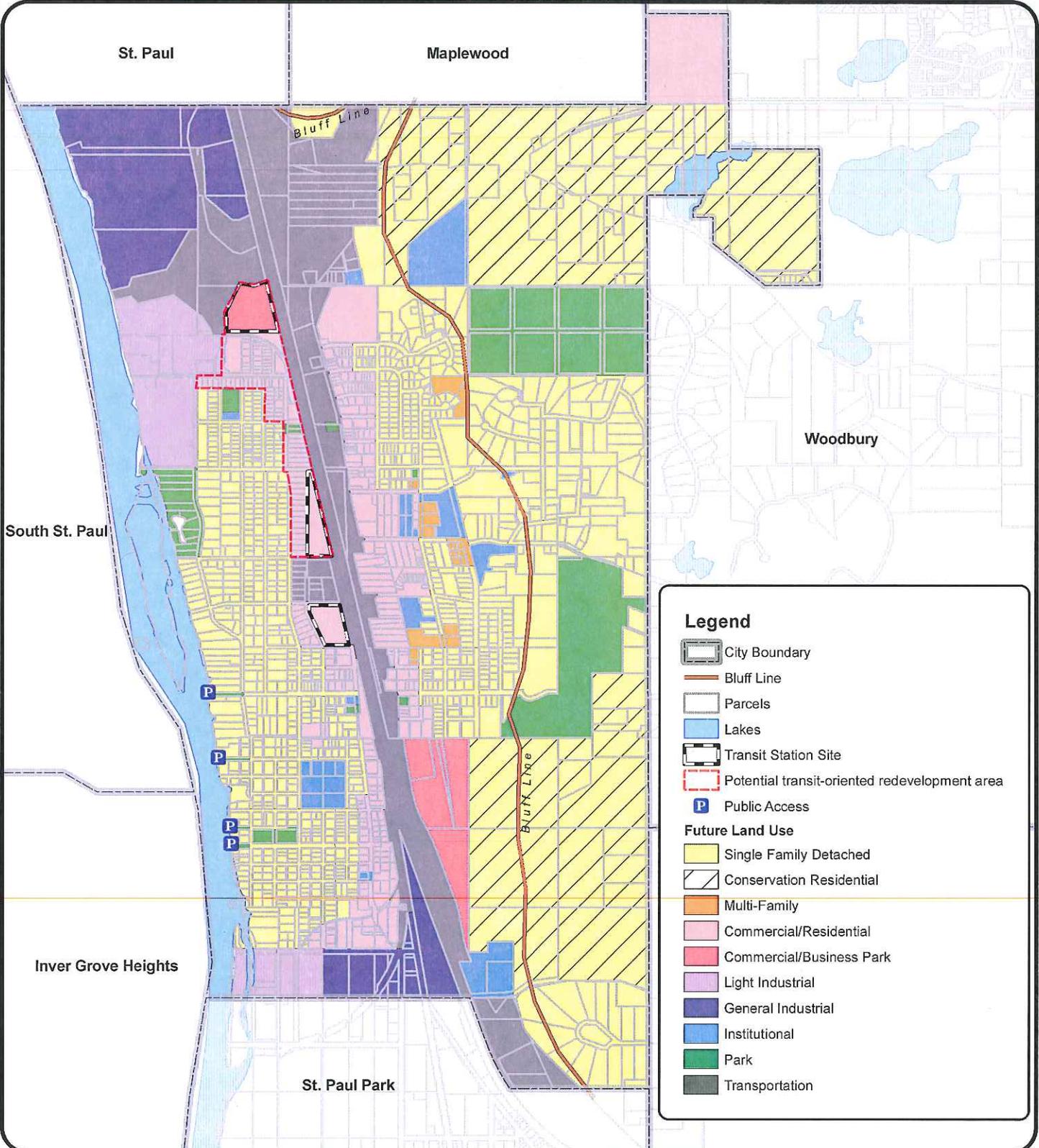
- a. Protect Newport's two cemeteries from encroachment by potential adjacent land use and development by ensuring that appropriate buffers and setbacks are implemented through the site planning process.
- b. Permanently preserve the cemeteries as historical landmarks.
- c. Ensure adequate parks, open spaces and trails are available to meet growing demands for recreational services.

- d. Ensure proper ongoing management and maintenance of public and private cemeteries, parks and open spaces.
- e. Strongly restrict development within green space areas from disturbing quality stands of vegetation, including mature trees and canopy.
- f. Require easement dedication through the site planning process for a trail or pedestrian path to go along the bluff.
- g. Ensure site developments include plans for connecting to the City wide trail plan.
- h. Encourage cluster housing and other land conservation techniques for small developments that occur on bluff areas to maintain contiguous green corridors and habitat areas.
- i. Establish a new open space area in the flood-prone area along the Mississippi River [and connections between the river and the City's parks, trails and neighborhoods.](#)

CURRENT MAP IN COMP PLAN



City of Newport 2030 Future Land Use Comprehensive Plan



Legend

- City Boundary
 - Bluff Line
 - Parcels
 - Lakes
 - Transit Station Site
 - Potential transit-oriented redevelopment area
 - Public Access
- Future Land Use**
- Single Family Detached
 - Conservation Residential
 - Multi-Family
 - Commercial/Residential
 - Commercial/Business Park
 - Light Industrial
 - General Industrial
 - Institutional
 - Park
 - Transportation

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TKDA
ENGINEERS - ARCHITECTS - PLANNERS

Data sources include the MN Department of Natural Resources, City of Newport, Metropolitan Council and TKDA.



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

Memorandum

Reference: City of Newport Comprehensive Plan Amendment

To: Dwight Picha, Community Development Director, City of Woodbury
Howard Blin, Community Development Director, City of Cottage Grove
Kevin Walsh, City Administrator, City of St. Paul Park
Tom Link, Community Development Director, City of Inver Grove Heights
Peter Hellegers, City Planner, City of South St. Paul
Larry Soderholm, Planning Administrator, City of St. Paul
Tom Ekstrand, Senior Planner, City of Maplewood
Tom Nelson, Superintendent, South Washington County School District 833
Matt Moore, Administrator, South Washington County Watershed District
Ann Pung-Terwedo, Washington County

Copies To: Brian Anderson, City Administrator **Project No.:** 15027.000

From: Sherri Buss, RLA AICP, City Planner **Routing:** _____

Date: _____

The City of Newport requests your review of and comment on the attached amendment to the City's Comprehensive Plan. The City developed four new mixed use districts to replace the previous Commercial/Residential designation. In addition, an area located near the 494-Highway 61 interchange was changed to Mixed Use Transit Oriented Design, from Commercial/Business Park.

The Metropolitan Council requires that adjacent local governments and affected jurisdictions be given 60 days to review a comprehensive plan amendment. Please provide any comments via email or postal mail.

sherri.buss@tkda.com

Sherri Buss
TKDA
444 Cedar Street, Suite 1500
St. Paul MN 55101

If you have no comments, please send me a note stating that there are no comments.

Thank you for your attention to this request.

Howard Blin, Community Development Director
City of Cottage Grove
7516 80th Street South
Cottage Grove, Minnesota 55016

Tom Link, Community Development Director
City of Inver Grove Heights
8150 Barbara Avenue
Inver Grove Heights, Minnesota 55077

Tom Ekstrand, Senior Planner
City of Maplewood
1830 County Road B East
Maplewood, Minnesota 55109

Larry Soderholm, Planning Administrator
City of St. Paul
25 West Fourth Street
1400 City Hall Annex
Saint Paul, Minnesota 55102

Kevin Walsh, City Administrator
City of St. Paul Park
600 Portland Avenue
St. Paul Park, Minnesota 55071

Peter Hellegers, City Planner
City of South St. Paul
125 3rd Avenue North
South St. Paul, Minnesota 55075

Dwight Picha, Community Development Director
City of Woodbury
8301 Valley Creek Road
Woodbury, Minnesota 55125

Tom Nelson, Superintendent
South Washington County School District 833
7362 East Point Douglas Road South
Cottage Grove, Minnesota 55016

Matt Moore, Administrator
South Washington County Watershed District
2302 Tower Drive
Woodbury, Minnesota 55125

Ann Pung-Terwedo
Washington County
11660 Myeron Road North
Stillwater, Minnesota 55082

Paul Labovitz, Superintendent
Mississippi National River and Recreation Area
111 Kellogg Blvd East, Suite 105
St. Paul, Minnesota 55101-1256

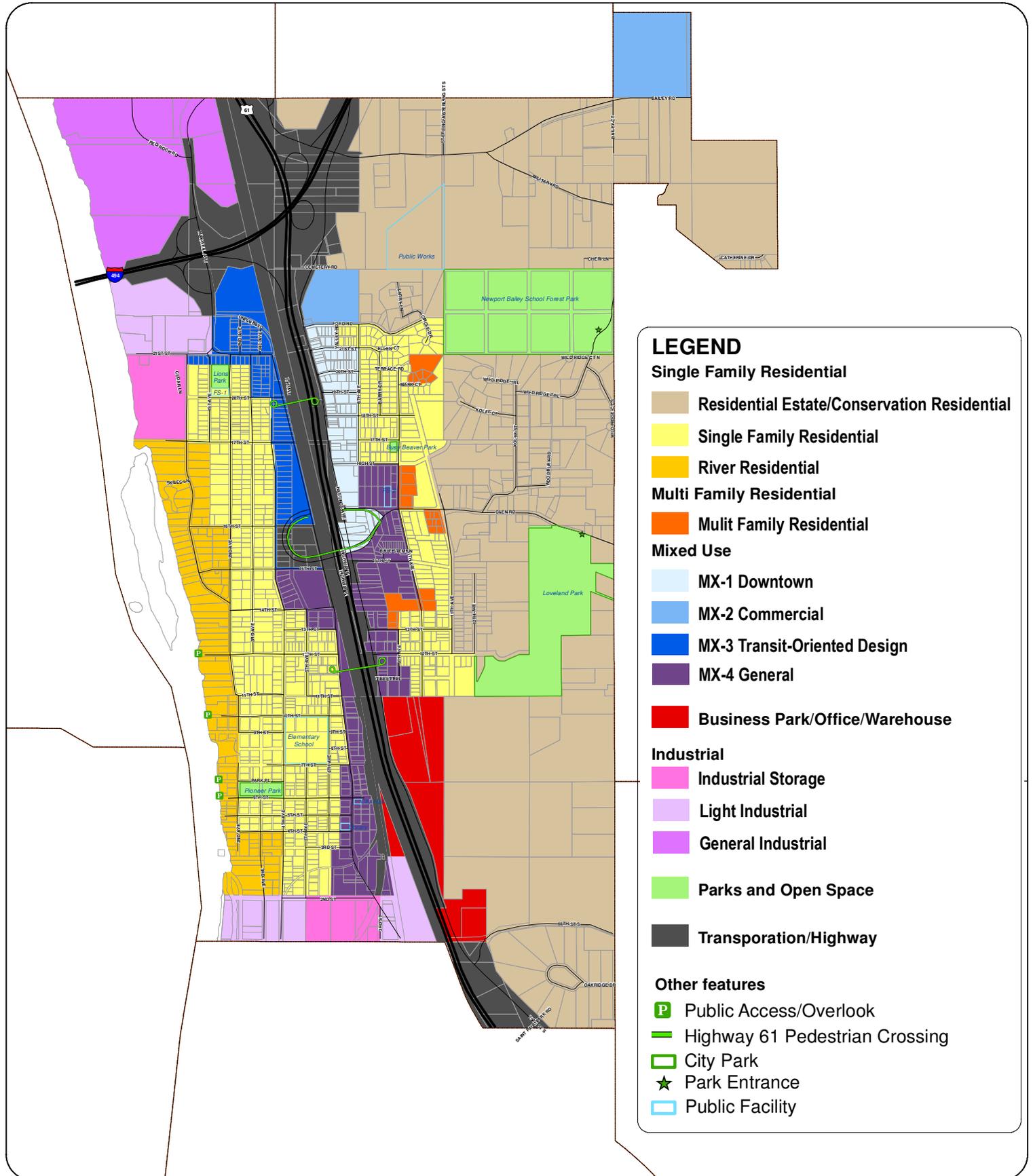
Rebecca Wooden
Minnesota Department of Natural Resources, Division of Waters
500 Lafayette Road, Box 32
St. Paul, Minnesota 55155

Judy Sventek (LSWMP Only)
Metropolitan Council
390 Robert Street North
St. Paul, Minnesota 55101-1805

Lisa Barajas
Metropolitan Council
Sector Representative
390 Robert Street North
St. Paul, Minnesota 55101



City of Newport 2030 Future Land Use



Data sources: City of Newport, Washington County, Metropolitan Council
 Map printed November 13, 2012



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Section 1350 - Non-residential Districts

1350.01 Scope.

Except as otherwise provided, this division applies to all nonresidential and mixed-use districts in the City.

1350.02 Purpose of Business Districts.

Business districts shall be established to accomplish the general purpose of this Chapter and the comprehensive plan and for the following specific purposes:

- A. To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience;
- B. To provide an adequate supply of suitable land for businesses and professional services to meet the needs of the community and provide employment opportunities and significant tax base;
- C. To promote a high quality of business and commercial development and design that produces a positive visual image and minimizes the effects of traffic congestion noise, odor, glare and similar problems.

1350.03 Specific intent of the B-1 Business Park/Office/Warehouse District.

The Business Park/Office/Warehouse District is intended to provide locations for office, warehouse and related uses in a business park setting. Some accessory commercial services may also be a part of this land use type to serve the large employment base.

1350.04 Purpose of the Industrial Districts.

The industrial districts shall be established to accomplish the general purpose of this Chapter and the comprehensive plan and the following specific purposes:

- A. To provide employment opportunities;
- B. To group industrial uses in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently;
- C. To separate traffic, noise, and other obtrusive characteristics of intense industrial activity from the more sensitive commercial, residential, and open space areas of the City.

1350.05 Specific intent of the I-1 Light Industrial District.

The specific intent of the I-1 Light Industrial District shall be to provide areas for the development of research laboratories, small-scale processing, fabricating, storage, manufacturing, and assembly of products. Such uses are non-polluting, not excessively noisy or dirty, limited traffic producers, and do not produce hazardous waste as by-products.

1350.06 Specific intent of the I-2 General Industrial District.

The specific intent of the I-2 General Industrial District shall be to provide areas adjacent to major thoroughfares and in areas where public utilities are available for the express use of industrial developments. Designation of industrial districts will help attract industry, thereby stabilizing the tax base and increasing employment in the City.

1350.07 Specific intent of the I-S Industrial Storage District.

The specific intent of the I-S Industrial Storage District shall be to provide areas bordering City limits and in areas adequately buffered with open land to permit storage of petroleum products and other similar storage uses.

1350.08 Purpose of the Mixed-Use Districts.

The mixed-use districts shall be established to accomplish the general purposes outlined in the comprehensive plan and to foster a development pattern that encourages a mix of supportive residential and commercial uses, and supports a multi-modal transportation system that services all users. These districts will integrate places to live, shop, work and play. The mixed-use districts are intended to help shape Newport's downtown and small town identity.

1350.09 Specific intent of the MX-1 Downtown District.

The specific intent of the MX-1 Downtown Mixed Use District shall be to provide sites for small scale retail, commercial, office and service uses, and to support a mix of residential uses. District requirements and standards will create neighborhoods that are aesthetically pleasing, dense, safe and walkable. This district is primarily intended to integrate residential uses with pedestrian-oriented commercial uses such as specialty retail stores, professional and financial services, offices, sit down restaurants, coffee shops, floral shops, etc. This district shall serve as the center for financial, commercial, professional and entertainment activities. Inclusion of high density housing above commercial uses in this district will support commercial and entertainment uses and public transit services.

1350.10 Specific intent of the MX-2 Commercial District.

The specific intent of the MX-2 Commercial Mixed Use District shall be to provide areas that integrate diverse commercial and residential uses. Minimum lot sizes are larger than those in the Downtown District. Development is intended to be compatible with the scale of surrounding areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood and on areas that are visual gateways to the City.

1350.11 Specific intent of the MX-3 Transit-Oriented Mixed Use District

The specific intent of the MX-3 Transit-Oriented Mixed Use District is to encourage a mixture of residential, commercial, office, and civic uses in proximity to the commuter rail station at densities and intensities that support and increase transit use. The district is also intended to:

- A. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.
- B. Maximize access to transit.
- C. Encourage use of transit infrastructure.
- D. Provide parking in an efficient and unobtrusive manner
- E. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
- F. Encourage a sense of activity and liveliness along the street level of building facades.

1350.12 Specific intent of the MX-4 General Mixed Use District

The specific intent of the MX-General Mixed Use District is to provide for a mix of residential and commercial uses that provide for a long-term transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent mixed-use districts and development of the Downtown character of Hastings Avenue. The City anticipates that commercial uses will cluster on and near Hastings Avenue and the Glen Road interchange, and that over the long-term, residential uses may become more dense in this zone.

1350.13 Dimensional Requirements for lots and structures in non-residential districts

- A. Non-residential district requirements

Requirements	MX-1	MX-2	MX-3	MX-4	B-1	I-1	I-2	IS
Minimum lot area in square feet	2,400	4,000	None	2,400	15,000	30,000	30,000	30,000
Minimum lot depth in feet	80	100	None	80	150	200	200	200
Minimum lot width in feet	30	40	None	30	100	100	100	100
Maximum lot coverage by all buildings (%)	80%	50%	None	80%	30%	40%	50%	50%
<i>Structure setback standards***</i>								
Minimum front yard setback	0	10**	0	0	20	20	20	50
Minimum front yard if across collector or minor	10	10**	10	10	50	50	50	100

Requirements	MX-1	MX-2	MX-3	MX-4	B-1	I-1	I-2	IS
street from any residential district								
Minimum side yard	0	5	5	5	10	20	20	50
Minimum side yard if adjacent to any residential district	10	10	10	10	50	50	50	100
Minimum rear yard	20	20	20	20	20	20	20	50
Minimum rear yard if adjacent to any residential district	20	20	20	20	50	50	50	100
<i>Parking and driving aisle setback in feet</i>								
Minimum front yard	20	Not allowed	Not allowed	20	20	20	20	20
Minimum front yard if across collector or minor street from any R district	Not allowed	Not allowed	Not allowed	50	50	50	50	50
Minimum side yard	5	5	5	5	5	5	5	5
Minimum side yard if adjacent to any R district	5	5	5	30	30	30	30	30
Minimum rear yard	5	5	5	5	5	5	5	5
Minimum rear yard if adjacent to any R district	10	10	10	50	50	50	50	50
Maximum building height in feet*	40 3-sty	28 2-sty	See table B.,below	40	40	40	40	40
Maximum height of storage tank in IS district								55
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.

** See section 1300.09 Exceptions to Front Yard Setbacks

***Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

B. Additional MX-3 District standards. The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

<i>Height and Setbacks</i>	Residential Townhouse	Residential Apt., Condo, Cooperative	Mixed-Use Building	Commercial, Civic, not in mixed-use building
Height	3 stories or 35 feet, whichever is less	2 stories minimum, 4 stories maximum*	2 stories minimum, 4 stories maximum*	No minimum, 4 stories maximum
Setbacks	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: none required	Front: Maximum of 8 feet Side: 10 feet Rear: None required

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

C. Densities in the MX-3 District

1. The maximum residential density in the MX-3 District shall be 50 units per acre.
2. The minimum residential density in the MX-3 District shall be 30 units per acre.
3. The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be .5 FAR.

1350.14 Uses in the Non-Residential Districts

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development

Use	MX-1	MX-2	MX-3	MX-4
Residential Uses				
Single-family detached, one dwelling per lot	P	P	N	P
Single-family detached, more than one dwelling per lot	PUD	PUD	N	PUD
Two-family residences	P	P	N	P
Townhouse, rowhouse	P	P	P	P
Multi-Family, condos, apartments and cooperatives	P	P	P	P
Congregate housing for senior populations	P	P	P	P
Mixed-Use (dwelling unit above ground floor)	P	P	P	P
Live-work building	C	C	C	C
Civic and Semi-Public Uses				
Day care centers	C	C	C	C

Use	MX-1	MX-2	MX-3	MX-4
Day care centers in a mixed-use building	P	P	P	P
Essential services/public utilities	P	P	P	P
Funeral Home	C	C	C	C
Hospitals	C	C	C	C
Medical Clinics	P	P	P	P
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	C	N	N	N
Parking Lot, Surface (as a principal use)	C	N	N	N
Penal/correctional facilities	C	N	N	N
Place of worship and associated facilities, except schools	P	C	C	C
Post Office	P	P	P	P
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C
Schools-trade, college, vocational, and associated facilities	C	C	C	C
Schools for business, trade, dancing, music	C	C	C	C
Social, Fraternal clubs and lodges, union halls	P	P	P	P
Transit stations and related parking facilities	C	C	C	C
Commercial Uses				
Accessory uses	P	P	P	P
Administrative support services	P	P	P	P
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C	C
Artist studios	P	P	P	P
Auto body repair and major auto repair	C	N	N	N
Auto sales, rental	C	N	N	N
Automotive services, car specialty services (not including body repair or major repair)	C	C	C	C
Bakeries, delicatessens, coffee shops	P	P	P	P
Bakeries, wholesale	P	C	C	C
Bed and Breakfast	P	P	N	P
Biotechnology	P	P	P	P
Building materials and services	C	N	N	N
Catalog and mail order	P	P	P	P
Convenience stores	P	P	P	P
Data centers	C	C	C	C
Drive-through	C	C	C	C
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C
Fabrication of apparel, leather products and other products from prepared products	P	C	P	C
Fabrication of office and computer equipment	P	P	P	P
Financial services	P	P	P	P

Use	MX-1	MX-2	MX-3	MX-4
Fitness and recreation centers, in a mixed-use building	C	C	C	C
Gas, diesel or other motor fuel retail sales	C	C	N	C
Internet publishing and broadcasting	P	P	P	P
Laboratory, medical or dental	C	C	C	C
Medical appliance assembly	P	P	P	P
Motion picture and sound recording industries	C	C	C	C
Offices – general, medical, professional, free-standing or mixed-use building	P	P	P	P
Outdoor sales accessory to a permitted use	C	N	C	N
Printing, publishing, bookbinding, blueprinting	C	C	C	C
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	C	C	P	C
Retail and service establishments, free-standing or mixed-use building	P	P	P	P
Rental of vehicles (with limited outside storage)	C	C	C	C
Research, development and testing laboratory	C	C	C	C
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings	P	P	P	P
Restaurants with drive-through service	C	C	C	C
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	P	P	P	P
Small scale manufacturing and artisans	P	P	C	P
Theaters (with structured parking)	P	P	P	P
Theatres	C	C	C	C
Towing services (no outside storage of vehicles)	P	C	P	C
Warehousing as a primary use	N	N	N	N

B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted

Use	B-1	I-1	I-2	I-S
Civic and Public Uses				
Airports	N	C	C	N
Cemetery and/or crematorium	C	N	N	N
Day care centers	C	C	C	C
Day care centers in a mixed-use building	P	C	C	C
Essential services/public utilities	P	P	P	P
Funeral Home	p	N	N	N
Hospitals	C	N	N	N
Medical Clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	P	N	N	N
Parking Lot, Surface (as a principal use)	P	P	P	P
Penal/correctional facilities	N	C	C	N

Use	B-1	I-1	I-2	I-S
Place of worship and associated facilities, except schools	P	N	N	N
Post Office	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C
Sanitary landfill	N	C	C	N
Schools-trade, college, vocational, and associated facilities	p	C	N	N
Schools for business, trade, dancing, music	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	N	N	N
Transit stations and related parking facilities	C	N	N	N
Commercial Uses				
Adult uses (bookstore, theater, nightclub, nude or partially nude dancing)	N	N	C	C
Auto painting and body work	N	C	N	N
Auto storage	N	C	P	C
Commercial greenhouse operations	C	P	N	N
Convenience stores	P	N	N	N
Gas, diesel or other motor fuel retail sales	P	N	N	N
Hotels, motels	P	N	N	N
Restaurant, traditional or liquor served; bar and grill	P	N	N	N
Salvage yards (auto or scrap iron)	N	N	P	N
Storage, mini-storage, cold-storage	N	N	N	P
Veterinary clinic, animal hospital	C	P	N	N
Wholesale sales	P	N	N	N
Warehouse and Industrial Uses				
Manufacturing	C	P	P	N
Retail sale, installation and remanufacturing of vehicle parts and accessories	N	P	N	N
Storage and distribution of bulk petroleum products, oil and gasoline	N	N	N	C
Warehousing	C	P	P	N

1350.15 Administrative Procedure for Development in the Non-residential Districts

- A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.
- B. If a zoning change for a nonresidential district is approved, the first phase of construction shall begin or show reasonable progress within two (2) years after approval of the general development plan and zoning change by ordinance or the district may be zoned back to its original zoning district classification or other appropriate zoning district classification.

- C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat shall constitute a district of sustained desirability, is consistent with long range comprehensive plans for the City, and meets the requirements of the district, the City Council may establish such district on the property included in the preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall be filed and recorded by the owners or developer in the office of the county register of deeds and shall become a part of the ordinance establishing the zoning charge. Any substantial change to the plat shall require resubmission to and approval by the Planning Commission and City Council.

- D. The final platting of such land shall be subject to such requirements for approval, recording, and the installation of improvements as required by other City ordinances.

- E. Prior to obtaining a building permit or constructing any building improvements on an individual lot or site within any nonresidential district, three (3) copies of the site plan of proposed improvements shall be submitted to the Zoning Administrator, and reviewed by the Planning Commission and City Council. Such site plan shall include the following:
 - 1. A survey or plat of the property
 - 2. Evidence of ownership or interest in the property
 - 3. The fee specified in the City's fee schedule
 - 4. Information regarding project phasing and timing.
 - 5. Complete development plans, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.
 - 6. Phasing plan
 - 7. Architectural plans showing the following:
 - a. Colored elevations of all sides of the building
 - b. Type, color and samples of exterior building materials
 - c. Typical floor plans
 - d. Dimensions of all structures
 - e. The location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment
 - f. Utility plans including water, sanitary sewer, and storm sewer
 - g. A plan showing landscaping, lighting and signs that meets code requirements
 - h. Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping
 - i. Such other information as may be required by the City to process the application

- F. All public rights-of-way within Business and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.

- G. Additional Administrative Procedures for Development in the MX-3 District
 - 1. *Preliminary Review.* It is strongly recommended that anyone planning to develop or redevelop property in an MX-3 District meet with the City Administrator (1) during the conceptual design process in order that the staff may offer input into meeting the ordinance requirements and design standards and (2) during the design development stage to ensure that the plans meet the minimum MX-3 District Standards.

2. *Station Area Plan Procedure.* No new development or redevelopment may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing and make a recommendation to the City Council, which shall approve, modify or deny the Station Area Plan. The Station Area Plan shall include the following:
 - a. A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.
 - b. A conceptual development plan showing public and private open space, and general site data such as building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering and landscape concepts.
 - c. Generalized traffic information including proposed new streets and alley connections, and improvements to existing roads.
 - d. An elements plan that includes, but is not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.
3. The findings necessary for approval of the Station Area Plan include, but are not limited to, the following
 - a. The Station Area Plan is consistent with the intent of the MX-3 District.
 - b. The Station Area Plan reflects development that:
 - i. Is not detrimental to the public health, safety, or general welfare
 - ii. Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances
 - iii. Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
 - iv. Is served adequately by essential public services such as streets, police, fire protection, utilities and parks
 - v. Does not create excessive additional requirements at public cost for public facilities and services, and is not detrimental to the economic welfare of the City
 - vi. Causes minimal adverse environmental effects
 - vii. Each phase or stage of the Station Area Plan can exist as an independent unit.
4. *Site Plan Approval Required.* A site plan approval is required for all new construction in the Mixed Use Districts. Application for a site plan review shall be made to the City on forms provided by the City, and shall be accompanied by the following:
 - a. A survey or plat of the property
 - b. Evidence of ownership or interest in the property
 - c. The fee specified in the City's fee schedule
 - d. Information regarding project phasing and timing.
 - e. Complete development plans as specified under Section 1200.11 of the Code, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.
 - f. Architectural plans showing the following: Colored elevations of all sides of the building; type, color and samples of exterior building materials; typical floor plans; dimensions of all structures; the location of exterior trash storage areas and

of exterior electrical, heating, ventilation and air conditioning equipment; utility plans including water, sanitary sewer, and storm sewer; a plan showing landscaping, lighting and signs that meets code requirements; illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping; other information as may be required by the City to process the application.

- H. *Public hearing.* Upon receipt of a completed application for rezoning, subdivision or site plan approval, a date shall be set for a public hearing before the Planning Commission. The hearing will be held no less than 10 days after mailed notice is sent to the owners of property located wholly or partially within 350 feet of the site. The Planning Commission shall submit its recommendation to the City Council. Following appropriate review, the Council shall make a decision regarding the application.
- I. *Administrative Approval.* To offer some degree of flexibility, the City Administrator has the authority to administratively alter any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other city staff (public works, building inspections, fire chief, etc.)

On matters that do not involve quantitative measurements, the City Administrator may also make minor alterations if he/she determines that such changes would be an acceptable design approach to development and would be in keeping with the general intent of the MX-3 District. Any such approval shall meet the following criteria:

- a. Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
- b. Provides urban open space, seating, fountains, accent landscaping or other similar urban pedestrian amenities consistent with the intent of the MX-3 District.

1350.16 Performance Standards for Non-residential Districts

- A. MX District Parking standards.
1. Parking requirements shall be governed by Section 1330.06 except for the following: Surface Parking Lots in the MX-2 and MX-3 Districts shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage. The required front setback for surface parking lots in the MX-1 and MX-4 district shall include a planted boulevard that meets the landscaping requirements of the ordinance.
 2. In the MX-1 District, parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel that the parking is being calculated for may be included in the calculation. The maximum number of off-street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses, except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are not available.
 3. Parking standards for the MX-3 District are included in Section 1350.17.

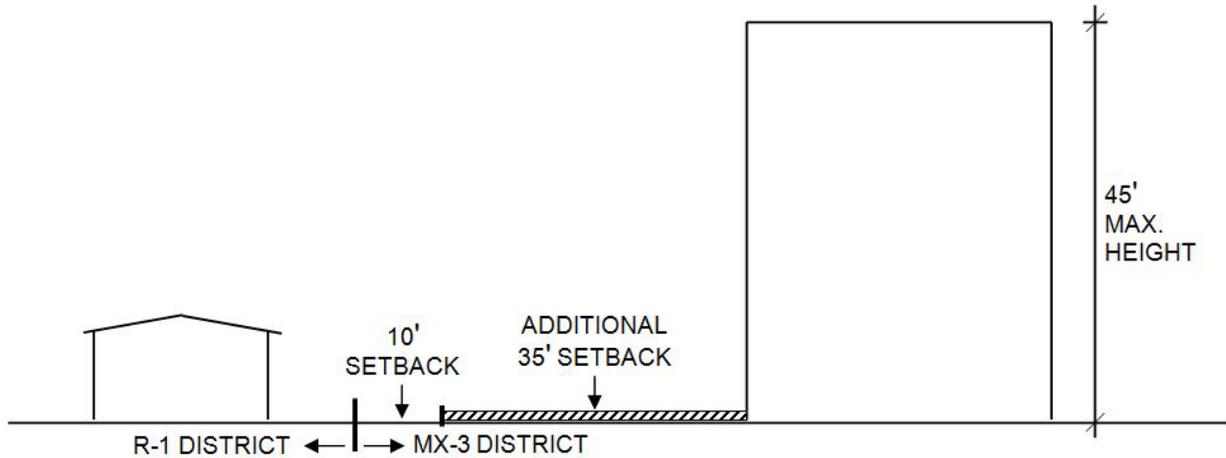
4. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstrations of proof of parking or a parking management strategy acceptable to the Zoning Administrator.
- B. Building Standards. Every primary and accessory building in a Commercial, Industrial or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having extensive visual exposure from a public street or is adjacent to a residential zoning district, unless modified herein.
1. Exterior surfaces of all buildings shall be faced with or a combination of brick, stone (or better), decorating architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products or better.
 2. Primary and accessory buildings: facades or roofs in any Commercial District shall not be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.
 3. Primary or accessory building facades in any Industrial District not fronting on a public street, not having extensive visual exposure from a public street or is not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.
 4. Within an Industrial District a multi-tenant, mini-storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal untextured cinder block, sheet aluminum, steel, corrugated aluminum or steel or similar products, provided that facades constructed of such materials are not facing a public street, have visual exposure from a public street or are adjacent to a residential district.
 5. Metal-like materials, in a zone other than Industrial, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. No structural metal roofs, except architectural uses of copper incorporating visible metal exteriors, are permitted.
 6. Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.
- C. Exterior Storage: No materials, product or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.
- D. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.
- E. All roof equipment must be screened from public view unless designed as an integral part of the building and is compatible with the site lines of the building, as determined by the Zoning Administrator.
- F. All developments (except for improvements to a single-family detached housing unit or construction of a new single-family detached housing unit) conducted within the MX-1 or

MX-2 district must be completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.

1350.17 Additional Performance Standards for the MX-3 District

A. Height and Setback Standards

1. General setback standards for the MX-3 District are indicated on the table in Section 1350.13.
2. Additional setback and building height standards for the MX-3 District include the following:
 - a. If new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
 - b. All above-ground utility structures associated with electric, natural gas, telecommunications, cable television distribution lines, pipes, conduits or other public utilities shall be located behind the minimum setback unless otherwise approved as part of the site plan approval. This applies to air vents, utility boxes and back-flow preventers.
 - c. Driveways may cross the front setback, but shall be as near as perpendicular to the street for pedestrian safety and to minimize the intrusion into any landscaped area.
 - d. Balconies may project up to two feet (2') over the right-of-way, subject to an approved sidewalk encroachment agreement. Balconies shall have a minimum clearance of ten feet (10') from grade.
 - e. When a lot abuts an existing single-family residence or a property that may be used for single-family residential purposes, a minimum side yard of fifteen feet (15') and a rear yard of 25' shall be required.
 - f. The permitted maximum height of structures adjacent to single-family residential uses shall be determined by the distance of the structure to the boundary line of the nearest single-family residential district. Any required side or rear yard setback shall be increased by one foot for each additional foot of height.



- B. Open Storage Prohibited. Outside storage shall be prohibited in the MX-3 District.
- C. Open Space Requirement. Developers will be expected to work with the city to provide a minimum of ten percent (10%) of residential project sites and five (5%) of commercial and mixed use project sites as open space. The open space may be designed as a square, plaza, terrace, or green, with a variety of landscaped and paved surfaces and seating areas. This requirement may be waived in cases where the City’s master plan specifies the location and design of open space.
 - 1. All required open space shall be accessible to users of the building and shall be improved with seating, plantings and amenities. Open space for commercial and mixed-use sites shall be visible from the street or pedestrian areas.
 - 2. Floor area ratio credits are allowed for all new developments when the pedestrian space is available for use by the public, including widened sidewalk areas.
- D. Parking Requirements. For purposes of this section, a new use within the MX-3 District shall be required to meet the minimum/maximum parking spaces as shown in the following chart. All square footage is measured as ‘gross footage.’

	PARKING MINIMUM	PARKING MAXIMUM
Residential	1.5 parking spaces per dwelling unit, plus 10% for guest parking	2.5 spaces per dwelling unit, plus 10% for guest parking
Commercial, Retail, Service	1 space per 400 SF	1 space per 200 SF
Office	1 space per 400 SF	1 space per 300 SF
Restaurant	1 space per 200 SF	1 space per 75 SF
Hotel	.75 per room, plus 10% guest and staff parking	1.5 spaces per room, plus 10% guest and staff parking
Clinic	1 space per 300 SF	1 space per 100 SF
Community Center	1 space per 400 SF	1 space per 200 SF
Theater	1 space per 6 seats plus 5% for staff	1 space per 3 seats plus 10% for staff

1. The required/permitted number of parking spaces of any building within the MX-3 District, including mixed-use buildings, shall be the sum total of the requirements for each use in the building.
2. Parking maximums may be exceeded under the following circumstances, if one or more of the following is provided:
 - a. If structured or underground parking is provided on site, parking may be exceeded by 25%.
 - b. If a shared parking agreement is executed, parking may be exceeded by 20%.
 - c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking may be exceeded by 10%.
 - d. If driveways and access points are shared by at least two adjacent properties, parking may be exceeded by 10%.
 - e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking may be exceeded by 10%.
 - f. In no case shall the cumulative increase in parking exceed 25%.
 - g. A 25% parking reduction in the minimum number of parking spaces required is allowed if the principle use is located within 800 feet of a parking facility with public spaces available to the general public or within 800 feet of a public transit park and ride facility with an approved joint use agreement.
3. No surface parking or maneuvering space shall be permitted within a required setback or between the primary structure and the front yard, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible for pedestrian safety and to minimize intrusion into the landscaped areas.
4. Parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the City.
5. Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking that is located to the side of the primary structure shall not cover more than thirty-five percent (35%) of the total lot width.
6. Shared parking shall be permitted and encouraged.
7. Bicycle parking shall be provided as a component of all parking facilities at a ratio of one bicycle space per 20 automobile spaces, or a minimum of two bicycle parking spaces, whichever is greater. Bicycle parking must be provided within view of each business front entrance. Adjoining businesses may share common bicycle parking areas..
8. All parking areas for more than ten (10) motorized vehicles (except for parking areas for townhouse dwellings on a single lot) shall provide screening. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. The screening may be eliminated if abutting parking lots are combined or interconnected with vehicular and pedestrian access.
9. Structured parking shall meet the following additional requirements:

- a. At least fifty percent (50%) of the linear street level frontage of the facility shall be devoted to retail, office, civic, institutional or residential uses. If seventy-five percent (75%) or more of the linear street frontage is devoted to such uses, then the total square footage of these uses shall be credited one hundred percent (100%) toward the required FAR minimums.
- b. If retail, office, civic, institutional or residential uses are constructed on the rear or side of the facility or above the ground floor on the street frontage of the facility, then the total square footage of these areas shall be credited one hundred percent (100%) toward the required FAR minimums.
- c. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted with an eight foot (8') clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement. No ventilation shall be permitted in the setback.
- d. A minimum nine foot (9') clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum seven-foot (7') clearance shall be maintained throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles.

E. Loading Standards

- 1. Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Section, shall provide a minimum number of off-street service/delivery loading spaces. The loading spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises and shall not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way. The loading spaces shall be a minimum of ten feet (10') by twenty-five feet (25') and shall be provided in accordance with the following:

Non-residential uses with gross floor area:	
Less than 50,000 square feet	None required
50,000-150,000 feet	One (1) space
Each additional 100,000 square feet	One (1) space

Existing buildings are exempt from these standards.

- 2. No loading spaces shall be permitted within any required or established setback, or between the primary structure and the required setback, except that driveways providing access to the loading area may be installed across these areas.

F. Additional MX-3 District Design Standards

- 1. Connectivity and Circulation. Transit-oriented development uses shall be integrated with the surrounding area, easily accessible, and have a good internal circulation system for a variety of travel modes.
 - a. A pedestrian sidewalk system shall meet the following standards:
 - i. Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, open space, etc.). All internal sidewalks shall be finished with a hard surface as required by the City's Public Works Department.

- ii. External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system and to adjacent multi-use trails, parks and greenways. Sidewalks shall be constructed with a hard surface and of a width as required by the City's Public Works Department.

2. Street Design

a. Street walls

- i. No blank walls are permitted to face public streets, walkways or public open spaces.
- ii. All non-residential buildings fronting directly on a street shall be designed so that the first floor street façade of the building(s) along all streets include clear glass window and doors to create pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least fifty percent (50%) of the length of the first floor street level frontage.
- iii. For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five percent (25%) of the length of the first floor street frontage.
- iv. Expanses of blank walls shall not exceed twenty (20) continuous feet in length. A blank wall is a façade that does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.
- v. No reflective surfaces shall be permitted on street level exterior facades.

b. Corner building placement

- i. At intersections, buildings shall have front and side facades aligned at or near the front property line.

c. Top of buildings

- i. All rooftop mechanical equipment on buildings shall be screened from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.

d. Building entrances and orientation.

- i. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.
- ii. At least one or more operable pedestrian entrances per building shall be provided, unless in a case where all the three circumstances below exist, only two (2) entrances shall be required:
 - A. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building façade(s) fronting all public rights-of-way.
 - B. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to the public open space, multi-use trail, or greenway.
 - C. When abutting a sidewalk in the rail station area, an entrance(s) shall be provided on the building façade closest to the station area sidewalk.

e. Canopies

- i. Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material design to complement the streetscape of the area. Any such feature may extend from the building no more than four feet (4'). In no instance shall such feature extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight feet (8'). Ground supports for these features are not permitted in the minimum setback, sidewalk or public right-of-way.
- f. Exterior Materials
 - i. The primary exterior opaque materials on each elevation of a building, except for the service side, must be brick, stone, decorative masonry or similar materials or a combination thereof.
 - ii. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, and wooden exteriors.
 - iii. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, wooden exteriors.
 - iv. Sustainability Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as US Green Building Council's LEED (leadership in Energy and Environmental Design) program, Minnesota Sustainable Building Guidelines, and similar programs.
 - v. Alternative Designs or Materials. To encourage creativity, imagination, innovation and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior facades (s) materials meet all of the following conditions:
 - A. The proposed design or material is consistent with the purposes of this section.
 - B. The proposed design or material would enhance the architectural appearance of the building and would be equal or superior to designs or materials permitted by this section.
 - C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.
- g. Screening Standards
 - i. All service entrances, utility structures associated with a building, and loading docks and/or spaces shall be screened from the abutting property and from public view from a public street.
 - ii. Any fences or walls used for screening or other purposes shall be constructed in a durable fashion of brick, stone and other masonry materials specifically designed as fencing materials. The finished side of the fence shall face the abutting property. Chain link, wood, vinyl or barbed wire fences are not permitted.
 - iii. The composition of the screening material and the placement on the lot shall be left up to the discretion of the property owners as long as the intent of this

Section is met. A wall cannot be substituted for a planting strip along any public street unless supplemented by landscaping.

- iv. Landscaping used for screening shall be evergreen and at least four feet (4') tall with a minimum spread of two feet (2') when planted and no further apart than five feet (5'). Shrubs shall be adequately maintained as that an average height of five to six feet can be expected as normal growth within four years of planting. The average expected height may be reduced to four feet (4') for screening along public streets.
 - v. The maximum height for walls and fences shall be six feet (6') or whatever is sufficient to visually screen the use but not less than four feet (4').
 - vi. Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a six-foot high solid and finished masonry wall with closeable gates. In no instance shall a chain link fence, wood, vinyl or barbed wire fence be permitted.
- h. Buffer Standards
- i. All uses, other than single-family detached dwelling units, shall provide landscaping along all property lines abutting residentially used property located adjacent to the MX-3 District. This requirement also applies in situations where an alley with a right-of-way width of twenty-five feet (25') or less separates uses in the MX-3 District from a non-MX-3 District residential property. Landscaping shall be provided along all property lines abutting the alley when adjacent to residential uses. Multi-family developments in an MX-3 District are exempt from this landscaping requirement when they abut other multi-family uses.
 - ii. In no instance shall a chain link, wood, vinyl or barbed wire fence be permitted.
- i. Exterior Lighting Standards
- i. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties and shall comply with the following standards:
 - A. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 - B. Security lighting shall be adequate for visibility, but not overly bright.
 - C. Metal halide lighting shall be used with a concealed light source of the "cut-off" variety to prevent glare and "light trespass" onto adjacent buildings and sites.
 - D. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20'), measured from grade, and shall be coordinated with city standards.
 - E. Poles in parking lots shall have a maximum height of 24 feet (24') measured from finished grade.
 - F. Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest.
 - G. "Wall paks" shall be permitted only in loading and service areas and shall be down-lit and shielded from view.
 - H. Shielded illumination or fixtures shall be permitted to light building mounted signage, building facades, or pedestrian arcades if they are integrated into a building's architectural design.

- I. Lighting should highlight entrances, art, terraces, and special landscape features.
- J. Separate pedestrian scale lighting or other low-level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
- K. All primary walkways, steps or ramps along pedestrian routes shall be illuminated.
- ii. Light Intensity
 - A. A photometric lighting plan is required for all proposed commercial developments to ensure that adequate and appropriate light levels are provided for each site condition.
 - B. Lighting shall not exceed 0.1 foot candle at residential property lines or 0.5 foot candle on non-residential property lines measured on a vertical plane.
 - C. The following minimum levels of illumination must be maintained for each of the specific locations:

Building entrances	5.0 foot candles
Sidewalks	2.0 foot candles
Bikeways	1.0 foot candles
Courts/plazas/terraces	1.5 foot candles
Ramps	5.0 foot candles
Stairways	5.0 foot candles
Underpasses	5.0 foot candles
Waiting areas	1.0 foot candles
Parking lots	1.0 foot candles

- j. Signs, banners, flags and pennants
 - i. Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the following:
 - A. Wall signs shall have a maximum of 150 total square feet or five percent (5%) of the building wall area occupied by the user, whichever is less. Wall signs may be increased by twenty (20) square feet per sign in lieu of a ground mounted or monument sign.
 - B. Signs are permitted to project up to two feet (2') into the minimum setback as measured from the building. Under no circumstances shall a sign project more than four feet (4') from the back of the curb. A minimum overhead clearance of eight feet (8') from the sidewalk shall be maintained.
 - C. Marquee signs are permitted.
 - D. Ground mounted or monument signs are permitted as follows:
 - 1. Signs shall not exceed ten feet (10') in height and forty (40) square feet in area.
 - 2. Signs shall be located behind the right-of way and out of any sight distance triangle.
 - 3. Signs shall be setback five feet (5') from any property line.
 - 4. No freestanding pole signs shall be permitted.
 - 5. No off-premise signs shall be permitted.
 - E. Signs shall also conform to Section 1380.02 and 1380.03 of this code.

k. Landscaping Standards

- i. The plan for landscaping must include ground cover, bushes, trees, foundation plantings, sculpture, fountains, decorative walks or other similar site design features or materials. Landscaping must conform to the requirements of the City Code, Section 1330.05, Subd. 14:
- ii. Landscaping shall support the purpose and intent of the District, and be consistent with the Station Area Plan or adopted master plans for the District.

G. Design Manual

1. All design guidelines included in the City's Red Rock Transit District Design Guidelines shall apply. The Design guidelines have been adopted as part of the City's Comprehensive Plan.

Section 1350 - Non-~~residential~~ Districts

1350.01 Scope.

Except as otherwise provided, this division applies to all nonresidential and mixed-use districts in the City.

1350.02 Purpose of Business Districts.

Business districts shall be established to accomplish the general purpose of this Chapter and the comprehensive plan and for the following specific purposes:

- A. To group compatible business uses which will tend to draw trade that is naturally interchangeable and so promotes the business prosperity and public convenience:
- B. To provide an adequate supply of suitable land for businesses and professional services to meet the needs of the ~~residents~~community and provide employment opportunities and significant tax base;
- C. To promote a high quality of ~~total-business and~~ commercial development and design that produces a positive visual image and minimizes the effects of traffic congestion noise, odor, glare and similar problems.

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1350.03 Specific intent of the B-1 Business Park/Office/Warehouse District, ~~General Business District.~~

~~The specific intent of the B-1 General Business District shall be to provide the opportunity for diverse businesses to take advantage of the visibility and access to the Highway 61 corridor. The district is intended to serve the business needs of the region and may include automobile and highway oriented businesses. The district requires a full range of public utilities and services, as well as excellent access to at least a collector level roadway and nearby access to Highway 61.~~

1350.031 Specific intent of the B-2 Business Park/Office/Warehouse District.

The Business Park/Office/Warehouse District is intended to ~~create high quality places to work in the community. This land use should focus on bringing in quality jobs and a high tax base~~provide locations for office, warehouse and related uses in a business park setting. Some accessory commercial services may also be a part of this land use type to serve the large employment base. ~~The Business Park/Office/Warehouse District is also intended to accommodate development, which does not rely on high visibility from a major roadway to survive~~

1350.04 Purpose of the Industrial Districts.

The industrial districts shall be established to accomplish the general purpose of this Chapter and the comprehensive plan and the following specific purposes:

- A. To provide employment opportunities;
- B. To group industrial uses in locations accessible to rail and highways, so that the movement of raw materials, finished products and employees can be carried on efficiently;

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- C. To separate traffic, noise, and other obtrusive characteristics of intense industrial activity from the more sensitive commercial, residential, and open space areas of the City.

1350.05 Specific intent of the I-1 Light Industrial District.

The specific intent of the I-1 Light Industrial District shall be to provide areas for the development of research laboratories, small-scale processing, fabricating, storage, manufacturing, and assembly of products. Such uses are non-polluting, not excessively noisy or dirty, limited traffic producers, and do not produce hazardous waste as by-products.

1350.06 Specific intent of the I-2 General Industrial District.

The specific intent of the I-2 General Industrial District shall be to provide areas adjacent to major thoroughfares and in areas where public utilities are available for the express use of industrial developments. Designation of industrial districts will help attract industry, thereby stabilizing the tax base and increasing employment in the City.

1350.07 Specific intent of the I-S Industrial Storage District.

The specific intent of the I-S Industrial Storage District shall be to provide areas bordering City limits and in areas adequately buffered with open land to permit storage of petroleum products and other similar storage uses.

1350.08 Purpose of the Mixed-Use Districts.

The mixed-use districts shall be established to accomplish the general purposes outlined in the comprehensive plan and ~~more specifically~~ to foster a ~~transit oriented~~ development pattern that ~~encourages a mix of supportive residential and commercial uses, and supports a multi-modal transportation system that services all users. These districts will integrate~~ serve as a place to live, shop, work and play. The ~~M~~ixed-use districts are intended to help shape Newport's downtown and small town identity.

1350.09 Specific intent of the MX-1 Downtown District.

The specific intent of the MX-1 Downtown Mixed Use District shall be to provide sites for small scale retail, commercial, office and service ~~commercial~~ uses, and to support a mix of residential ~~and office type~~ uses. ~~District requirements and standards will create neighborhoods that are in an aesthetically pleasing, and dense, but safe and walkable development pattern. This district generally includes the area around Glen Road and 16th Street on both sides of TH 61. In order to build and strengthen a pedestrian oriented environment, this district is primarily intended to integrate residential uses with for more pedestrian-oriented commercial uses such as specialty retail stores, professional and financial services, offices, sit down restaurants, coffee shops, floral shops, etc... These uses should compliment each other to promote the idea of one stop shopping in a district as opposed to one stop shopping in a 'big box' store.~~ This district shall serve as the center for financial, commercial, professional and entertainment activities. Inclusion of high density housing above commercial uses in this district ~~will help~~ will help support commercial and entertainment uses and ~~support~~ public transit services.

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1350.10 Specific intent of the MX-2 ~~Mainstreet-Commercial~~ District.

The specific intent of the MX-2 ~~Mainstreet-Commercial Mixed Use~~ District shall be to provide ~~areas that integrate diverse commercial and residential uses, pedestrian-friendly Minimum lot sizes are larger than those in the Downtown District, land use pattern that enables existing residential uses to coexist on a busy City street with small-scale specialty retail uses and small offices that may locate in structures with a residential appearance.~~ Development is intended to be compatible with the scale of surrounding ~~residential~~ areas. Parking areas are restricted in this zone in order to limit the impact on the neighborhood ~~and on areas that are visual gateways to the City.~~ ~~Government services are encouraged as a part of this district.~~

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1350.11 Specific intent of the MX-3 Transit-Oriented Mixed Use District

The specific intent of the MX-3 Transit-Oriented Mixed Use District is to encourage a mixture of residential, commercial, office, and civic uses in proximity to the commuter rail station at densities and intensities that support and increase transit use. The district is also intended to:

- A. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.
- B. Maximize access to transit.
- C. Encourage use of transit infrastructure.
- D. Provide parking in an efficient and unobstrusive manner
- E. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
- F. Encourage a sense of activity and liveliness along the street level of building facades.

1350.12 Specific intent of the MX-4 General Mixed Use District

The specific intent of the MX-General Mixed Use District is to provide for a mix of residential and commercial uses that provide for a long-term transition from the auto-oriented uses that exist in the district based on past frontage on Highway 61, to uses that are compatible with adjacent mixed-use districts and development of the Downtown character of Hastings Avenue. The City anticipates that commercial uses will cluster on and near Hastings Avenue and the Glen Road interchange, and that over the long-term, residential uses may become more dense in this zone.

1350.13 Dimensional Requirements for lots and structures in non-residential districts

A. General Non-residential district standards requirements

<u>Requirements</u>	<u>MX-1</u>	<u>MX-2</u>	<u>MX-3</u>	<u>MX-4</u>	<u>B-1</u>	<u>I-1</u>	<u>I-2</u>	<u>IS</u>
<u>Minimum lot area in square feet</u>	<u>2,400</u>	<u>4,000</u>	<u>None</u>	<u>2,400</u>	<u>15,000</u>	<u>30,000</u>	<u>30,000</u>	<u>30,000</u>
<u>Minimum lot depth in feet</u>	<u>80</u>	<u>100</u>	<u>None</u>	<u>80</u>	<u>150</u>	<u>200</u>	<u>200</u>	<u>200</u>
<u>Minimum lot width in feet</u>	<u>30</u>	<u>40</u>	<u>None</u>	<u>30</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
<u>Maximum lot coverage by all buildings (%)</u>	<u>80%</u>	<u>50%</u>	<u>None</u>	<u>80%</u>	<u>30%</u>	<u>40%</u>	<u>50%</u>	<u>50%</u>
<i>Structure setback standards***</i>								
<u>Minimum front</u>	<u>0</u>	<u>10**</u>	<u>0</u>	<u>0</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>50</u>

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<u>Requirements</u>	<u>MX-1</u>	<u>MX-2</u>	<u>MX-3</u>	<u>MX-4</u>	<u>B-1</u>	<u>I-1</u>	<u>I-2</u>	<u>IS</u>
<u>yard setback</u>								
<u>Minimum front yard if across collector or minor street from any residential district</u>	<u>10</u>	<u>10**</u>	<u>10</u>	<u>10</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>100</u>
<u>Minimum side yard</u>	<u>0</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>20</u>	<u>20</u>	<u>50</u>
<u>Minimum side yard if adjacent to any residential district</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>100</u>
<u>Minimum rear yard</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>50</u>
<u>Minimum rear yard if adjacent to any residential district</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>100</u>
<i>Parking and driving aisle setback in feet</i>								
<u>Minimum front yard</u>	<u>20</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Minimum front yard if across collector or minor street from any R district</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>Not allowed</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>Minimum side yard</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Minimum side yard if adjacent to any R district</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Minimum rear yard</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>5</u>
<u>Minimum rear yard if adjacent to any R district</u>	<u>10</u>	<u>10</u>	<u>10</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>50</u>
<u>Maximum building height in feet*</u>	<u>40</u> <u>3-sty</u>	<u>28</u> <u>2-sty</u>	<u>See table B.,below</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Maximum height of storage tank in IS district</u>								<u>55</u>
<u>Public utilities required, including sewer</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>

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*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements for increases in height adjacent to single-family residential uses included in this chapter apply.

** See section 1300.09 Exceptions to Front Yard Setbacks

***Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in a Planned Unit Development.

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B. Additional MX-3 District standards. The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

<u>Height and Setbacks</u>	<u>Residential Townhouse</u>	<u>Residential Apt., Condo, Cooperative</u>	<u>Mixed-Use Building</u>	<u>Commercial, Civic, not in mixed-use building</u>
<u>Height</u>	<u>3 stories or 35 feet, whichever is less</u>	<u>2 stories minimum, 4 stories maximum*</u>	<u>2 stories minimum, 4 stories maximum*</u>	<u>No minimum, 4 stories maximum</u>
<u>Setbacks</u>	<u>Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet</u>	<u>Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet</u>	<u>Front: Maximum of 15 feet Side: 10 feet Rear: none required</u>	<u>Front: Maximum of 8 feet Side: 10 feet Rear: None required</u>

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

C. Densities in the MX-3 District

1. The maximum residential density in the MX-3 District shall be 50 units per acre.
2. The minimum residential density in the MX-3 District shall be 30 units per acre.
3. The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be .5 FAR.

F. **1350.14 Uses in the Non-Residential Districts**

A. Mixed Use Districts Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development
Allowed Uses:

<u>Use</u>	<u>PermittedMX-1</u>	<u>Conditional UseMX-2</u>	<u>Not PermittedMX-3</u>	<u>MX-4</u>
Residential Uses				

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Use	PermittedMX-1	Conditional UseMX-2	Not PermittedMX-3	MX-4
<u>Single-family detached, one dwelling per lot</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Townhouse, rowhouse</u> <u>Single-family detached, more than one dwelling per lot</u>	<u>PUD</u> <u>P</u>	<u>PUD</u>	<u>N</u>	<u>PUD</u>
<u>Two-family residences</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>
<u>Townhouse, rowhouse</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Multi-Family, condos, apartments and cooperatives</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Congregate housing for senior populations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Mixed-Use (dwelling unit above ground floor)</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Live-work building</u>	<u>C</u>	<u>CC</u>	<u>C</u>	<u>C</u>
<u>Congregate housing for senior populations</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Apartments, condominiums, co-ops</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
Civic and Semi-Public Uses				
<u>Day care centers</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Day care centers in a mixed-use building</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Essential services/public utilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Funeral Home</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Hospitals</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Medical Clinics</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Military reserve, national guard centers</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Park and public recreation facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Parking Garage (as a principal use)</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Parking Lot, Surface (as a principal use)</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Penal/correctional facilities</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Place of worship and associated facilities, except schools</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Post Office</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Schools-trade, college, vocational, and associated facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Schools for business, trade, dancing, music</u>	<u>C</u>	<u>CC</u>	<u>C</u>	<u>C</u>
<u>Social, Fraternal clubs and lodges, union halls</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Day care centers in a mixed-use building</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Park and public recreation facilities</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Transit stations and related parking facilities</u>	<u>CP</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Essential services</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>
Commercial Uses				
<u>Retail and service establishments, free standing or mixed use building</u>	<u>PP</u>	<u>P</u>	<u>P</u>	<u>P</u>

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Use	PermittedMX-1	Conditional UseMX-2	Not PermittedMX-3	MX-4
Accessory usesFinancial services	PPP	PP	PP	PP
Administrative support servicesDrive-through	PC	PCC	PC	PC
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail salesOffices—general, medical, professional, free-standing or mixed-use building	CPP	CP	CP	CP
Artist studios	P	P	P	P
Auto body repair and major auto repairAnimal boarding, grooming, veterinary clinics, retail sales	CC	NC	NC	NC
Auto sales, rental	C	N	N	N
Automotive services, car specialty services (not including body repair or major repair)Service businesses, such as beauty shops, barbershops, dry-cleaning, drop off/pickup (no on-site processing) in mixed-use buildings	CPP	CP	CP	CP
Bakeries, delicatessens, coffee shopsBuilding materials and services	PN	PN	PN	PC
Bakeries, wholesale	P	C	C	C
Bed and BreakfastData centers	PC	PCC	NC	PC
BiotechnologyHotels	PCP	PP	PP	PC
Building materials and servicesConference center	CCP	NP	NP	NC
Catalog and mail orderTheaters (with structured parking)	PPP	PP	PP	PP
Conference centerStructured parking facilities	CPP	PP	PP	CP
Convenience stores	P	P	P	P
Data centersRestaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings	CPP	CP	CP	CP
Drive-throughBakeries, delicatessens, coffee shops	CPP	CP	CP	CP
Entertainment/amusement halls, bowling alley, indoor skating rink	P	P	C	C
Fabrication of apparel, leather products and other products from prepared productsAutomotive services, car specialty services (not including body repair or major repair)	PC	CCC	PC	CC
Fabrication of office and computer equipmentOutdoor sales in conjunction with a permitted use	PN	PNC	PC	PC
Financial servicesRental of vehicles (with limited outside storage)	PC	PCC	PC	PC
Fitness and recreation centers, in a mixed-use buildingTowing services (no outside storage of vehicles)	CCP	CE	CP	CP
Hotels, motelsEmergency services, ambulance services	CPP	PP	PP	CP
Gas, diesel or other motor fuel retail sales	C	C	N	C
Internet publishing and broadcastingResearch, development and testing laboratory	PC	PCC	PC	PC

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Use	PermittedMX-1	Conditional UseMX-2	Not PermittedMX-3	MX-4
Laboratory, medical or dental	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>
Medical appliance assembly	<u>PPP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
Motion picture and sound recording industries	<u>CCP</u>	<u>CC</u>	<u>CP</u>	<u>CP</u>
Offices – general, medical, professional, free-standing or mixed-use building	<u>PP</u>	<u>PPC</u>	<u>PC</u>	<u>PP</u>
Outdoor sales accessory to a permitted use	<u>CCP</u>	<u>NC</u>	<u>CP</u>	<u>NC</u>
Printing, publishing, bookbinding, blueprinting	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>
Processing and packaging of drugs, pharmaceuticals, perfumes and cosmetics	<u>CPP</u>	<u>CP</u>	<u>PP</u>	<u>CP</u>
Retail and service establishments, free-standing or mixed-use building	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Rental of vehicles (with limited outside storage)	<u>CC</u>	<u>CC</u>	<u>CC</u>	<u>CC</u>
Research, development and testing laboratory	<u>CPP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings	<u>PC</u>	<u>PCC</u>	<u>PC</u>	<u>PC</u>
Restaurants with drive-through service	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Service businesses, such as beauty shops, barbershops, dry-cleaning, drop-off/pickup (no on-site processing) in mixed-use buildings	<u>PPP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
Small scale manufacturing and artisans	<u>PPP</u>	<u>PP</u>	<u>CP</u>	<u>PP</u>
Theaters (with structured parking)	<u>PPP</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
Theatres	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Towing services (no outside storage of vehicles)	<u>PPP</u>	<u>CP</u>	<u>PP</u>	<u>CP</u>
Auto body repair and major auto repair	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
Retail and service establishments, free-standing or mixed-use building	<u>PN</u>	<u>PN</u>	<u>PN</u>	<u>PN</u>
Accessory uses	<u>PN</u>	<u>PN</u>	<u>PN</u>	<u>PN</u>
Warehousing as a primary use	<u>NN</u>	<u>NN</u>	<u>NN</u>	<u>NN</u>

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B. Business and Industrial District Uses

P=Permitted Use; C=Permitted with a Conditional Use Permit; N=Not Permitted; PUD=Permitted with a Planned Unit Development

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Use	B-1	I-1	I-2	I-S
Civic and Public Uses				
Airports	N	C	C	N
Cemetery and/or crematorium	C	N	N	N
Day care centers	C	C	C	C
Day care centers in a mixed-use building	P	C	C	C
Essential services/public utilities	P	P	P	P
Funeral Home	P	N	N	N
Hospitals	C	N	N	N
Medical Clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	P	N	N	N
Parking Lot, Surface (as a principal use)	P	P	P	P
Penal/correctional facilities	N	C	C	N
Place of worship and associated facilities, except schools	P	N	N	N
Post Office	P	N	N	N
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, and other municipally owned or operated facilities	C	C	C	C
Sanitary landfill	N	C	C	N
Schools-trade, college, vocational, and associated facilities	P	C	N	N
Schools for business, trade, dancing, music	C	C	N	N
Social, Fraternal clubs and lodges, union halls	P	N	N	N
Transit stations and related parking facilities	C	N	N	N
Churches, synagogues, temples and associated facilities except schools	P	N	N	N
Funeral Home	P	N	N	N
Hospitals	P	N	N	N
Medical clinics	P	N	N	N
Military reserve, national guard centers	C	N	N	N
Parking garage as a primary use	N	N	N	N
Penal/correctional facilities	N	C	C	N
Public utility	P	P	P	P
Schools-trade, college, vocational, and associated facilities	P	C	N	N
Sanitary landfill	N	C	C	N
Commercial Uses				
Hotels, motels	P	N	N	N
Adult uses (bookstore, theater, nightclub, nude or	N	N	C	C

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Use	B-1	I-1	I-2	I-S
partially nude dancing)				
Auto painting and body work <u>Auto storage</u>	NN <u>NN</u>	CC <u>CC</u>	NP <u>NP</u>	NC <u>NC</u>
Auto storage <u>Auto painting and body work</u>	NN <u>NN</u>	CC <u>CC</u>	PN <u>PN</u>	CN <u>CN</u>
Commercial greenhouse operations <u>Restaurant, traditional or liquor served; bar and grill</u>	CP <u>CP</u>	PN <u>PN</u>	NN <u>NN</u>	NN <u>NN</u>
Convenience stores <u>Convenience stores</u>	PP <u>PP</u>	NN <u>NN</u>	NN <u>NN</u>	NN <u>NN</u>
Gas, diesel or other motor fuel retail sales <u>Wholesale sales</u>	PP <u>PP</u>	NN <u>NN</u>	NN <u>NN</u>	NN <u>NN</u>
Hotels, motels	P <u>P</u>	N <u>N</u>	N <u>N</u>	N <u>N</u>
Restaurant, traditional or liquor served; bar and grill <u>Gas, diesel or other motor fuel retail sales</u>	PP <u>PP</u>	NN <u>NN</u>	NN <u>NN</u>	NN <u>NN</u>
Salvage yards (auto or scrap iron) <u>Storage, mini-storage, cold storage</u>	NN <u>NN</u>	NN <u>NN</u>	PN <u>PN</u>	NP <u>NP</u>
Storage, mini-storage, cold-storage <u>Salvage yards (auto or scrap iron)</u>	NN <u>NN</u>	NN <u>NN</u>	NP <u>NP</u>	PN <u>PN</u>
Veterinary clinic, animal hospital <u>Commercial greenhouse operations</u>	CC <u>CC</u>	PP <u>PP</u>	NN <u>NN</u>	NN <u>NN</u>
Wholesale sales <u>Veterinary clinic, animal hospital</u>	PC <u>PC</u>	NP <u>NP</u>	NN <u>NN</u>	NN <u>NN</u>
Warehouse and Industrial Uses				
Manufacturing	C	P	P	N
Retail sale, installation and remanufacturing of vehicle parts and accessories <u>Warehousing</u>	NC <u>NC</u>	PP <u>PP</u>	PN <u>PN</u>	NN <u>NN</u>
Storage and distribution of bulk petroleum products, oil and gasoline	N <u>N</u>	N <u>N</u>	N <u>N</u>	C <u>C</u>
Retail sale, installation and remanufacturing of vehicle parts and accessories		P		
<u>Warehousing</u>	C	P	P	N

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1350.125 Administrative Procedure for Development in the Non-residential Districts

- A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.
- B. If a zoning change for a nonresidential district is approved, the first phase of construction shall begin or show reasonable progress within two (2) years after approval of the general development plan and zoning change by ordinance or the district may be zoned back to its original zoning district classification or other appropriate zoning district classification.
- C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat shall constitute a district of sustained desirability, is consistent with long range comprehensive plans for the City, and meets the requirements of the district, the City Council may establish such district on the property included in the

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preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall be filed and recorded by the owners or developer in the office of the county register of deeds and shall become a part of the ordinance establishing the zoning charge. Any substantial change to the plat shall require resubmission to and approval by the Planning Commission and City Council.

D. The final platting of such land shall be subject to such requirements for approval, recording, and the installation of improvements as required by other City ordinances.

E. Prior to obtaining a building permit or constructing any building improvements on an individual lot or site within any nonresidential district, three (3) copies of the site plan of proposed improvements shall be submitted to the Zoning Administrator, and reviewed by the Planning Commission and City Council. Such site plan shall include the following:

1. A survey or plat of the property
2. Evidence of ownership or interest in the property
3. The fee specified in the City's fee schedule
4. Information regarding project phasing and timing.
5. Complete development plans, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.
6. Phasing plan
7. Architectural plans showing the following:
 - a. Colored elevations of all sides of the building
 - b. Type, color and samples of exterior building materials
 - c. Typical floor plans
 - d. Dimensions of all structures
 - e. The location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment
 - f. Utility plans including water, sanitary sewer, and storm sewer
 - g. A plan showing landscaping, lighting and signs that meets code requirements
 - h. Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping
 - i. Such other information as may be required by the City to process the application

F. All public rights-of-way within Business and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.

G. Additional Administrative Procedures for Development in the MX-3 District

~~Administrative Procedure for Development~~

A.1. Preliminary Review. It is strongly recommended that anyone planning to develop or redevelop property in an MX-3 District meet with the City Administrator (1) during the conceptual design process in order that the staff may offer input into meeting the ordinance requirements and design standards and (2) during the design development stage to ensure that the plans meet the minimum MX-3 District Standards.

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B-2. Station Area Plan Procedure. No new development or redevelopment may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing and make a recommendation to the City Council, which shall approve, modify or deny the Station Area Plan. The Station Area Plan shall include the following:

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- a. A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.
- b. A conceptual development plan showing public and private open space, and general site data such as building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering and landscape concepts.
- c. Generalized traffic information including proposed new streets and alley connections, and improvements to existing roads.
- d. An elements plan that includes, but is not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.

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***3.** The findings necessary for approval of the Station Area Plan include, but are not limited to, the following

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- e**a. The Station Area Plan is consistent with the intent of the MX-3 District.
- e**b. The Station Area Plan reflects development that:
 - *i.** Is not detrimental to the public health, safety, or general welfare
 - *ii.** Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances
 - *iii.** Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
 - *iv.** Is served adequately by essential public services such as streets, police, fire protection, utilities and parks
 - *v.** Does not create excessive additional requirements at public cost for public facilities and services, and is not detrimental to the economic welfare of the City
 - *vi.** Causes minimal adverse environmental effects
 - *vii.** Each phase or stage of the Station Area Plan can exist as an independent unit.

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E-4. Site Plan Approval Required. A site plan approval is required for all new construction in the Mixed Use a-TOD-Districts. Application for a site plan review shall be made to the City on forms provided by the City, and shall be accompanied by the following:

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- 1. **a.** A survey or plat of the property
- 2. **b.** Evidence of ownership or interest in the property
- 3. **c.** The fee specified in the City's fee schedule
- 4. **d.** Information regarding project phasing and timing.
- 5. **e.** Complete development plans as specified under Section 1200.11 of the Zoning Code, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code.

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- ~~6.f.~~ Architectural plans showing the following: Colored elevations of all sides of the building; type, color and samples of exterior building materials; typical floor plans; dimensions of all structures; t
- ~~a.~~ Colored elevations of all sides of the building
- ~~b.~~ Type, color and samples of exterior building materials
- ~~c.~~ Typical floor plans
- ~~d.~~ Dimensions of all structures
- ~~e.~~ The location of exterior trash storage areas and of exterior electrical, heating, ventilation and air conditioning equipment;
- ~~f.~~ Utility plans including water, sanitary sewer, and storm sewer;
- ~~g.~~ A plan showing landscaping, lighting and signs that meets code requirements;
- ~~h.~~ Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping;
- ~~i.~~ Such other information as may be required by the City to process the application.

~~H.~~ Public hearing. Upon receipt of a completed application for rezoning, subdivision or site plan approval, a date shall be set for a public hearing before the Planning Commission. The hearing will be held no less than 10 days after mailed notice is sent to the owners of property located wholly or partially within 350 feet of the site. The Planning Commission shall submit its recommendation to the City Council. Following appropriate review, the Council shall make a decision regarding the application.

~~D.~~
~~E.I.~~ Administrative Approval. To offer some degree of flexibility, the City Administrator has the authority to administratively alter any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other city staff (public works, building inspections, fire chief, etc.)

On matters that do not involve quantitative measurements, the City Administrator may also make minor alterations if he/she determines that such changes would be an acceptable design approach to development and would be in keeping with the general intent of the MX-3 District. Any such approval shall meet the following criteria:

- a. Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
- b. Provides urban open space, seating, fountains, accent landscaping or other similar urban pedestrian amenities consistent with the intent of the MX-3 District.

1350.16 Performance Standards for Non-residential Districts

A. MX District Parking standards.

- 1. Parking requirements shall be governed by Section 1330.06 except for the following:
 - Surface Parking Lots in the MX-2 and MX-3 Districts shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage. The required front setback for surface parking lots in the MX-1 and MX-4 district shall include a planted boulevard that meets the landscaping requirements of the ordinance.

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~~Draft November/December 2012/Adopted June 6, 2002~~
~~Draft revision November 1, 2011~~

2. In the MX-1 District, parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel that the parking is being calculated for may be included in the calculation. The maximum number of off-street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses, except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are not available.

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3. Parking standards for the MX-3 District are included in Section 1350.17.

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4. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstrations of proof of parking or a parking management strategy acceptable to the Zoning Administrator.

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B. Building Standards. Every primary and accessory building in a Commercial, Industrial or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having extensive visual exposure from a public street or is adjacent to a residential zoning district, unless modified herein.

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1. Exterior surfaces of all buildings shall be faced with or a combination of brick, stone (or better), decorating architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products or better.

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2. Primary and accessory buildings: facades or roofs in any Commercial District shall not be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.

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3. Primary or accessory building facades in any Industrial District not fronting on a public street, not having extensive visual exposure from a public street or is not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.

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4. Within an Industrial District a multi-tenant, mini-storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal untextured cinder block, sheet aluminum, steel, corrugated aluminum or steel or similar products, provided that facades constructed of such materials are not facing a public street, have visual exposure from a public street or are adjacent to a residential district.

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5. Metal-like materials, in a zone other than Industrial, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. No structural metal roofs, except architectural uses of copper incorporating visible metal exteriors, are permitted.

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6. Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.

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C. Exterior Storage: No materials, product or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.

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D. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.

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E. All roof equipment must be screened from public view unless designed as an integral part of the building and is compatible with the site lines of the building, as determined by the Zoning Administrator.

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F. All developments (except for improvements to a single-family detached housing unit or construction of a new single-family detached housing unit) conducted within the MX-1 or MX-2 district must be completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.

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1350.17. Additional Performance Standards for the MX-3 District

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1350.12 Bulk and dimensional standards.

The following requirements apply to all buildings or uses in an MX-3 District, unless otherwise specified:

Height and Setbacks	Residential Townhouse	Residential Apt., Condo, Cooperative	Mixed-Use Building	Commercial, Civic, not in mixed-use building
Height	3 stories or 35 feet, whichever is less	2 stories minimum, 4 stories maximum*	2 stories minimum, 4 stories maximum*	No minimum, 4 stories maximum
Setbacks	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: 15 feet	Front: Maximum of 15 feet Side: 10 feet Rear: none required	Front: Maximum of 8 feet Side: 10 feet Rear: None required

*Maximum height may be increased upon issuance of a Conditional Use Permit. Single-story buildings shall have a foot print of no more than 15,000 square feet.

Provision	Districts							
	MX-1	MX-2	B-1 & B-2	I-1	I-2	IS	MX-3	
<i>Lot size, Lot dimension and coverage provisions</i>								
Maximum residential density, units/acre	25	11	N/A	N/A	N/A	N/A	50	
Minimum residential density, units/acre	None	None					11	
Maximum non-residential density	7.5 FAR						7.5 FAR	

A. Height and Setback Standards

A.

1. General setback standards for the MX-3 District are indicated on the table in Section 1350.13.
2. Additional setback and building height standards for the MX-3 District include the following:

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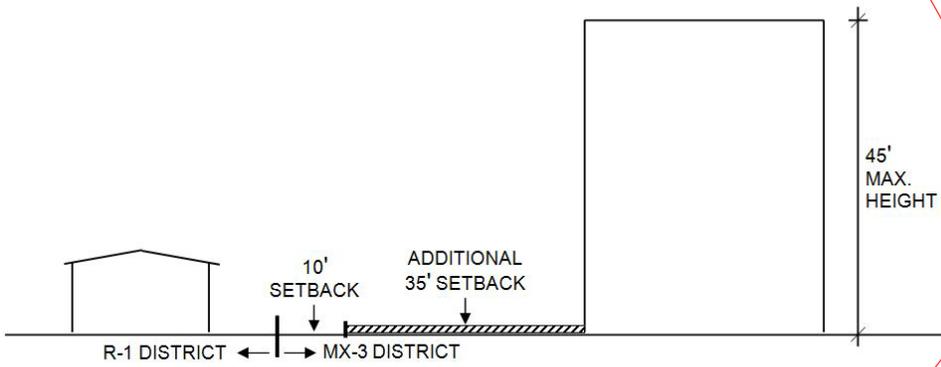
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- a. ~~If~~ new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
- b. All above-ground utility structures associated with electric, natural gas, telecommunications, cable television distribution lines, pipes, conduits or other public utilities shall be located behind the minimum setback unless otherwise approved as part of the site plan approval. This applies to air vents, utility boxes and back-flow preventers.
- c. Driveways may cross the front setback, but shall be as near as perpendicular to the street for pedestrian safety and to minimize the intrusion into any landscaped area.
- d. Balconies may project up to two feet (2') over the right-of-way, subject to an approved sidewalk encroachment agreement. Balconies shall have a minimum clearance of ten feet (10') from grade.
- e. When a lot abuts an existing single-family residence or a property that may be used for single-family residential purposes, a minimum side yard of fifteen feet (15') and a rear yard of 25' shall be required.
- f. The permitted maximum height of structures adjacent to single-family residential uses shall be determined by the distance of the structure to the boundary line of the nearest single-family residential district. Any required side or rear yard setback shall be increased by one foot for each additional foot of height.

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- B. ~~Open Storage Prohibited. Except as otherwise specified in this section, o~~Outside storage shall be prohibited in the MX-3 District.
- C. Open Space Requirement. Developers will be expected to work with the city to provide a minimum of ~~five~~ten percent (5)10% of residential project sites and five 5(f) of commercial and mixed use the project sites as open space. The open space may be designed as a square, plaza, terrace, or green, with a variety of landscaped and paved

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Draft revision November 1, 2011

surfaces and seating areas. This requirement may be waived in cases where the City's master plan specifies the location and design of open space.

1. All required open space shall be accessible to users of the building and shall be improved with seating, plantings and amenities. Open space for commercial and mixed-use sites shall be visible from the street or pedestrian areas.

2. Floor area ratio credits are allowed for all new developments when the pedestrian space is available for use by the public, including widened sidewalk areas.

D. Parking Requirements. For purposes of this section, a new use within a ~~TOD~~ the MX-3 District shall be required to meet the minimum/maximum parking spaces as shown in the following chart. All square footage is measured as 'gross footage.'

	<u>PARKING SPACES MINIMUM</u>	<u>PARKING MAXIMUM</u>
Residential	<u>Maximum of 1.65 parking spaces per dwelling unit, plus 10% for guest parking.</u>	<u>2.5 spaces per dwelling unit, plus 10% for guest parking.</u>
Restaurants <u>Commercial, Retail, Service</u>	<u>Minimum of one parking space per 75 square feet of restaurant seating space, but no more than one space per 130 square feet of restaurant seating space. 1 space per 400 SF.</u>	<u>1 space per 200 SF</u>
Retail, Office and Service <u>Office</u>	<u>Maximum of 1 space per 250 square feet. 1 space per 400 SF.</u>	<u>1 space per 300 SF</u>
Other permitted uses <u>Restaurant</u>	<u>Maximum of 1 space per 500 square feet. 1 space per 200 SF.</u>	<u>1 space per 75 SF</u>
<u>Hotel</u>	<u>.75 per room, plus 10% guest and staff parking.</u>	<u>1.5 spaces per room, plus 10% guest and staff parking.</u>
<u>Clinic</u>	<u>1 space per 300 SF</u>	<u>1 space per 100 SF</u>
<u>Community Center</u>	<u>1 space per 400 SF</u>	<u>1 space per 200 SF</u>
<u>Theater</u>	<u>1 space per 6 seats plus 5% for staff</u>	<u>1 space per 3 seats plus 10% for staff</u>

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1. The required/permitted number of parking spaces of any building within the MX-3 District, including mixed-use buildings, shall be the sum total of the requirements for each use in the building.

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2. Parking maximums may be exceeded under the following circumstances, if one or more of the following is provided:

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- a. If structured or underground parking is provided on site, parking may be exceeded by 25%.
- b. If a shared parking agreement is executed, parking may be exceeded by 20%.
- c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking may be exceeded by 10%.

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- d. If driveways and access points are shared by at least two adjacent properties, parking may be exceeded by 10%.
- e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking may be exceeded by 10%.
- f. In no case shall the cumulative increase in parking exceed 25%.
- g. A 25% parking reduction in the minimum number of parking spaces required is allowed if the principle use is located within 800 feet of a parking facility with public spaces available to the general public or within 800 feet of a public transit park and ride facility with an approved joint use agreement.

~~3. No surface parking or maneuvering space shall be permitted within a required setback or between the primary structure and the front yard, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible for pedestrian safety and to minimize intrusion into the landscaped areas.~~

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~~3. The off-street parking standards shall conform to the general requirements for off-street parking located in Section 1330.06 of this Code, except as otherwise provided for in this section.~~

~~4. No surface parking or maneuvering space shall be permitted within a required setback or between the primary structure and the front yard, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible for pedestrian safety and to minimize intrusion into the landscaped areas.~~

~~5. On-street parking spaces located along the portions of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this section. Those on-street parking spaces must be located on the same side of the street as the use, have a dimension of at least twenty feet in length, and be located in areas approved by the City's Public Works Department. On-street parking directly across the street from the use may be counted if that parking abuts property that is undevelopable because of physical constraints.~~

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~~In the event that the City, County or State remove any on-street parking that was allowed to count toward the minimum requirement, the existing use shall not be required to make up the difference and shall not be made nonconforming with respect to parking.~~

~~On-street parking shall not be counted in calculating maximum parking spaces.~~

~~4. Parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the City.~~

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~~5. Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking~~

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that is located to the side of the primary structure shall not cover more than thirty-five percent (35%) of the total lot width.

6. Shared parking shall be permitted and encouraged.

7. Bicycle parking ~~facilities are encouraged~~ shall be provided as a component of all parking facilities at a ratio of one bicycle space per 20 automobile spaces, or a minimum of two bicycle parking spaces, whichever is greater. Bicycle parking must be provided within view of each business front entrance. Adjoining businesses may share common bicycle parking areas.

8. All parking areas for more than ten (10) motorized vehicles (except for parking areas for townhouse dwellings on a single lot) shall provide screening. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. The screening may be eliminated if abutting parking lots are combined or interconnected with vehicular and pedestrian access.

9. Structured parking shall meet the following additional requirements:

- ea. At least fifty percent (50%) of the linear street level frontage of the facility shall be devoted to retail, office, civic, institutional or residential uses. If seventy-five percent (75%) or more of the linear street frontage is devoted to such uses, then the total square footage of these uses shall be credited one hundred percent (100%) toward the required FAR minimums.
- eb. If retail, office, civic, institutional or residential uses are constructed on the rear or side of the facility or above the ground floor on the street frontage of the facility, then the total square footage of these areas shall be credited one hundred percent (100%) toward the required FAR minimums.
- ec. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted with an eight foot (8') clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement. No ventilation shall be permitted in the setback.
- ed. A minimum nine foot (9') clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum seven-foot (7') clearance shall be maintained throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles.

E. Loading Standards-

1. Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Section, shall provide a minimum number of off-street service/delivery loading spaces. The loading spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises and shall not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way. The loading spaces shall be a minimum of ten feet (10') by twenty-five feet (25') and shall be provided in accordance with the following:

Non-residential uses with gross floor area:	
Less than 50,000 square feet	None required

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50,000-150,000 feet One (1) space
Each additional 100,000 square feet One (1) space

Existing buildings are exempt from these standards.

2. No loading spaces shall be permitted within any required or established setback, or between the primary structure and the required setback, except that driveways providing access to the loading area may be installed across these areas.

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F. Additional MX-3 District Design Standards-

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- 3-1. Connectivity and Circulation. Transit-oriented development uses shall be integrated with the surrounding area, easily accessible, and have a good internal circulation system for a variety of travel modes.

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- a. A pedestrian sidewalk system shall meet the following standards:
 - i. Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, open space, etc.). All internal sidewalks shall be finished with a hard surface as required by the City's Public Works Department.
 - ii. External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system and to adjacent multi-use trails, parks and greenways. Sidewalks shall be constructed with a hard surface and of a width as required by the City's Public Works Department.

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~~iii. The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night.~~

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4. Urban Open Spaces

- ~~a. Urban open space for public congregation and recreational opportunities shall be required for all new buildings with a gross floor area greater than 50,000 square feet. Such buildings must provide useable open space behind the required setback and on private property proportionate to the building square footage according to the following schedule:~~

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<u>Lot Size</u>	<u>Open Space Requirement</u>
0-20,000 sq. ft.	1 sq. foot/200 sq. feet (gross)
20,001 to 40,000 sq. ft.	1 sq. foot/150 sq. feet (gross)
40,000+ sq. ft.	1 sq. foot/100 sq. feet (gross)

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- ~~• Open space may be located on roofs of buildings or enclosed on the ground floor. A maximum of thirty percent (30%) of the required open space may be provided on an enclosed ground floor level.~~
- ~~• All required open space shall be accessible to the users of the building and shall be improved with seating, plantings, and amenities, and be visible from the street or pedestrian areas.~~
- ~~• Floor area ratio credits are allowed for all new developments when the pedestrian space is available for use by the public, including widened sidewalk areas.~~

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5-2 Street Design

a. Street walls

~~i. No blank walls are permitted to face public streets, walkways or public open spaces.~~

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~~ii. All non-residential buildings fronting directly on a street shall be designed so that the first floor street façade of the building(s) along all streets include clear glass window and doors to create pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least fifty percent (50%) of the length of the first floor street level frontage.~~

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~~iii. For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five percent (25%) of the length of the first floor street frontage. When this approach is not feasible, a combination of design elements shall be used on the building façade or included into the site design to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation, molding, string courses, changes in material or color, architectural lighting, works of art, fountains and pools, street furniture, stoops, landscaping and garden areas and display areas.~~

~~iii. The first floor of all buildings, including structured parking facilities, shall be designed to encourage and compliment pedestrian scale interest and activity.~~

~~iv. Expanses of blank walls shall not exceed twenty (20) continuous feet in length. A blank wall is a façade that does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.~~

~~v. No reflective surfaces shall be permitted on street level exterior facades.~~

~~b. Ventilation grates on the building or emergency exit doors located on the first floor street façade(s) shall be decorative and part of the overall building design. Corner building placement~~

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~~vi. i. At intersections, buildings shall have front and side facades aligned at or near the front property line.~~

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~~b. Base of multi-story buildings~~

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~~i. The first three (3) floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbelling, molding, string courses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate shall be provide to add special interest to the base.~~

~~ii. In the design of the building façade, attention shall be paid to the appearance both during the day and at night. Material and color changes alone to not meet the requirements of this section. Design elements that are used to meet the requirements of this section shall be visually continuous around the building. In the event that a building façade is not visible from a public right of way, this requirement may be waived.~~

~~iii. Special attention shall be given to the design of windows in the base. Band windows are prohibited. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions and other treatments are permitted.~~

c. Top of buildings

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- i. All rooftop mechanical equipment on buildings ~~over thirty five feet (35') in height~~ shall be screened from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible. ~~Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.~~
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- d. Building entrances and orientation.
 - i. ~~Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.~~
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 - ~~ii. At least one or more operable pedestrian entrances per building shall be provided, unless in a case where all the three circumstances below exist, only two (2) entrances shall be required:

 - ~~i. A. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building façade(s) fronting all public rights-of-way.~~
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 - ~~ii. B. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to the public open space, multi-use trail, or greenway.~~
 - ~~iii. C. When abutting a sidewalk in the rail station area, an entrance(s) shall be provided on the building façade closest to the station area sidewalk.~~~~
- e. ~~Structured parking facilities~~
 - ~~i. Structured parking facilities shall be designed to encourage and complement pedestrian scale interest and activity. Such facilities shall be designed so that motorized vehicles parking on inside levels of the facility are screened from the street, the commuter rail station, and/or from residentially zoned or used property. Decorative elements such as grillwork or louvers may be utilized to accomplish this requirement.~~
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 - ~~ii. Openings at the street level are limited to vehicular entrances, pedestrian access to the structure and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.~~
- f. ~~Canopies~~
 - i. Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material design to complement the streetscape of the area. Any such feature may extend from the building no more than four feet (4'). In no instance shall such feature extend over or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight feet (8'). Ground supports for these features are not permitted in the minimum setback, sidewalk or public right-of-way.
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- 6. ~~Architectural Standards~~
 - a. ~~Building Scale and Orientation~~
 - ~~i. A mixed use development must provide a range of building types~~
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ii. Development shall provide sensitive transitions between the new development and existing residential uses, adjacent uses and scales.

b. Facades

i. Visual Breaks. The exterior of new buildings shall be designed with visual breaks through the use of decorative tile work, masonry (but not flat concrete block), belt courses of a different texture and color, projecting cornices, medallions, opaque or translucent glass, artwork, vertical articulation, lighting fixtures, or architectural elements not listed herein as approved by the City Council.

ii. Width. A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the facade. This can be achieved through combinations of the following: division or breaks in materials, window bays, special treatment of entrances, subtle variations in rooflines and parapet detailing, building setbacks, awnings, repetitive elements

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e.f. Exterior Materials and Detailing

i. New buildings and structures, additions and renovations must be constructed of durable materials.

ii. In multi-story buildings, the ground floor shall be distinguished from the floors above by the use of a combination of the following: an intermediate cornice line, a difference in building materials or detailing, an offset in the facade, an awning, loggia or arcade, special window lintels, brick/stone corbels

iii.i. The primary exterior opaque materials on each elevation of a building, except for the service side, must be brick, stone, decorative masonry or similar materials or a combination thereof.

iii.ii. No more than twenty five percent (25%) of the building exterior opaque materials on each elevation, except for the service side of the building, shall be comprised of the following accent materials: cast stone, wood shingles (cedar shingles with 6-inch maximum exposure), lap siding, cedar or redwood (6-inch width, no diagonal siding) tongue and groove paneling, cedar or redwood (6-inch width, no diagonal siding) copper (untreated) stucco and EIFS, cement board, glass (does not include windows), dark anodized aluminum, materials that are similar in character to those listed above. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, and wooden exteriors.

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iii.iii. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, wooden exteriors.

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iii.iv. LEED Sustainability Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as US Green Building Council's LEED (leadership in Energy and Environmental Design) program, Minnesota Sustainable Building Guidelines, and similar programs.

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vii-v. Alternative Designs or Materials. To encourage creativity, imagination, innovation and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior facades (s) materials meet all of the following conditions:

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- A. The proposed design or material is consistent with the purposes of this section.
- B. The proposed design or material would enhance the architectural appearance of the building and would be equal or superior to designs or materials permitted by this section.
- C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.

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e.g. Screening Standards

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- i. All service entrances, utility structures associated with a building, and loading docks and/or spaces shall be screened from the abutting property and from public view from a public street.
- ii. Any fences or walls used for screening or other purposes shall be constructed in a durable fashion of brick, stone and other masonry materials specifically designed as fencing materials. The finished side of the fence shall face the abutting property. Chain link, wood, vinyl or barbed wire fences are not permitted.
- iii. The composition of the screening material and the placement on the lot shall be left up to the discretion of the property owners as long as the intent of this Section is met. A wall cannot be substituted for a planting strip along any public street unless supplemented by landscaping.
- iv. Landscaping used for screening shall be evergreen and at least four feet (4') tall with a minimum spread of two feet (2') when planted and no further apart than five feet (5'). Shrubs shall be adequately maintained as that an average height of five to six feet can be expected as normal growth within four years of planting. The average expected height may be reduced to four feet (4') for screening along public streets.
- v. The maximum height for walls and fences shall be six feet (6') or whatever is sufficient to visually screen the use but not less than four feet (4').
- vi. Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a six-foot high solid and finished masonry wall with closeable gates. In no instance shall a chain link fence, wood, vinyl or barbed wire fence be permitted.

e.h. Buffer Standards

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- i. All uses, other than single-family detached dwelling units, shall provide landscaping along all property lines abutting residentially used property located adjacent to the MX-3 District. This requirement also applies in situations where an alley with a right-of-way width of twenty-five feet (25') or less separates uses in the MX-3 District from a non-MX-3 District residential property. Landscaping shall be provided along all property lines abutting the alley when adjacent to residential uses. Multi-family developments in an MX-3 District are exempt from this landscaping requirement when they abut other multi-family uses.

ii. In no instance shall a chain link, wood, vinyl or barbed wire fence be permitted.

~~f.i.~~ Exterior Lighting Standards

- i. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties and shall comply with the following standards:
- A. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 - B. Security lighting shall be adequate for visibility, but not overly bright.
 - C. Metal halide lighting shall be used with a concealed light source of the "cut-off" variety to prevent glare and "light trespass" onto adjacent buildings and sites.
 - D. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20'), measured from grade, and shall be coordinated with city standards.
 - E. Poles in parking lots shall have a maximum height of 24 feet (24') measured from finished grade.
 - F. Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest.
 - G. "Wall paks" shall be permitted only in loading and service areas and shall be down-lit and shielded from view.
 - H. Shielded illumination or fixtures shall be permitted to light building mounted signage, building facades, or pedestrian arcades if they are integrated into a building's architectural design.
 - I. Lighting should highlight entrances, art, terraces, and special landscape features.
 - J. Separate pedestrian scale lighting or other low-level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
 - K. All primary walkways, steps or ramps along pedestrian routes shall be illuminated.

ii. Light Intensity

- A. A photometric lighting plan is required for all proposed commercial developments to ensure that adequate and appropriate light levels are provided for each site condition.
- B. Lighting shall not exceed 0.1 foot candle at residential property lines or 0.5 foot candle on non-residential property lines measured on a vertical plane.
- C. The following minimum levels of illumination must be maintained for each of the specific locations:

Building entrances	5.0 foot candles
Sidewalks	2.0 foot candles
Bikeways	1.0 foot candles
Courts/plazas/terraces	1.5 foot candles
Ramps	5.0 foot candles
Stairways	5.0 foot candles
Underpasses	5.0 foot candles

~~Draft November~~December 2012~~Adopted June 6, 2002~~
~~Draft revision November 1, 2011~~

Waiting areas 1.0 foot candles
Parking lots 1.0 foot candles

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~~g.i.~~ Signs, banners, flags and pennants

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~~Signage shall be designed to be integral with the architectural character of the building to which it belongs. Specifically, the scale, proportion and color shall be appropriate to the building in which the sign is attached. Elements to be considered include architectural appearance, sign size, type of illumination, sign motion, sign setback, surface colors, and message. The architectural appearance of the sign shall not be so dissimilar to the existing signage on surrounding buildings as to cause impairment in property value or constitute a blighting influence.~~

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~~i.~~ Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the following:

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- A. Wall signs shall have a maximum of 150 total square feet or five percent (5%) of the building wall area occupied by the user, whichever is less. Wall signs may be increased by twenty (20) square feet per sign in lieu of a ground mounted or monument sign.
- B. Signs are permitted to project up to two feet (2') into the minimum setback as measured from the building. Under no circumstances shall a sign project more than four feet (4') from the back of the curb. A minimum overhead clearance of eight feet (8') from the sidewalk shall be maintained.
- C. Marquee signs are permitted.
- D. Ground mounted or monument signs are permitted as follows:
 - 1. Signs shall not exceed ten feet (10') in height and forty (40) square feet in area.
 - 2. Signs shall be located behind the right-of way and out of any sight distance triangle.
 - 3. Signs shall be setback five feet (5') from any property line.
 - 4. No freestanding pole signs shall be permitted.
 - 5. No off-premise signs shall be permitted.
- E. Signs shall also conform to Section 1380.02 and 1380.03 of this code.

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~~F.k.~~ Landscaping Standards

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~~i.~~ The plan for landscaping must include ground cover, bushes, trees, foundation plantings, sculpture, fountains, decorative walks or other similar site design features or materials. Landscaping must conform to the requirements of the City Code, ~~and the following Section 1330.05, Subd. 14:~~

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~~A minimum of one over story tree per 35 lineal feet of street frontage.~~

~~ii. A minimum of one deciduous or evergreen shrub per one linear foot of foundation.~~

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~~Landscaping shall support the purpose and intent of the District.~~

and be consistent with the Station Area Plan or adopted master plans for the District.

EG. Design Manual

- 1. All design guidelines included in the City's Red Rock Transit District Design Guidelines shall apply. The Design guidelines have been adopted as part of the City's Comprehensive Plan.

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~~G. 1350.12 Parking standards:~~

~~Parking requirements shall be governed by Section 1330.06 except as otherwise stated below:~~

- ~~G. Surface Parking Lots in the MX-1 or MX-2 District shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage.~~

~~1350.13 Performance Standards for Mixed Use Districts~~

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~~1350.14 Additional Performance Standards for Mixed Use Districts.~~

~~Additional performance standards for Mixed Use Districts:~~

- ~~A. Exterior Storage: No materials, product or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.~~
- ~~B. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.~~

~~Draft November 2012~~ Adopted June 6, 2002
~~Draft revision November 1, 2011~~

~~C. All roof equipment must be screened from public view unless designed as an integral part of the building and is compatible with the site lines of the building, as determined by the Zoning Administrator.~~

~~D. All developments (except for improvements to a single family detached housing unit or construction of a new single family detached housing unit) conducted within the MX-1 or MX-2 district must be completed through the Planned Development District process as outlined in Section 1360 of the Zoning Code.~~

~~**1350.131 Commercial, Industrial, and Mixed Use Districts:** “The Code of Ordinances of the City of Newport, County of Washington, State of Minnesota,” shall be amended by amending Chapter 13 Zoning Ordinance of the City Code, for purposes of adding the following:~~

~~**Subd. 1** Every primary and accessory building in a Commercial, Industrial or Mixed Use District shall be uniform in design and materials on all sides of a structure facing a public street, having extensive visual exposure from a public street or is adjacent to a residential zoning district, unless modified herein.~~

- ~~1.) Exterior surfaces of all buildings shall be faced with or a combination of brick, stone (or better), decorating architecturally textured concrete products, wood veneer, glass, stone, decorative pre-cast panels, equivalent products or better.~~
- ~~2.) Primary and accessory buildings: facades or roofs in any Commercial District shall not be constructed of non-textured cinder concrete block, sheet aluminum, steel, corrugated aluminum or steel, or similar products.~~
- ~~3.) Primary or accessory building facades in any Industrial District not fronting on a public street, not having extensive visual exposure from a public street or is not adjacent to a Residential Zone may be constructed of non-textured cinder block, sheet aluminum, steel, corrugated block, corrugated aluminum or steel or similar products.~~
- ~~4.) Within an Industrial District a multi tenant, mini storage or trucking terminal with extensive use of garage doors on many sides of a building or groups of buildings may be constructed of metal untextured cinder block, sheet aluminum, steel, corrugated aluminum or steel or similar products, provided that facades constructed of such materials are not facing a public street, have visual exposure from a public street or are adjacent to a residential district.~~
- ~~5.) Metal like materials, in a zone other than Industrial, are only acceptable as trim, fascia, mansards, portions of the main facade, or the like. No structural metal roofs, except architectural uses of copper incorporating visible metal exteriors, are permitted.~~
- ~~6.) Accessory tanks, exterior equipment, stacks, pipes, towers and the like are exempt from these requirements.~~

~~Draft ~~November~~December 2012 Adopted June 6, 2002
Draft revision November 1, 2011~~

~~Subd. 2 Effective Date:~~ Now Be it Resolved that this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

~~1350.14 Administrative Procedure for Development.~~

- ~~A. All petitions for rezoning to establish or expand a nonresidential district shall also concurrently follow subdivision platting procedures and a complete preliminary plat with all supporting data required which shall be filed with the Zoning Administrator.~~
- ~~B. All public rights of way within nonresidential districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.~~
- ~~C. Upon finding by the Planning Commission and City Council that the proposed zoning district and preliminary plat shall constitute a district of sustained desirability, shall be consistent with long range comprehensive plans for the City and meet the requirements of the district, the City Council may establish such district on the property included in the preliminary plat. The preliminary plat as approved together with such covenants, deed restrictions, controls, or special conditional use permits as may be attached to it, shall be filed and recorded by the owners or developer in the office of the county register of deeds and shall become a part of the ordinance establishing the zoning charge. Any substantial change to the plat shall require resubmission to and approval by the Planning Commission and City Council.~~
- ~~D. The final platting of such land shall be subject to such requirements for approval, recording, and the installation of improvements as required by other City ordinances.~~
- ~~E. Prior to obtaining a building permit or constructing any building improvements on an individual lot or site within any nonresidential district, three (3) copies of the site plan of proposed improvements shall be submitted to the Zoning Administrator, and reviewed by the Planning Commission and City Council. Such site plan shall show the location and extent of proposed building, parking, loading, access drives, landscaping, sewage and water systems and any other improvements.~~
- ~~F. If a zoning change for a nonresidential district is approved, the first phase of construction shall begin or show reasonable progress within two (2) years after approval of the general development plan and zoning change by ordinance or the district may be zoned back to its original zoning district classification or other appropriate zoning district classification.~~



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: January 8, 2013

SUBJECT: Purchasing Solar Lights for the Bailey School Forest Learning Facility

BACKGROUND

In 2012, the City installed a learning facility at the Bailey School Forest. During the installation, it was requested that City staff research the possibility of installing solar panel lights on the facility for use at night.

DISCUSSION

City staff contacted several companies regarding this including Xcel Energy, Alt E Store and On 2 Solutions. The City contacted Xcel Energy to receive a quote for installing a hard line at the facility. The hard line would allow the City to install regular lights at the facility. According to Xcel Energy, a hard line would cost approximately \$24,000. The second quote from Alt E Store is for a solar package for four (4) solar grids for \$3,428.73 plus shipping and taxes. The solar panels from Alt E come with a two-year warranty. The third quote from On 2 Solutions was for solar powered lighting at an estimated cost of \$5,000 and comes with a five-year warranty. The City has received \$3,000 in donations from the Bailey Family and Foundation and is anticipating receiving an additional \$600 in donations from them for the solar lights.

RECOMMENDATION

It is recommended that the City Council approve the purchase of solar panels from the Alt E Store at a cost of \$3,428.73 plus shipping and taxes. If approved, the panels will be installed by Public Works staff in Spring 2013.



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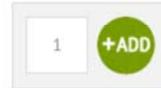
SHOP ALL PRODUCTS

Store / Packaged Systems / Off Grid Cabin Systems - Solar Packages

OFF-GRID CABIN PACKAGE 4 - 560W - KYOCERA MODULES



\$3,428.73 List price \$4,476.66



Call for Availability
Estimate Shipping



SHARE

FEEDBACK

DETAILS

DOCUMENTS

CONTENTS

REVIEWS

Item code

Model number

KITCABIN4

Solar Cabin Package

AltE's Packaged Systems include the major components needed for a solar installation. Since each installation is unique, some parts/materials will need to be purchased separately to satisfy the needs of your specific project and local regulations.

Off Grid Cabin 560W Solar Package

If you need help sizing a system for your off grid cabin, check out our [Off Grid System Calculator](#)

Each of these solar packages is designed to provide you with the main components you will need to take your cabin off the grid! From premium modules and racking systems, to efficient inverters and durable batteries, these packages include high quality, safe components for your off grid installation.

The 560W cabin package features four Kyocera 140W solar panels. Kyocera is the only module manufacturer to pass rigorous long-term testing performed by TÜV Rheinland for proven field performance. Each Kyocera 140W module has an aesthetically pleasing black anodized frame with easily accessible grounding points on all four corners for fast installation.



Cabin Package 4 Includes:

Part Number	Item Description	Quantity
KYO140KD140GXLF	Kyocera KD140GX-LFBS 140W 12V Solar Panel	4
PVCMC4-MF-30FT	30' MC4 Connector Extension #10 AWG	1
GENMC4KEY	Key for MC Solarline 4 Locking Connector	1
GENGNDSPPLITBOLT	Solkamp Grounding Bolt #6 -8 AWG	4
BURLAYINLUG-1	Tin Plated Copper Lay-In-Lug	2
TWOXRSRAIL-10FT	Ironridge XRS Rail, 10' Section (altE Custom cut)	2
TWOXRS297000017	Ironridge XRS L-Foot Kit (4 Pack)	2
TWO297000214B	Ironridge XRS End Clamp	1

DC to AC Inverter/Charger

This high efficiency, microprocessor controlled DC -AC inverter converts 48 Volts DC (from a 48V battery bank) to 1500 watts of pure sine-wave AC power. The S-1500 inverter comes with dual NEMA 5-20R GFCI receptacles and features an RS-232 serial interface and remote control options.



Solar Charge Controller

Morningstar's ProStar is the world's leading r...

SHARE

FEEDBACK

TWO297000108B	Ironridge XRS Mid Clamp Kit (4 Pack) F,K,G - Black	2
GENSR-2HOLES-LN	1/2" Strain Relief, 2 Round Holes/Locknut	1
GENSR-1HOLE-LN	1/2" Strain Relief, 1 Round Hole/Locknut	1
MIDMNPV6	Midnite Solar MNPV6 Combiner Box	1
MIDMNSPD-115	Midnite Solar Surge Protection Device - 115V	1
MORPRO-15M-48V	Morningstar ProStar PS-15M 48V PWM Charge Controller	1
MIDMNBIGBABYBOX	Midnite Solar Big Baby Box DC Breaker Panel	1
MIDMNSBBW	Midnite Solar Shorter Terminal Busbar (white)	1
GENBRKDIN-15	15 Amp Din Rail Mount Breaker	2
GENBRKDIN-20	20 Amp Din Rail Mount Breaker	1
MIDMNDC-GFP	Midnite Solar 63 Amp DC Ground Fault Protection	1
SAMDC-2000-KIT	Samlex DC-2000-KIT Inverter Installation Kit	1
SAMS-1500-148	Samlex S 1500W, 48V Heavy Duty Inverter	1
MKB8A27	MK 8A27 AGM 12V, 92AH (20HR) Battery	4
ALTBC-2/0-8B	altE Battery Interconnect Cable, 2/0 8", Black	3



controller for both professional and consumer applications. The ProStar controllers are known for their durability and set new standards for reliability and self-diagnostics. This 15A version features an easy to read digital meter display and a 5 year warranty.

Batteries

Deka Solar batteries are engineered and tested to provide reliable, long-lasting back-up power for PV and renewable energy applications where the batteries will be charged/discharged on a daily basis. These sealed AGM (Absorbed Glass Mat) batteries are spill proof and 100% maintenance free.



This package includes (4) 12V, 92Ah batteries, which will be wired together for a 48V, 92Ah battery bank. Deep cycle batteries should not be discharged lower than 50%, so a battery bank of this size will provide approximately 845 Watt hours (Wh) of energy per day, for two days when fully charged. **This is a rough estimate of capacity, actual capacity can change based on temperature, state of charge and the condition of the batteries.** Additional batteries can be added to this package (either 4 or 8) to increase the capacity of the battery bank.

Our cabin packages include the basics that you'll need for your solar installation. In this table, we've listed a few more items that you may want to include with your package order. If you are interested in remote displays, mounting standoffs, or additional batteries and cables, this is the place to find them.

Recommended Package Add-Ons	
Part Number	Item Description
SAMS-R5	Samlex S-R5 Remote Control
MORRTS-BTS	Morningstar Remote Battery Temperature Sensor
MKB8A27	MK 8A27 AGM 12V, 92AH (20HR) Battery
ALTBC-2/0-8B	altE Battery Interconnect Cable, 2/0 8", Black
ALTBC-2/0-36B	altE Battery Interconnect Cable, 2/0 36", Black
ALTBC-2/0-36R	altE Battery Interconnect Cable, 2/0 36", Red

* To take a look at technical spec pages, installation manuals, warranty information, etc. click on the 'Documents' tab towards the top of this page



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MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: January 7, 2013

SUBJECT: Amending Section 750, Tobacco

BACKGROUND

Recently, City staff reviewed a model ordinance from the League of Minnesota Cities and Public Health Law Center regarding tobacco. The model ordinance includes regulations for new tobacco or nicotine products such as e-cigarettes, snus or cigars. Additionally, the model ordinance allows for cities to prohibit smoking or sampling tobacco products inside a business that has a tobacco license. This regulation would prevent businesses such as hookah lounges from being opened. Hookah lounges are businesses where an individual or individuals go to smoke tobacco from a hookah pipe. Individuals are allowed to smoke inside of hookah lounges because the Minnesota Clean Indoor Air Act which prohibits smoking in almost all indoor spaces exempts sampling tobacco in tobacco shops.

Please note that this was tabled at the December 20, 2012 City Council meeting so that the City Attorney and Chief of Police could participate in the discussion.

DISCUSSION

After reviewing the model ordinance, City staff is recommending that Section 750, Tobacco be amended to include some of the regulations, specifically the following:

- Add definition for:
 - Indoor Area
 - Nicotine or Lobelia Delivery Devices: These devices include e-cigarettes
 - Smoking
- Update definition for Tobacco or Tobacco Products
- Add subdivision stating that being issued a license does not ensure an automatic renewal
- Add regulation prohibiting smoking or sampling tobacco inside businesses

Other than these amendments, the City's section regarding tobacco matches the model ordinance.

RECOMMENDATION

It is recommended that the City Council approve Ordinance No. 2013-2 amending Chapter 7, General Regulations and Offenses.

**CITY OF NEWPORT
ORDINANCE 2013-2**

**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 750 - Tobacco

750.01 Purpose. Because the City recognizes that many person under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, tobacco related devices and nicotine or lobelia delivery devices, and such sales, possession, and use are violations of both State and Federal laws; and because studies, which the City hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, tobacco related devices and nicotine or lobelia delivery devices, and to further the purposes of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, tobacco related devices and nicotine or lobelia delivery devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn.Stat. 144.391 as it may be amended from time to time

750.02 Definitions and Interpretations.

Subd. 1 Compliance Checks. “Compliance Checks” shall mean the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, tobacco related devices and nicotine or lobelia delivery devices are following and complying with the requirements of this ordinance. Compliance Checks shall involve the use of minors as authorized by this ordinance. Compliance Checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices for educational, research and training purposes as authorized by State and Federal laws. Compliance Checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or Local laws and regulations relating to tobacco, tobacco products, tobacco related devices and nicotine or lobelia delivery devices.

Subd. 3 Indoor Area. “Indoor area” shall mean all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

Subd. 4 Loosies. “Loosies” shall mean the common term used to refer to a single or individually packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term “loosies” does not include individual cigars with a retail price, before any sales taxes, of more than \$2.00 per cigar.

Subd. 5 Minor.

Subd. 6 Moveable Place of Business.

Subd. 7 Nicotine or Lobelia Delivery Devices. “Nicotine or Lobelia Delivery Devices” shall mean any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this section, not including any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Subd. 8 Retail Establishment. “Retail Establishment” shall mean any place of business where tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices.

are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, restaurants and drug stores.

Subd. 9 Sale.

Subd. 10 Self-Service Merchandising. “Self-Service Merchandising” shall mean open displays of tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices in any manner where any person shall have access to the tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices, without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, tobacco related device or nicotine or lobelia delivery device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Subd. 11 Smoking. “Smoking” shall mean inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product. Smoking also includes carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

Subd. 12 Tobacco or Tobacco Products. “Tobacco” or “Tobacco products” shall include cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Subd. 13 Tobacco Related Devices.

Subd. 14 Vending Machine.

750.03 License. No person shall sell or offer any tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery device without first having obtained a license to do so from the City.

Subd. 1 Application. An application for a license to sell tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary. Upon receipt of a completed application, the City Administration shall forward the application to the Council for action at its next regularly scheduled council meeting. If the administration shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 9 Issuance as privilege and not a right. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Subd. 10 Smoking. Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking for the purposes of sampling tobacco and tobacco related products is prohibited.

750.04 Fees.

750.05 Basis for Denial of License.

- B. The applicant has been convicted within the past five years of any violation of a Federal, State, or Local law, ordinance provision, or other regulation relating to tobacco or tobacco products, tobacco related devices or nicotine or lobelia delivery devices.

- C. The applicant has had a license to sell tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices revoked within the preceding twelve months of the date of application.

750.06 Prohibited Sales. It shall be a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product, tobacco related device or nicotine or lobelia delivery device:

- C. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, tobacco related device or nicotine or lobelia delivery device and whereby there is not a physical exchange of the tobacco, tobacco product, tobacco related device or nicotine or lobelia delivery device between the licensee or the licensee's employee, and the customer.

750.07 Vending Machines.

750.08 Self-Service Sales. It shall be unlawful for a licensee under this ordinance to allow the sale of tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, tobacco related device or the nicotine or lobelia delivery device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, tobacco related devices and nicotine or lobelia delivery devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices at the time this ordinance is adopted shall comply with this Section within 60 days following the effective date of this ordinance except where 90% of the sales of the particular establishment are tobacco related products and minors are at all times prohibited from entering the licensed establishment.

750.09 Responsibility. All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this ordinance, State or Federal law, or other applicable law or regulation.

750.10 Compliance Checks and Inspections. All licensed premises shall be open to inspection by the City police or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years, to enter the licensed premise to attempt to purchase tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices. Minors used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel.

Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, tobacco related devices or nicotine or lobelia delivery devices when such items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

750.11 Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this ordinance.

Subd. 1 Illegal Sales. It shall be a violation of this ordinance for any person to sell or otherwise provide any tobacco, tobacco product, tobacco related device or nicotine or lobelia delivery device to any minor.

Subd. 2 Illegal Possession. It shall be a violation of this ordinance for any minor to have in his or her possession any tobacco, tobacco product, tobacco related device or nicotine or lobelia delivery device. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 3 Illegal Use. It shall be a violation of this ordinance for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, tobacco related device or nicotine or lobelia delivery device.

Subd. 4 Illegal Procurement. It shall be a violation of this ordinance for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, tobacco related device or nicotine or lobelia delivery device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.

750.12 Violations.

750.13 Penalties.

750.14 Exceptions and Defenses.

750.15 Severability and Savings Clause.

750.16 Effective Date.

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 January, 2013.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Brian Anderson, City Administrator

Section 750 - Tobacco

~~750.01 Tobacco, Tobacco Products and Tobacco Related Devices.~~

750.0201 Purpose. Because the City recognizes that many person under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, ~~and~~ tobacco related devices and nicotine or lobelia delivery devices, and such sales, possession, and use are violations of both State and Federal laws; and because studies, which the City hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, ~~and~~ tobacco related devices and nicotine or lobelia delivery devices, and to further the purposes of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, ~~and~~ tobacco related devices and nicotine or lobelia delivery devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minn.Stat. 144.391 as it may be amended from time to time.

750.0302 Definitions and Interpretations. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions, the singular shall include the plural and the plural shall include the singular. the masculine shall include the feminine and neuter, and vice-versa. The term "shall" means mandatory and the term "may" means permissive. The following terms shall have the definitions given to them:

Subd. 1 Compliance Checks. "Compliance Checks" shall mean the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, ~~and~~ tobacco related devices and nicotine or lobelia delivery devices are following and complying with the requirements of this ordinance. Compliance Checks shall involve the use of minors as authorized by this ordinance. Compliance Checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices for educational, research and training purposes as authorized by State and Federal laws. Compliance Checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or Local laws and regulations relating to tobacco, tobacco products, ~~and~~ tobacco related devices and nicotine or lobelia delivery devices.

Subd. 2 Individually Packaged. "Individually packaged" shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this subdivision shall not be considered individually packaged.

Subd. 3 Indoor Area. "Indoor area" shall mean all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

Subd. 3-4 Loosies. "Loosies" shall mean the common term used to refer to a single or individually packaged cigarette or any other tobacco product that has been removed from its packaging and sold individually. The term "loosies" does not include individual cigars with a retail price, before any sales

taxes, of more than \$2.00 per cigar.

Subd. 4-5 Minor. “Minor” shall mean any natural person who has not yet reached the age of eighteen (18) years.

Subd. 5-6 Moveable Place of Business. “Moveable Place of Business: shall refer to any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

Subd. 7 Nicotine or Lobelia Delivery Devices. “Nicotine or Lobelia Delivery Devices” shall mean any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined in this section, not including any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Subd. 6-8 Retail Establishment. “Retail Establishment” shall mean any place of business where tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices. are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, ~~and~~ restaurants and drug stores.

Subd. 7-9 Sale. A “sale” shall mean any transfer of goods for money, trade, barter, or other consideration.

Subd. 8-10 Self-Service Merchandising. “Self-Service Merchandising” shall mean open displays of tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices in any manner where any person shall have access to the tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices, without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, ~~or~~ tobacco related device or nicotine or lobelia delivery device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Subd. 11 Smoking. “Smoking” shall mean inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product. Smoking also includes carrying a lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation.

~~Subd. 9 Tobacco or Tobacco Products.~~ ~~“Tobacco” or “Tobacco products” shall mean any substance or item containing tobacco leaf, including but not limited to cigarettes; cigars; pipe tobacco; snuff, fine cut or other smoking tobacco; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, duffings, and sweepings of tobacco; and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking.~~

Subd. 12 Tobacco or Tobacco Products. “Tobacco” or “Tobacco products” shall include cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps,

clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Subd. ~~10-13~~ Tobacco Related Devices. “Tobacco related devices” shall mean any tobacco product as well as a pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

Subd. ~~11-14~~ Vending Machine. “Vending Machine” shall mean any mechanical, electrical or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco products, or tobacco device.

750.~~04-03~~ License. No person shall sell or offer any tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery device without first having obtained a license to do so from the City.

Subd. 1 Application. An application for a license to sell tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices shall be made on a form provided by the City. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the City deems necessary. Upon receipt of a completed application, the City Administration shall forward the application to the Council for action at its next regularly scheduled council meeting. If the administration shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 2 Action. The Council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant it deems necessary.

Subd. 3 Term. Except as herein otherwise provided, licenses issued under this ordinance shall be valid for one calendar year from the date of issue. The City, by ordinance, may from time to time establish one uniform period for all such licenses.

Subd. 4 Revocation or Suspension. Any license issued under this ordinance may be revoked or suspended as provided in the Violations and Penalties section of this ordinance.

Subd. 5 Transfers. licenses issued under this ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the Council.

Subd. 6 Moveable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this ordinance.

Subd. 7 Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

Subd. 8 Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty (30) days

but no more than sixty (60) days before the expiration of the current license. The issuance of a license issued under this ordinance shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Subd. 9 Issuance as privilege and not a right. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Subd. 10 Smoking. Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking for the purposes of sampling tobacco and tobacco related products is prohibited.

750.0504 **Fees.** No license shall be issued under this ordinance until the appropriate license fee shall be paid in full. The fee for a license under this ordinance shall be set annually by the City.

750.0605 **Basis for Denial of License.** The following shall be grounds for denying the issuance or renewal of a license under this ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the City must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this Section.

- A. The applicant is under the age of 18 years.
- B. The applicant has been convicted within the past five years of any violation of a Federal, State, or Local law, ordinance provision, or other regulation relating to tobacco or tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices.
- C. The applicant has had a license to sell tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices revoked within the preceding twelve months of the date of application.
- D. The applicant fails to provide any information required on the application, or provides false or misleading information.
- E. The applicant is prohibited by Federal, State, or other Local law, ordinance, or other regulation, from holding such a license.

750.0706 **Prohibited Sales.** It shall be a violation of this ordinance for any person to sell or offer to sell any tobacco, tobacco product, ~~or~~ tobacco related device or nicotine or lobelia delivery device:

- A. To any person under the age of eighteen (18) years.
- B. By means of any type of vending machine, except as may otherwise be provided in this ordinance.
- C. By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, ~~or~~ tobacco related device or nicotine or lobelia delivery device and whereby there is not a physical exchange of the tobacco, tobacco product, ~~or~~ tobacco related device or nicotine or lobelia delivery device between the licensee or the licensee's employee, and the customer.

- D. By means of loosies as defined in Section 200 of this ordinance.
- E. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- F. By any other means, to any other person, or in any other manner or form prohibited by Federal, State or other Local law, ordinance provision or other regulation.

750.0807 Vending Machines. It shall be unlawful for any person licensed under this ordinance to allow the sale of tobacco, tobacco products, or tobacco related devices by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

750.0908 Self-Service Sales. It shall be unlawful for a licensee under this ordinance to allow the sale of tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, ~~or the~~ tobacco related device or the nicotine or lobelia delivery device between the licensee or his or her clerk and the customer. All tobacco, tobacco products, ~~and~~ tobacco related devices and nicotine or lobelia delivery devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. Any retailer selling tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices at the time this ordinance is adopted shall comply with this Section within 60 days following the effective date of this ordinance except where 90% of the sales of the particular establishment are tobacco related products and minors are at all times prohibited from entering the licensed establishment.

750.1009 Responsibility. All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the City from also subjecting the clerk to whatever penalties are appropriate under this ordinance, State or Federal law, or other applicable law or regulation.

750.11-10 Compliance Checks and Inspections. All licensed premises shall be open to inspection by the City police or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than eighteen (18) years, to enter the licensed premise to attempt to purchase tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices. Minors used for the purpose of compliance checks shall be supervised by City designated law enforcement officers or other designated City personnel.

Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, ~~or~~ tobacco related devices or nicotine or lobelia delivery devices when such items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this Section shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

750.12-11 Other Illegal Acts. Unless otherwise provided, the following acts shall be a violation of this

ordinance.

Subd. 1 Illegal Sales. It shall be a violation of this ordinance for any person to sell or otherwise provide any tobacco, tobacco product, ~~or~~ tobacco related device or nicotine or lobelia delivery device to any minor.

Subd. 2 Illegal Possession. It shall be a violation of this ordinance for any minor to have in his or her possession any tobacco, tobacco product, ~~or~~ tobacco related device or nicotine or lobelia delivery device. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 3 Illegal Use. It shall be a violation of this ordinance for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, ~~or~~ tobacco related device or nicotine or lobelia delivery device.

Subd. 4 Illegal Procurement. It shall be a violation of this ordinance for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, ~~or~~ tobacco related device or nicotine or lobelia delivery device, and it shall be a violation of this ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 5 Use of False Identification. It shall be a violation of this ordinance for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

750.13-12 Violations.

Subd. 1 Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

Subd. 2 Hearings. If a person accused of violating this ordinance so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

Subd. 3 Hearing Officer. The City Council shall serve as the hearing officer.

Subd. 4 Decision. If the hearing officer determines that a violation of this ordinance did occur, that decision, along with the hearing officers' reasons for finding a violation and the penalty to be imposed under Section 1300 of this ordinance, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

Subd. 5 Appeals. Appeals of any decision made by the hearing officer shall be filed in the district court for the City in which the alleged violation occurred.

Subd. 6 Misdemeanor Prosecution. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this ordinance. If the City elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

Subd. 7 Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

| **750.14-13 Penalties.**

Subd. 1 Licensees. Any licensee found to have violated this ordinance shall be charged an administrative fine of \$75 for a first violation of this ordinance, \$200 for a second offense at the same licensed premises within a twenty-four month period; and \$250 for a third or subsequent offense at the same location within a twenty-four month period. In addition, after the third offense, the license shall be suspended for not less than seven days.

Subd. 2 Employees of Licensees and Other Individuals. Employees of Licensees and other individuals, other than minors regulated by subdivision 3 of the Subsection, found to be in violation of this ordinance shall be charged an administrative fine of \$75 for a first violation of this ordinance; \$200 for a second offense within a twenty-four month period; and \$250 for a third or subsequent offense within a twenty-four month period.

Subd. 3 Minors. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices, shall be charged an administrative fine of \$75 for a first violation of this ordinance; \$200 for a second offense within a twenty-four month period; and \$250 for a third or subsequent offense within a twenty-four month period.

Subd. 4 Community Service and Other Conditions. The hearing officer may, in its sole discretion, allow community service to be substituted for some or all of the fine. Such substitution shall be a rate established by the hearing officer. The hearing officer may also stay the imposition of some or all of the fine on such other conditions that it, in its sole discretion, deems appropriate.

Subd. 5 Misdemeanor. Nothing in this Section shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this ordinance.

| **750.15-14 Exceptions and Defenses.** Nothing in this ordinance shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ordinance for a person to have reasonably relied on proof of age as described by State law.

| **750.16-15 Severability and Savings Clause.** If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or effect the validity and enforceability of any other section or provision of this ordinance.

| **750.17-16 Effective Date.** This ordinance shall take effect the day following publication in the City's official newspaper.



MEMO

TO: Newport City Council

FROM: Brian J. Anderson, City Administrator

DATE: January 14, 2013

SUBJECT: City Administrator Employment Agreement for Deb Hill

The City Council recently directed staff to negotiate a contract with City employee Deb Hill for the position of city administrator. Staff did discuss the terms of the contract with four Council Members, one being unavailable at that time, and Ms. Hill and drafted a contract for her new position. The salient pieces of the initial draft are outlined below:

- The Administrator's salary will start out on January 28, 2013 at \$84,250.
- The Administrator shall receive a performance evaluation after six months of employment, twelve months of employment and annually thereafter.
- Subject to successful performance evaluations, her salary shall increase at the time and rate of the other non-union City employees through the year 2014.
- The Administrator shall receive PTO in lieu of vacation and sick leave in the amount of 160 hours per year plus 10 hours each additional year to a maximum accrual of 720 hours.
- The Administrator shall convert over her unused vacation at a rate of 1:1 and her unused sick leave at a rate of 1:0.5.
- The Administrator shall be reimbursed for all City business mileage as per the IRS regulations and City policy.
- The Administrator will receive a phone allowance of \$50 per month.

Another option that Council Member Gallagher would like discuss is starting the Administrator at \$84,408, which is \$1,000 higher than the Police Chief and Public Works Superintendent. In addition, she would receive the same COLA increases as non-union staff through 2015 instead of 2014 to avoid any political fallout during the election and union negotiations.

Please find a copy of the initial draft Agreement that has been reviewed by the City attorney.

**FULL TIME EMPLOYMENT AGREEMENT FOR THE DUTIES OF
CITY CLERK-ADMINISTRATOR**

This Agreement is effective on _____, 2013 and made by and between the CITY OF NEWPORT, MINNESOTA, a Minnesota Statutory City with offices at 596 7th Avenue in Newport, Minnesota 55055 (“Employer” or “City”), and DEBORA HILL, an individual person who currently resides at 7270 Guider Drive #109, Woodbury, Minnesota 55125 (“Employee or “Administrator”).

The Employee’s duties to the Employer will be those specified for the office of City Clerk-Administrator within the Newport City Ordinances 220.02 Subd 1 of the currently adopted ordinances, as may be hereafter amended or supplemented by the Employer in additional writing and/or resolutions delivered to the Employee (“Duties Description”).

In consideration of the full time employment relationship with the Employer and for other good and valuable consideration, the Employee freely represents, accepts and agrees to the following terms.

1. Duties. While conducting work for the Employer, the Administrator shall devote her best efforts and all time as the Employer deems reasonable to performance of the particular duties within the referenced Duties Description, and to such other duties as the Employer may from time to time assign to the Administrator in furtherance of its business.

2. Duration. The duration of the Administrator’s relationship with the Employer shall begin on January 28, 2013, will continue at will without fixed term, and be subject to termination by either the Employer or Employee. The Administrator understands that the Employer may terminate this Employment Agreement at any time with or without cause. The Administrator understands that in the event of a termination by the Employer that the Employee may be entitled to a severance as specified in paragraph 3, subpart A. In the event that the Administrator decides to terminate this Agreement, the Administrator agrees that she will provide the Employer in writing with thirty (30) calendar days’ notice. The Administrator understands that if she terminates this Agreement that she will not be entitled to a severance as specified in paragraph 3 and that she will only be entitled to receive accumulated Personal Time Off and unused floating holidays.

3. Salary and Expenses. For all services to be performed by City Administrator under this Agreement, the beginning salary to Administrator by the Employer is \$ 84,250.00, effective January 28, 2013. Such salary shall be paid at the intervals customarily used for other City employees. The Administrator shall receive a performance evaluation after six months of employment, twelve months of employment and annually thereafter. Subject to successful performance evaluations, Administrator’s salary shall increase at the time and rate of other non-union City employee raises through 2014. Thereafter, future increases in salary are subject to satisfactory performance evaluations and City approval and shall be granted at the same time granted to other non-union employees. The Administrator further acknowledges that this agreed salary amount specifically takes into account and includes adequate monetary consideration for her assignments of copyrights interests under Sections 7, and the Administrator has not requested and will not require any further consideration in those regards.

A. **Severance Compensation.** The Administrator understands that she will be entitled to a severance package in the event the Employer terminates this agreement **without** cause. The Administrator understands and agrees that she will not be entitled to a severance package if the Employer terminates the employment **with** cause. The Administrator understands and agrees that any of the following items constitute termination **with** cause and would result in **no** severance:

1. Willful neglect of duty.

2. Gross inefficiency or incompetence in office that you have failed to correct after a reasonable written notice.
3. Malfeasance in office.

In the event the Employer terminates this agreement **without** cause the Administrator understands and agrees that she will receive the following severance compensation:

1. If this agreement is terminated without cause within the first of two (2) years of employment, the Administrator will receive from the Employer six (6) months salary and benefits.
2. If this agreement is terminated without cause in the third and fourth year of employment, the Administrator will receive from the Employer five (5) months salary and benefits.
3. If this agreement is terminated without cause in the fifth year of employment or thereafter, the Administrator will receive from the City four (4) months salary and benefits.

In the event that the Administrator decides to terminate her employment with the City, she must give a minimum of thirty (30) days notice of her intent to terminate. There will be no severance payment and the Administrator will receive accumulated PTO and unused floating holidays only.

4. Personal Time Off and Other Benefits. The Administrator shall receive personal time off (PTO) in lieu of vacation and sick leave. The Administrator's current accrued vacation time shall be prorated from her previous anniversary date and converted over as PTO at a rate of one hour for one hour. The Administrator's current accrued sick leave shall be converted over to PTO at a rate of one hour of sick leave for 0.5 hours (50%). The Administrator understands that upon the effective date of this agreement she will receive a credit of 160 hours of personal time off (PTO). Thereafter, the Administrator understands that annually on the 28th of January in each successive year she will receive an additional credit of 160 hours of PTO which is not to exceed an annual accumulation of 240 hours. The Administrator understands that the total maximum accumulation allowed is 720 hours and that the annual allocation of 160 hours of PTO is her base PTO credit. The Administrator further understands that the Employer will award her an additional 10 hours of PTO credit on top of her annual base PTO credit for every full year of employment. Annually, one of the PTO days will be used to pay the premium for Long Term Disability insurance and the Administrator will be granted the same number of paid holidays as other City employees.

- A. **Automobile, Expenses.** The Administrator understands that in lieu of a vehicle allowance she will be reimbursed for all City business mileage as per the IRS regulations and City policy.

The Administrator will be reimbursed for business expenses incurred on City business. The City will provide the Administrator with the necessary electronic equipment, i.e., computer and smart phone, to perform the duties of the City Administrator. The Administrator will have the option of receiving a phone allowance of \$50 per month.

- B. **Dues, Conferences and Subscriptions.** The City agrees to budget and pay the travel and subsistence expenses for professional and official travel, meetings and occasions adequate to continue professional development. The Administrator will use her good judgment on outside activities so as not to neglect her primary duties to the City. Some of the seminars and conferences attended may include, but not limited to, the International City/County Management Association, Metropolitan Association of Municipal Administrators, League of Minnesota Cities and the Minnesota City/County Management Association. The City will also budget for and pay the travel and subsistence expenses for short courses or seminars that are necessary for the

Administrator's professional development and for the good of the City as approved by the City Council.

C. **Insurance.** The City agrees that the Administrator-is eligible to enroll in the City's current insurance programs at the same level as for other employees.

D. **Retirement, Deferred Compensation.** The Employee may continue as a member of Public Employees Retirement Association (PERA).

5. Integrity of Computers, Data Security. The Administrator understands that she will be able to use the City's computers and associated systems, networks, software, other programs, electronically processed or produced data and information, and security systems to assist her in her independent services provided to the Principal. The Administrator understands that the City's computers and associated systems, networks, software, other programs, electronically processed or produced data and information, and security systems are protected under law against her intentional and unauthorized access, use for illegal purposes, destruction including deletion, injury, alteration, disablement or theft. The Administrator agrees to promptly report to the City any occurrence of these types coming to my attention. The Administrator also understands that all computers and associated equipment furnished by the City are its property, to be shared by her with the City, and that the Administrator may use only software furnished or pre-approved by the City's. The Administrator will report all of her user passwords to the City. The Administrator agrees that, in keeping with the City's own interests and commitments to others regarding information security and proper uses, her data files, databases, internal and external communications, downloads, and data access histories are subject at all times to review by or for the City.

6. Drug-Free Workplaces. The Administrator understands that all workplace facilities of the City are intended by it to be "drug free." The Administrator acknowledges that this agreement is subject to immediate termination if at any time while on the business of the City the Administrator operates any of the City's, leased or private vehicle under the influence of alcohol or while her abilities are impaired by any drug. The Administrator also agrees all desks, storage lockers, drawers or other places designated to me by the City for storage of her personal effects at its facilities may be opened and inspected by the City or its representatives at any time, preferably but not necessarily when the Administrator is present. In these respects, the Administrator voluntarily relinquishes expectations of privacy.

7. Copyright Agreement. The Administrator agrees that the City shall be the copyright holder in all copyright works of every kind or description created or developed by her solely or in connection with others during the period of this agreement with the City which relate to matters within her assigned duties to the City or entail her use of the City's time, data, facilities or materials. All such works by the Administrator will be conclusively considered "works for hire" paid for by the City, and all are hereby assigned in full by the Administrator to the City. The Administrator agrees to deliver all such notes, etc. and documents to the City upon the termination of this agreement or at any other time at the City's request, and shall not keep copies unless specifically authorized to do so by the Principal in writing. The Administrator also agrees, if requested, to execute any other written acknowledgments or assignments of copyright ownership of any works covered by this Agreement as may be necessary for the City to preserve its proprietorship of such copyrights.

8. Miscellaneous. The Administrator understands that her obligations under this Agreement will continue whether or not her Employment Relationship with the City is terminated voluntarily or involuntarily. This Agreement shall be binding upon the Administrator and her heirs, executors and administrators, and any guardians and trustees.

The terms of this Agreement fully supersedes any and all previous offers and agreements, written or oral, with respect to my Employment Relationship by the City. This Agreement may not be changed in any detail by any oral statement, representation or by any other agreement or written document signed by a person who is not an authorized official of the City.

The Administrator understands and agrees that the internal laws of the State of Minnesota will govern the interpretation, validity and effect of this Agreement, without regard to the place of its making or the places of performance or to any different State of her residence. The Administrator also agrees that if any provision is held to be invalid under law, all remaining terms and conditions shall continue in full force and effect.

**THESE TERMS ACCEPTED AND ALSO AGREED TO BY:
"EMPLOYEE"**

Debora Hill

**THESE TERMS ACCEPTED AND ALSO AGREED TO BY:
"PRINCIPAL" / City of Newport, Minnesota**

Timothy M. Geraghty, Mayor

WITNESSED BY THE CITY CLERK OF NEWPORT:



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: January 14, 2013

SUBJECT: Authorizing Councilmember Tom Ingemann to Sign City-Issued Checks

As of January 28, 2013, the City Administrator position for the City of Newport will be vacant. It is anticipated that the position will be filled by February 28, 2013. However, per the Internal Controls Policy, all City-issued checks must be stamped by the Mayor and City Administrator. In order to continue issuing checks during the vacancy, it is recommended that the City Council authorize a Councilmember to sign City-issued checks along with the Mayor.

RECOMMENDATION

It is recommended that the Council authorize Councilmember Tom Ingemann to sign City-issued checks during the vacancy of the City Administrator position. The Council may do so through a motion.



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: January 14, 2013

SUBJECT: Accountant Vacancy

BACKGROUND

An Employment Agreement between the City and Deb Hill, Accountant, is up for discussion and approval on the January 17, 2013 City Council Agenda. If the Agreement is approved, the Accountant position will be vacant beginning January 28, 2013 and as such, the City Council will need to fill the vacancy.

DISCUSSION

The City Council will need to discuss filling the vacancy of the Accountant at the January 17, 2013 meeting. City staff is recommending that the position be filled immediately and as such would begin the search process on Tuesday, January 22, 2013 by placing the opening on its website, the League of Minnesota's website, and the South Washington County Bulletin's website. Additionally, it would post the opening in the Bulletin. It is recommended that the City accept applications until Tuesday, February 12, 2013 at 5:00 p.m. When this position was filled in 2011, the committee consisted of the City Administrator, Mayor and a Councilmember. The City Council will need to discuss if it would like the same structure for the committee.

Attached for your review is the current job description for the Accountant position. Please note that the current salary range for the Accountant consists of six steps and is from \$42,094 to \$50,480. It is recommended that this range remain the same.

RECOMMENDATION

It is recommended that the Council approve the search process for the Accountant position and provide direction on who it would like on the committee.

**CITY OF NEWPORT
ACCOUNTANT JOB DESCRIPTION**

POSITION: Accountant
DEPARTMENT: Administration
DATE: Revised January 2013
CLASS: Exempt

PRIMARY OBJECTIVE OF THE POSITION:

Performs bookkeeping, accounting, utility billing, and payroll functions for the City of Newport.

RELATIONSHIPS:

The Accountant:

- Is under the supervision and direction of the City Administrator.
- Must be capable of establishing and maintaining effective working relationships with co-workers and city staff in all departments.
- Must be able to exercise sound judgment and discretion in addressing and resolving insufficient fund complaints from the general public.

TIME REQUIREMENTS:

Position requires employee to work up to 40 hours per week.

ESSENTIAL FUNCTIONS OF THE JOB:

To assist with preparation of annual budget, financial reports, accounts payable and all billing functions. Position is responsible for general ledger maintenance under the immediate supervision of the City Administrator. Individual will also assist with preparation of annual budget documents and other financial related research projects.

Assist with review and preparation of annual budget work papers and other related documents.

Perform internal audit procedures to detect errors and ensure integrity of financial records.

Prepare special financial reporting projects such as property damage reports for major natural disasters.

Assist with the annual audit. Work closely with independent auditors to prepare schedules, adjusting and closing journal entries.

Assist with development and analysis of the year-end financial report, including preparation and maintenance of supporting documentation.

Assist in the development and preparation of periodic financial reports.

Research and analyze topical issues related to municipal and financial operations.

Oversees, develops and manages systems for bill payment, utility billing, general billing, licensing, payroll, fixed assets and selection of the City's banking services, monitors accounts and records.

Directs development and implementation of capital financing programs.

Maintains and coordinates City purchasing.

Supervises preparation of payroll checks and insures proper handling and reporting of all required and voluntary deductions.

Performs other duties as assigned.

Provides administrative assistance as needed.

QUALIFICATIONS

Bachelor's Degree in Accounting or finance related field and three years accounting or auditing experience.

Knowledge of Generally Accepted Accounting Principals, practices, and procedures including reporting and recordkeeping requirements.

Knowledge and understanding of municipal fund accounting.

Ability to use judgment to recognize, analyze and trace errors in transactions.

Ability to analyze facts, develop conclusions, and effectively report conclusions orally, graphically, and in writing.

Considerable knowledge of computerized accounting systems and a broad range of personal computer applications. Knowledge of Banyon Data Systems software a plus.

RESPONSIBILITY FOR PUBLIC CONTACT:

Considerable public contact involved in the daily activities. Ability to explain billing/rate structure, budgeting, etc. to City Administrator, Council, department heads, public, and media.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required use hands to finger, handle, or feel objects, tools, or controls, and talk or hear. The employee frequently is required to stand; walk; and sit. The employee is occasionally required to reach with hands and arms and stoop, kneel, crouch, or crawl.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those and employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate.

SALARY RANGE

The salary range is from \$42,094 - \$50,480, depending on qualifications.



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: January 10, 2013

SUBJECT: Planning Commission Vacancy

BACKGROUND

Katy McElwee-Stevens was recently appointed to the School Board and as such has resigned from the Planning Commission effective January 4, 2013. As a result, the City Council will need to fill the vacant seat for 2013 since her term expires December 31, 2013.

DISCUSSION

The City Council has a couple options to fill this seat. The first option is to reach out to citizens who had applied to be on the Planning Commission in 2011 and 2012, which includes the following individuals:

- 2011
 - Janice Kobe
 - Anthony Mahmood
- 2012
 - Kathy Aguilar-Downing

The second option for the City Council is to accept applications and conduct interviews to fill the vacancy.

RECOMMENDATION

It is recommended that the City Council provide staff with direction in regards to filling the vacancy.

01/08/2013

Ms. Susan, Lindoo
City of Newport Planning Commission
Chair

Dear Ms. Lindoo,

On Friday, January 4th, 2013 I was appointed to the South Washington County Schools School Board.

While I would be able to maintain my position as a member of the City of Newport Planning Commission since it is an appointed position and not an elected position, the School Board meets on the same evening as the Planning Commission (the second Thursday of the month).

I am sad to say I must resign for the Planning Commission as of 1/4/13. I have truly enjoyed working with the Commission and the City of Newport. I will continue be very active on behalf of the city through my other city affiliated group memberships.

Sincerely,

A handwritten signature in cursive script that reads "Katy McElwee-Stevens". The signature is written in dark ink and is positioned above the typed name.

Katy McElwee-Stevens
South Washington County Schools
School Board Director



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MEMO

To: Brian Anderson, City Administrator – City Council City of Newport
From: John B. Stewart P.E.
Subject: CIP Pavement Management and Schedule
Date: January 14, 2013

INTRODUCTION:

During the past 6-12 months MSA has been working with City staff to develop and implement a pavement management system that provides for the orderly maintenance and reconstruction of the City's street infrastructure. During the past 20 years Newport has tackled reconstruction and repair of over 50% of its streets upgrading oiled roads to a standard seven or nine ton city street section consisting of concrete curb and bituminous pavement.

There are several roadways that are in need of repair or major upgrade to preserve to City's investment in transportation infrastructure. These projects are included in the Capital Improvement and Project Funding Plan developed by City Staff but has recently been modified to include additional work to certain street sections such as storm sewer and curb. This memo lays out a proposed program and process to implement these projects.

PROJECT PROCESS:

The streets that were incorporated with the North Ravine Drainage Improvement project (Valley Road and a short section of 21st Street) provided a good example of the City's past process for street reconstruction, but also detailed several issues that need to be updated or changed to amend the process moving forward. Shortcomings of the present project process are as follows:

- ❖ The **Assessment Rate** of \$3,000/ benefitting property has remained unchanged since 1992. There have been significant changes in property values and in "determination of benefit" during this time period. The residential assessment rate is based upon a per unit assessment which remains a viable approach to reflect "benefit" but does not take account of new vs. conventional construction or in variations in the type of repair or reconstruction.
- ❖ **Types of Projects.** In the past street work involved totally removing the existing bituminous and gravel and its replacement with new "virgin material" modern

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construction techniques usually consists of harvesting existing bituminous and gravel and reusing the reclaimed material as aggregate base beneath a new blacktop surface. This is a less costly technique and allows for “saving existing curbing,” by milling a portion of the existing blacktop before applying an overlay allowing more flexibility to the “finished grades and strength of the street.” For the most part, modern techniques give the City more flexibility in controlling project costs and provide differing standards of “benefit” to a property; suggesting that there should be a graduated assessment rate based upon the construction technique used.

- ❖ **Determination of Benefit:** In the past most cities could unilaterally decide on what percentage of a project cost could be passed along as an assessment (30-50% was a common yardstick). As the economy evolved, court challenges have created a level of precedence requiring the City to base its assessment upon an Appraiser’s evaluation of “benefit”. Benefit is considered to be the increase in property value to the UNDERLYING LAND as accrued by the improvement project. (Note the underlying land is appraised, the structures and other improvements are not included in the evaluation of “benefit”). It is typical for cities to seek a “Benefit Appraisal” before establishing assessment rates: helping to providing a defensible process in the event of a property owner challenge.
- ❖ **Public Involvement:** It is common that cities provide an enhanced process for the public to participate in selecting the type and design of the improvements and to structure plan review and residents input into the final design, as well as conducting the statutorily required Preliminary Improvement and Assessment Hearings. (This has been incorporated into Newport’s process since 1992.)
- ❖ **Utility Improvements or Reconstruction:** There has also been a shift away from totally reconstructing sewer and water mains to slip lining and grouting to address pipe failure. Another change includes passing the total cost of utility reconstruction toward benefit accrued to the property. We have seen utility benefit appraised as \$400-\$800 per property whereas the reconstruction or slip lining can be several times this amount. In Newport, the water and sewer service lines from the main to the City main and up to the property right-of-way are owned by the property owner and are not included as a part of the City’s utility. Newport has a serious problem with sewer services having poor connections to the City’s main and poorly sealed pipe joints that allow for significant clear water infiltration and to root growth plugging the service lines. As with last years’ road improvement project on 21st and Valley, property owners were allowed to decide whether to take advantage of the much lesser cost associated with replacing their service while the street was being reconstructed. It will be interesting to determine from your legal counsel if this cost is over and above the utility benefit to the property.

CAPITOL IMPROVEMENT PLAN (CIP) SCHEDULE AND CONSTRUCTION TECHNIQUES: Attached exhibit B shows a preliminary CIP project schedule developed by City Staff.

MEMO

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January 10, 2013

ASSESSMENT RATES:

As previously noted, the approach to base assessment rates on a benefit appraisal is the most defensible method of determining assessment rates. For your information we have noted the following range of assessment rates recently used by Minnesota communities.

IMPROVEMENT	ASSESSMENT RANGE PER UNIT
Total Reconstruction	\$3,000 to \$8,000
Mill and Overlay with Curb & Gutter	\$-0- to \$8,000
Mill and Overlay No C&G	\$-0- to \$3,500
Overlay	\$-0- to \$1,200

PROJECT COSTS AND ASSESSMENTS:

By using 2011/2012 bid prices and allowing for a reasonable inflation in contractor cost we can estimate the following project costs per project segment: (Assumes Stable Oil Prices)

2013 PROJECTS	IMPROVEMENT	TOTAL PROJECT COST	ASSESSABLE
Joint Project With Woodbury on Century Avenue			
Military Rd to Wild Canyon	Full Depth Reconstruction	\$ 40,000.00	\$3000 to \$8,000
Hawkins St to Glen Rd	Full Depth Reconstruction	\$ 36,000.00	\$3000 to \$8,000
Glen Rd to Kalen Dr.	Full Depth Reconstruction	\$ 73,000.00	\$3000 to \$8,000
Storm Sewer	Full Depth Reconstruction	\$ 30,000.00	\$3000 to \$8,000
Total (50% Cost Share Amt.)		\$ 179,000.00	
Ford Road	M&O with C & G	\$ 48,253.33	\$-0- to \$8,000
Circle	Overlay	\$ 18,661.07	\$-0- to \$3500
8th Avenue	M&O with C & G	\$ 165,752.89	\$-0- to \$8,000
10th Avenue	M&O with C & G	\$ 41,438.22	\$-0- to \$8,000
Larry Lane	Overlay	\$ 44,431.11	\$-0- to \$3,500
Barry Drive	M&O with C & G	\$ 86,643.56	\$-0- to \$8,000
21 st Street	M&O with C & G	\$ 48,972.44	\$-0- to \$8,000
Terrace	M&O with C & G	\$ 33,904.00	\$-0- to \$8,000
Ellen Court	M&O with C & G	\$ 26,369.78	\$-0- to \$8,000
Oak Ridge Terrace	Mill & Overlay	\$ 66,213.33	\$-0- to \$8,000
Mark Court	M&O with C & G	\$ 33,904.00	\$-0- to \$8,000
Total		\$ 614,543.73	
2013 Total Project Cost		\$ 793,543.73	

MEMO

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January 10, 2013

2014 PROJECTS	IMPROVEMENT	TOTAL PROJECT COST	ASSESSABLE
Woodbury Rd	M&O G&G For Drainage	\$ 31,546.67	\$3000 to \$8,000
Wild Ridge Tr.	Overlay	\$ 42,653.87	\$-0- to \$1200
Wildridge Court North	Overlay	\$ 11,329.93	\$-0- to \$1200
Wildridge Court South	Overlay	\$ 31,457.23	\$-0- to \$1200
Kloff Street	M&O C & G For Drainage	\$ 83,720.00	\$-0- to \$3500
Kloff Court	M&O C & G For Drainage	\$ 67,320.00	\$-0- to \$3500
Wildridge Court	M&O C & G For Drainage	\$ 24,266.67	\$-0- to \$3500
14 th Street	Full Depth Reconstruction	\$ 515,764.47	\$3000 to \$8,000
15 th Street	Full Depth Reconstruction	\$ 816,626.54	\$3000 to \$8,000
15 th Street	Full Depth Reconstruction	\$ 147,587.27	\$3000 to \$8,000
2014 Total Project Cost		\$ 1,772,272.63	

2015 - 2020 PROJECTS	IMPROVEMENT	TOTAL PROJECT COST	ASSESSABLE
Unity Blvd	Full Depth Reconstruction C & G	\$ 414,833.39	\$3000 to \$8,000
2 nd Avenue			
3 rd Avenue			
3 rd Street	Full Depth Reconstruction C & G	\$ 99,978.67	\$3000 to \$8,000
2 nd Avenue	Full Depth Reconstruction C & G	\$ 694,270.28	\$3000 to \$8,000
10 th Avenue	Full Depth Reconstruction	\$ 212,737.83	\$3000 to \$8,000
2015 - 2020 Total Project Cost		\$ 1,421,820.17	

ACTIONS RECOMMENDED: As discussed we believe that the existing project process should be amended:

- a. Evaluate Cost Schedule and Financing and adopt CIP recommendations.
- b. Direct City Staff and City Engineer to schedule Neighborhood Meetings to get public input on projects.
- c. Order Feasibility Reports for all CIP projects (2013-2015). Resolution enclosed.

- d. **Contract with BRKW Real Estate Valuation Services in the amount of _____ to provide an Appraisal of Benefit on differing property classes** (Residential, Multi-Family, Commercial, etc.). Proposal from BRKW to be provided upon receipt.
- e. **Review 1st draft of updated assessment policy and provide comments.**

PROJECT SCHEDULE: Should the City elect to proceed to implement its Capital Improvement Plan we suggest the following actions and schedule:

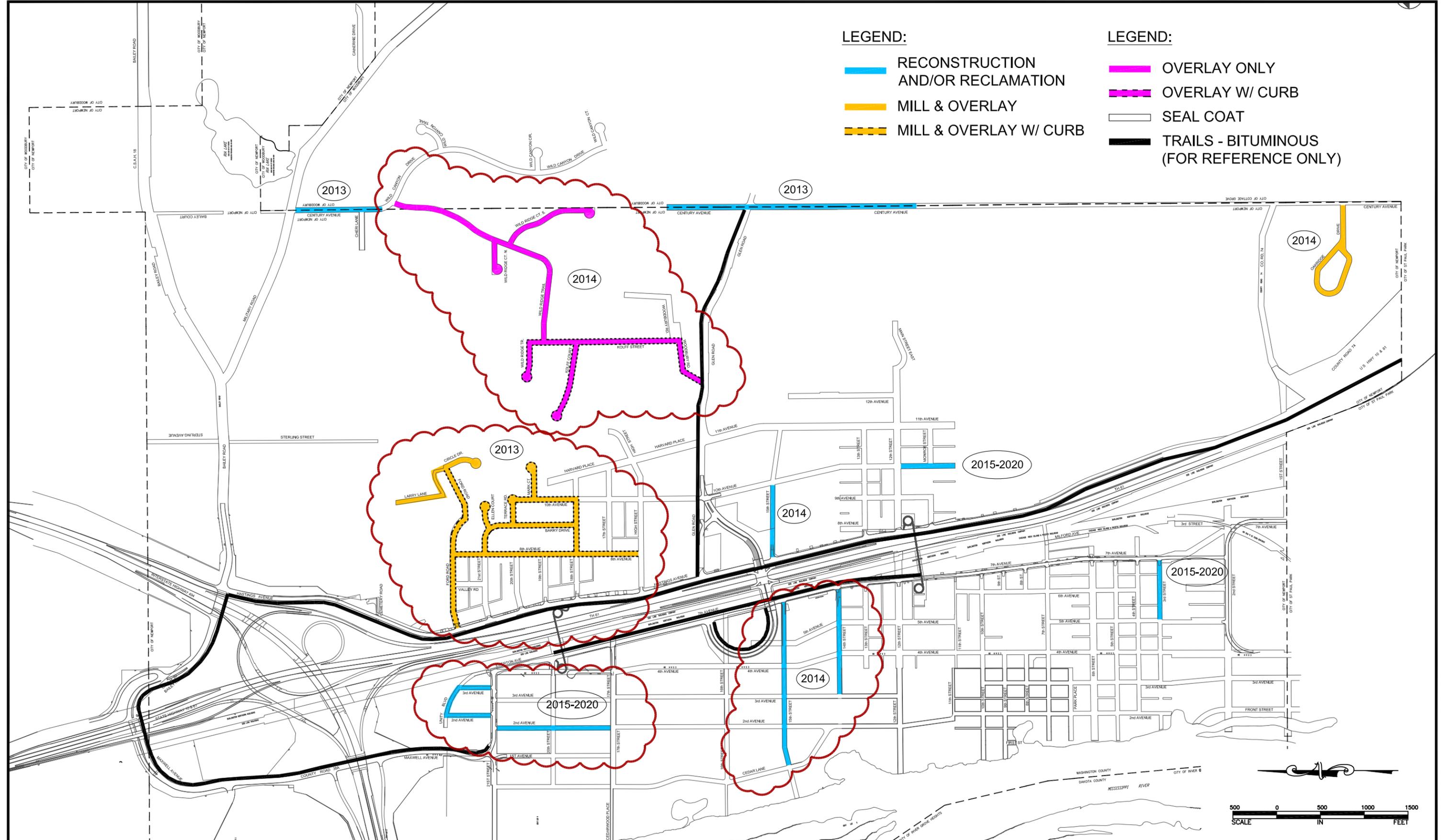
TASK	ACTION	DATE
1	Present memo to City Council discussing CIP and need to update assessment policy and standard of care that requires City obtain for appraisal report.	Jan. 3, 2013
2	Council Orders Appraisal Report of five to seven properties investigating "benefit" for Overlay, RIP Reconstruction (no Curb) and RIP reconstruct with curb.	Jan. 17, 2013
3	Council Reviews 1 st Draft of New Assessment Policy.	Jan. 17, 2013
4	Council Orders Feasibility Report all CIP projects (Preserves option to adjust scope before ordering preliminary hearing.)	Jan. 17, 2013
5	Council receives Feasibility Report and schedules 3 neighborhood meetings.	Feb. 21, 2013
6	Council Receives Appraisal Report and considers cost viability of CIP projects. For 2013 CIP Projects (based on Appraiser's estimate of Benefits)	Mar. 7, 2013
7	Council holds three Neighborhood Meetings to discuss projects, schedule, appraisal of benefits and assessments.	Mar. 14, 2013
8	Council determines scope of 2013 CIP improvements and orders Improvement (Feasibility) Hearing(s).	Mar. 21, 2013
9	Improvement (Feasibility) Hearings.	April 15-16, 2013
10	Council considers property owner input and if Appropriate Orders Project (requires 4/5 th vote), and plans and specifications (3/5 th vote).	April 18, 2013
11	Neighborhood Meetings to Review Plans with residents.	May 21, 2013
12	Council reviews construction plans and authorizes bidding.	May 23, 2013
13	Bid Openings: Construction and Bond sale.	June 12, 2013
14	Council Awards Construction Bid. Reviews Preliminary Assessment Roll and orders Assessment Hearing.	Jun 13, 2013
15	Construction Starts (after School is out).	July 1, 2013
16	Assessment Hearing.	July 16, 2013
17	Council Adopts Assessment Roll.	July 18, 2013
18	Construction Complete (depends on Project Scope).	Nov. 15, 2013
19	Assessment Roll Certified to Washington County Payable 2014 Taxes.	Nov. 21, 2013

LEGEND:

-  RECONSTRUCTION AND/OR RECLAMATION
-  MILL & OVERLAY
-  MILL & OVERLAY W/ CURB

LEGEND:

-  OVERLAY ONLY
-  OVERLAY W/ CURB
-  SEAL COAT
-  TRAILS - BITUMINOUS (FOR REFERENCE ONLY)



**CITY OF NEWPORT
PAVEMENT MANAGEMENT PLAN - PROPOSED IMPROVEMENTS**



RESOLUTION NO. 2013-3

A RESOLUTION ORDERING PREPARATION OF FEASIBILITY REPORT ON IMPROVEMENT

WHEREAS, it is proposed to improve the streets included with the City’s Capital Improvement Plan for the years 2013, 2014, and 2015 as shown in “Exhibit B” by regrading and improving the road surfaces, and stormwater conveyance system and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEWPORT MINNESOTA:

That the proposed improvement, called the 2013-2015 CIP Street Improvement Project be referred to the City Engineer for study and that that person is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the proposed improvement is necessary, cost effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

Adopted this 17th 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

LOCAL IMPROVEMENT POLICY**LOCAL IMPROVEMENT POLICY
CITY OF NEWPORT**

The City Council of the City of Newport, Minnesota hereby adopts the following policy relating to Local Improvements. Said policy superseding and replacing any and all previous versions:

INTRODUCTION:

The City of Newport has implemented a local improvement policy to provide a guide to the City Council for determining how assessments are to be allocated to properties benefitting from local improvement projects. The improvement policy has been in effect for over 20 years, and has been amended several times to reflect changes in state law and City policies.

The City, recognizing the reduction in property values, has amended the improvement guide to require at least a 20% contribution to reconstruction project costs through assessments, providing said assessments do not exceed the benefits accrued to properties. The City has implemented a per unit assessment approach to reconstruction projects, and has recognized the need for a separate unit assessment to reflect benefits received from utility improvements.

SECTION 1 GENERAL POLICY STATEMENT

The purpose of this policy is to establish a fair and equitable manner of assessing the increase in market value (special benefit) associated with public improvement. The procedures used by the City for levying special assessments are those specified by Minnesota Statutes Chapter 429 which provides that all or a part of the cost of improvements may be assessed against benefiting properties.

Three basic criteria must be satisfied before a particular parcel can be assessed. The criteria are as follows:

1. The land must have received special benefit from the improvement.
2. The amount of the assessment must not exceed the special benefit.
3. The assessment must be uniform in relation to the same class of property within the assessment area.

It is important to recognize that the actual cost of extending an improvement past a particular parcel is not the controlling factor in determining the amount to be assessed. However, in most cases the method for assigning the value of the benefit received by the improvement, and therefore the amount to be assessed, is the cost of providing the improvement. This shall be true provided the cost does not demonstrably exceed the increase in the market value of the property being assessed. The entire project shall be considered as a whole for the purpose

LOCAL IMPROVEMENT POLICY

of calculating and computing an assessment rate. In the event City staff has doubt as to whether or not the costs of the project may exceed the special benefits to the property, the City Council may obtain such appraisals as may be necessary to support the proposed assessment.

The assessment policy is intended to serve as a guide for a systematic assessment process in the City. There may be exceptions to the policy, unique circumstances, or situations which may require special consideration and discretion by City staff and the City Council

DEFINITIONS. For the purposes of this policy, the words below shall have the meanings given to them in this section.

- Subd. 1. Assessable Front Footage Cost. The assessable front footage cost for properties benefiting from Class B improvements shall be the Total Project Cost, divided by the Total Front Footage. The total number of assessable units shall be the sum of: Residential Building Lots, Existing Residential Units, and Equivalent Residential Unit that are located in a Class C, D, or E improvement. The determination of the total assessable units on a Class C, D, or E improvement shall be at the discretion of the City Council.
- Subd. 2. Assessable Unit. An assessable unit shall be a lot located in a residential area which meets the requirement of a residential building lot, a tax lot of record the primary use of which is a single family residence, multifamily property, or equivalent residential unit having frontage on a Class B, C, D, or E improvement modified as described in Subd. 11.
- Subd. 3. Construction of Served Properties. Construction of served properties shall mean a public improvement on land which has existing bituminous or concrete streets, and/or, existing City owned sewer and water utility services.
- Subd. 4. Corner Lot. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by a public right-of-way containing a public street or planned for a public street.
- Subd. 5. Cost per Assessable Front Foot. The cost per assessable front foot shall be the cost of a Class B improvement which shall equal to the Total Project Cost divided by the number of Total Assessable Front Footage.
- Subd. 6. Equivalent Residential Unit. An equivalent residential unit shall mean any residential building lot, or in the instance of non-residential property which consisting of 120 linear feet or less of frontage on a Class D, or E improvement project. In the instance where the frontage of non-residential property exceeds multiples of 120 foot of frontage, additional or multiple thereof, a graduation equivalent residential unit shall be assigned as follows; for footage in excess of 120 feet or multiples thereof .25 of an Equivalent Residential Unit if the

LOCAL IMPROVEMENT POLICY

exceedance is 15 feet or greater but less than 51 feet; .50 of an Equivalent Residential Unit if the exceedance is 51 feet or greater but less than 86 feet; .75 of an Equivalent Residential Unit if the exceedance is 86 feet or greater but less than 120 feet . As modified herein each, corner lot, multifamily or nonresidential property, shall be adjusted by the appropriate factor to calculate the number of equivalent residential units attributable to a property. (e.g. a multifamily property containing six multifamily units shall be considered as 3 equivalent residential units).

- Subd.7. Existing Residential Unit. An existing residential unit shall mean any property or combination of properties with a separate Washington County PIN or combination of properties which by restrictive codicil recorded with the Washington County Register of Deeds is limited to a single family residential use.
- Subd. 8. Local Improvements. Local improvement shall mean a public improvement such as new construction or reconstruction of streets including, storm sewers, curb and gutters, construction or reconstruction of collector, non-collector or non-arterial streets, the construction or reconstruction of water mains, the construction of sanitary sewers, overlaying of bituminous pavement, slip-lining of water and sewer mains, and other similar projects.
- Subd. 9. Lot Double Frontage. Double frontage lot shall mean a lot where opposite lot lines abut two public or private roadway right-of-ways, which do not intersect at a corner of the lot, and in both instances the lot meets minimum frontage requirement in the zoning district the lot is located. Where a lot line abuts and/or straddles two zoning districts the most restrictive frontage requirement shall be applied.
- Subd. 10. Multi-family Property. A multi-family property shall be a property with a single P.I.N. as defined by the Washington County tax roll, the primary use of which is residential with more than one dwelling or apartment on the property.
- Subd. 11. Multi-Family Unit. A multi-family unit shall be each separate dwelling unit or apartment having discrete floor areas dedicated to cooking and toilet facilities which are located on a multi-family property. Each multi-family unit shall be equivalent to 50% of an existing residential unit.
- Subd. 12. New Construction. New construction shall mean a public improvement project where City streets and/or utilities are installed on land without existing bituminous or concrete streets or City owned sewer and water utility services.
- Subd. 13. Per Unit Charge. The per unit cost of a Class C, D, or E improvement shall equal the total project cost divided by the number of total assessable units. (Also referred to as Basis).

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- Subd. 14. Per Unit Cost. The per unit cost shall be determined by the City Council and shall not be less than 20% of the per unit charge, or more than the amount of benefit to that Class of property as determined in the appraisal report.
- Subd. 15. Petition. Petition shall mean a written document presented to the City Council for purposes related to a local improvement. A petition shall contain a clear statement of its purposes on the top of each page upon which signatures appear purporting to validate the same. All signatures shall be accompanied by the address of the signator, the date of the signature and a printing of the signator's name.
- Subd. 16. Reconstruction. Reconstruction shall mean a public improvement on land which has existing City infrastructure, bituminous or concrete streets, and existing City owned sewer and water utility services that are deteriorated and require replacement to adequately service properties on the land to be improved.
- Subd. 17. Residential Building Lot. A residential building lot shall be any developed or undeveloped property which meets the City's requirements for issuance of a building permit for construction of a single family residence.
- Subd. 18. Total Front Footage. The total front footage on a Class B improvement shall be the sum of assessable footage for properties abutting or benefiting from the improvement.
- Subd. 19. Total Project Cost. The total project cost shall be the sum of all improvement costs including, costs of all items comprising the construction cost, engineering costs, legal costs, bonding costs, interest costs during construction, contingency costs, and other overhead, costs and fees which are directly attributable to completion of an improvement project. The total project cost shall be determined by the City Engineer.
- Subd. 20. Trunk or Arterial Roadway. A trunk or arterial roadway shall mean a roadway designed to provide access to local roadways. Trunk or arterial roadways shall be designed to have a width greater than 36 feet and shall be capable of sustaining traffic having an axel load of nine tons per axel or greater on a year round basis. Trunk or arterial roadways may be under the jurisdiction and/or ownership of City, County, State or Federal agencies.
- Subd. 21. Utility Assessment Rate. The utility assessment rate shall be established by the City Council but shall not be more than the amount of benefit to that Class of property as determined in the appraisal report.

SECTION 2 INITIATION OF IMPROVEMENTS.

LOCAL IMPROVEMENT POLICY

- Subd. 1. Petition. A local improvement may be initiated by a petition of at least thirty-five percent (35%) of the benefited property owners. A benefited parcel can have only one signature. The petition shall be presented to the Clerk who shall place it on the agenda at the next available City Council meeting for its consideration. The City Council shall review the petition, as to its adequacy under this policy. If the City Council finds that it meets the criteria herein, it may adopt a resolution by affirmative vote of the majority of all City Council members to undertake the project.
- Subd. 2. Petition by 100% of Owners. A local improvement may be initiated by a petition of 100% of the benefited property owners. The benefited parcel can have only one signature. The petition shall be presented to the clerk, who shall place it on the agenda at the next available City Council meeting for its consideration. The City Council shall review the petition as to its adequacy under this policy. If the council finds that it meets the criteria herein, it may adopt a resolution by the affirmative vote of the City Council to undertake the project. The resolution ordering any improvements initiated by all owners of abutting property and assessing the entire cost against their property may be adopted without a public hearing.
- Subd. 3. City Council Resolution. As an alternative to the method prescribed in Subdivision 1 above, a local improvement may be initiated by a resolution adopted by a 4/5 affirmative vote of all City Council members being at least 4 of 5 in favor, and a statement of need from the City Engineer.
- Subd. 4. Report of City Engineer. When local improvements are initiated pursuant to either Subdivision 1, 2 or Subdivision 3 above, the City Council shall direct the City Engineer to undertake a study and make a report outlining the nature, scope and feasibility of the proposed improvements, a cost estimate, a recommendation regarding benefited property and any other information deemed necessary or appropriate by the City Council.
- Subd. 5. Report of Appraiser. Minn. Stat. §429.051 APPORTIONMENT OF COST states *“The cost of any improvement, or any part thereof, may be assessed upon property benefited by the improvement, based upon the benefits received”*. To assist the City Council to determine the value of benefits that are received, the City Council shall direct an appraisal report of estimated benefits to be undertaken by an accredited real estate professional. The report shall: include the professional’s opinion of the benefit the land receives from the improvement, and whether the assessment as proposed by the City Council for properties as a class, exceeds the special benefit measured by the increase in market value due to the improvement, and that the assessment is uniform as applied to all properties of the same Class. The accredited real estate professional who prepares the report shall present written or oral testimony at the assessment hearings on the increase in market value by Class as a result of the proposed improvements.

LOCAL IMPROVEMENT POLICY

Subd. 6. Hearing Regarding Proposed Improvements. Following receipt by the City Council of the Engineer's report described in Subdivision 3 above, the City Council shall set a public hearing on the proposed improvements in accordance with *Minnesota Statutes, Section 429.031*. A public hearing is not needed if one hundred percent (100%) of the affected property owners sign the petition requesting the improvement.

Subd. 7. Ordering Improvements and Advertising for Bids. At any time within six months following the hearing described in Subdivision 4 above, the City Council may by resolution order the improvements. If the improvements were initiated by petition, a majority vote of all council members to order the improvements is needed. In the absence of a petition containing at least 35% of the owners of benefiting property, a 4/5 majority vote of all council members is required to order the improvements.

When the proposed improvement is ordered by the City Council, the City Council may at any time within one year following the ordering of the improvement, let the contract for all or part of the work in accordance with *Minnesota Statutes, Section 429.041*, unless a different time limit is specifically stated in the Resolution ordering the improvement.

SECTION 3 APPORTIONMENT OF COST. The cost of improvements may be assessed where appropriate upon property benefited by the improvement, based upon benefits received, whether or not the property abuts the improvement, and whether or not any part of the cost of the improvement is funded by the City of Newport, Washington County funds, State Aid Highway Fund, Municipal State Aid Street Fund, or State or Federal Highway Funds in accordance with the rules described in Sections 5 through 14 of this policy.

SECTION 4 ASSESSMENT PROCEDURE. The City Council shall establish the interest rate and period of time over which the special assessment shall be paid. In general the interest rate shall be 1.25% higher than that of the funding bond issue. In addition to the provisions of this policy, assessments shall be made in compliance with the assessment procedures described in *Minnesota Statutes, Section 429.061* relating to the notice and conduct of assessment hearings, the adoption of proposed assessments, the transmission of certified assessment rolls to the County Auditor and other related matters.

SECTION 5 CLASSIFICATION OF LOCAL IMPROVEMENT PROJECTS.

In General. Local improvements are divided into the five classes specified in the following subdivisions according to their respective benefits to the City as a whole and to property specially served by the improvement:

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Class A. Class A improvements are those which are of general benefit to the City at-large, including, by way of illustration, (1) public buildings, except a building which is part of an improvement described in one of the following subdivisions; (2) public parks, playgrounds, or recreational facilities; (3) street lighting systems; (4) any improvement not described in *Minnesota Statutes, Section 429.021, Subdivision 1*; and (5) off-street parking facilities. Any such improvements shall be financed from general City funds and not from special assessments.

Class B. Class B improvements are those which are of both general benefit to the City at-large as well as special benefit to the abutting or nearby property. Class B improvements include new construction of water mains, sanitary sewer mains, collector, arterial or other local streets, storm sewers, and alleys. New construction; benefitting properties shall be assessed 100% of the total project cost.

Class C. Class C improvements are those which, in some part, benefit the property abutting or in the area of the improvement, said properties having some level of existing City infrastructure including improvement of properties which have existing bituminous or concrete streets, storm sewers, alleys and/or, existing City owned sewer and water utility services.

Class D. Class D improvements are those which, in some part, benefit the property abutting or in the area of the improvement, including, (1) the reconstruction of streets including storm sewers and curb and gutters; (2) the reconstruction of water mains; (3) the reconstruction of sanitary sewer mains; (4) the reconstruction of collector arterial or local streets or alleys; and

Class E. Class E improvements include extraordinary maintenance activities which, in some part, benefit the property abutting or in the area of the improvement, including, overlay or partial reconstruction and patching of thoroughfares or alleys and sidewalks, where said facilities are in a distressed condition such that extraordinary maintenance such as seal coating, patching, or overlaying with a new bituminous mat or concrete side walk, or slip lining sewer and water mains will extend the usable life of the Utility by more than 10 years, as certified by the City Engineer.

SECTION 6 FINANCING CLASS B, C, D AND E IMPROVEMENTS. It is the policy of the City of Newport to finance Class B, C, D and E improvements by the methods prescribed in Sections 7, 8, and 9 below. The apportionment of the cost between benefited property and the City at-large and the method of levying assessments prescribed in those Sections shall be followed in each case unless the City Council, by Resolution, finds that because of special circumstances stated in the Resolution, a different apportionment is necessary or desirable in the particular case. Any local improvement described in *Minnesota Statutes, Chapter 429* and not placed in Class A, B, C, D or E by Section 5 above, shall be financed as the City

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Council determines to be most feasible and equitable in each case. In each case, the City Council shall examine the assessment roll before approval and adjust any assessment which exceeds the benefit received by the Class of property assessed, as determined by the Appraisers' evaluation of benefit.

SECTION 7 ASSESSMENT RULES FOR CLASS B IMPROVEMENTS.

Subd. 1. Assessment for Class B new construction of properties fronting on Non-collector Streets. Properties with frontage on new non-collector streets shall be assessed on a frontage basis. The costs to be assessed shall be determined by the City Engineer and shall not exceed 100% of the amount sufficient to construct the non-collector Street. Assessments shall be based upon the front footage cost times the footage of the property benefiting from the Class B improvements. Corner Lots shall be addressed as described in Subd. 2.

Subd. 2. Collector and Arterial Street Construction or Reconstruction. When a new arterial street, including any curb and gutter, sidewalk or new storm sewer is constructed, benefited property shall be assessed at a rate not to exceed 100% of the amount sufficient to construct a non-collector or non-arterial street which would include curb and gutter, sidewalk or new storm sewer as determined by the City Engineer and the assessed amount shall be calculated based on the basis of abutting frontage. Any improvement cost in excess of the amount sufficient to construct a non-collector or non-arterial street, if any, shall be paid from the general City funds. However, properties fronting on arterial or collector streets receiving benefit from the construction of city utilities shall be assessed for the costs of utility improvements as described in Subdivision 3 below. As to properties not fronting on collector or arterial streets, the costs of construction or reconstruction may be assessed on the basis of frontage on streets in the benefited area. The benefited area shall be defined by the City Engineer. Property containing multi-family residences shall be assessed at a rate one times the rate assessed single family residential property per multi family unit. Commercial property shall be assessed at residential rate per assessable footage. Corner lots with side yards abutting collector or arterial streets shall be assessed one hundred percent (100%) of the costs of collector or arterial street construction or reconstruction as determined on a linear foot basis measured against the abutting side yard. Corner lots with two sides abutting new construction shall be assessed one hundred and fifty percent of the costs of collector or arterial street construction, as determined on a linear foot basis measured against the *longest* side, irrespective of which side of the property is improved. In the event that an unimproved abutting side of the corner lot is improved after the greater of 15 years or the assessment period on the improved

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side the City council may elect to reassess the lot to recover any benefit accrued from the secondary improvement.

- Subd. 3. Water Mains and Sanitary Sewers and Trunk Facilities. One hundred percent (100%) of the cost of lateral water mains not exceeding six inches in diameter and of lateral sewer mains not exceeding eight inches in diameter shall be assessed against the abutting property on the basis of frontage. The cost of water mains includes hydrants and valves and any required appurtenances. The cost of sewer mains includes manholes and any required appurtenances. In the case of an assessment for a lateral water or sewer main, corner lots shall be assessed for the footage along the longest side of the lot. When new construction of water or sewer main is laid across or adjacent to a platted property, the City shall not defer the assessment against the unplatted property if the assessment would be made for such improvement in the case of platted property, but the City shall make the assessment at the time the assessment against other property is made, apportioning the assessment against the unplatted property on the basis of area. When a trunk sewer or water main is constructed and is to serve also as a lateral sewer or water main for abutting property, the abutting property shall be assessed for 100% of the total project cost of constructing a lateral eight inch sewer main or six inch water main, and equivalently sized appurtenances, plus the costs of its proportionate share of the cost of the excess capacity. Other property benefited by the trunk water or sewer main but unable to utilize it until a lateral connected to the trunk sewer or water main has been built to serve the property shall not be assessed for its portion of the cost of the trunk sewer or water main until the lateral is built. The assessment for the lateral shall then include the property's share of the trunk water or sewer main. The cost of the trunk sewer or water main in excess of the lateral assessment shall be assessed on the basis of area against all properties benefited as determined by the City Engineer. The cost of a lift station shall be assessed on the basis of design flow served against that flow generated by the property as determined by the City Engineer.

SECTION 8 ASSESSMENT RULES FOR CLASS C IMPROVEMENTS.

Assessment of Class C improvements shall be as follows; new construction shall be assessed 100% of the street and or utility construction. Reconstruction of a street or utility included along with new construction shall be assessed as proscribed for Class D improvements.

There are basically three items that would be assessed in the condition where either Street, water or Sewer exists and moves the project from a Class B (all new construction) to a Class C (existence of at least one of three City owned facilities exist; (bituminous or concrete Street, Sewer, Water), for example:

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- i. A **new street** would be treated like **Class B** assessments. (**100%** of cost of the new street on a **front foot basis**). A **new utility** (Sewer and/or Water) would be treated like **Class B** assessments. (**100%** of the cost of the new utility would be treated like **Class B** assessments.)
- ii. Any existing facilities would be treated like Class D improvements (a 20% per unit cost for street reconstruction and/or Utility Assessment of established as \$500 per unit for the 2012 Street Improvements to upgrade or replace existing utilities like Class D.)
- iii. If a bituminous or concrete City Street exists and the petitioners want to reconstruct the existing street the assessment would be treated like a Class D improvement (a 20% per unit cost for street reconstruction.)
- iv. If there has never been a street but there is water and sewer then the street is assessed 100% and water and sewer would be assessed a utility assessment. If there is no water and sewer but the street is reconstructed then water and sewer is assessed at 100% and the street is assessed at as proscribed for Class D improvements.

SECTION 9 ASSESSMENT RULES FOR CLASS D, & E, IMPROVEMENTS.

Subd. 1. Collector and Arterial Street Construction or Reconstruction. When a collector or arterial street, curb and gutter, sidewalk or new storm sewer is reconstructed, benefited property shall be assessed at a rate determined by the City Council. The rate shall not be less than 20% of the per unit charge (of an amount sufficient to construct a non-collector or non-arterial street), nor more than the benefit to that Class of property as determined in the appraisal report. The total project cost sufficient to construct a non-collector or non-arterial street shall be as determined by the City Engineer.

When a local street or alley is reconstructed the rate shall not be less than 20% of the per unit charges, or more than the benefit to that Class of property as determined in the appraisal report.

Sewer and water reconstruction may be financed in part by utility assessments.

All remaining costs of the improvements, if any, shall be paid from the general City funds or revenues from City Enterprise funds. However, properties fronting on

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arterial or collector streets shall be assessed for the costs of improvements as described in Subdivision 3 below.

As to properties not fronting on reconstructed collector, arterial streets, local streets or alleys, assessments shall be equal **to 20% of the per unit charge times the number of possible assessable units on that property**. The number of possible assessable units shall be defined by the City Engineer.

Corner lots with side yards abutting local, collector, or arterial streets shall be assessed one hundred percent (100%) of the per unit cost of local, non-collector or non-arterial street reconstruction as determined on a per unit basis. If only one side of the corner lot is improved the side improved shall be assessed 100% of the per unit charge. If the second side of the corner lot is improved within the greater of 15 years from certification of the assessment roll or within the payment period of the assessment the second side shall be assessed 0% of the per unit charge as calculated for the latter project. In the event that an unimproved abutting side of the corner lot is improved after 15 year of certification of the assessment or after the payment period of the assessment has expired on the improved side the City Council may elect to reassess the lot.

- Subd. 2. Assessment for re-construction improvements benefiting properties fronting on arterial or Collector Streets shall be assessed on a **per unit** basis of a local, non-collector, Non-arterial Street. The per unit costs to be assessed shall be determined by the City Council, based upon input from the City engineer.
- Subd. 3. **Trunk Water Mains and Sanitary Sewers**. When reconstruction of water or sewer main is laid across or adjacent to a unplatted property, the City shall not defer the assessment against the unplatted property, but the City shall make the assessment at the time the property is developed, apportioning the assessment against the unplatted property on the basis of an estimate of benefiting units resulting from the development. When a trunk sewer or water main is constructed and is to serve also as a lateral sewer or water main for abutting property, the abutting property shall be cost equivalent to the cost of constructing an eight inch lateral sewer or an eight inch water main. Other property benefited by the trunk water or sewer main but unable to utilize it until a lateral is connected to the trunk sewer or water main has been built to serve the property shall not be assessed for its portion of the cost of the trunk sewer or water main until the lateral is built. The assessment for the lateral shall then include the property's share of the trunk water or sewer main. The cost of the trunk sewer or water main in excess of the lateral assessment shall be assessed on the basis of area served against all properties benefited as determined by the City Engineer. The cost of a lift station shall be assessed on the basis of area

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served against that property actually benefited by the lift station. Multi-unit residential property shall be assessed 50% of the single family residential rate per unit, times the number of multi -family units. Commercial property shall be assessed at the single family residential rate times the number of equivalent assessable units on the property.

- Subd. 4. Utility Assessment Rates. Properties benefiting from reconstruction of sewer or watermains shall be assessed based upon a per unit utility assessment rate times the number of assessable units attributed to the property. The per unit utility assessment rate shall be determined by the City Council after consideration of the costs of utility reconstruction and the appraiser's opinion of benefit. The per unit utility is an amount determined by the City Council which shall be less than or equal to the estimated benefit accruing from upgrade or replacement of the utility.

SECTION 10 FEDERAL, STATE AND COUNTY AID USE. If the City participates in a project which receives financial assistance from the Federal, State or County governments to defray a portion of the cost of a local improvement project, such aid shall be used first to reduce the share of the project cost which would be met from general City funds according to the assessment formula contained in this policy. If such aid is more than the amount of the improvement cost to be borne by the City, the remainder of the aid so received shall be used to reduce each individual assessment proportionately.

SECTION 11 DEFERMENT OF SPECIAL ASSESSMENTS.

Subd.1. The Council may defer the payment of any special assessment on homestead property owned by a person who is 65 years of age or older, or who is retired by virtue of permanent and total disability, and the City Clerk is hereby authorized to record the deferment of special assessments where the following conditions are met:

1. The applicant must apply for the deferment not later than 90 days after the assessment is adopted by the City Council.
2. The applicant must be 65 years of age or older or retired by virtue of permanent and total disability.
3. The applicant must be the owner of the property.
4. The applicant must occupy the property as his principal place of residence.
5. The average annual payment for assessments levied against the subject property exceeds one percent (1%) of the adjusted gross income of the applicant as evidenced by the applicant's most recent federal income tax

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return. The average annual payment of an assessment shall be the total cost of the assessment divided by the number of years over which it is spread.

Subd. 2. The deferment shall be granted for as long a period of time as the hardship exists and the conditions aforementioned have been met. However, it shall be the duty of the applicant to notify the City Clerk of any change in his status that would affect eligibility for deferment.

Subd. 3. The entire amount of deferred special assessments shall be due within sixty (60) days after loss of eligibility by the applicant. If the special assessment is not paid within the sixty (60) days, the City Clerk shall add thereto interest at a per annum interest rate of two percent (2%) above the bond interest rate, and the total amount of principal and interest shall be certified to the County Auditor for collection with taxes the following year. Should the applicant demonstrate to the satisfaction of the Council, that full repayment of the deferred special assessment would cause the applicant particular undue financial hardship, the Council may order that the applicant pay within sixty (60) days a sum equal to the number of installments of deferred special assessments outstanding and unpaid to-date, including principal and interest, with the balance thereafter paid according to the terms and conditions of the original special assessments.

Subd. 4. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following:

1. The death of the owner when there is no spouse who is eligible for deferment.
2. The sale, transfer or subdivision of all or any part of the property.
3. Loss of homestead status on the property.
4. Determination by the Council for any reason that immediate or partial payment would impose no hardship.

SECTION 12 DEFERRALS FOR GREEN ACRES. That “green acres” law requires deferrals for certain agricultural or specialized use property (such as a nursery or greenhouse). To defer these assessments on agricultural property, the City must file a certificate with the County Recorder stating the legal description of the property, subject to deferred assessments in the amount of the deferred assessment. Such property must meet strict requirements to qualify for tax benefits as agricultural property. All deferrals shall be made pursuant to Minn. Stat. § 273.111, Subds. 3, 6, and 11, and Chapter 429 of Minnesota Statutes.

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SECTION 13 PARTIAL PREPAYMENT. After the adoption by the City Council of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in the proceeding may, prior to the certification of the assessment of the first installment to the County Auditor, pay the City Treasurer any portion of the assessment not less than \$500.00, or the property owner may pay the entire amount. The remaining unpaid balance shall be spread over the period of time established by the City Council for installment payment of the assessment.

SECTION 14 CERTIFICATION OF ASSESSMENTS. After adoption of any special assessment by the City Council, the Clerk shall transmit a certified duplicate or the assessment roll with each installment, including interest, set forth separately to the County Auditor to be extended on the proper tax lists of the County. The assessment may be paid without interest within thirty (30) days after the adoption of the assessment policy, or until the assessment is filed at with the County Auditor.

SECTION 15 ABANDONED IMPROVEMENTS. If the City abandons a local improvement project before completion, the City must notify the County Auditor. Upon notification, the Auditor shall cancel collection of all payments of interest not already collected or in the process of collection. Once the City decides to abandon an improvement project, the City Clerk must notify all affected citizens of that fact. The notice shall describe the local improvement state that it has been abandoned and may provide information on refunds.

SECTION 16 TAX EXEMPT PROPERTY. The City shall mail notice to the owners of tax exempt or railroad property, so long as the property benefits from the improvement. The notice shall specify the amount payable under the assessment and the conditions for payment, including the number and the amount of each installment, and the rate of interest on the penalty for default. Interest does not accrue until thirty (30) days after mailed notice is given. If the assessment is not paid in a single installment, the City shall annually mail a payment reminder to the tax exempt owners. Such owners include railroads, utility right-of-way owner, or another governmental unit.

This Local Improvement Policy was adopted by Resolution of the City Council of the City of Newport on the --- day of -----, 2013.

Signed: _____ Timothy Tim Geraghty, Mayor

LOCAL IMPROVEMENT POLICY

ATTEST: _____, City Clerk/Treasurer

City Seal

FOR CITY REVIEW