



**CITY OF NEWPORT  
REGULAR COUNCIL MEETING  
NEWPORT CITY HALL  
APRIL 4, 2013 – 5:30 P.M.**

MAYOR:	Tim Geraghty	City Administrator:	Deb Hill
COUNCIL:	Tom Ingemann	Supt. of Public Works:	Bruce Hanson
	Bill Sumner	Chief of Police:	Curt Montgomery
	Tracy Rahm	Fire Chief:	Mark Mailand
	Steven Gallagher	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 March 14, 2013 City Council Workshop Meeting
  - B. Minutes of the March 21, 2013 Regular City Council Meeting
  - C. List of Bills in the Amount of \$136,122.01
  - D. Kennel Permit for Jennifer Lessard
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
  - A. **Ordinance No. 2013-4** – Approving a Zoning Amendment to Section 1310 Administration and Enforcement, Section 1330 General District Regulations, and Section 1350 Non-residential Districts, and Amending the Zoning Map
  - B. Building Inspections Agreement with Cottage Grove
10. ATTORNEY'S REPORT
11. POLICE CHIEF'S REPORT
12. FIRE CHIEF'S REPORT

Agenda for 04-04-2013

13. ENGINEER'S REPORT

- A. 2013-2015 Street Improvement Project

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

- A. Public Works Vacancy

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- |  |                |           |
|--|----------------|-----------|
| 1. Planning Commission Meeting                     | April 11, 2013 | 7:00 p.m. |
| 2. Public Hearings for Street Improvement Projects | April 16, 2013 | 5:30 p.m. |
| 3. City Council Meeting                            | April 18, 2013 | 5:30 p.m. |



**City of Newport  
City Council Workshop Meeting Minutes  
March 14, 2013**

**1. ROLL CALL -**

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

**Council Absent** –

**Staff Present** – Deb Hill, City Administrator; Bruce Hanson, Superintendent of Public Works; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineer

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

**2. DISCUSSION REGARDING THE FEASIBILITY REPORT AND SPECIAL BENEFIT APPRAISAL FOR THE 2013-2015 STREET IMPROVEMENT PROJECTS**

John Stewart, City Engineer, presented on this item as outlined in the March 14, 2013 City Council workshop packet. Below are the items that were addressed.

**Local Improvement Guide**

- **General statement that “new Construction” is paid for up to 100% by developer.**

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.)

Council agreed this was to be included.

- **General Statement**

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 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.

- **Review concept of UNIT ASSESSMENT for residential properties.**

The Special Benefit Valuation was reviewed and discussion occurred as to the extent construction types and pertinent unit assessments.

- **Review making a preliminary determination of assessment amounts per construction type; Full Street Reconstruction (FSR), Full Depth Reclamation (FDR) with Curb, FDR only, Overlay only, Overlay with Curb, Mill and Overlay, Mill and Overlay with Curb.**

Council agreed this was to be included.

- **How do we handle sewer service line replacements; all properties newer than 1993; or all services; or a property owner may opt out by providing a video showing good condition of sewer service between wye and property line?**

Based on discussion and input from City staff, it was concluded that the City would provide matching funds of 50% up to \$100 to the property owner for televising the service line to determine deficiencies. From this video provided by the property owner, the City would make a determination as to whether the service lateral requires replacement. Televising shall be completed in all cases unless inspected and verified by City staff within the last five years.

The Appraiser does not evaluate any “benefit” for either new service or new main. Do we spell out a policy that home owner can have City pay cost of service replacement and add this cost to County tax bill 2 times per year?

Council agreed this was to be included. Service replacements to occur as a part of a street reconstruction would only be completed up to the property line (street right-of-way). Additional work beyond that point would be above and beyond the requirements of this policy and left up to the property owner.

- **Extra ordinary maintenance; do we assess?**

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.

Council asked that this section be deleted.

- **What if Public works has been having “problems” with main line sewer or water do we make a statement the costs incurred with repair or replacement may include assessments, enterprise funds or GO taxes?**

Any such improvements shall be financed from general City Enterprise Funds and not from special assessments.

- **Then there are the same issues for COMMERCIAL Industrial and Multi-family Properties. Other cities have made multi-family units equal to a portion of an Equivalent Residential Unit (ERU) say .33, or .5, or .75 e.g.**

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.

- **Commercial & industrial properties we could make equal to a ERU based on frontage:**

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 nonresidential 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 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 . .

Council determined that commercial/industrial properties shall be assessed by 2 times the residential ERU or the determination above statement, whichever is greater.

- **Corner lots. How many ERU's e.g.**

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.

Council agreed this was to be included.

- **Discuss SECTION 11 DEFERMENTS OF SPECIAL ASSESSMENTS.**

State Law covers deferments for certain property owners such as active duty, people of a certain age and people on social security.

### Benefits Analysis

The Council reviewed the Special Benefit Valuation report completed by BRKW. Based on the discussion regarding the assessment rates, the following are recommended. These assessment rates provide an approximate total assessment cost of 23% for the three projects considered.

<b>Assessment Rate Structure (Council Consideration)</b>		
Improvement Category	Per Unit Assessments	Notes
Street - Overlay Only	\$2,200	No aprons or curb
Street - Overlay With Curb	\$2,700	No aprons
Street - Mill & Overlay	\$2,200	No aprons or curb
Street - Mill & Overlay With Curb	\$2,700	No aprons
Street - Full Depth Reclamation	\$4,000	No aprons or curb
Street - Full Street Reconstruction	\$5,200	Includes concrete curb/gutter, concrete aprons, includes utilities

### 3. ADJOURNMENT

Signed: \_\_\_\_\_  
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm  
Executive Analyst



**City of Newport  
City Council Minutes  
March 21, 2013**

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL -**

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

**Council Absent** –

**Staff Present** – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineer;

**Staff Absent** – Curt Montgomery, Police Chief;

**4. ADOPT AGENDA**

**Mayor Geraghty** – I would like to add one item under the Administrator's Report as item E. We received a memorandum of understanding from the State of Minnesota.

**Motion by Gallagher, seconded by Ingemann, to adopt the Agenda as amended. 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 March 5, 2013 City Council Workshop Meeting
- B. Minutes of the March 7, 2013 Regular City Council Meeting
- C. List of Bills in the Amount of \$184,695.37
- D. Liquor License for Newport Liquors

**With 5 Ayes, 0 Nays, the motion carried.**

**6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE**

**Pauline Schottmuller, 97 10<sup>th</sup> Street** – I'm here to talk about the Easter Egg Hunt that will be at the Newport Library on March 30. This will be the second year that Mike Laughton will be hosting the Easter Egg Hunt. When he asked for funding for the Hunt he was told, has he's been told several times, that there is no dollars in the budget for the programming that he does for the kids and perhaps he should go out for donations. When I asked Mike what he was going to do he said that he was going to fund this out of his own pocket. I thought, no, that's not right. So, I am here to ask for donations for the Easter Egg Hunt. I have my five dollars and I'll pass it around to the Council and you can put in your five dollars. You'll notice that there's candy in the basket, feel free to take some. There's no chocolate because he got a memo saying that there will be no chocolate. I think that should be the Bulletin headline, "Newport bans chocolate from City function." He was also told that whatever goes in the Easter Egg can't be a choking hazard and I don't know what you can put in an Easter Egg that wouldn't be a choking hazard. Deb can take the donation to Mike at the end.

I would like to spend a few minutes here to explain some of the issues that have been brought to me with the Newport Library. I'm not asking for any action tonight, although I think there are simple actions that need to be taken. First, you

need some history. I've been friends with Mike and Sheila Laughton for decades. I've known Sheila since kindergarten and Mike since they started dating in the 1970's and got married. Sheila is on our Newport Library Board. Mike is a retired Military Veteran; he started out his career by going to Vietnam and ended his career in Iraq. That's a long time and he's been trusted with the defense of the United States, yet you think he'd be trusted with an Easter Egg Hunt but that's not how he's been treated. Other issues have come up that have caught him flatfooted, there are other things that have come down the pipe that seem unreasonable and he's been on the verge of quitting. The only thing that's kept him from doing so is that a number of volunteers have told him that if he quits, they go to and he doesn't want that. So we need a solution and I've been emailing back and forth with Steve and Tracy, they also invited me to come up here. In Steve's words, this should be an easy thing to solve and it should be. In all fairness to all the people that have been involved, people on both sides have been groping without policies in place. I'm hoping in terms of concessions, children's programs, hours of operation, things like that, is we have a Library Board, and I think what they can do and what really needs to happen is... Maybe I should back up here. It used to be operated by the County. It's no longer a library, really what it is is a community center and we really haven't sat down and thought about what that means. I think the Library Board should start with what a community center does. We have a marvelous resource there and a tremendous opportunity. We have what a lot of communities would like to have, an historic building full of character that's all ours and we can do whatever we want with it. The Library Board needs to sit down and write a mission statement with what we want to see happening with it, what should Mike's job description be, and clear enough so that he knows what his responsibilities are, and policies and procedures that are appropriate for a community center, but we don't have that. The Library Board could start out with a draft, then they could sit down with Bruce and Deb to fine-tune it to make sure that their concerns and legality issues are addressed and then it could be brought before the Council for you to fine-tune and adopt. Then I think everyone would be on the same page and we could get away from the hard feelings and squabbles. I'm hoping that at some point you'll give the Library Board some direction to start drafting a document that makes a community center workable.

Some of the other issues that have come up like concessions. You need to understand that Mike was selling concessions to pay for programming because the City did not budget for programming. He was told that this was illegal and unfortunately Fritz is not here. My first degree was in parks and recreation; I spent my college years and years after that at community centers and recreation programs and I can tell you right now, cities sell concessions. When we had a teen center, we sold concessions and weren't the Police Explorers selling pop out of City Hall. I don't know where Fritz is coming from or whoever said that but cities can sell concessions. And then it was peanut allergies, well dear lord, anybody old enough to go the Library on their own with fifty cents to buy a granola bar is being trusted by their parents to buy the appropriate foods if they have a peanut allergy. And choking hazards in eggs, I tell you the number one things that kids choke on are hotdogs so if the City is truly interested in preventing kids from choking then you better stop selling hotdogs at Pioneer Days and Booya. There's some silliness here that I don't understand. Cities can sell concessions, there was nothing wrong with Mike selling granola bars, there might have been something wrong with how he was accounting for the money but that's where your policies and procedures come in. He was doing it with the blessing of Brian Anderson; he didn't realize he was doing anything wrong. Then with hours of operation, I was told that Fritz advised that libraries cannot be open on federal holidays, that there was a State Statute against it. Maybe it's because you are still thinking that you have a library, I need to emphasize this; that building is not a library. We did not withdraw from the Washington County Library System. Our Library is on the internet, it's that kiosk out there, it's some of the programming that they do, and it's no longer that building. If you're thinking that we have a library then we need to withdraw from the Washington County Library system like Lake Elmo because there's an issue with property taxes. There's a State Statute that clearly states that either the County or the City, but not both, can tax for library service. The County is taxing us for library services, not the City. We do not have a City-owned library, it's a community center. On top of that, libraries can be opened on federal holidays. I spoke with Pat Connelly who is the director of the Washington County Library System and she said "I'm no lawyer, but to my knowledge, there is no statutory restriction for when a library can be open. For example, Hennepin County Library is only closed on major federal holidays and is open on minor federal holidays. Opening and closings are matters for the Library Board." Then it clicked, I was on the Library Board for Washington County and one of our duties was to set the calendar. So libraries can be open on federal holidays but we don't have a library, we have a community center and they are certainly open on minor federal holidays. I called a number of them; I gave Tracy and Steve the numbers for the centers that I called. When I called Edinborough in Edina, they said "Of course we're open. They're two of our highest attendance days; of course we'd be open." Well of course they would be, community centers are going to be open the hours that kids are not in school, that's a service. Call any community center in the metro area and they will tell you that they are open with paid staff on minor federal holidays. I don't know where

Fritz is getting his information but the other cities don't seem to have it and they're open. Now Washington County Libraries are closed on those holidays but it has always been an expense issue. I understand that you made a decision that our community center can be open on holidays if there's a volunteer but that's not how you provide city services. When Mike was open on New Year's Day, with the Mayor's permission, the Library was full of kids needing to use the computers to complete homework that was due the next day. I'm just going to end here and it's a question to Tim. You have always been a champion for that Library and you were instrumental in getting the computers there because you knew that the kids needed them. I don't know why, now, you're support for it seems to be slacking; it has never been in doubt before but to not support having the Library open on minor federal holidays, to not fund programs. Mike isn't asking for much, he could do with \$300-\$500 annually. It's not a big budget item but it means a lot to the kids that go. By the way Tracy, I got your email on separation of church and state and I figured if the White House can have an Easter Egg Hunt on the front lawn, Newport is probably safe.

**Councilman Rahm** – I know, it's just that sometimes people complain about those things.

**Ms. Schottmuller** – I'm not asking for a decision tonight but I'm hoping that I've spurred some conversation. I'm hoping that you'll direct the Library Board, and maybe some of the volunteers such as Emily White, Susan Lindoo, Bob Anderson, to sit down and start a draft for the Council to look at. Right now, we're squandering what is a wonderful resource and we have an excellent employee who is very frustrated. I want to thank you for your time.

I do have one other thing before I leave. I've sent emails and have not received a decent answer. That is, with our tight budget, why do we have the Pioneer Press and Star Tribune delivered seven days a week? I can understand if we were paying to have them delivered to the Library, in fact Mike has requested that and he was told to come pick them up. Why are my property tax dollars being used to pay for newspapers?

**Mayor Geraghty** – It's kind of a silly question but it's something that the City needs. We need to know the daily news.

**Ms. Schottmuller** – I think with your Council salaries you can afford to pick up the papers on your own.

**Mayor Geraghty** – We're not talking about Council salaries. The paper is for staff.

**Ms. Schottmuller** – They're here four days a week and getting Sunday papers.

**Mayor Geraghty** – There is still news in the Friday, Saturday, and Sunday papers. I do agree that the Library Board can talk about these issues and bring forward a recommendation. I do take offense to your statement that I'm no longer a champion. The very reason that it's open on holidays is because I championed that forward and I meet with Mike on a regular basis and I don't know that he's as dissatisfied as you make him out to be. If he is, I wish he would talk to me about it. Everything seems to be going great when I talk to him.

**Councilman Ingemann** – I think you need to do some research on Minnesota Statute 645.44, subsection 5.

**Mayor Geraghty** – Right, I remember that talking about city services in general, not the library specifically.

**Councilman Gallagher** – I don't mind if the Library Board comes up with policies and procedures. Does he have a job description?

**Superintendent Hanson** – Yes and we just reviewed it and had a conversation with him about instituting a policy.

**Councilman Rahm** – I'm on the Library Board and will make a commitment to get a mission statement written and other recommendations such as budgeting.

**Mayor Geraghty** – I think we should get a water fountain in there and I know that something was installed but I don't believe that is adequate.

**Councilman Rahm** – Just so people know, we have a Library Board meeting every other month at 4:00 p.m. and I'll

make it a point we get something.

## 7. MAYOR'S REPORT –

**Mayor Geraghty** – Back in February, I did some reading at Newport Elementary. I attended the public meetings on Tuesday night for the street improvement projects. Also, I presented at the Chamber meeting Tuesday morning and talked about a few things going on around the City. A couple weeks ago, we testified at a Senate Hearing regarding the Newport Cold Storage property. This morning, Deb and I did attend the Minnesota Legislative Conference and the Governor and several legislatures spoke. There is a proposal to increase local government aid by \$80 million. The direction of the formula is to make it more stabilized.

## 8. COUNCIL REPORTS –

**Councilman Rahm** – I also attended the Chamber meeting and talked to a lot of people in the area that have similar issues and how we can share costs. I also attended the meetings on Tuesday night and I thought it went very well. I received feedback from people that liked the format of the meeting.

**Councilman Ingemann** – I attended the Planning Commission meeting last week and we introduced the new member, Mr. Mahmood. They also approved a resolution for zoning amendments and new zoning districts. I was also at the meetings Tuesday night and a lot of people expressed their opinions.

**Councilman Sumner** – I also attended the meeting Tuesday night and thought it was very important for residents. I think that we need to listen very closely and consider them. I also attended the community advisory committee meeting at the Refinery. Over the next couple months, the Refinery will complete an overhaul in their equipment, which means an increase in workers on site.

**Councilman Gallagher** – Nothing to report.

## 9. ADMINISTRATOR'S REPORT –

**Admin. Hill** – I would like to introduce our newest employee, Deb McDonald. I'd like her to come up and say a little bit about herself. She started on Monday and I would like to thank Renee throughout this transition.

**Deb McDonald** – I have thirteen years of financial management experience. I went to Winona State University for my undergrad and received a Masters from the University of Minnesota. I also have a business focus from St. Thomas. My father brought me down here all the time to go hiking and really loved the area and was excited when I was offered the job. Thank you.

### A. South Washington Watershed District Update

Matt Moore, Administrator of the South Washington Watershed District, was present to provide updates on several activities for 2012 and 2013. Some of the projects that the Watershed is working on are the Clear Channel Project, Grey Cloud Restoration Project, the Newport Transit Station, acquisition of properties on the levee, and some cost-sharing projects in the City. There were several accomplishments that the Watershed District completed in 2012 such as the North Ravine Project in Newport and overflow design work.

**Councilman Sumner** – Can you provide information regarding some of your programs?

**Mr. Moore** – Yes.

### B. Transit Station Update

Sherri Buss, TKDA Planner, and Andy Gitzlaff, Senior Planner with Washington County, presented on this item as outlined in the March 21, 2013 City Council packet. The Authority is proposing the following revisions to the Transit Station plan:

- Reduce the size of the building canopy at its west end by 19 feet.

- Replace the colored concrete bands in the passenger plaza areas with concrete bands that are the same color as the other concrete.
- Reduce the plaza area by 10%.
- Remove the car bumper overhang maintenance strip in the parking lot, and replace it with sod. The Authority will be responsible for parking lot area maintenance.
- Reduce the numbers of trees throughout the site by 24 trees.
- Remove the amenities on Lot 2 (outside the transit site), including the seating wall and
- plantings
- Reduce the topsoil depth to 4". The Authority will be responsible for maintaining the seeded area.
- Reduce the size of the entry monument sign from 30 feet to 24 feet.

**Councilman Sumner** – How will the reduced sign height impact the visibility from the highway?

**Mr. Gitzlaff** – The visibility is from 494, which is pretty elevated so you won't lose too much visibility.

**Councilman Sumner** – How much of a savings is there by reducing the height?

**Mr. Gitzlaff** - \$20,000 and roughly \$200,000 on all of the modifications.

**Mayor Geraghty** – If we don't agree on them what will you do?

**Mr. Gitzlaff** – We would need to go back and re-evaluate.

**Councilman Rahm** – Was the budget for this reduced or are we just finding out what it really costs?

**Mr. Gitzlaff** – It's the second part. There are costs associated with utilities and prepping the remainder of the site, which will give the City project-ready sites to develop.

**Councilman Sumner** – I can see some of these things being compelled later but we should put a good sign in there now. I just think this is going to be a very important, very visible area for Newport. I would also like "Newport" spelled vertically.

**Mayor Geraghty** – Did the Planning Commission see these changes?

**Ms. Buss** – No.

**Mayor Geraghty** – Is staff comfortable with these changes?

**Superintendent Hanson** – Yes.

**Councilman Gallagher** – What's the biggest cost-savings?

**Mr. Gitzlaff** – The canopy.

**Councilman Sumner** – The canopy is solid correct?

**Mr. Gitzlaff** – Yes.

**Mayor Geraghty** – I agree with Bill on the sign because it will be the entryway to the Gateway area.

**Councilman Ingemann** – I don't think the six feet will make much of a difference.

**Councilman Rahm** – It looks like all of the changes are aesthetic changes.

**Mr. Gitzlaff** – That’s correct.

**Attorney Knaak** – It is recommended that the City Council approve these changes through a resolution if you find that these changes are minor. If you believe that these are major changes then it should go through the whole process again.

**Councilman Gallagher** – What’s the total budget for the project and when do you need a decision from us?

**Mr. Gitzlaff** – Approximately \$2.425 million. It would help if we could get the requested action tonight, we would really like to move forward with the project. In regards to the fence, there is a condition to address securing access to the adjacent railroad property. We weren’t planning on replacing the fence, we were planning on removing it and leaving it open for better connectivity to future development areas. Even if we were to put up a fence, can we 100% secure access to the rail yard and we found that we couldn’t really do that. We talked with staff and the City attorney in regards to not putting up a fence. The City attorney recommends entering into a hold-harmless agreement if the fence were to be taken down permanently. Our attorney is stating that we would risk losing our insurance for the property if we were to enter into an agreement like that and it may hinder the availability to sell the north lot in the future if an agreement is required. Today, we are suggesting that we would leave the fence that is along the east property line and remove the fence along the remaining property lines. Would that be acceptable to the City?

**Councilman Sumner** – So there’s a certain amount of fencing that already exists and there is a request to put in more fencing?

**Attorney Knaak** – The simple easy offer that I made to the County was that if they want to remove the fence then the City would not be liable for future accidents that occur as a result of the increased access. If the City is found responsible for decreasing the normal safety around the right-of-way for a rail line then you run the risk of increasing your liability. I’m fine with the County removing the fence as long as the City is indemnified if there is a lawsuit. I would be happy to speak with the County attorney regarding this.

**Councilman Gallagher** – Who owns the fence now?

**Engineer Stewart** – I believe Knox put it up for security reasons. It’s 10-12 feet high chain-link fence. When we were talking with MnDot about the highway project they were talking about 120 trains coming through in their 20-year plan. To me, if you have 200-300 people walking around a train track with 120 trains coming through a day, it seems like you need a fence.

**Councilman Gallagher** – I’d be more worried about skateboarders on the parking lot and deciding to go over there.

**Mayor Geraghty** – This is a part of the C.U.P.?

**Attorney Knaak** – The fencing is there and the request was to remove it and replace it. My concern has to do with the liability. From the legal point of view, your concerns can go away if there is a hold-harmless agreement that would hold the County responsible.

**Councilman Gallagher** – We would potentially be liable because we made the decision to let the fence come down?

**Attorney Knaak** – If you’re responsible for increasing the likelihood of an accident then you would be sued.

**Councilman Gallagher** – If the County keeps the portion of the fence that is along the train tracks, does that satisfy the legal side?

**Attorney Knaak** – It helps.

**Mr. Gitzlaff** – I think our compromise of keeping the fence along the east side of the property up would address the safety concerns.

**Mayor Geraghty** – Did we ask you to put up more fence?

**Ms. Buss** – The condition states “the Applicant shall coordinate with the Chicago Milwaukee Saint Paul Railroad company to address the issue of uncontrolled access along the mainline trackage. The applicant shall address securing the access to mainline trackage at the point where the spur track turns of the main line.”

**Mayor Geraghty** – Why can’t they meet that condition?

**Ms. Buss** – I believe by leaving what is there now that it would meet the condition.

**Attorney Knaak** – Provided that it’s acceptable to the railroad. If they see a significant increase of live bodies coming close to the rail line they will weigh in on the issue.

**Councilman Sumner** – So we would need to do more fencing?

**Attorney Knaak** – It’s possible.

**Mayor Geraghty** – Have you worked with the railroad at all?

**Mr. Gitzlaff** – We did have a conversation with the railroad but I think the key here is that they don’t have any authority and they are not willing to participate in the cost of building a new fence or placing it on their property.

**Attorney Knaak** – The fact of the matter is that if that fence goes down, you see how fast it goes back up and who is responsible for building it. They are keenly aware of their liability on this.

**Ms. Buss** – If the City says that the County’s proposal is sufficient and we told them to talk with the railroad, are we liable?

**Attorney Knaak** – I would say no.

**Ms. Buss** – And then it’s really an issue for these guys if the railroad comes back and says that it’s not enough fence. The City wouldn’t be involved in that at all.

**Attorney Knaak** – Yes, that should not increase the City’s liability.

**Councilman Rahm** – But you’re still going to take down the north side of the fence?

**Ms. Buss** – Yes, but there is a gap south of the property that they could get access to as well.

**Councilman Ingemann** – I say leave the fence up.

**Councilman Gallagher** – Can Fritz talk with the County’s attorney about this?

**Attorney Knaak** – I have no issue with that. I think we should talk with the insurance company as well. There are two resolutions here tonight, one is to approve the changes if you believe they are minor, and the other is to approve the development agreement.

**Councilman Gallagher** – I don’t have a problem with approving the development agreement tonight.

**Mr. Gitzlaff** – If possible, the County would like if the City approved the changes aside from the fence tonight because it might take a little longer to get the attorneys to meet. Also, we’re not asking to change the condition in regards to the fence.

**Councilman Ingemann** – I'm recommending holding off on the resolution approving the changes until the April 4 meeting.

**Mayor Geraghty** – We should have the discussion on the sign.

**Councilman Sumner** – I don't want to change the sign.

**Mayor Geraghty** – I agree with you on that.

**Councilman Ingemann** – How about we remove some more trees and bring the sign down three feet instead?

**Ms. Buss** – It wouldn't account for the same savings.

**Councilman Sumner** – Could you change the design of the sign to reduce the cost?

**Stuart Krahn, Stantec** – We could try to value-engineer the sign if that height is critical. We could try to work that. Relative to the overall project, two weeks does make a difference and we would appreciate the Council approving the other items and agreement tonight.

**Mayor Geraghty** – I'll make a motion authorizing the changes but keeping the sign at 30 feet.

**Ms. Buss** – Staff would need to see the final plans.

**Motion by Geraghty, seconded by Sumner to approve Resolution No. 2013-10 accepting the revisions to the original transit station plans as amended. With 4 Ayes, 1 Nay, the motion carried.**

**Motion by Gallagher, seconded by Rahm to approve Resolution No. 2013-11 as presented. With 5 Ayes, 0 Nays, the motion carried.**

### **C. Cedar Lane Update**

Admin. Hill presented on this item as outlined in the March 21, 2013 City Council packet. The final offer for 1629 Cedar Lane is \$130,000 but the seller would pay the prorated taxes. In regards to 1625 Cedar Lane, there has been an offer already. Staff is recommending that the City offer \$70,000. The City Council directed staff to make an offer of \$70,000.

**Councilman Ingemann** – I think \$130,000 is too high for the 1629 property. It's not in a good condition.

**Mayor Geraghty** – What are the taxes?

**Executive Analyst Helm** – About \$2,000 for both lots.

**Mayor Geraghty** – I think they should pay all of the taxes. I'll make a motion to make an offer of \$130,000 and the seller pays all liens and 2013 taxes.

**Motion by Geraghty, seconded by Gallagher to approve Resolution 2013-12 as amended. With 4 Ayes, 1 Nays, the motion carried.**

**Motion by Geraghty, seconded by Sumner authorizing City staff to make an offer of \$70,000 for 1625 Cedar Lane. With 5 Ayes, 0 Nays, the motion carried.**

### **D. Inquiry Regarding Historic Quilt**

Admin. Hill presented on this item as outlined in the March 21, 2013 City Council packet. The Council decided to keep the quilt in the Admin. Hill's office.

## **E. Memorandum of Understanding and Intent from the State of Minnesota**

**Mayor Geraghty** – This started about five weeks ago when I approached Katie Sieben about the property located next to Newport St. Paul Cold Storage, next to the exit ramp of 494. I would like the City to obtain the property to develop it. It was my understanding that MnDot owns the property and Senator Sieben introduced legislation which would convey MnDot's interest in the property to the City. We did testify on that a couple weeks ago. As a result of that, MnDot is interested in doing that through a letter of intent. We would still need to go through the legal channels of purchasing the property and pay fair-market value. This letter of intent and understanding assures that MnDot will work with us on it.

**Attorney Knaak** – I went through something similar with Fridley. It's achievable as long as MnDot is willing to participate and the memorandum of understanding states that.

**Mayor Geraghty** – We had a hearing in the Senate but not the House and if we get this signed tonight then we won't need a hearing in the House.

**Engineer Stewart** – If I could make a point. It would seem to me that this piece of property is developable. MnDot ran into an issue with the Hastings Bridge and may use this property to make a constructive wetland in regards to the Hastings Bridge, which would make it undevelopable.

**Motion by Geraghty, seconded by Gallagher to approve the Memorandum of Understanding and Intent from the State of Minnesota. With 5 Ayes, 0 Nays, the motion carried.**

## **10. ATTORNEY'S REPORT –**

**Attorney Knaak** – I attended the Court of Appeals to observe the Linn Appeal Argument and thought it went very well. My perception is that we have a good chance of winning. They have 90 days to make a decision. Linn Properties are asking to require the City to issue a liquor license. I don't think the judges will do that.

**Councilman Gallagher** – Is there any issue in the fact that we just issued a new license to the new owners of the Newport Liquor Store?

**Attorney Knaak** – No.

**Councilman Gallagher** – Do we have an ordinance for pawn shops?

**Attorney Knaak** – There is a draft that we're reviewing.

## **11. POLICE CHIEF'S REPORT –**

### **A. February 2013 Activity Report**

## **12. FIRE CHIEF'S REPORT – No Report**

## **12. ENGINEER'S REPORT –**

### **A. 2013-2015 Street Improvement Projects**

Engineer Stewart presented on this item as outlined in the March 21, 2013 City Council packet. There were public meetings on the street improvement projects on Tuesday, March 19. Resolution No. 2013-14 has been amended to include the public comments received at the meeting. The changes are below:

- a) Investigate the feasibility and costs associated with adding a cul-de-sac at the end of Larry Lane in Project 1.
- b) Investigate the costs associated with widening Ford Road within Project 1.

- c) Investigate the use of geotextile fabrics and other subgrade correction options to stabilize failed subgrade and extend the life of proposed improvements on Project 2.
- d) Include an option to include additional storm sewer and concrete curb & gutter to control drainage on portions of Kolff Street and Wild Ridge Trail, on Project 2.
- e) Investigate the drainage issues along 10<sup>th</sup> Avenue within Project 3.
- f) Accelerating the schedule for reconstruction of 2<sup>nd</sup> Avenue from 2015 to 2014 and to investigate the project costs associated with municipal water and sanitary sewer upgrades as part of the project cost of this street segment.
- g) Provide a description as to how the “Opt Out” and “City Loan” program would apply to sanitary service line and wye connections.
- h) Direct the City Attorney to provide the City with options to address properties that allow gravel to erode and wash onto City streets during rainfall and snow melt events.

Engineer Stewart will prepare revisions to the Feasibility Study incorporating citizen input items a) through g) as noted above and Attorney Knaak will prepare a written report addressing item h) above.

**Motion by Gallagher, seconded by Rahm to table Resolution No. 2013-13 until a future meeting. With 5 Ayes, 0 Nays, the motion carried.**

**Motion by Gallagher, seconded by Sumner to approve Resolution No. 2013-14 as amended. With 5 Ayes, 0 Nays, the motion carried.**

**13. SUPERINTENDENT OF PUBLIC WORKS REPORT – No Report**

**15. NEW/OLD BUSINESS**

**16. ADJOURNMENT**

**Motion by Sumner, seconded by Gallagher, to adjourn the regular Council Meeting at 7:30 P.M. With 5 Ayes, 0 Nays, the motion carried.**

Signed: \_\_\_\_\_  
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm  
Executive Analyst

Text25	Text26	Text27	Text28	Comments
Paid Chk# 000151E	MN REVENUE	41353	1,836.70	State w/h
Paid Chk# 000152E	FEDERAL TAXES	41353	8,426.93	Federal w/h
Paid Chk# 000153E	ING LIFE INSURANCE & ANNUITY	41353	390.74	HCSP
Paid Chk# 000155E	DELTA DENTAL OF MN	41361	1,089.52	Dental Insurance
Paid Chk# 014766	CONNELLY INDUSTRIAL ELECTRONIC	41353	4,562.96	Hydro Pneumatic Take and Repai
Paid Chk# 014767	COTTAGE GROVE, CITY OF	41353	205.14	Street sweeping
Paid Chk# 014768	DAKOTA SUPPLY GROUP	41353	459.24	Replacement Water Meter
Paid Chk# 014769	HILDI INC.	41353	1,700.00	Actuarial GASB 45
Paid Chk# 014770	ING LIFE INSURANCE & ANNUITY	41353	923.00	
Paid Chk# 014771	JOHN BARTL HARDWARE	41353	281.59	FD, PD, ice melt, towels, misc
Paid Chk# 014772	LAW ENFORCEMENT LABOR SERVICES	41353	270.00	
Paid Chk# 014773	MENARDS - COTTAGE GROVE	41353	51.26	Misc. Supplies
Paid Chk# 014774	MINNESOTA BENEFIT ASSOC.	41353	61.43	Neska Life
Paid Chk# 014775	MN CHILD SUPPORT PAYMENT CNTR	41353	400.00	Child Support 001445931401
Paid Chk# 014776	MSA PROFESSIONAL SERVICES, INC	41353	6,988.74	North Ravine Construction
Paid Chk# 014777	OXYGEN SERVICE CO.	41353	73.98	Welding, Torch supplies
Paid Chk# 014778	PERA	41353	7,621.99	
Paid Chk# 014779	SAMS CLUB/GECRB	41353	209.90	Ice Melt, cleaning supplies
Paid Chk# 014780	SELECTACCOUNT	41353	22.06	Participant fees
Paid Chk# 014781	SELECTACCOUNT	41353	1,833.67	
Paid Chk# 014782	SOUTH SUBURBAN RENTAL, INC.	41353	62.52	Heating-Propane-Fire #2
Paid Chk# 014783	XCEL ENERGY	41353	5,230.87	Electricity bills
Paid Chk# 014784	NEWPORT FIRE RELIEF ASSOC.	41358	1,840.00	State Fire Relief Aid
Paid Chk# 014785	AIR MECHANICAL INC.	41361	5,430.00	New furnace at Fire Hall 2
Paid Chk# 014786	CARLSON MCCAIN, INC	41361	47,469.26	Knauff Salvage Yard
Paid Chk# 014787	DEB MCDONALD	41361	231.89	Chair, light, stand/office sup
Paid Chk# 014788	DEBORA HILL	41361	97.09	Mileage and parking reimbursem
Paid Chk# 014789	DIETRICH ELECTRIC, INC	41361	367.65	Electrical Permit Insp. Refund
Paid Chk# 014790	EDS TROPHIES INC	41361	23.03	Name plates/office supplies
Paid Chk# 014791	JACK W. CLINTON, P.A.	41361	4,041.00	1605 Cedar Ave-Attorney and fi
Paid Chk# 014792	KY-DAN ELECTRIC	41361	38.50	Permit Reimbursement
Paid Chk# 014793	LEAF	41361	619.83	
Paid Chk# 014794	MCFOA	41361	35.00	New membership fee
Paid Chk# 014795	MN BOARD OF POST	41361	270.00	Police Officer License Renewal
Paid Chk# 014796	OXYGEN SERVICE CO.	41361	47.82	Welding Supplies
Paid Chk# 014797	STANDARD INSURANCE CO.	41361	509.06	Life and Long term Insurance
Paid Chk# 014798	VERIZON	41361	383.52	Wireless phone service
Paid Chk# 014799	Washington Cty Public Safety	41361	4,326.84	800 Radio User fees for Fire
Paid Chk# 014800	TBS OFFICE AUTOMATIONS	41361	161.00	Copier base rate
	wages		27,528.28	
			136,122.01	



## City of Newport, Minnesota ANNUAL KENNEL LICENSE

Name: Jennifer Lessard

Address: 1698 Kolff Street

Phone: [REDACTED]

Total Lot Size (Sq Ft): 1.9 acres

Size of Kennel (Sq Ft): Ø Kennel. They are small, inside dogs.

Type of Animal to be Keneled: " "

Breed(s): 2 cockers, 2 Yorkies

Maximum Adult Animals to be Keneled: Ø Kennel

Applicants Signature: Jennifer Lessard

Fee: \$50

Receipt #: 1159 Date: 04/01/13 Cash: \_\_\_\_\_ Check #: 5356

Approved by the Newport City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

This license is valid until December 31, 20\_\_.

\_\_\_\_\_  
City Administrator

\_\_\_\_\_  
Mayor



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

## Memorandum

<b>To:</b>	Newport City Council	<b>Reference:</b>	Updates to Zoning Map and Ordinance
<b>Copies To:</b>	Deb Hill, City Administrator		
	Renee Helm, Executive Analyst		
		<b>Project No.:</b>	14816.000
<b>From:</b>	Sherri Buss, RLA, AICP, Planner	<b>Routing:</b>	
<b>Date:</b>	April 1, 2013		

### Background

During the past year, the Planning Commission and City staff have been working on a major update of the City's land use and zoning maps, and sections of the Zoning Ordinance. The sections include the following:

- Section 1310.11 – Variances
- Section 1330 – General District Regulations and Zoning Map
- Section 1350 – Non-Residential District Regulations

On February 14 the Planning Commission held a public hearing on the proposed changes to the ordinance. One resident testified with questions and concerns about the proposed zoning designation of his property. The Commission reviewed the options for that area with the resident, and arrived at a consensus that is reflected in the revised zoning and land use maps.

The Commission completed its work on March 14, and voted to recommend the revised ordinance and maps to the Council for approval.

### Key Changes to the Zoning Map and Ordinance

The key changes that the Commission is recommending are related to the following:

- Creation of the MX-3 Transit-Oriented District and performance standards for the new district.
- Revisions to the other MX (Mixed Use) Districts in the City to be compatible with the MX-3 District and reflect the current and proposed uses in the Districts.
- Update of the Variances section of the Zoning Ordinance to reflect recent changes in State Statutes regarding the criteria for granting variances.

The proposed new Zoning Map includes the following Mixed Use Districts:

- The MX-1 Downtown District allows for a variety of retail, commercial, office and service uses as well as residential uses, and the proposed performance standards for parking

and other elements are designed to support existing and future uses that will have a “downtown” scale and character. The standards support the expansion of existing uses as well as new uses in the District.

- The MX-2 Commercial District allows for a mix of commercial and residential uses with larger typical lot sizes than the MX-1 District.
- The MX-3 District is the area around the Newport Transit Station. The mix of uses, densities and standards are design to support transit and multimodal transportation.
- The MX-4 District is a General Mixed Use District that allows for the broadest set of uses among the MX Districts. The uses and standards assume a transition over the long-term from the highway-oriented commercial uses that once lined the Highway 61 corridor to a mix of commercial and residential uses that are compatible with adjacent districts.

The Commission is also recommending a single B-1 Business Park/Office/Warehouse District to replace the existing B-1 and B-2 Districts. Portions of the previous B Districts are included in the MX-3 District, and Commission saw no further need for two Business Districts.

The Industrial Districts and performance standards related to the Business and Industrial Districts have not changed.

### **Next Steps**

If the Council approves the new zoning map and ordinance updates on April 4, we will complete the required Comprehensive Plan Amendment process through the Metropolitan Council. Planning staff have circulated the proposed changes to neighboring communities and Washington County as required, and received no comments or request for changes.

### **Request for Council Action**

The Planning Commission recommends that the Council review the revised Zoning Map and ordinance sections, and adopt the resolution to approve the revisions.



**CITY OF NEWPORT  
ORDINANCE 2013-4**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, APPROVING A ZONING AMENDMENT TO  
SECTION 1310 ADMINISTRATION AND ENFORCEMENT, SECTION 1330 GENERAL DISTRICT  
REGULATIONS, AND SECTION 1350 NONRESIDENTIAL DISTRICTS AND AMENDING THE ZONING MAP.**

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

**Section 1310 – Administration and Enforcement**

**1310.11 Variances.**

**Subd. 1 Purpose.** Pursuant to Minnesota Statutes Section 462.351, Subd. 6 as amended from time to time, the purpose of this section is to permit deviations from the requirements of this ordinance in instances where their strict enforcement would cause practical difficulties because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this ordinance.

The City Council shall only approve a variance when the terms of the variance are consistent with the Comprehensive Plan, when it is in harmony with the general purpose and intent of the Code of Ordinances then in force, and when the strict enforcement of the ordinance would result in practical difficulties with carrying out the strict letter of the ordinance. “Practical difficulties” as used in connection with the variance means:

- A. The property owner proposes to use the property in a reasonable manner not permitted by the Code of Ordinances.
- B. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.
- C. The variance, if granted, will not alter the essential character of the locality.
- D. Economic conditions alone shall not constitute practical difficulties.
- E. That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- F. That the requested variance is the minimum action required to eliminate the practical difficulty.
- G. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

**Subd. 2 Prohibited Uses.**

**Subd. 3 Applications.**

- F. A statement of the applicant, referring to specific facts, describing the following:
  - 1. A written description of the request for the variance, including an explanation of compliance with the “practical difficulties” criteria set forth in this Section;
  - 2. That the granting of such application will not, under the circumstances of the particular case, materially adversely affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood;

**Subd. 4 Referral to Board of Appeals and Adjustments.** Before any variance may be granted, the application shall be referred to the board of appeals and adjustments for study, and for its recommendation to the City Council for granting of such variance and the conditions thereof, if any, or for the denial of such variance based upon the standards set out in Subd. 1.

The Planning Commission may hold one (1) or more hearings on the application in the manner provided in section 1310.06 Public Hearings. If a public hearing is not held, a notice describing the property and the request must be

mailed to the adjacent property owners at least ten (10) days before the Planning Commission meeting. Failure of the property owners to receive the notice shall not invalidate the proceedings.

**Subd. 5 Issuance.**

**Subd. 6 Denial.**

**Subd. 7 Filing of Permit.**

## **Section 1330 – General District Regulations**

### **1330.01 District Classification.**

In order to implement the Comprehensive Plan and achieve an orderly development pattern that protects the health, safety, and general welfare of the City of Newport, its residents, and business community, and minimizes development impacts on the environment, the city is hereby divided into the following zoning districts:

#### **1330.01.2 Nonresidential Districts**

- **B-1 Business Park/Office/Warehouse**
- **I-1 Light Industrial District**
- **I-2 General Industrial District**
- **I-S Industrial Storage District**

#### **1330.01.3 Mixed Use Districts**

- **MX-1 Downtown Mixed Use District**
- **MX-2 Commercial Mixed Use District**
- **MX-3 Transit-Oriented Mixed Use District**
- **MX-4 General Mixed Use District**

### **1330.02 Zoning Map**

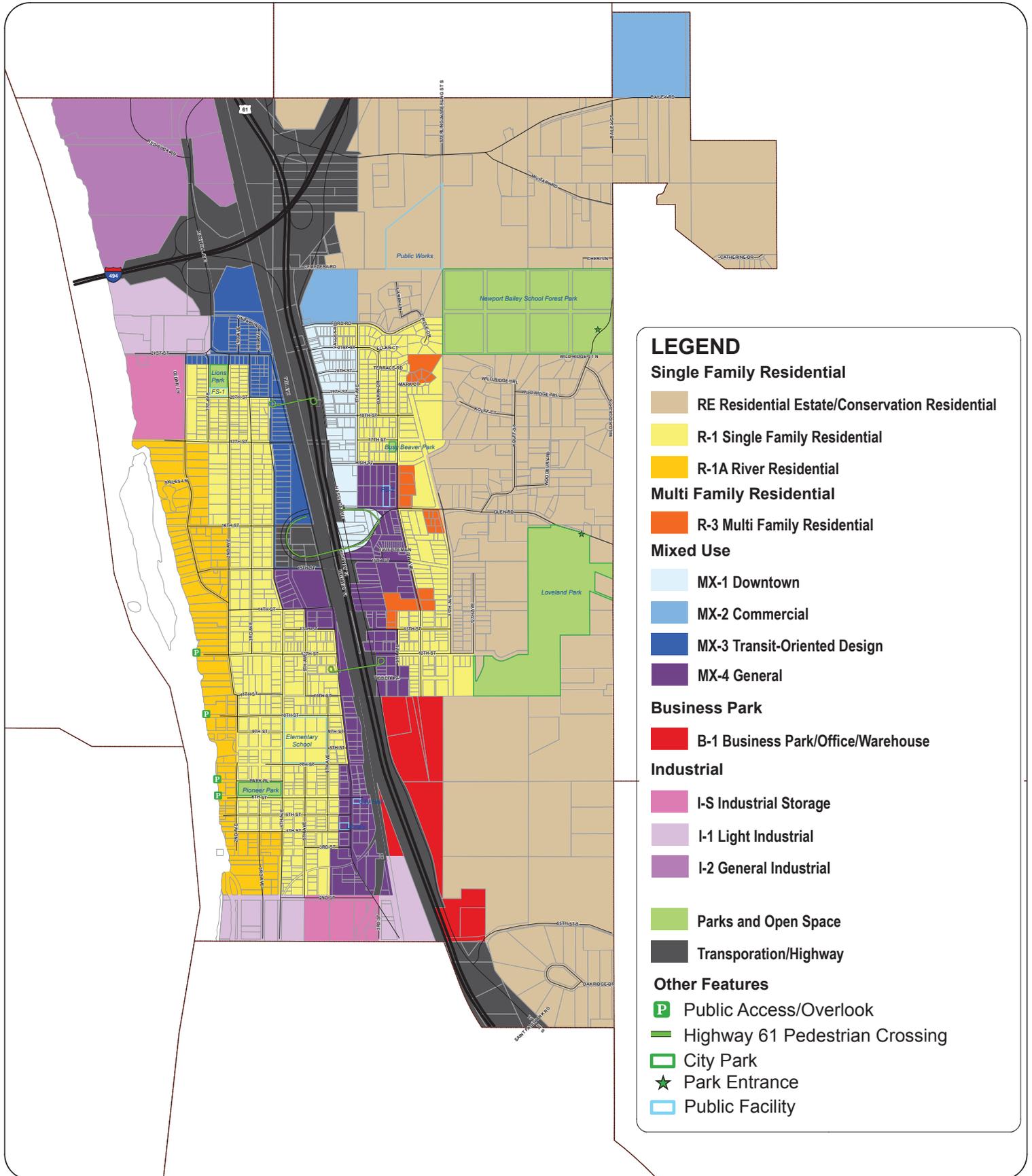
The location and boundaries of the districts established by this Chapter shall be hereby set forth in a map known as the "City of Newport Zoning Map" hereinafter referred to as the Zoning Map. The map and all notations, references, and data shown thereon are hereby incorporated by reference into this Chapter. It shall be the responsibility of the Zoning Administrator to maintain the Zoning Map, and amendments shall be recorded on the map within thirty (30) days after official publication of the amendments. The official zoning map shall be kept on file in the City hall.

### **1330.04 Uses**

It is the policy of the City of Newport that the enforcement, amendment, and administration of this Ordinance be accomplished with due consideration of the recommendation contained in *Chapter 1300, Section 1340.02* and *Sections 1350.01-1350.12, Intent of the Newport City Code of Ordinances* and the *City of Newport Comprehensive Plan* as developed and amended from time to time by the Planning Commission and City Council of the City of Newport.



# City of Newport 2030 Future Land Use



## LEGEND

### Single Family Residential

RE Residential Estate/Conservation Residential

R-1 Single Family Residential

R-1A River Residential

### Multi Family Residential

R-3 Multi Family Residential

### Mixed Use

MX-1 Downtown

MX-2 Commercial

MX-3 Transit-Oriented Design

MX-4 General

### Business Park

B-1 Business Park/Office/Warehouse

### Industrial

I-S Industrial Storage

I-1 Light Industrial

I-2 General Industrial

Parks and Open Space

Transportation/Highway

### Other Features

P Public Access/Overlook

Highway 61 Pedestrian Crossing

City Park

★ Park Entrance

Public Facility

Data sources: City of Newport, Washington County, Metropolitan Council  
Map printed March 2013



2,000 Feet

Section 1330.04 Uses

Land Use Classification													NP	Not Permitted								
													P	Permitted								
													PUD	Planned Unit Developments								
													C	Conditional Use Permit (CUP) required								
													A	Permitted Accessory Use								
													CC	Certificate of Compliance								
Land Use	Zoning District												Additional Use Regulations (See footnotes)									
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use	MX-3 – Transit-Oriented Mixed Use		MX-4 – General Mixed Use								
<b>Residential</b>																						
Single Family Detached, one dwelling per lot	P	P	P	P	P	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.												
Single Family Detached, more than one dwelling unit per lot	PUD	PUD	PUD	PUD	PUD																	
Two Family residences				P	P																	Includes townhomes
Multi-family (eight units or fewer per building)				C	P																	Includes townhomes
Multi-family (eight or more units per building)				C	P																	Includes townhomes

Land Use Classification											NP	Not Permitted	
											P	Permitted	
											PUD	Planned Unit Developments	
											C	Conditional Use Permit (CUP) required	
											A	Permitted Accessory Use	
											CC	Certificate of Compliance	
Land Use	Zoning District											Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.			
Planned residential developments	PUD	PUD	PUD	PUD	PUD								
Manufactured Single-Family Dwelling	P	P	P	P	P								
Mobile Homes	C												
<b>Public and Semi-Public Services</b>													

Land Use Classification		Zoning District											Additional Use Regulations (See footnotes)		
		RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use
Airport	C														
Cemetery															
Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P										In Residential Districts and Mixed Use Districts building footprints shall not exceed 10,000 sq. ft.
Crematorium															
Funeral Home															
Hospitals															
Medical Clinics					C										In the MX district, facilities must not exceed a 10,000 square foot footprint

**NP** Not Permitted  
**P** Permitted  
**PUD** Planned Unit Developments  
**C** Conditional Use Permit (CUP) required  
**A** Permitted Accessory Use  
**CC** Certificate of Compliance

Land Use Classification											NP	Not Permitted			
											P	Permitted			
											PUD	Planned Unit Developments			
											C	Conditional Use Permit (CUP) required			
											A	Permitted Accessory Use			
											CC	Certificate of Compliance			
Land Use	Zoning District											Additional Use Regulations (See footnotes)			
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use	
Military Reserve, National Guard Centers						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Nursery School/Day care services	C	C	C	P	P										
Parking Garage (as principal use)															
Parking Lots--Surface (as principal use)															
Penal/correctional facilities															
Post Office															

Land Use Classification												NP	Not Permitted
												P	Permitted
												PUD	Planned Unit Developments
												C	Conditional Use Permit (CUP) required
												A	Permitted Accessory Use
												CC	Certificate of Compliance
Land Use	Zoning District											Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Pubic Facilities including government offices, emergency facilities, public works facilities, Schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.			Public Facilities located in Residential Districts must not exceed 10,000 square foot footprint except if located in the RE District.
Public utility	C	C	C	C	C								
Schools--Trade, College, Vocational and associated facilities													

Land Use Classification											NP	Not Permitted			
											P	Permitted			
											PUD	Planned Unit Developments			
											C	Conditional Use Permit (CUP) required			
											A	Permitted Accessory Use			
											CC	Certificate of Compliance			
Land Use	Zoning District										Additional Use Regulations (See footnotes)				
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use		MX-2—Commercial Mixed Use	MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use	
Social, fraternal clubs and lodges, union halls						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Sanitary Landfill															
Towers and antennas															See Ordinance 97-4
Transit Station															
Park-and-ride Lot															
<b>Commercial</b>															
Bed and Breakfast	C	C	C	C	C	Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Hotels															
Motels															

Land Use Classification												NP	Not Permitted									
												P	Permitted									
												PUD	Planned Unit Developments									
												C	Conditional Use Permit (CUP) required									
												A	Permitted Accessory Use									
												CC	Certificate of Compliance									
Land Use	Zoning District											Additional Use Regulations (See footnotes)										
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use								
Adult Uses (bookstore, theater, nightclub, nude or partially nude dancing)						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.																
Animal boarding																						
Animal grooming																						
Animal hospitals																						
Animal retail sales																						
Antique Shops																						
Artist studios																						
Auto sales, rental and services																						
Auto services only																						No more than 4 bays in the MX districts

Land Use Classification												NP	Not Permitted	
												P	Permitted	
												PUD	Planned Unit Developments	
												C	Conditional Use Permit (CUP) required	
												A	Permitted Accessory Use	
												CC	Certificate of Compliance	
Land Use	Zoning District											Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use
Auto storage						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.								
Auto washing														
Bakeries (Retail sales)														
Bakeries (Wholesale)														
Restaurant--Liquor Served--Bar Grill														
Restaurant--Fast food														
Restaurant--Traditional (no liquor, sit down restaurant)														
Building materials and services														
Catering services														

Land Use Classification												NP	Not Permitted	
												P	Permitted	
												PUD	Planned Unit Developments	
												C	Conditional Use Permit (CUP) required	
												A	Permitted Accessory Use	
												CC	Certificate of Compliance	
Land Use	Zoning District											Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use
Professional Offices														
Convenience Stores														
Bicycle Sales Dry Cleaner Laundromat Drug Store/Pharmacy Floral/Flower shop Hobby Shop														In the MX district, drive up windows require a conditional use permit (CUP)
Wholesale sales														
Produce sales: vegetables, fruit, flowers, etc...														
Drive up Banks														

Land Use Classification											NP	Not Permitted			
											P	Permitted			
											PUD	Planned Unit Developments			
											C	Conditional Use Permit (CUP) required			
											A	Permitted Accessory Use			
											CC	Certificate of Compliance			
Land Use	Zoning District										Additional Use Regulations (See footnotes)				
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use		MX-2—Commercial Mixed Use	MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use	
Entertainment/amu sement halls Bowling Alley Skating Rink, Indoor						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.			If alcohol is part of the use a (CUP) is required.		
Movie Theater														300 or less capacity	
Movie Theater															300 or greater capacity
Coliseums, stadiums															
Country Club and Golf Course	C	C	C	C	C										
Private athletic fields or courts	C	C	C	C	C										
Golf Driving Range															
Horseback Riding, Stables	C														

Land Use Classification												NP	Not Permitted		
												P	Permitted		
												PUD	Planned Unit Developments		
												C	Conditional Use Permit (CUP) required		
												A	Permitted Accessory Use		
												CC	Certificate of Compliance		
Land Use	Zoning District											Additional Use Regulations (See footnotes)			
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use	
Auto and motorcycle racing tracks						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.					
Drive-in movie theater															
Mobile Home Sales															
Manufactured Home Sales															
Automobile Parts/accessories retail sales and installation															
Automobile painting and body work															

Land Use Classification												NP	Not Permitted													
												P	Permitted													
												PUD	Planned Unit Developments													
												C	Conditional Use Permit (CUP) required													
												A	Permitted Accessory Use													
												CC	Certificate of Compliance													
Land Use	Zoning District											Additional Use Regulations (See footnotes)														
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use												
Gas, diesel or other motor fuel retail sales						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.																				
Storage Mini-storage/cold storage																										
Salvage yard (auto or scrap iron)																										
Animal Kennel for more than 6 animals	C																									
Agricultural operations, row cropping, tree farming (excluding livestock)	P																									No on-premises sales

Land Use Classification												NP	Not Permitted	
												P	Permitted	
												PUD	Planned Unit Developments	
												C	Conditional Use Permit (CUP) required	
												A	Permitted Accessory Use	
												CC	Certificate of Compliance	
Land Use	Zoning District											Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	MX-4 – General Mixed Use
Commercial Greenhouse operations	C					Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.			Outside storage or sales requires a CUP. No on-premise sales permitted in RE district.	
Veterinarian Clinic, animal hospital														
<b>Industrial</b>														
Manufacturing						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.				
Warehousing														
Storage and Distribution of Bulk Petroleum Products, Oil and Gasoline														

Land Use Classification												NP	Not Permitted
												P	Permitted
												PUD	Planned Unit Developments
												C	Conditional Use Permit (CUP) required
												A	Permitted Accessory Use
												CC	Certificate of Compliance
Land Use	Zoning District											Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1—Business Park /Office/ Warehouse	I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Storage and distribution of bulk liquid fertilizer, chemicals or similar materials						Please see Section 1350.14 (B) for allowed uses in the Business and Industrial Districts.				Please see Section 1350.14 (A) for allowed uses in the Mixed Use Districts.			
Retail Sale, Installation and remanufacturing of vehicle parts and accessories.													

## **1330.06 Off-Street Parking**

### **Subd. 1 General.**

**Subd. 2 Number of Off-street Parking Spaces.** The number of off-street parking spaces required for uses in the Residential, Non-Residential, and MX-1 and MX-2 Districts shall be as follows. Section 1350.18(D) prescribes the number of off street parking spaces required for uses in the MX-3 District.

## **Section 1350 - Non-residential Districts**

### **1350.01 Scope.**

Except as otherwise provided, this division applies to all non-residential 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 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 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

<b>Requirements</b>	<b>MX-1</b>	<b>MX-2</b>	<b>MX-3</b>	<b>MX-4</b>	<b>B-1</b>	<b>I-1</b>	<b>I-2</b>	<b>I-S</b>
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	10	10**	10	10	50	50	50	100

<b>Requirements</b>	<b>MX-1</b>	<b>MX-2</b>	<b>MX-3</b>	<b>MX-4</b>	<b>B-1</b>	<b>I-1</b>	<b>I-2</b>	<b>I-S</b>
yard if across collector or minor 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	50	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:

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 or 40 feet 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 footprint 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
<b>Residential Uses</b>				
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
Manufactured single-family dwelling	P	P	N	P
Mobile homes	N	N	N	N
Multi-Family, condos, apartments and cooperatives	P	P	P—less than 8 units; C—8 or more units	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
PUD	PUD	PUD	PUD	PUD
<b>Civic and Semi-Public Uses</b>				
Day care centers	C	C	C	C
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
Military reserve, national guard centers	C	N	N	N

Use	MX-1	MX-2	MX-3	MX-4
Park and public recreation facilities	P	P	P	P
Parking Garage (as a principal use)	C	N	C	N
Parking Lot, Surface (as a principal use)	C	N	N	N
Penal/correctional facilities	N	N	N	N
Place of worship and associated facilities, except schools	C	C	C	C
Public Facilities including government offices, emergency services facilities, public works facilities, schools, libraries, museums, post offices and other municipally owned or operated facilities	C	C	C—50,000 sq ft maximum	C
Schools – trade, college, vocational, and associated facilities	C	C	C—50,000 sq ft maximum	C
Schools for business, trade, dancing, music	C	C	C	C
Social and fraternal clubs and lodges, union halls	P	P	C—10,000 sq ft maximum	P
Transit stations and related parking facilities	C	C	C	C
<b>Commercial Uses</b>				
Administrative support services	P	P	P	P
Adult Uses	N	N	N	N
Animal boarding, grooming, veterinary clinics, retail sales	C	C	C—10,000 sq ft maximum	C
Artist studios	P	P	P	P
Auto body repair and major auto repair, towing services	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—Maximum 4 repair bays	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
Conference Center, 50,000 square feet or less	C	C	C	C
Convenience stores	P	P	P	P
Data centers	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
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
Grocery and produce sales	C	C	C—50,000 sq ft maximum	C
Internet publishing and broadcasting	P	P	P	P
Medical, dental, or veterinary clinics and laboratories	C	C	C—10,000	C

Use	MX-1	MX-2	MX-3	MX-4
			sq ft maximum	
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--to 10,000 sq ft; C—larger than 10,000 sq ft	P
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--to 10,000 sq ft; C—10,000 to 50,000 sq ft maximum	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—no liquor served	P	P	P	P
Restaurants, including open air or sidewalk cafes, freestanding or in mixed-use buildings—liquor served	C	C	C	C
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	P—5,000 sq ft or less; C—5,000 to 10,000 sq ft	P
Theaters (with structured parking)	P	P	P	P
Theaters	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>Accessory Uses</b>				
Drive up facilities	C	C	C	C
Gazebo, arbor, play equipment in public or private open space area	P	P	P	P
Outdoor sales, in conjunction with permitted use	C	C	N	C
Renewable energy system	P	P	P	P
Parking lot, as an accessory use	C	C	C	C
Swimming Pool	P	P	P	P

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
<b>Civic and Public Uses</b>				

<b>Use</b>	<b>B-1</b>	<b>I-1</b>	<b>I-2</b>	<b>I-S</b>
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
<b>Commercial Uses</b>				
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
<b>Warehouse and Industrial Uses</b>				
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
Storage, mini-storage, cold storage	N	N	N	P
Warehousing	C	P	P	N

**1350.15 Administrative Procedure for Re-Zoning 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 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. 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.
- E. 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.

**1350.16 Administrative Procedure for Site Plan Review in the Non-residential Districts and Additional Procedures for Development in the MX-3 District**

- A. *Site Plan Review.* 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. The Zoning Administrator may require review 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
- B. *MX-3 District.* 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) *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:

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

#### **1350.17 Performance Standards for Non-residential Districts**

- A. The Performance Standards included in Item 1330.05 of this Ordinance shall apply in the Non-residential districts, except as modified in this Section.
- B. All public rights-of-way within the MX, Business, and Industrial Districts shall be considered collector streets or arterials as defined in the City thoroughfare plan.
- C. MX District Parking standards.
  - 1) Parking requirements in the MX Districts 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

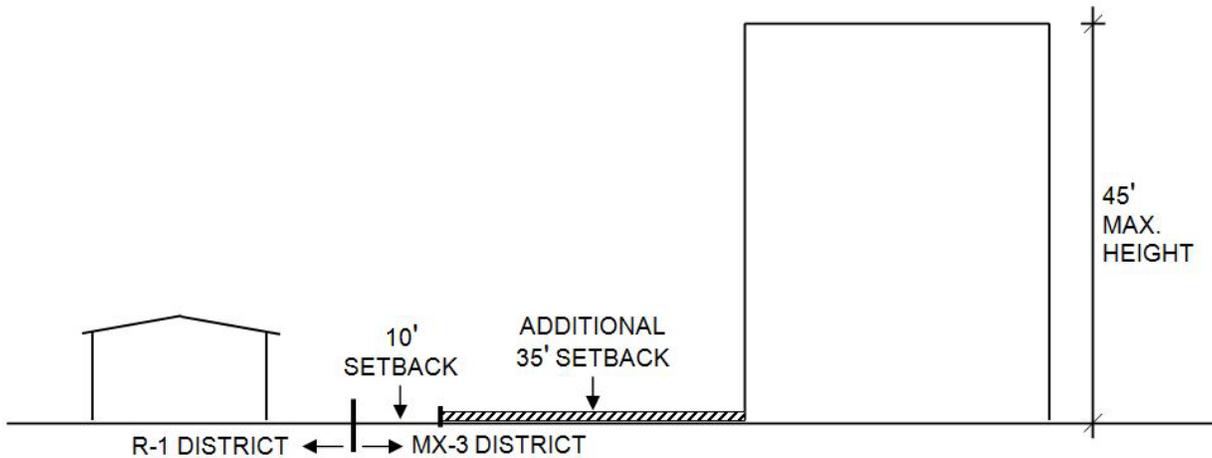
in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage. The required front setback for surface parking lots in the MX-1 and MX-4 district shall include a planted boulevard that meets the landscaping requirements of the ordinance.

- 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.
- D. 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. Exterior metal surface finishes shall be warranted by the manufacturer for twenty years against blistering, peeling, cracking, flaking, checking, or chipping, and shall not compose more than 50% of the building elevation facing a public roadway.
  - 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.
  - 7) Other exterior building materials may be approved by Conditional Use Permit if it is determined that:
    - a. The materials are similar to or better than the permitted materials listed above;
    - b. The materials are high-quality, long-lasting, attractive, reasonably maintenance-free; and
    - c. The materials are integrated harmoniously into the building design and consistent with neighboring uses.
- E. Exterior Storage: No materials, product, or equipment shall be stored outside of an enclosed building except for daily display (during store hours) of merchandise.
- F. All refuse and recycling containers must be stored inside of the principle structure or a fully enclosed accessory structure.
- G. 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.
- H. 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.

#### **1350.18 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 twenty-five feet (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 feet (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.'

	<b>PARKING MINIMUM</b>	<b>PARKING MAXIMUM</b>
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	1.5 spaces per room, plus

	and staff parking	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 U.S. 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 creatively, 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.

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 4th day of April, 2013.

Signed: \_\_\_\_\_  
Tim Geraghty, Mayor

Attest: \_\_\_\_\_  
Deb Hill, City Administrator



# MEMO

TO: Mayor and City Council  
Deb Hill, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: March 26, 2013

SUBJECT: Building Inspections Services Agreement with the City of Cottage Grove

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## **BACKGROUND**

In 2010, the City Council approved an agreement with Cottage Grove for building inspections services. That agreement expires April 30, 2013. As such, City and Cottage Grove staff reviewed and updated the agreement for both City Councils to approve. The Cottage Grove City Council will be discussing the agreement at its April 3, 2013 meeting.

## **DISCUSSION**

City staff met with Cottage Grove staff to review the agreement and update it as needed. Staff agreed that having Cottage Grove conduct the inspections is going well and is recommending that the City continue to work with them in regards to building inspections.

The previous agreement had a stipulation, that if Newport requested, Cottage Grove would also conduct rental unit inspections. Currently, Mark Mailand, Fire Chief, conducts the rental unit inspections. However, it is anticipated that Chief Mailand will be retiring in the near future. As such, City staff is recommending that Cottage Grove conduct the rental unit inspections. This task is outlined in 13.b and states that Cottage Grove will receive 40% of the total license fee for each property inspected and reinspected.

Attached for your review is the Building Inspections Services Agreement with Cottage Grove that City staff, Cottage Grove staff, and attorneys for both cities have reviewed and approved.

## **RECOMMENDATION**

It is recommended that the City Council approve the Building Inspections Services Agreement with Cottage Grove.

## **BUILDING INSPECTION SERVICES AGREEMENT**

This Agreement is made this 3rd day of April, 2013, by and between the City of Newport hereinafter referred to as "Newport") and the City of Cottage Grove (hereinafter referred to as "Cottage Grove") for the utilization of Cottage Grove employees to provide services to Newport within the boundaries of Newport.

WHEREAS, Newport is authorized and empowered to provide for various types of building inspections and code enforcement to ensure the public health, welfare and safety; and

WHEREAS, Cottage Grove maintains qualified full-time staffing and personnel for the provision of these same services within its own municipal boundaries; and

WHEREAS, by purchasing these services from Cottage Grove, Newport can effect cost savings to its citizens while, at the same time, providing support for those same services by Cottage Grove to its citizens; and

WHEREAS, it is the desire of the parties and the purpose of this Agreement that certain of the aforesaid building inspection and code enforcement services be performed by qualified personnel of Cottage Grove on behalf of Newport;

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the above parties hereto agree as follows:

1. The term of this agreement shall be from May 1, 2013 through May 1, 2014, and shall automatically renew for an additional one year term on May 1, 2014 and on May 1, 2015, unless either party to the Agreement provides notice to the other party that they shall terminate the contract at the end of the current term, and further subject to termination as provided in paragraph 9.
2. For the term of this Agreement, Cottage Grove, through use of its personnel, shall provide Newport with the following services, in and on behalf of Newport and at the direction of Newport's City Administrator:
  - a. Building inspections and code enforcement, as necessary.
  - b. Property inspections for structural integrity for purposes of exercising eminent domain powers or protection of life.
  - c. Planning and zoning reviews required for building permits.
  - d. Issuing building permits (plumbing & mechanical included).
  - e. Preparation of all reporting required by the State of Minnesota or any state agency.
  - f. Preparation of an annual written report of work completed for the City Council of Newport.

- g. Provide copies of all permits issued and inspections made on a monthly basis.

The services Cottage Grove will provide under this Agreement do not include property maintenance inspections and do not include planning or zoning review unless such review is specifically related to a building permit request for a structure permitted under the Newport Code.

3. Cottage Grove shall consult with and abide by the manner in which the inspections, plan review and activities are conducted and over the determination of what enforcement action is appropriate and consistent with Newport City Code Chapter 11, (Building and Housing Code) and Section 1130, (Swimming Pools) and other policies as established by Newport. Cottage Grove shall confer with Newport staff regarding interpretation of the Code. Newport shall have a duty to inform Cottage Grove of any and all updates or changes to the Newport Code.
4. Cottage Grove personnel are not required to maintain office hours at Newport's City Hall. However, if Cottage Grove providing these services finds it necessary to meet with citizens at Newport's City Hall, Newport will arrange for a work area for such meetings. Cottage Grove's main contact at Newport shall be Newport's City Administrator and Cottage Grove shall take direction from Newport's City Administrator for all work performed under this Agreement.
5. Cottage Grove shall assume the expense of performing the inspections and code enforcement.
6. Newport will pay Cottage Grove 25% of the total permit and plan review fee. Such permit and plan review fees shall be separate from, and in addition to, the payment provided for by Paragraph 8 of this agreement. All other provisions of this agreement shall remain applicable with respect to the plan review and inspection services being provided.
7. In addition to the above fees Newport will pay Cottage Grove for services performed by Cottage Grove personnel outside those contemplated by this agreement but only as specifically requested by Newport. These additional fees will be billed to Newport on a time and material basis. Services performed by the Cottage Grove Chief Building Official will be at the rate of \$60/hour plus expenses. Services performed by Cottage Grove Building Inspector(s) will be at the rate of \$45 plus expenses.
8. This agreement shall terminate as follows:
  - a. Upon the expiration of 90 days after service of written notice upon the other party; or
  - b. At any time, upon agreement of the parties; or
  - c. In any event on May 1, 2016.
9. Cottage Grove agrees to defend, indemnify and hold harmless Newport, and its officials, agents and employees from and against all claims, actions, damages, losses and expenses arising out of or resulting from Cottage Grove's performance of the duties required under this Agreement, provided that any such claim, action, damage, loss or expense is attributable to

bodily injury, sickness, disease, or death or to the injury to or destruction of property including the loss of use resulting therefrom and is caused in whole or in part by any negligent act or omission or willful misconduct of Cottage Grove. This provision shall not be construed as a waiver by either party of any defenses, immunities or limitators on liability with respect to claims made by third parties.

10. Newport agrees to defend, indemnify and hold harmless Cottage Grove, and its officials, agents and employees from and against all claims, actions, damages, losses and expenses arising out of or resulting from Newport's performance of the duties required under this Agreement, provided that any such claim, action, damage, loss or expense is attributable to bodily injury, sickness, disease, or death or to the injury to or destruction of property including the loss of use resulting therefrom and is caused in whole or in part by any negligent act or omission or willful misconduct of Newport. This provision shall not be construed as a waiver by either party of any defenses, immunities or limitators on liability with respect to claims made by third parties.
11. Cottage Grove shall carry liability insurance in the amount of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate for both Bodily Injury and Property Damage. Newport shall be named as an additional insured, and a certificate of said insurance shall be provided to Newport. Cottage Grove shall carry Worker's Compensation Insurance as required by Minnesota Statutes, Section 176.181, Subd. 2 and further agrees to provide a certificate of said insurance to the Newport.
12. Any employee assigned by Cottage Grove to perform its obligations hereunder shall remain the exclusive employee of Cottage Grove for all purposes including, but not limited to, wages, salary and employee benefits.
13. In addition to the services listed in Paragraph 2 above, Cottage Grove shall, upon request, also provide for and on behalf of Newport:
  - a. Collecting fees for issuing building permits and inspections.
  - b. Inspection of all rental property in Newport.
    - Newport will provide Cottage Grove with a current list of rental property owners and upcoming rental inspections.
    - Newport shall notify rental property owners of upcoming rental inspections via letter and application and collect an inspection fee as established by the Annual Fee Schedule. Fees must be paid before inspections can be performed. Cottage Grove shall receive 40% of the total license fee for each property inspected and Newport shall receive 60%.
    - Newport rental property owners shall apply for renewal no later than 60 days prior to the December 31 expiration date of the previously issued certificate.
    - Newport shall collect a reinspection fee as established by the Annual Fee Schedule. Cottage Grove shall receive 40% for each reinspection and Newport shall receive 60%.
    - Cottage Grove shall provide Newport with copies of inspections
    - Newport shall provide Registration Certificates to rental property owners

- c. Clerical and other office duties related to building inspections and review of building permits.
14. It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of co-partners, joint parties to any joint powers agreement or similar legal relationship between the parties hereto or as constituting the persons employed by Cottage Grove as the agent, representative or employee of Newport for any purpose or in any manner whatsoever except as expressly otherwise provided herein. Cottage Grove is to be and shall remain an independent contractor with respect to all services performed under this contract. Cottage Grove represents that it has, or will secure at its own expense, all personnel and equipment required in performing services under this contract. Any and all personnel of Cottage Grove or other persons, while engaged in the performance of any work or services required by Cottage Grove under this contract, and shall not be considered employees of Newport and any and all claims that may or might arise under the Workers' Compensation Act of the State of Minnesota on behalf of said personnel or other persons while so engaged, and any and all claims whatsoever on behalf of any such person or personnel arising out of employment or alleged employment including, without limitation, claims of discrimination against Cottage Grove, its officers, agents contracts or employees shall in no way be the responsibility of Newport; and Cottage Grove shall defend, indemnify and hold Newport, its officers, agents and employees harmless from any and all such claims regardless of any determination of any pertinent tribunal, agency, board, commission or court. Such personnel or other persons shall not require nor be entitled to any compensation, rights or benefits of any kind whatsoever from Newport, including, without limitation, tenure rights, medical and hospital care, sick and vacation leave, Workers' Compensations, Unemployment Compensation, disability, severance pay and PERA.
15. The books, records, documents, and accounting procedures of Cottage Grove relevant to this Agreement, are subject to examination by Newport and either the legislative or state auditor as appropriate, pursuant to Minnesota Statutes, Section 16C.05, Subd. 5.
16. This Agreement represents the entire Agreement between Cottage Grove and Newport and supersedes and cancels any and all prior agreements or proposals, written or oral, between the parties relating to the subject matter hereof, any amendments, addenda, alterations, or modifications to the terms and conditions of this Agreement shall be in writing and signed by both parties.
17. Cottage Grove and Newport agree to comply with the Americans With Disabilities Act and not to discriminate on the basis of disability in the admission or access to, or treatment of employment in its services, programs, or activities. Upon request, accommodation will be provided to allow individuals with disabilities to participate in all services, programs, and activities. Cottage Grove has designated coordinators to facilitate compliance with the Americans With Disabilities Act of 1990 (ADA), as required by Section 35.107 of the U.S. Department of Justice regulations, and to coordinate compliance with Section 504 of the Rehabilitation Act of 1973, as mandated by Section 8.53 of the U.S. Department of Housing and Urban Development regulations. For information contact the City Administrator, City of Cottage Grove, 12800 Ravine Parkway South, Cottage Grove, Minnesota 55016; telephone: 651-458-2800; TDD: 641-458-2880. Newport agrees to hold harmless and indemnify Cottage Grove from costs, including but not limited to damages, attorney's fees and staff

time, in any action or proceeding brought alleging a violation of ADA by Newport. Cottage Grove agrees to hold harmless and indemnify Newport from costs, including but not limited to damages, attorney's fees and staff time, in any action or proceeding brought alleging a violation of ADA by Cottage Grove.

18. Both parties agree to comply with all applicable state, federal and local laws, rules and regulations.

IN WITNESS WHEREOF, the parties have set forth their hands on the day and year first written above.

**CITY OF COTTAGE GROVE**

By: \_\_\_\_\_  
Its Mayor

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Its City Administrator

\_\_\_\_\_  
Date

**CITY OF NEWPORT**

By: \_\_\_\_\_  
Its Mayor

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Its City Administrator

\_\_\_\_\_  
Date

## MEMO

**To:** Deb Hill, City Administrator & City Council City of Newport  
**From:** John Stewart, P.E. - City Engineer  
**Subject:** 2013-15 Street Improvement Project – Neighborhood Meeting Updates  
**Date:** April 1, 2013

### INTRODUCTION:

Three neighborhood meetings were conducted on March 19<sup>th</sup> to present the street projects that the City of Newport is considering. The meetings were informal and appeared to be well attended. Many residents had questions and comments concerning the scope of the construction work, schedule, and assessments. There were a handful of questions that we wanted to provide further review and response.

1. Investigate the feasibility and costs associated with adding a cul-de-sac on Larry Lane.
2. Investigate the costs associated with widening Ford Road.
3. Investigate the option of using geotextile fabrics to stabilize subgrade within the WRT area.
4. Include an optional storm sewer/concrete curb within the WRT area.
5. Investigate drainage issues at the south end of 10<sup>th</sup> Ave.
6. Accelerate schedule for reconstruction of 2<sup>nd</sup> Ave south of 21<sup>st</sup> St into the 2014 project.
7. Provide a description as to how the “Opt Out” and “City Loan” program would apply to sanitary sewer service line repairs.
8. Investigate adding portions of 5<sup>th</sup> Avenue from 12<sup>th</sup> to 14<sup>th</sup> Street to alleviate drainage issues.

### 1. LARRY LANE CUL-DE-SAC

A property owner on Larry Lane asked whether there had been any thought as to constructing a cul-de-sac at the north end of Larry Lane. She has concerns about the small size of the existing turn-around.

The City of Newport owns 50-feet of right-of-way (ROW) along the north/south portion Larry Lane, with no additional ROW width for a cul-de-sac. For this type of application, the City typically requires a 60' ROW for street and 120' for the cul-de-sac. In addition, at the end of Larry Lane there is a steep drop-off into the ravine area.



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In order to construction a standard cul-de-sac, the City would need to acquire additional ROW as well as alleviate the steep slope into the ravine. The City could consider re-constructing and enlarging the existing turn-around area to fit within the existing ROW. The additional project cost to complete this work is estimated to be \$14,000, not including property acquisition, nor does it include disturbing the existing guard-rail or slope into the ravine channel.

### 2. WIDEN FORD ROAD

A property owner located on Ford Road asked whether the width of Ford Road could be increased to allow for parking on at least one side of the street. The existing width of Ford Road varies from 20-22 feet which does not allow for on street parking. The feasibility study completed for the 2013-15 Street Improvement Project estimated cost and scope based on a width of 24 feet, which also does not allow on-street parking.

In order to provide enough space for two-lanes of traffic and parking, the minimum width required would be 28 feet. Ford Road has a topography that makes widening the street challenging, especially north of 8<sup>th</sup> Avenue. It would be difficult to widen the street any more than 28-feet. The project cost to widen the street from 24 to 28 feet is estimated to be \$40,000.

### 3. WILD RIDGE TRAIL AREA: SUBGRADE STABILIZATION



Several property owners within the Wild Ridge Trail and Kolff Street areas of the project expressed concern that a bituminous overlay may not alleviate all of the pavement issues. There are locations where the pavement shows alligator and block cracking which could reflect into a new pavement surface.

The City Engineers and Public Works staff is currently working to determine if a change in scope is warranted to include additional subgrade correction. The City may want to consider obtaining soil borings and a

geotechnical evaluation to determine the underlying soil conditions.

Subgrade correction could be done in several ways with the minimum corrective methods to include replacing poor soils only the locations which show pavement failure. Other larger scale options include full-depth reclamation with subgrade correction, a cement stabilized sub-base process, or an asphalt emulsion injection process.

**4. WILD RIDGE TRAIL AREA: ADDITIONAL STORM SEWER & CURBING**

Several property owners within the Wild Ridge Trail and Kolff Street areas of the project expressed concern that vehicles are cutting the corner at the curve 875 feet east of Kolff Street along Wild Ridge Trail. Apparently this is causing the shoulder to erode and gravel depositing on the bituminous surface. The gravel then washes down the hill to the west towards Kolff Street.



Extending concrete curb and gutter approximately 1000 feet from the intersection at Kolff Street may alleviate the issues of drivers cutting off the corner as well as the gravel washing onto the bituminous pavement. The additional project cost to extend curb to this location is estimated to be \$40,000, which does not include any adjustment in the profile grade of the street or concrete driveway aprons.

In addition to this work, the City may want to consider constructing concrete flumes or storm sewer structures at several critical points to help alleviate the erosive conditions with stormwater runoff entering adjacent ravine channel or other existing drainage areas. Public works staff is currently working with the City engineers to determine if a change in scope is warranted to include additional storm sewer or other drainage improvements.

**5. 10<sup>TH</sup> AVENUE DRAINAGE AREAS**

A property owner along the 10<sup>th</sup> Avenue portion of the project expressed concern that runoff from the street is entering their yard and ponding during large rain events and snow melting. A site visit was completed and the current project scope of installing concrete curb and gutter should alleviate this issue.

**6. ACCELERATE THE SCHEDULE FOR 2<sup>ND</sup> AVE (BETWEEN 21<sup>ST</sup> ST & 17<sup>TH</sup> ST)**



A property owner at the neighborhood meeting and one additional property owner via email after the meeting expressed their desire to have their street reconstructed as soon as possible. The residents stated that there are drainage issues during large rainfall events and snow melting which has become a major nuisance.

The City may want to consider moving this portion of 2<sup>nd</sup> Avenue from the 2015 project to the 2014 project as it does not affect the development driven portions of 2<sup>nd</sup> Avenue

north of 21<sup>st</sup> Street.

**7. SANITARY SEWER SERVICE REPAIRS**

At this time, the Public Works Department is obtaining quotes for the televising work associated with the proposed sanitary sewer service “opt out” program. Additional updates will be provided as the information is collected.

**8. ADD 5<sup>TH</sup> AVENUE TO PROJECT (BETWEEN 12<sup>TH</sup> & 14<sup>TH</sup> STREETS)**

A property owner at 486 12<sup>th</sup> Street, located at the SW quadrant of the intersection with 5<sup>th</sup> Avenue, stated that she experiences stormwater ponding at the end of her driveway during rainfall events and spring snow melt.

A site inspection was performed and reviewed the available asbuilt plans were reviewed to determine the scope of work to alleviate this issue. The work necessary to correct the drainage issue would include reconstructing 5<sup>th</sup> Avenue from 12<sup>th</sup> Street to 11<sup>th</sup> Street, installing concrete curb/gutter, and installing storm sewer piping on 5<sup>th</sup> Avenue and connecting it to the 4<sup>th</sup> Avenue conveyance system through the 11<sup>th</sup> Street right-of-way alignment. The estimated project cost to complete this work is \$248,000.



The City of Newport owns the property located between 4<sup>th</sup> and 5<sup>th</sup> Avenues adjacent to the 11<sup>th</sup> Street right-of-way. We recommend that improvement to 5<sup>th</sup> Avenue in this area wait until a plan for development of that parcel is in place.

**ACTION(S) RECOMMENDED:**

- ❖ Consider the information and provide the Engineer with direction on how to proceed with:
  1. Improving the existing turn around and/or constructing a cul-de-sac at the north end of Larry Lane.
  2. Widening of Ford Road to a maximum of 28-feet.
  3. Determining the extent of subgrade corrections within the WRT area.
  4. Determining the need for curb/gutter and additional drainage improvements within the WRT area.
  5. *Nothing for the 10<sup>th</sup> Ave issue at this time.*
  6. Moving the 2<sup>nd</sup> Avenue improvement project (between 21<sup>st</sup> & 17<sup>th</sup> Streets) from the 2015 project to the 2014 project.
  7. *Nothing for the sanitary sewer service “opt out” at this time*
  8. Reconstructing 5<sup>th</sup> Avenue and adding it to one of the project groupings.

If the Council decides to move forward with one or more of the issues, it would be in the City’s best interest to amend the feasibility report.



## MEMO

TO: Mayor and City Council  
Deb Hill, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: March 26, 2013

SUBJECT: Public Works Vacancy

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### **BACKGROUND**

Chuck Johnson, Public Works, is set to retire after 36 years of service with the City of Newport. It is anticipated that Chuck's last day will be in mid-June. As such, the City will need to fill this position.

### **DISCUSSION**

The City Council will need to discuss filling the vacancy at the April 4, 2013 meeting. City staff is recommending that the position be filled in June and as such would begin the search process on Monday, April 8, 2013 by placing the opening on its website, the League of Minnesota's website, and the South Washington County Bulletin's website. Additionally, the opening would be posted in the Bulletin

Attached for your review is the current job description for the Maintenance Operator position. Please note that the current salary Maintenance Operators is outlined in the Union Contract with Public Works. New employees shall be receive an hourly wage equal to 90% of the current hourly rate for the first year and 95% for the second year. The current rate is \$25.67. Therefore, the new employee will start at \$23.10/hour.

### **RECOMMENDATION**

It is recommended that the Council approve the search process and hiring for the Public Works Vacancy. Deb, Bruce and John will conduct the interviews, written exam and equipment test.

**CITY OF NEWPORT  
JOB DESCRIPTION**

**POSITION:** MAINTENANCE OPERATOR  
**DEPARTMENT:** PUBLIC WORKS  
**SUPERVISED BY:** PUBLIC WORKS SUPERINTENDENT  
**DATE:** 2007 REVISED  
**CLASS:** NON-EXEMPT

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**SUMMARY**

Performs manual, semi-skilled and skilled work as assigned in the maintenance and repair of City water and sewer systems, streets, parks and other public facilities.

**ESSENTIAL FUNCTIONS OF THE JOB**

Maintains and repairs the water pumping and distribution systems; checks and maintains pumping equipment; assists in the treatment and testing of water; maintains water lines and hydrants; and performs other duties as required.

Maintains and repairs the sanitary sewer system; checks and maintains lift stations; cleans manholes; and cleans and/or repairs sewer lines as required.

Maintains and repairs City streets; operates trucks and plows to salt streets and remove snow; cleans streets and culverts; performs blacktopping and seal coating work; installs and maintains streets signs, etc.

Maintains parks and recreational areas; performs mowing and trimming work; repairs and maintains athletic fields and skating rinks; maintains picnic facilities; and trims and removes diseased trees.

Maintains and repairs City vehicles and equipment, including regular servicing, preventive maintenance and general repair work as required.

Operates all City owned equipment in the performance of duties as assigned, including but not limited to trucks, front-end loader, skid loader, grader, back hoe, mowing equipment, sewer rodder, and a variety of hand and power tools.

Maintains City buildings and grounds; performs mowing, trimming and snow removal as required; cleans and performs painting, carpentry, and other work involved in the maintenance of all City buildings and facilities.

**ESSENTIAL JOB REQUIREMENTS**

Must hold or be able to acquire a Class B Minnesota Commercial Driver's License with Tanker endorsements.

High School Diploma or General Education Degree (G.E.D.)

Ability to operate in an efficient and safe manner all equipment and vehicles required for this position.

Skill in the care and use of hand and power tools.

Ability to understand and follow oral and written instructions.

Experience in the maintenance and repair of light and heavy equipment.

Some knowledge and experience in the maintenance of water and/or sewer systems desirable.

### **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 to use hands to finger, handle, or feel objects, tools, or controls and stoop, kneel, crouch, or crawl. The employee frequently is required to stand, walk, and sit. The employee is occasionally required to reach with hands and arms, climb or balance, talk or hear, and taste or smell.

The employee must regularly lift and/or move up to 10 pounds, frequently lift and/ or move up to 50 pounds, and occasionally lift and/or move more than 100 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

### **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an 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.

While performing the duties of this job, the employee regularly works in outside weather conditions and is regularly exposed to vibration. The employee frequently works near moving mechanical parts and is frequently exposed to extreme cold and extreme heat. The employee occasionally works in high, precarious places and is occasionally exposed to wet and/or humid conditions and fumes or airborne particles.

The noise level in the work environment is usually loud.