CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
MAY 7, 2015 – 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:	Steven Wiley
	Dan Lund	Executive Analyst:	Renee Eisenbeisz

AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. ADOPT AGENDA

5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
   A. Minutes of the April 16, 2015 Regular City Council Meeting
   B. List of Bills in the Amount of $133,743.27
   C. Publication of Ordinance No. 2015-2
   D. 2015-2016 Liquor License Renewals
   E. **Resolution No. 2015-7** - Approving a Deferment Request for the 2014 Street Assessment for 1433 3rd Avenue
   F. **Resolution No. 2015-8** -Accepting Donations for the Period of March 17 - May 4, 2015

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
   A. Youth Services Bureau

7. MAYOR'S REPORT
   A. Summary of April 16, 2015 Closed Session

8. COUNCIL REPORTS

9. ADMINISTRATOR'S REPORT
   A. **Resolution No. 2015-9** - Authorizing the Execution of a Sub-Grant Agreement
   B. Discussion Regarding Recodification and Online Codes
   C. Solicitors Permits

10. ATTORNEY'S REPORT

11. POLICE CHIEF'S REPORT

Agenda for 05-07-15

12. FIRE CHIEF'S REPORT

13. ENGINEER'S REPORT
    A. Public Hearing - To consider, and possibly adopt, amendments to Chapter 10, Water and Sewer Systems
        1. Ordinance No. 2015-1 - Amending Chapter 10, Water and Sewer Systems

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

1.	Heritage Preservation Commission Meeting	May 13, 2015	5:30 p.m.
2.	Planning Commission Meeting	May 14, 2015	6:00 p.m.
3.	City Council Meeting	May 21, 2015	5:30 p.m.
4.	City Offices Closed due to Memorial Day	May 25, 2015	

City of Newport
City Council Minutes
April 16, 2015

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; Dan Lund

Council Absent – Tracy Rahm;

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Renee Eisenbeisz, Executive Analyst; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer; Sherri Buss, TKDA Planner

Staff Absent – Curt Montgomery, Police Chief; Steve Wiley, Fire Chief;

4. ADOPT AGENDA

Executive Analyst Eisenbeisz - We would like to add the 9th Street Vacation to the Administrator's Report.

Motion by Sumner, seconded by Ingemann, to adopt the Agenda as amended. With 4 Ayes, 0 Nays, 1 Absent, 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 April 2, 2015 Regular City Council Meeting
B. List of Bills in the Amount of $149,386.64
C. Approval of the Park Board's 2015 Goals

With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT –
A. Proclaiming May 2015 as Preservation Month

Mayor Geraghty - We have a proclamation that I'll sign declaring May 2015 as Preservation Month. I would also like to remind everyone that there will be a grand opening at the new transit station on April 27 at 4:00 p.m. I believe the speakers are starting at 4:15. We're looking to have a number of people show up and participate and continue to promote the transit site.

Next, I've been thinking of how to report this, as some of you know, there was a lawsuit brought against me last November by Pauline Schottmuller. It was for alleged violations of the open meeting law. It was brought against me personally as the Mayor of the City of Newport, not the City Council. During the whole process it did not do

my reputation any good or the City of Newport's reputation any good. I'm pleased to report that last week Judge Galler did issue a summary in my favor. He basically said there are no genuine issues of material fact. The motion for my summary judgment was granted, the complaint was dismissed in its entirety with prejudice meaning she can't come back, and the plaintiff's motion, Pauline's motion, was denied in its entirety. The reason I want this in the record is that I want something in the public record to show that I was vindicated on this issue. There was no evidence, I knew that all along. There were no intentional violations by me or the City Council to deceive or mislead the public on anything. I would like the order put on the website and in our official minutes, as well as the Bulletin article. I would also like to say that the City did not incur any legal costs, they were paid for by the League of MN Cities. It was unfortunate that we had to go through this process but I felt all along that it was a personal vendetta against me. The judge looked at all the evidence presented and there was nothing there. It was totally dismissed and thrown out. If anyone else wants to say anything.

Attorney Knaak - There is just one small note. The City had a small part in it and that was a subpoena for certain records related to closed employee records. That was also dismissed as part of Judge Galler's decision.

Mayor Geraghty - If you haven't read the order, I would invite you to do so because there are some issues in there regarding the City as a whole and the Council as a body, not just me as an individual.

8. COUNCIL REPORTS –

Councilman Ingemann - Nothing to report.

Councilman Sumner - We pay $74,000 per year for insurance with the League. Is that amount changed by the number of allegations that the League has to defend us against?

Attorney Knaak - Probably not, it's the League that makes those decisions. It takes a substantial showing of bad practices on the part of the city that leads to lawsuits. That has happened to cities such as Maplewood and Afton. It's take a fair amount before they'll change their rates.

Councilman Sumner - I'm concerned as a member of the Council and citizen of Newport that we have to endure these types of, what has now been deemed as a irresponsible series of allegations. It doesn't shine a positive light on Newport and I hope it's the end of them from this individual and many others that may be launching these type of attacks on the City.

Councilman Lund - Congratulations on your victory and I'm happy we can move on to more important issues.

Mayor Geraghty - Yes, I just wanted to get the word out and something in the records.

9. ADMINISTRATOR'S REPORT –
A. Approval of Annual Financial Report for Year Ended December 31, 2014

Jim Eichten of Malloy, Montague, Karnowski, Radosevich, and Co. was present to discuss the Audit Report for Year
Ended December 31, 2014 as outlined in the April 16, 2015 City Council packet and attached.

Councilman Sumner - I always like to have you state the advantages of us having a good financial position for the public record.

Mr. Eichten - The first one is cash flow. The City only receives its funds a couple times a year so without a good financial position you have challenges with cash. Having a strong financial position will also help fund future improvements with the City.

Councilman Sumner - These findings impact our bond rating as well. A higher bond rating lowers the interest

cost, which can be passed on to the residents correct?

Mr. Eichten - Yes, bond raters look at is your debt service. I believe your bond rating has gone up.

Admin. Hill - Yes, it's gone up four levels in the last couple years.

Mr. Eichten - We've had a couple of our clients that were brought forward with negative trends in their ratings and they relate less to financial management but things that are out of their control. They kept their bond rating because they had a good financial picture. The bond raters were concerned with the market values and it was overcome by strong financial statements so they didn't get downgraded.

Councilman Sumner - So even though we've seen a decline in our market values, our financial position has been able to offset that enough to get improved bond ratings. It's not wise for people to just look at how much we're spending when compared to others, it's important for people to look at how much we're saving and how much we could be assessed.

Motion by Geraghty, seconded by Sumner, to approve the Annual Financial Report for Year Ended December 31, 2014. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Ordinance No. 2015-2 - Amending Section 1325, Antennas and Towers

Sherri Buss, TKDA Planner, presented on this item as outlined in the April 16, 2015 City Council packet.

Councilman Sumner - Are these requests for new towers?

Executive Analyst Eisenbeisz - To update equipment on existing towers.

Ms. Buss - And it looks like your current code requires a CUP for replacing equipment so we've amended that. That's where the FCC regulations are going as well.

Councilman Sumner - Do we gain revenue from these?

Executive Analyst Eisenbeisz - We get revenue from the one in Bailey School Forest. Two of them are on private property and I don't believe we get revenue from the one at Public Works.

Admin. Hill - Not yet, we might be getting some from a private source that will be adding equipment.

Councilman Sumner - Have there been any requests to add new towers?

Executive Analyst Eisenbeisz - No.

Ms. Buss - It's been a long time since there have been new towers. A lot of them are just updating equipment.

Councilman Lund - Under 1325.05, we let them rebuild if it's destroyed. Couldn't there be some situation where the destruction of the tower presented some sort of hazard or it would be a good opportunity for them to comply. Is that something we're required to have in there?

Ms. Buss - The building official looks at whether they are structurally sound when they obtain a building permit.

Attorney Knaak - If the 190 foot tower was destroyed, they would be allowed to replace that within a certain amount of time under State Law.

Ms. Buss - They have 180 days to come in for a building permit.

Attorney Knaak - You need language like this to be consistent with State Law.

Mayor Geraghty - Are they allowed anywhere or do they need CUP's?

Ms. Buss - A new tower needs a CUP and we state what locations are preferred. There are more limits on height and other issues in residential districts.

Mayor Geraghty - Would the 190 foot have a CUP? Could they build it at 190 feet if it was destroyed?

Attorney Knaak - Yes under State Law. They have 180 days.

Councilman Lund - Does this require screening?

Ms. Buss - Yes, we have some provisions on screening and fencing.

Councilman Lund - They make fake trees.

Ms. Buss - Yes, you could put in a stealth requirement. Afton has that and has a tower that looks like a pine tree.

Attorney Knaak - The Council did consider that back in the day and decided against it.

Ms. Buss - It would look a bit odd.

Councilman Lund - For a new one on the bluff line, I'd rather have a stealth one.

Ms. Buss - We added some provisions for the bluff line that gives the Council the authority to decrease the height and increase the setbacks.

Councilman Sumner - This is only for communications towers not wind towers?

Ms. Buss - Yes, that's a separate part of your ordinance.

Councilman Lund - My preference would be to include a stealth provision.

Councilman Ingemann - I don't think that's needed.

Mayor Geraghty - We could put that it may be required.

Ms. Buss - You could put something that says the City Council may require that the tower be designed to be a stealth tower.

Attorney Knaak - Another thing is that you do have high tension lines and in many areas collocation includes a preference for existing lines. The power companies have mixed feelings about that but you might see some requirements where that is the first option to look at.

Councilman Lund - We do have that listed. We include parking lots as well.

Ms. Buss - That's in your current ordinance.

Councilman Lund - I would rather remove that because you can put a parking lot anywhere.

Ms. Buss - It takes it out of residential communities then. If you want to take that out you can. The Planning

Commission didn't talk about it.

Councilman Lund - It doesn't mean we wouldn't allow one, it's just not a preferred spot. For the rebuilding, I'd prefer we put the same timeline as State Law in here.

Ms. Buss - The State Law would govern and it's already in the code.

Councilman Lund - Why do we have a section that says they can rebuild it but don't have any qualifying language.

Ms. Buss - I think it was put in there because it's permitted through State Law.

Councilman Lund - Could we reference the non-conforming section or State Law?

Ms. Buss - Yes.

Councilman Lund - There's no time limit the way it's written now.

Ms. Buss - We can just add a reference to the non-conforming ordinance because the State Law can change and then we'd have to update our ordinance because it has the exact number in there.

Councilman Lund - Did we decide we don't need the stealth ordinance?

Mayor Geraghty - With the size and setbacks, I don't think so.

Councilman Ingemann - You would discuss that at the time of a CUP application.

Mayor Geraghty - I agree with the parking lot and your reference to the non-conforming ordinance.

Councilman Lund - I'll make a motion with those amendments.

Motion by Lund, seconded by Sumner, to approve Ordinance No. 2015-2 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Letter to the DNR for Proposed 9th Street Vacation

Sherri Buss, TKDA Planner, presented on this item as outlined in the attached items.

Councilman Sumner - In the last paragraph, you talk about a potential land swap, are we still working on that?

Admin. Hill - We haven't heard from Mr. Marko.

Ms. Buss - That should be taken out.

Councilman Sumner - Also, the second sentence of that paragraph, it should be "street corridor does not currently provide access to the river." Should we say in the letter that we're looking to vacate 9th Street west of 2nd Avenue?

Ms. Buss - We can.

Councilman Lund - Do we have to ask about the alleys as well?

Ms. Buss - No, it's just streets.

Motion by Geraghty, seconded by Lund, to authorize the Administrator to send a letter to the DNR regarding the proposed 9th Street Vacation as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

10. ATTORNEY'S REPORT - Nothing to report

11. POLICE CHIEF'S REPORT - Nothing to report.

12. FIRE CHIEF'S REPORT – Nothing to report.

13. ENGINEER'S REPORT –

Engineer Herdegen presented on a letter to the residents as attached. The letter is being sent due to some root issues that the City found in several sewer lines during a recent televising. The City televised 525 services, 430 were active, and 110 had a root issue.

Councilman Sumner - The second paragraph, second line, the second "to" should be removed. Also, in that paragraph where it's bolded, it should be "your" not "you." Finally, in the last paragraph it says that we request them to contact City Hall, should that be stronger language? Can we enforce that they let us know?

Engineer Herdegen - I believe it's in the ordinance that they contact us before doing any work. We can reference the ordinance.

Councilman Lund - Should we contact some companies so they can offer some discounts?

Councilman Sumner - It says that.

Admin. Hill - Normally cities don't recommend a certain company.

Councilman Sumner - I believe we should remove Roto-Rooter from the letter too. I think we need to stay away from mentioning businesses.

Supt. Hanson - Our policy is not to do that.

Mayor Geraghty - Can Roto-Rooter get a list of residents that are getting the letter?

Councilman Lund - Would our residents get a better deal if we contacted all of the companies?

Supt. Hanson - I think that's endorsing a company and we don't want to do that.

Councilman Sumner - So the picture is at the connection? I think we should say that.

Supt. Hanson - It says service connection but we can clarify that.

Engineer Herdegen - Usually the issue is at the connection.

Mayor Geraghty - The contractor does this from the inside right? How do they know if they went far enough?

Supt. Hanson - It would be beneficial if they televised it afterwards.

Engineer Herdegen - The letters should go out next week.

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

15. NEW/OLD BUSINESS

Councilman Sumner - This coming Saturday is the Soup-er Bowl at the Park Grove bowling alley.

Mayor Geraghty - Did we get the information out to Mr. Hansen?

Admin. Hill - Yes, the last part was sent today.

16. CLOSE THE MEETING TO THE PUBLIC TO DISCUSS DEB HILL'S PERFORMANCE EVALUATION

The City Council closed the meeting to the public at 6:40 p.m.

The City Council discussed Deb Hill's performance evaluation. It was determined that Admin. Hill displays continued growth improvement and development. The City Council concluded that Admin. Hill's performance is satisfactory.

The City Council opened the meeting to the public at 7:15 p.m.

17. ADJOURNMENT

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

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst

STATE OF MINNESOTA
COUNTY OF WASHINGTON

DISTRICT COURT
TENTH JUDICIAL DISTRICT

Pauline Schottmuller,

Plaintiff,

vs.

Timothy Geraghty, in his capacity as the Elected Mayor of the City of Newport,

Defendant.

Court File No. 82-CV-14-5412

ORDER

The above-entitled matter came before the undersigned, the Honorable Gregory G. Galler, Judge of District Court, at the Washington County Government Center, Stillwater, Minnesota, on February 20, 2015 and March 6, 2015. These hearings were upon motions brought by Plaintiff and Defendant, respectively. On February 20, 2015 Plaintiff brought a motion to compel discovery, to sever the claims of the Complaint into separate actions, and to amend the Complaint to add a claim for statutory attorney's fees. On March 6, 2015, Defendant brought a motion for summary judgment seeking to dismiss all of Plaintiff's claims. Plaintiff was represented by Mr. Nathan M. Hansen, Esq. Defendant was represented by Mr. Paul D. Reuvers, Esq.

Based upon all of the files, records and proceedings herein, and the arguments of counsel, the Court **HEREBY ORDERS AS FOLLOWS:**

1. There are no genuine issues of material fact.
2. The motion for summary judgment brought by Defendant is **GRANTED**.
3. The Complaint is **DISMISSED** in its entirety and with prejudice.
4. Plaintiff's motion is **DENIED** in its entirety.
5. The attached Memorandum is incorporated herein.
6. Any relief not specifically addressed herein is **DENIED**.
7. The currently scheduled Pre-trial conference and Trial are **STRICKEN** from the court's calendar.
8. The Washington County Court Administrator shall mail a copy of this Order and the attached Memorandum to the attorneys for the parties to this case.

BY THE COURT:

4-8-15

Honorable Gregory G. Galler
Judge of District Court

MEMORANDUM

I. Background.

Defendant is the mayor of the City of Newport. Plaintiff alleges that Defendant has violated the Minnesota Open Meeting Law (OML) by failing to provide required summaries of performance evaluations at open meetings held on August 15, 2013 and March 20, 2014, and by conducting an improper vote regarding personnel matters at an October 23, 2014 closed meeting. Plaintiff's three remaining claims arise from these allegations.[1]

Defendant's motion for summary judgment will be considered first, as it may be dispositive as to all issues.

II. Defendant's motion for summary judgment.

Defendant seeks dismissal of Plaintiff's claims as a matter of law.

A. Standard of review.

Summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that either party is entitled to a judgment as a matter of law." Minn. R. Civ. P. 56.03.

The moving party has the burden of proof and the nonmoving party has the benefit of that view of the evidence which is most favorable to him. All doubts and factual inferences must be resolved against the moving party. *Nord v. Herreid*, 305 N.W.2d 337, 339 (Minn. 1981).

Summary judgment is proper when the nonmoving party fails to provide the court with specific facts indicating that there is a genuine issue of fact. In order to successfully oppose a motion for summary judgment, a party cannot rely upon mere general statements of fact but rather must demonstrate at the time the motion is made that specific facts are in existence which create a genuine issue for trial. *Erickson v. General United Life Ins. Co.*, 256 N.W.2d 255, 259 (Minn. 1977).

To survive a summary judgment motion, the nonmoving party must establish that there is a genuine issue of material fact through "substantial evidence." *Osborne v. Twin Town Bowl, Inc.*, 749 N.W.2d 367, 371 (Minn. 2008). Substantial evidence refers to legal sufficiency and not quantum of evidence. *See id.*

The district court's function on a motion for summary judgment is not to decide issues of fact, but solely to determine whether genuine factual issues exist. *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997). The court must not weigh the evidence on a motion for summary judgment. *Id.*

A genuine issue of fact is one which is not a sham or frivolous. A material fact is one whose resolution will affect the result or outcome of the case. *Highland Chateau, Inc. v. Minnesota Dept. of Public Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984).

[1]Plaintiff had previously withdrawn a fourth claim relating to a Jan. 29, 2009 meeting.

B. Summary Judgment Issues.

Defendant's summary judgment motion raises the following issues.

1. Whether Defendant is personally responsible for providing summaries of performance evaluations of the City Administrator pursuant to Minn. Stat. § 13D.05, subd. 3(a).

The city council held closed session meetings on Aug. 1, 2013 and March 6, 2014 for the purpose of conducting performance evaluations of the City Administrator. Defendant attended the August meeting; he was absent from the March meeting. The OML requires disclosure of any summaries of the evaluations at the next open meeting:

> A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation.

Minn. Stat. § 13D.05, subd. 3(a).

The next open meetings were held on August 15, 2013 and March 20, 2014, respectively. At the Aug. 15, 2013 meeting, Defendant merely stated that the council had conducted a closed session performance evaluation of the Administrator. There is no evidence in this record that the council actually reached any conclusions as to the Administrator's performance.

At the March 20, 2014 meeting, Defendant did not mention any performance evaluation. At the following open meeting held April 3, 2014, Defendant briefly described the March 6, 2014 evaluation, characterizing his comments as a summary.

Defendant argues that he is not personally responsible for any omitted or inadequate summaries of evaluations because under Minn. Stat. § 13D.05, subd. 3(a), that responsibility lies with the council as a whole. In response, Plaintiff mainly counters that: a) to permit Defendant to avoid responsibility would undermine the OML (which must be liberally construed in favor of public access), and b) Defendant remains subject to Minn. Stat. § 13D.06, subd. 1(imposing personal liability for intentional OML violations).

The court interprets statutes by examining its language. The responsibility imposed by Minn. Stat. § 13D.05, subd. 3(a) is to summarize the conclusions of an evaluation at the next open meeting. That responsibility is clearly and unambiguously placed solely upon the "public body." It is undisputed that for purposes herein, the city council is the "public body." Thus, it is solely the city council's responsibility to publicly summarize any conclusions. Defendant, as mayor, is a member of the city council. However, the statute by its terms does not impose individual responsibility upon the mayor for any alleged failure of the council.

Minn. Stat. § 13D.06, subd. 1 imposes personal liability upon "any person" for intentional OML violations. However, a "person" is not the "public body." Thus, a person is incapable of violating a responsibility specifically imposed upon the city council. As such, Minn. Stat. § 13D.06, subd. 1 is inapplicable to Defendant under these circumstances.

In addition, there is no substantial evidence in this record that the city council even reached a conclusion at the Aug. 1, 2013 meeting. It would be speculative to simply infer that the council reached a conclusion merely on the basis that an evaluation was conducted. As a result, there is no substantial evidence that any OML violation occurred as to the August 15, 2013 meeting.

Viewed in light most favorable to Plaintiff, the evidence of record merely indicates that the city council as a whole failed to comply with the summary requirement as to the March 20, 2014 meeting.[2]

Accordingly, Defendant is not personally responsible for summarizing any conclusions regarding performance evaluations of the City Administrator that might have been reached at the closed session meetings on Aug. 1, 2013 and March 6, 2014.

2. Whether Defendant violated the OML at the Oct. 23, 2014 closed meeting regarding police officer performance or discipline.

The city council conducted a closed meeting on Oct. 23, 2014 to review performance and potential disciplinary issues regarding three police officers. The meeting was noticed pursuant to Minn. Stat. § 13D.05, subd. 2(b):

> A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open.

Minn. Stat. § 13D.05, subd. 2(b).

According to the minutes of that meeting:

> The City Council considered the investigative data regarding the pending complaints against Officers Muellner, McArdell, and Crist and their performances, specifically as to the factual matters related to and alleged in the complaints. The Council determined that further discipline may be warranted in all three instances and referred the matter for further action by the City Administrator and staff. None of the three officers involved requested the hearing be open.

[2]In response to a complaint from Plaintiff, the Commissioner of Administration specifically opined that the "the Newport City Council did not comply" with the OML when "it failed to" summarize a performance evaluation at the March 20, 2014 open meeting. The Commissioner assigned no individual responsibility to Defendant.

Plaintiff alleges Defendant violated the OML by calling for and obtaining city council votes constituting a "final decision" that that police misconduct warranted discipline, and authorizing the City Administrator to handle disciplinary matters.[3] Plaintiff summarily alleges this vote."

Defendant argues that any votes which may have been taken were proper, as they concerned a matter within the scope permitted by Minn. Stat. §13D.05, subd. 2(b) and constituted a conclusion regarding potential disciplinary action against city police officers. Plaintiff argues Defendant violated the OML's requirement for open disclosure.

Minn. Stat. §13D.05, subd. 2(b) authorizes the city council to consider in a preliminary manner charges against its employees in closed meetings. The scope of considerations in closed meeting is limited to a conclusion that "discipline . . .may be warranted."

Viewed in light most favorable to Plaintiff, the competent evidence of record merely shows that the council reached a preliminary determination regarding discipline of three police officers. It is not reasonable to infer that the council reached a final decision regarding discipline, when it used the phrase "discipline *may be* warranted" (mirroring the language of the statute) and referred the matter to the City Administrator for further action. Plaintiff has failed to provide substantial evidence Defendant or the council acted outside the scope of Minn. Stat. § 13D.05, subd. 2(b).[4]

This provision authorizes a city council to reach a conclusion, but does not specify how the council is to do so. In particular, the statute does not prohibit reaching a conclusion by vote. Accordingly, Defendant did not violate Minn. Stat. § 13D.05, subd. 2(b) by conducting the vote on a preliminary disciplinary matter.

3. Whether Plaintiff has raised a genuine issue of material fact as to whether Defendant intentionally violated the OML.

Under the OML, "[a]ny person who intentionally violates this chapter shall be subject to personal liability. . . . Minn. Stat. § 13D.06, subd. 1. So even if Defendant had violated the OML, Plaintiff must in addition show the violation was intentional. In general, determining intent is a question of fact. *See Brown v. Cannon Falls Tp.*, 723 N.W.2d 31, 44 (Minn. Ct. App. 2006). However, Plaintiff has the burden to provide specific facts indicating that Defendant intentionally violated the OML.

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[3] *See* Complaint at par. 12; Plaintiff's Dep. at p. 55. The record evidence for these allegations consists of hearsay statements made by another council member to Plaintiff. As such, the statements are incompetent evidence for purposes of summary judgment.

[4] In her February 20, 2015 motion, Plaintiff seeks to compel the City to turn over a recording or transcript of the Oct. 23, 2014 meeting. However, Plaintiff has failed to show what new and relevant information might be revealed not otherwise described in the official minutes or obtained by other means. In addition, discovery closed on Feb. 13, 2015 by operation of the Dec. 2, 2014 Scheduling Order.

Defendant argues Plaintiff has failed to provide substantial evidence of intent. Plaintiff argues that Defendant's long and extensive experience in city governance, together with his familiarity with the OML, constitutes substantial and sufficient evidence that he intentionally violated the OML. In support, Plaintiff primarily relies upon *Elseth v. Hille,* 2013 WL 1943036, 5 (Minn. Ct. App. 2013). While providing an instructive framework, *Elseth* is not binding upon this court and its result is distinguishable from circumstances presented here.

Elseth concerns whether appellant plaintiffs presented evidence sufficient to raise a genuine issue of material fact that members of a watershed board intentionally violated the OML by acting on matters at a meeting not included in the meeting notice. The evidence consists of members' training about and significant experience with the OML, and a discussion among the members which indicated their awareness that their actions constituted a violation.

Elseth concludes from supreme court precedent that experienced board members are presumed to know the OML statute and its interpretive caselaw. In *Elseth* this presumption is "supplemented" by the discussion among board members, which, when viewed in light most favorable to appellants, suggested a member's concern about the lack of adequate notice. *Elseth* concluded that the evidence of intent[5] rested mostly on mere presumption and held that the plaintiff "barely cleared the hurdle" and avoided summary judgment.

However, the circumstances in *Elseth* are clearly distinguishable from those in this case. Here, there is apparently no caselaw to interpret what would constitute a legally permissible: a) summary of closed session personnel evaluations under Minn. Stat. § 13D.05, subd. 3(a) or b) preliminary consideration/conclusion under Minn. Stat. § 13D.05, subd. 2(b). Furthermore, there is no showing Defendant took any action despite being warned he might be acting contrary to the OML. Defendant's constructive knowledge of the OML is thus reduced to interpretation of statutory language.

The evidence in this case is substantially weaker than that in *Elseth*. There is simply insubstantial evidence to show Defendant had constructive knowledge of the OML adequate to presume any violation was intentional. As appellants barely avoided summary judgment in *Elseth*, this court concludes that even under *Elseth*, Plaintiff has failed to raise a genuine issue of material fact that Defendant intended to violate the OML.

Plaintiff also fails to satisfy the general requirements of intent. 'Intent' presupposes knowledge and involves the mind electing to do an act while being fully aware of the nature and consequences of the act.[6] Here, there is simply

[5]"Supplemental" is defined to mean "that which is added to a thing...to complete it." Black's Law Dictionary, Sixth ed. Accordingly, *Elseth's* conclusion necessarily includes consideration of the evidence of the board member discussion.

[6]*See* Black's Law Dictionary, Fourth ed.

insubstantial evidence to show Defendant elected to violate the OML while being aware of its consequences. It is simply too great of a leap of logic to infer from an inadequate summary of a personnel evaluation (where 'summary' is undefined) that Defendant intended to violate the OML. Similarly, it is too great of a leap of logic to simply infer from taking an improper vote on a disciplinary determination that Defendant intended to violate the OML. When viewed in light most favorable to Plaintiff, the evidence is speculative as to intent and at best shows that Defendant might have inadvertently or negligently committed technical violations of the OML.

Accordingly, Plaintiff has failed to meet her burden to provide specific facts showing there is a genuine issue of fact as to whether Defendant intentionally violated the OML in any respect.

Defendant has established that it is entitled to summary judgment on all of Plaintiff's claims. Accordingly, Defendant is entitled to summary judgment on all of Plaintiff's claims.

III. Plaintiff's February 20, 2015 motion.

Plaintiff's requests for relief have been rendered moot by the grant of summary judgment to Defendant. As a result, further consideration of Plaintiff's motion would serve no useful purpose.

South Washington County Bulletin

Judge dismisses Schottmuller's open meeting law suit against Newport mayor

By **Emily Buss** on Apr 10, 2015 at 11:14 a.m.

A civil lawsuit that pit longtime Newport Mayor Tim Geraghty against former City Council member Pauline Schottmuller was dismissed Wednesday, five months after the case was filed.

Washington County District Court Judge Greg Galler said in his order that Schottmuller failed to provide "genuine issues of material fact" in her case against Geraghty, in which she alleges he intentionally violated the Minnesota Open Meeting Law on three occasions dating back to August 2013. Schottmuller, who brought the case against Geraghty, was seeking a $300 fine per infraction and his subsequent removal from office.

"I couldn't ask for more and it totally vindicates me," Geraghty said. "She jumped the gun and failed to prove there was any real case."

In the order, Galler said Schottmuller did not provide adequate proof that Geraghty intentionally violated the law, adding that "the evidence is speculative as to intent and at best shows that (Geraghty) might have inadvertently or negligently committed technical violations of the (open meeting law)."

"This confirms what we thought all along, that this case had no merit," said Paul Reuvers, Geraghty's attorney. "This is what we have said from the beginning."

The first alleged violation Schottmuller described in her lawsuit occurred Aug. 15, 2013, when Geraghty failed to summarize the findings of a six-month performance evaluation of City Administrator Deb Hill. The review was

conducted during a closed-door meeting Aug. 1, which is legal. The open meeting law states that a summary of the performance evaluation must be provided at the next open meeting.

Geraghty mentioned the closed-door performance evaluation Aug. 15, 2013, but did not summarize the conclusions. Galler concluded that because the meeting law states the "public body," meaning the council as a whole, is responsible for summarizing the findings, "it does not impose individual responsibility upon the mayor for any alleged failure of the council." Furthermore, Galler said there was no evidence that the City Council ever reach a conclusion.

The second alleged violation, similar to the first, occurred March 20, 2014, when again Hill's one-year evaluation was not summarized. The council met during a closed session March 6, 2014, to conduct the evaluation. Geraghty admitted that during the March 20 meeting there was no discussion of the performance evaluation, but defended himself in a deposition saying he was out of town when the actual performance evaluation occurred. Geraghty did, however, speak about Hill's evaluation at the April 3 meeting and referenced a Bulletin article that noted no summary was provided at the previous meeting.

Galler again concluded Geraghty was not solely responsible for providing a summary.

"This is pretty innocuous stuff, it was just a performance evaluation of a city administrator that is still there," Reuvers said. "There was nothing significant about those performance evaluations."

However, the two alleged infractions seem to create a pattern, Schottmuller's lawyer, Nathan Hansen, argued.

"I think there were some legitimate concerns and I think there is a real pattern of open meeting law violations in Newport," Hansen said. "And that pattern makes it look like they are doing it intentionally."

The third alleged violation occurred Oct. 23, 2014, when the Newport City Council, which was in a closed-door meeting, reportedly took two votes on actions related to the investigation into three Newport police officers. According to the open meeting law, voting during a closed session, in most instances, is prohibited. The law allows votes in closed meetings when it involves attorney-client privilege, security issues or real estate negotiations.

In the order, however, Galler said because the council decided that discipline may have been warranted, it was only a preliminary, not a final, decision. Furthermore, Galler said the provision in which the council used to close the October meeting "authorizes a city council to reach a conclusion, but does not specify how the council is to do so," adding that the statute doesn't prohibit reaching a conclusion about discipline by voting.

"In this particular instance (the statute) does not prohibit it," Reuvers said. "It makes sense that you want to have a discussion in a closed meeting and make a determination so that's why the statute is written that way; to allow those discussions to happen."

"There was never anything that was done to hide anything, or cover up, or anything like that," Geraghty said.

With the dismissal, Schottmuller's request to have her legal fees paid for – upward of $6,500 – was also denied.

In a statement to the Bulletin, Schottmuller said the lawsuit process was "much more of an uphill climb than I ever imagined it would be," adding the judge's decision to dismiss the case allowed the alleged violations to be "hidden successfully behind technicalities."

"Judge Galler did not deem it sufficient that Mr. Geraghty has been an elected official for about 30 years, that Fritz Knaak is a licensed attorney who should know the law and that Deb Hill, as city administrator, should be cognizant of the

law," Schottmuller said.

Hansen, Schottmuller's lawyer, said there are "appealable issues" but is uncertain if an appeal will be filed. He has 90 days to file an appeal.

Emily Buss

Emily Buss joined the South Washington County Bulletin in February 2013. She covers local government in Cottage Grove, St. Paul Park and Newport, along with other general assignment reporting. She holds a bachelor's degree in journalism and mass communications from Minnesota State University, Mankato.

ebuss@swcbulletin.com

(651) 459-4629

ADVERTISEMENT

City of Newport
Audit Report
Year Ended December 31, 2014

Malloy, Montague, Karnowski, Radosevich, & Co., P.A.

James H. Eichten, CPA

Auditor's Role

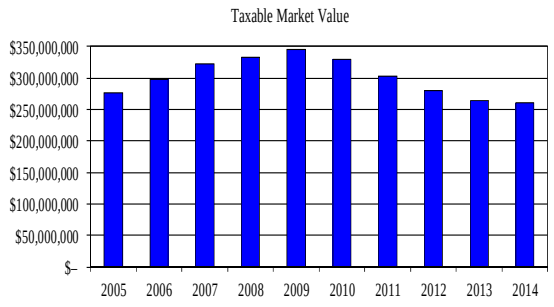
- **Opinion on Financial Statements**
  - **Financial Statements are Fairly Presented in Accordance with U.S. GAAP**
- **Testing of Internal Controls and Compliance**
  - **Internal Controls over Financial Reporting**
  - **Compliance with Laws and Regulations related to Financial Reporting**
  - **Minnesota Legal Compliance**
- **No Single Audit of Federal Awards for 2014**

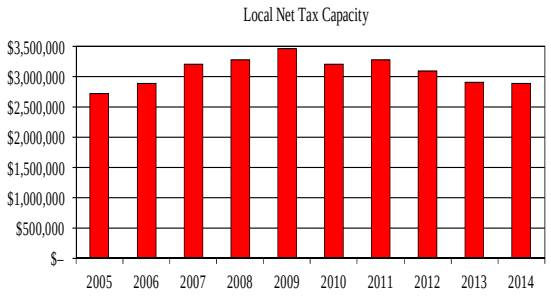
Audit Results

- **Findings - Internal Controls**
  - **Segregation of Duties**
  - **Preparation of Financial Statements**
- **Findings - MN Legal Compliance**
  - **Withholding Affidavit**

Management Report

- **Audit Summary**
  - **Planned Scope and Timing**
  - **No Difficulties in Completing Audit**
- **Property Taxes**





Tax Rates

Rates expressed as a percentage of net tax capacity

	All Cities State-Wide		Seven-County Metro Area		**City of Newport**	
	2013	2014	2013	2014	**2013**	**2014**
Average tax rate						
City	48.8	48.8	46.1	46.0	70.8	72.1
County	48.5	47.6	47.1	46.6	34.2	32.8
School	28.5	28.9	30.3	30.9	41.3	39.2
Special taxing	7.2	7.3	9.4	9.5	5.6	5.4
Total	133.0	132.6	132.9	133.0	151.9	149.5

Management Report

- **Audit Summary**
- **Property Taxes**
- **Governmental Funds Overview**

Governmental Funds Revenue per Capita
With State-Wide Averages by Population Class

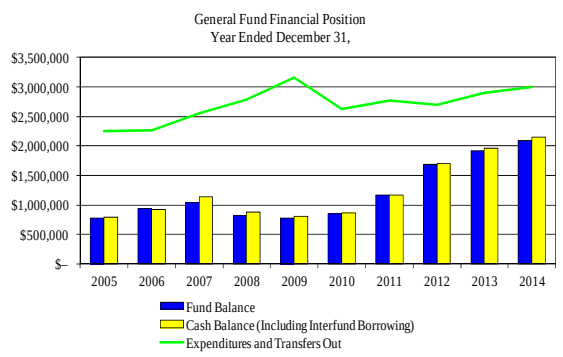
	State-Wide			**City of Newport**		
Year	December 31, 2013			**2012**	**2013**	**2014**
Population	2,000–2,500	2,500–10,000	10,000–20,000	**3,460**	**3,479**	**3,479**
Property taxes	$ 427	$ 422	$ 388	**$ 674**	**$ 674**	**$ 697**
Tax increments	34	30	42	**–**	**–**	**–**
Franchise and other taxes	10	31	39	**–**	**–**	**–**
Special assessments	59	63	58	**81**	**87**	**98**
Licenses and permits	22	27	26	**22**	**26**	**22**
Intergovernmental revenues	369	253	268	**335**	**226**	**218**
Charges for services	115	109	84	**17**	**28**	**27**
Other	89	56	33	**91**	**51**	**48**
Total revenue	$ 1,125	$ 991	$ 938	**$ 1,220**	**$ 1,092**	**$ 1,110**

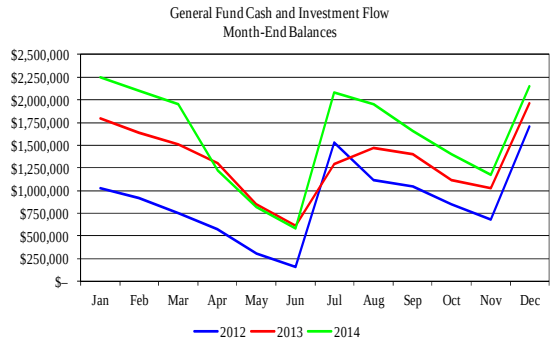
Governmental Funds Expenditures per Capita
With State-Wide Averages by Population Class

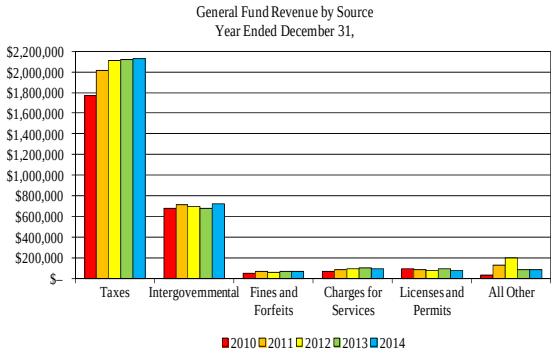
	State-Wide			**City of Newport**		
Year	December 31, 2013			**2012**	**2013**	**2014**
Population	2,000–2,500	2,500–10,000	10,000–20,000	**3,460**	**3,479**	**3,479**
Current						
General government	$ 175	$ 129	$ 100	**$ 252**	**$ 194**	**$ 180**
Public safety	257	244	235	**279**	**280**	**292**
Street maintenance and lighting	132	123	121	**145**	**115**	**114**
Parks and recreation	102	83	99	**78**	**111**	**97**
All other	105	66	73	**–**	**37**	**114**
	$ 771	$ 645	$ 628	**$ 754**	**$ 738**	**$ 796**
Capital outlay and construction	$ 322	$ 303	$ 288	**$ 211**	**$ 519**	**$ 869**
Debt service						
Principal	$ 203	$ 164	$ 133	**$ 89**	**$ 109**	**$ 114**
Interest and fiscal	61	55	43	**12**	**30**	**32**
	$ 264	$ 219	$ 176	**$ 101**	**$ 139**	**$ 146**

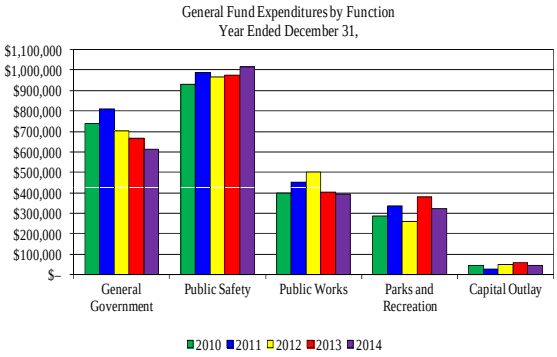
Governmental Funds Change in Fund Balance

	Fund Balance as of December 31, 2014	Fund Balance as of December 31, 2013	Increase (Decrease)
Fund balances of governmental funds			
Total by classification			
Nonspendable	$ 14,769	$ 16,866	$ (2,097)
Restricted	1,364,169	1,847,889	(483,720)
Assigned	651,962	361,326	290,636
Unassigned	2,078,117	1,902,225	175,892
Total – governmental funds	$ 4,109,017	$ 4,128,306	$ (19,289)
Total by fund			
General	$ 2,092,886	$ 1,919,091	$ 173,795
Economic Development Authority	455,982	596,090	(140,108)
Debt service funds	638,361	391,590	246,771
Capital project funds	868,374	1,167,998	(299,624)
Special revenue funds	53,414	53,537	(123)
Total – governmental funds	$ 4,109,017	$ 4,128,306	$ (19,289)





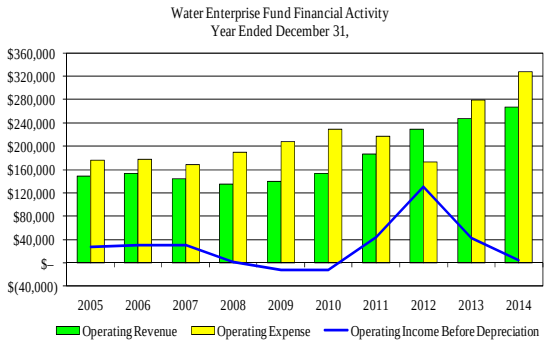


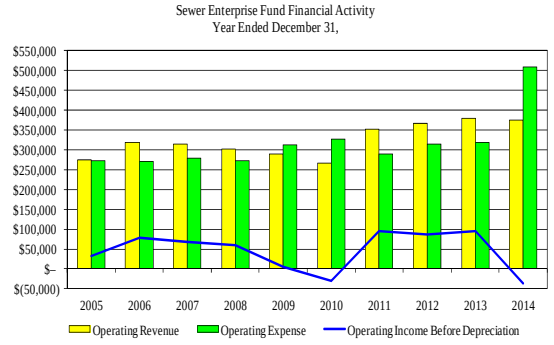


MMKR
CERTIFIED PUBLIC ACCOUNTANTS

Management Report

- Audit Summary
- Property Taxes
- Governmental Funds Overview
- Utility Funds Overview





Management Report

- Audit Summary
- Property Taxes
- Governmental Funds Overview
- Utility Funds Overview
- Overall Financial Analysis
- Accounting and Auditing Updates
- Legislative Updates

Summary

- Clean Opinion on Financial Statements
- Discussion of Findings
- Improved Internal Controls and Financial Reporting
- Improved General Fund Financial Condition
- Improved Overall Financial Results

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

TKDA

Memorandum

To:	Newport City Council	**Reference:**	Proposed 9th Street Vacation
Copies To:	Deb Hill, Administrator		
	Renee Eisenbeisz, Executive Analyst		
	Fritz Knaak, City Attorney		
	Bruce Hanson, Public Works Director		
		Project No.:	15743.000
From:	Sherri Buss, RLA AICP, Planner	**Routing:**	
Date:	April 15, 2015		

Staff discussed the proposed vacation of 9th Street with the City Council in March, and noted the need to notify the Minnesota DNR regarding the proposed street vacation, and Steve Marko's interest in a property exchange with the City related to the street vacation to create a buildable lot. The Council requested that staff contact the DNR with two questions:

- Would the DNR view the street vacation negatively if it did not include a land exchange with Mr. Marko for the Mill Pond property, which he and the City had discussed with the DNR previously?
- Would the DNR permit the addition of a dock on the Mississippi River in the 9th Street area to serve a new parcel?

DNR staff responded as follows:

- All divisions at the DNR will review and comment on the proposed vacation. Most divisions have not heard about previous proposals related to the Mill Pond. The DNR will evaluate the City's request based on the criteria in the statute that governs street vacation, including: 1) public benefit; 2) present and potential use of 9th Street for access to public waters; and 3) impacts on conservation of natural resources. The City's resolution and letter to the DNR should address those issues.
- A new dock would require a Corps of Engineers permit, which could only be issued to the landowner. If the proposed dock is more than 8' wide, it would require a DNR permit as well. A permit is possible.

Staff have created a letter to DNR Commissioner Tom Landwehr requesting review of the proposed street vacation, and a draft resolution for street vacation, which must be submitted with the request. The rationale for the street vacation in the letter and in the draft resolution are based on the discussion with the Council in March about the rationale for the street vacation. The letters are attached for Council review. If the City submits the attached information to the DNR on Monday, April 20, the City could hold the public hearing for the street vacation on June

18. The statute requires a 60-day notice to the DNR before the public hearing for the street vacation.

Request for Council Action

Staff request that the Council review the letter and draft resolution, and provide direction regarding submittal to the DNR and a public notice for vacation of 9th Street.

If the Council determines that the City should pursue the dedication, the Council could request that staff send the draft notice and a letter that discusses the rationale for the vacation to the DNR Commissioner to start the vacation process.

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

TKDA

April 15, 2015

Commissioner Tom Landwehr
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55055-4040

Re: Proposed vacation of 9th Street at Mississippi River
City of Newport, Minnesota

Dear Commissioner Landwehr:

Minnesota Statutes 412.850 identifies the process for the vacation of city streets, and includes a requirement that "if the street, alley, public grounds, public way, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution [to vacate the street] must be served by certified mail upon the commissioner of natural resources at least 60 days before the hearing on the matter. The notice to the commissioner of natural resources does not create a right of intervention by the commissioner."

The City of Newport is proposing to vacate a portion of 9th Street which terminates at the Mississippi River, and is providing a copy of its proposed resolution to vacate the street to you based on the statutory requirement to do so. The City anticipates holding a public hearing on the street vacation at the Council meeting on June 18 to meet the statutory requirement. The City will consult with you or your designated staff at least 15 days prior to the public hearing to review the proposed vacation.

We have attached the proposed resolution for vacation, aerial photo and a map that show the portion of 9th Street that the City is proposing to vacate. The City understands the criteria that the statute includes for your evaluation of the proposed street vacation. Our comments on those criteria are as follows:

(1) *Public benefit.* The public currently receives no benefit from the 9th Street area. No public street or other use has been developed in that corridor, and the City has no foreseeable intent or need to develop a street in the corridor in the future. The City believes that it will be a public benefit to return the area of 9th Street to adjacent properties and the public tax rolls.

(2) Present and potential use of 9th Street for access to public waters. Due to bluffs and steep slopes adjacent to the street to the west and south, it is not possible to access the river from 9th Street. Creation of an access or overlook would require extensive modification of slopes and loss of existing vegetation.

The City has developed 3 existing overlooks (6th Street, Oliver Overlook, and Riverwood Boulevard overlook) near 9th Street that provide access and views of the river (map

attached). An additional access at 9th Street would duplicate the public access that is already available.

(3) *How the vacation would impact conservation of natural resources.* Vacation of the street will not impact natural resources. However, development of a public access from 9th Street to the river would negatively impact natural resources because it would require extensive modification of slopes and loss of existing vegetation to create a physical or visual access to the river.

The City hopes that you will concur that the proposed vacation of 9th Street could benefit the public. The street corridor does not currently provide access the river, and could not do so without negative impacts to natural resources, including the bluffs and woodland areas adjacent to the river. The City already provides better public access to the Mississippi River from three sites nearby. We have attached a copy of the proposed resolution for the 9th Street vacation. Please provide your comments to us for the public hearing on this issue. If you have questions about the proposed vacation and potential land swap, please contact me at 651.556.4600. Thank you for considering the City's request.

Sincerely,

Deb Hill, City Administrator

Cc: Tim Geraghty, Mayor, and Newport City Council members
Molly Shodeen, Jenifer Sorensen, DNR
Sherri Buss, TKDA, City Planner

RESOLUTION NO. 2015-__

A RESOLUTION AUTHORIZING THE VACATION OF 9TH STREET BETWEEN 2ND AVENUE AND THE MISSISSIPPI RIVER

WHEREAS, the Newport City Council has proposed that the City vacate 9th Street between 2nd Avenue and the Mississippi River; and

WHEREAS, the City posted and mailed notice of the street vacation request and public hearing to each property owner affected by the proposed vacation as required by Minnesota Statutes 412.851, and held a public hearing regarding the proposed vacation on June 18, 2015, at which hearing all interested parties were heard; and

WHEREAS, FOLLOWING THE PUBLIC HEARING, THE City determined that vacation of the City's interests in 9th Street between 2nd Avenue and the Mississippi River is in the public interest for several reasons, as follows:

- 9th Street has not been developed as a street, and the City has no foreseeable intent or need to develop the street in the future. Adequate street access is available for properties in the area;
- The public receives no current benefit or forseeable future benefit from 9th Street. The vacation of the street and allocation of the area to adjacent parcels may benefit adjacent parcels and create additional taxable land;
- Due to the location of bluffs, steep slopes, and woodlands, it is not possible to develop public access to the Mississippi River from 9th Street without negative impacts to natural resources;
- The City has created existing public accesses at 6th Street, the Oliver Overlook, and the Riverwood Boulevard Overlook near 9th Street, and an additional access at 9th Street would duplicate public access facilities that the City provides and is not needed; and

WHEREAS, the City has provided written notice of the request to vacate 9th Street to the Commissioner of Natural Resources as required by Minnesota Statutes 412.851; and

NOW, THEREFORE, BE IT RESOLVED That the Newport City Council hereby authorizes vacation of 9th Street between 2nd Avenue and the Mississippi River, and authorizes the City Administrator or her designee to direct and to prepare and to present to the Washington County Auditor a notice that the City has completed these proceedings and record same with the Washington County Recorder, but only following completion by the Owner of the following:

a) (fill in as needed)

Adopted this __th day of _____, 2015 by the Newport City Council.

Motion by: _____, Seconded by: _____

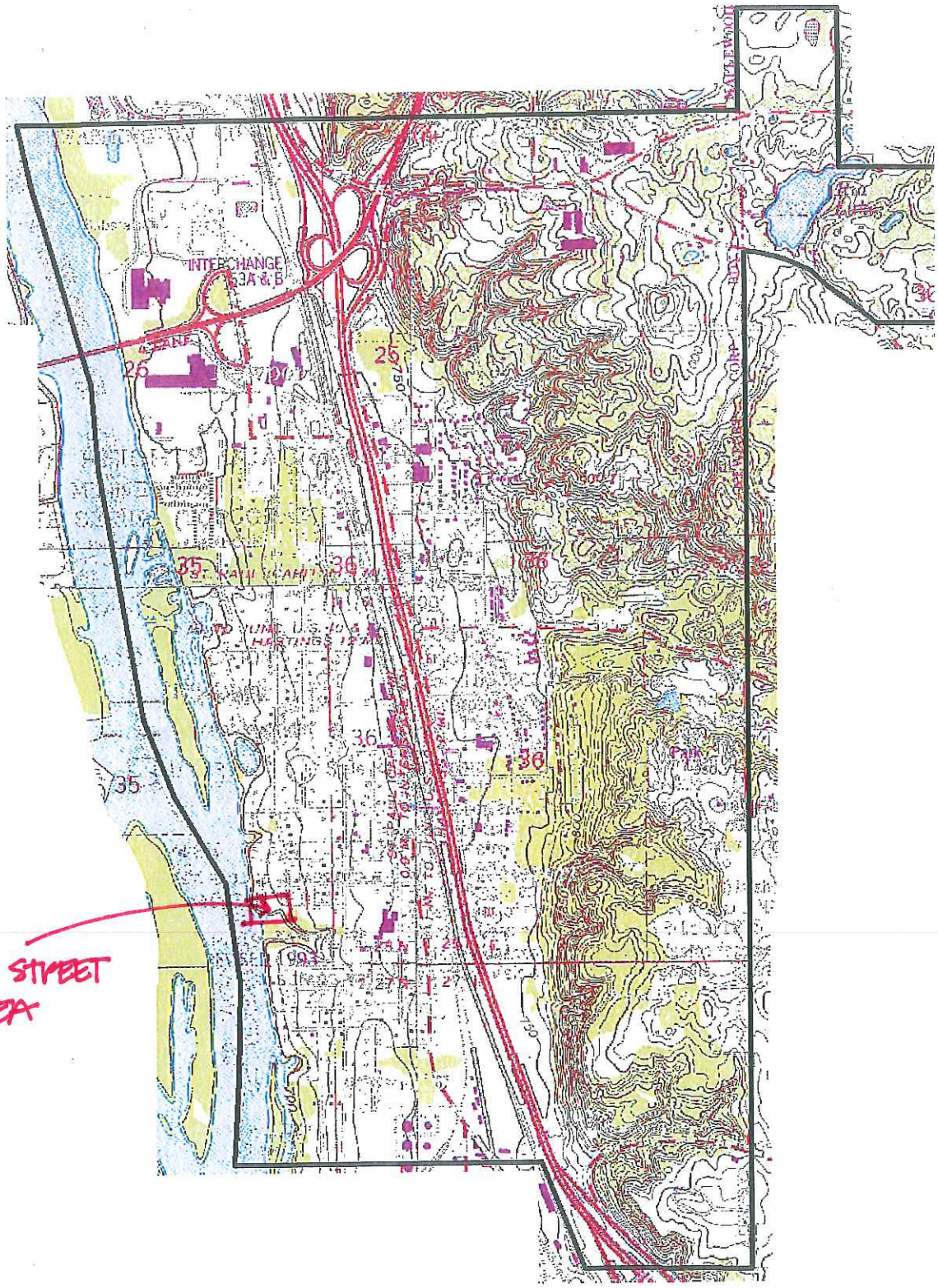
VOTE:		
	Geraghty	_____
	Ingemann	_____
	Sumner	_____
	Rahm	_____
	Lund	_____

Signed: _____
Tim Geraghty, Mayor

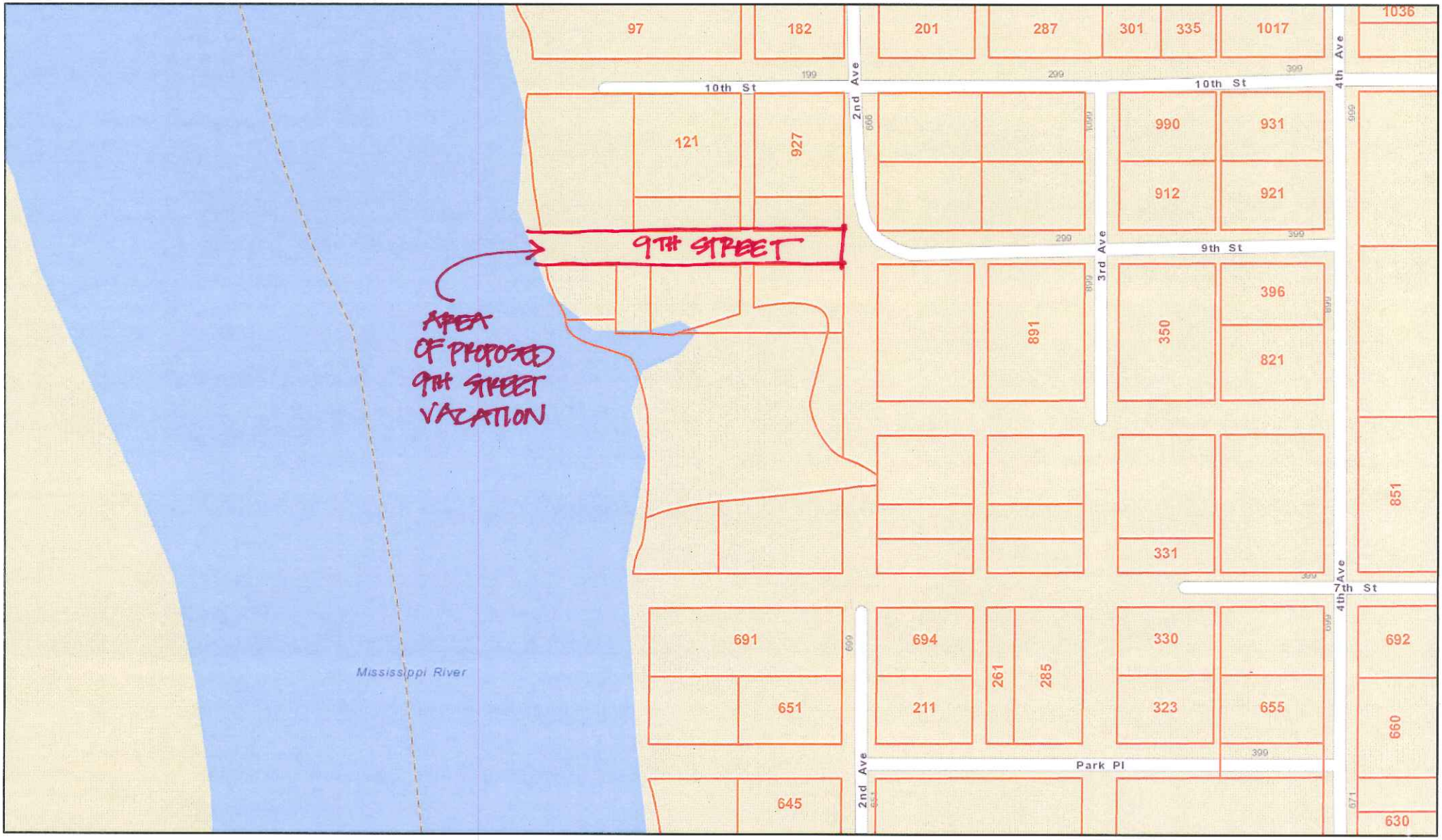
ATTEST: _____
Deb Hill, City Administrator

DRAFT

Figure 3 - 2:
USGS Map of Newport



Washington County



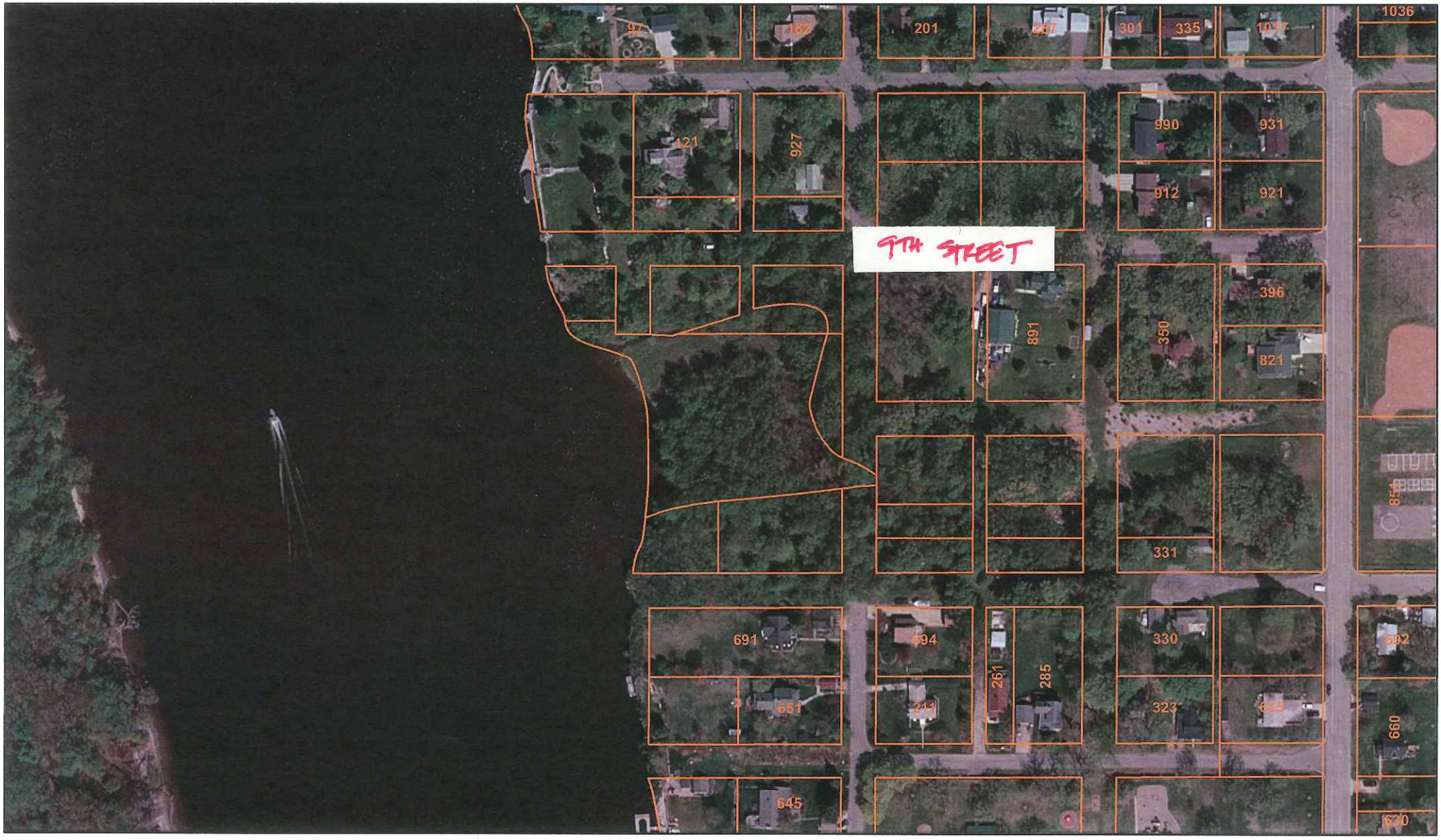
0 130 260 520 Feet

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Created on 4/15/2015

Washington County



0 130 260 520 Feet

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Created on 4/15/2015

Newport Pedestrian and Bike Trails

A Calorie Counter

The "Net Calorie Burn" measures calories burned, minus basal metabolism. Scientists consider this the best way to evaluate the actual calorie-burn of any exercise. The walking formulas apply to speeds of 3 to 4 miles per hour. The average human walking speed is about 3 miles per hour. At 5 miles per hour and faster, walking burns more calories than running.

	Your Total Calorie Burn/Mile	Your Net Calorie Burn/Mile
Running	.75 x your weight (lbs)	.63 x your weight
Walking	.53 x your weight	.30 x your weight

The Statewide Health Improvement Program (SHIP), an integral part of Minnesota's nation-leading 2008 health reform law, strives to help Minnesotans lead longer, healthier lives by preventing the chronic disease risk factors of tobacco use and exposure, poor nutrition and physical inactivity. For more information, visit http://www.health.state.mn.us/healthreform/ship.

Cottage Grove

Washington County

TKDA

Living Healthy IN WASHINGTON COUNTY

CITY OF NEWPORT
596 7TH AVENUE
NEWPORT, MN 55055
(651) 459-5677
FAX: (651) 459-9883

April 2, 2015

Resident
Address
Newport, MN 55055

RE: Sanitary Sewer Cleaning and Maintenance

Dear Resident,

The City of Newport and its staff are dedicated to the maintenance and preservation of the City's existing infrastructure. In pursuit of this commitment, the Public Works Department conducts routine televised inspections of the sanitary sewer mainline pipe throughout the City. During a recent televising inspection, we observed significant root intrusion in your neighborhood. The City monitors the condition of these roots and removes them from the main line pipe as needed throughout the year.

You are receiving this letter because we are concerned regarding the excessive amount of roots within your private service connection. The development of a root mass will soon begin to adversely affect the performance of your service, if it hasn't already. On the reverse side of this letter is a picture of the root condition at your service. The City strongly recommends that you address this root intrusion issue as soon as possible as it is the property owner's responsibility to maintain the service line from the residence to the sewer main (Newport Code 1010.14). **Failure to promptly address this issue could result in sewer backups into you property.** A local plumber or a specialized contractor such as Roto-Rooter is qualified to clear these types of obstructions in your service line.

Many homes in your neighborhood are experiencing similar root issues so we also encourage you to coordinate this work with your neighbors to take advantage of potential discounts offered by the contractors for multiple service calls in the same area. Finally, we request that you contact City Hall at 651-459-5677 at least 48 hours prior to the cleaning of your service line. This notice will allow the Public Works Department to be onsite to remove material from area manholes to prevent further obstructions downstream.

If you have any questions or concerns, please give me a call at 651-459-5677 or via email at dhill@newportmn.com.

Sincerely,

Deb Hill
City Administrator

+0033.4ft
Incident Description: Tap, Break-in /
Hammer: Active
Feet: 0033.2
Dimension 1: 4
Position: 12

Address: XXX

Recurring bills				
Paid Chk# 000441E	FEDERAL TAXES	4/21/2015	$36.72	Federal, SS, Medicare
Paid Chk# 000442E	FEDERAL TAXES	4/21/2015	$8,303.20	Federal, SS, Medicare
Paid Chk# 000443E	MN REVENUE	4/21/2015	$1,647.81	State taxes
Paid Chk# 000444E	MSRS	4/21/2015	$2,755.06	MSRS, HCSP & Vol. Retirement
Paid Chk# 000445E	SELECTACCOUNT	4/21/2015	$849.07	HSPA
Paid Chk# 000446E	DELTA DENTAL OF MN	4/30/2015	$1,237.46	Dental insurance
Paid Chk# 000447E	FEDERAL TAXES	4/30/2015	$8,642.01	SS, Med and Federal
Paid Chk# 000448E	MN REVENUE	4/30/2015	$1,750.70	State taxes
Paid Chk# 000449E	MSRS	4/30/2015	$2,755.06	MSRS, HCSP and Vol. Retirement
Paid Chk# 000450E	SELECTACCOUNT	4/30/2015	$849.07	HSPA
Paid Chk# 000451E	SELECTACCOUNT	4/30/2015	$35.87	Monthly fee
Paid Chk# 017407	CENTURY LINK	4/16/2015	$102.32	Phone lines
Paid Chk# 017408	ING LIFE INSURANCE & ANNUITY	4/16/2015	$150.00	
Paid Chk# 017409	INTERNATIONAL UNION OF OP. ENG	4/16/2015	$132.00	
Paid Chk# 017410	LAW ENFORCEMENT LABOR SERVICES	4/16/2015	$282.00	
Paid Chk# 017411	PERA	4/16/2015	$7,970.80	
Paid Chk# 017412	VERIZON	4/16/2015	$157.09	
Paid Chk# 017413	XCEL ENERGY	4/16/2015	$5,092.47	
Paid Chk# 017414	ASSURANT EMPLOYEE BENEFITS	4/23/2015	$575.46	
Paid Chk# 017415	LEAF	4/23/2015	$580.49	Copier and printer
Paid Chk# 017416	VERIZON	4/23/2015	$371.26	
Paid Chk# 017417	XCEL ENERGY	4/23/2015	$1,894.67	
Paid Chk# 017418	DEBORA HILL	4/30/2015	$111.56	Mileage and reimbursement and
Paid Chk# 017419	ING LIFE INSURANCE & ANNUITY	4/30/2015	$150.00	
Paid Chk# 017420	NCPERS MINNESOTA	4/30/2015	$16.00	
Paid Chk# 017421	ON SITE SANITATION	4/30/2015	$86.62	Port o potty
Paid Chk# 017422	PERA	4/30/2015	$8,412.99	
Paid Chk# 017423	Holstad & Knaak, PLC	5/1/2015	$5,200.00	
		Staff	$53,899.89	
Non-recurring bills				
Paid Chk# 017424	ATOMIC-COLO, LLC	5/7/2015	$50.00	
Paid Chk# 017425	MATTHEW AUNE	5/7/2015	$69.94	Small tools
Paid Chk# 017426	CENTURY COLLEGE	5/7/2015	$937.50	CEU Program
Paid Chk# 017427	COTTAGE GROVE AREA CHAMBER	5/7/2015	$575.00	Annual dues
Paid Chk# 017428	COTTAGE GROVE, CITY OF	5/7/2015	$2,591.90	Quarterly Building permits
Paid Chk# 017429	DIETRICH ELECTRIC, INC	5/7/2015	$343.88	Electrical inspections
Paid Chk# 017430	FAIR OFFICE WORLD	5/7/2015	$382.38	Office supplies
Paid Chk# 017431	HILDI INC.	5/7/2015	$400.00	Acturarial disclosure under GA
Paid Chk# 017432	JOHN BARTL HARDWARE	5/7/2015	$170.16	Supplies
Paid Chk# 017433	DAN KELLER	5/7/2015	$123.96	Travel expenses
Paid Chk# 017434	LAND TITLE INC	5/7/2015	$350.00	Maxwell titles
Paid Chk# 017435	MMKR	5/7/2015	$9,300.00	Audit through 3/31/15
Paid Chk# 017436	NEWPORT FIRE RELIEF ASSOC.	5/7/2015	$1,547.01	Transfer funds made out to the
Paid Chk# 017437	NEWPORT POST OFFICE	5/7/2015	$220.00	Permit fee
Paid Chk# 017438	OFFICE OF MINNESOTA IT SERVICE	5/7/2015	$35.00	Language line
Paid Chk# 017439	RIVERLAND COMMUNITY COLLEGE	5/7/2015	$360.00	Fire school
Paid Chk# 017440	STREICHERS	5/7/2015	$398.94	Uniforms
Paid Chk# 017441	TBS OFFICE AUTOMATIONS	5/7/2015	$248.75	Service maintenance contract
Paid Chk# 017442	WASHINGTON CONSERVATION DIST.	5/7/2015	$560.00	Shared educator annual fee
Paid Chk# 017443	NEIL WOOD	5/7/2015	$287.70	Travel expense-hotel
Paid Chk# 017444	ZARNOTH BRUSH WORKS, INC.	5/7/2015	$743.50	Supplies
			$133,743.27	

CITY OF NEWPORT
SUMMARY OF AMENDMENTS TO ZONING ORDINANCE

THIS SUMMARY HAS BEEN PREPARED FOR
PUBLICATION PURSUANT TO M.S. §412.191, Subd. 4

TITLE

AN ORDINANCE AMENDING SECTION 1325 (ANTENNAS AND TOWERS) OF THE ZONING ORDINANCE OF THE CITY OF NEWPORT

SUMMARY

This ordinance amends Section 1325 (Antennas and Towers) of the City's Zoning Ordinance as adopted by Ordinance on June 6, 2002 and subsequently amended, which contains the following sections:

1325.01	PURPOSE AND INTENT
1325.02	OBJECTIVES
1325.03	DEFINITIONS
1325.04	CONDITIONAL USE AND BUILDING PERMITS
1325.05	EXISTING ANTENNAS AND TOWERS
1325.06	SETBACKS, HEIGHT, CONSTRUCTION, AND PERFORMANCE STANDARDS
1325.07	ABANDONED OR UNUSED TOWERS
1325.08	INTERFERENCE
1325.09	RADIATION
1325.10	ABROGATION

PURPOSE AND INTENT

The ordinance is adopted for the following purposes:

1. To clarify the permit requirements for the addition or replacement of antennas and equipment on existing permitted towers and encourage collocation of equipment on existing towers;
2. To update the performance standards in the ordinance;
3. To update the ordinance to be consistent with new regulations adopted by the Federal Trade Commission (FCC).

COMPLIANCE AND ENFORCEMENT

No land shall be altered, divided, used, developed or redeveloped in a manner that does not comply with the provisions of the amended Zoning Ordinance. If any alteration, division, use, development or redevelopment occurs in violation of the Zoning Ordinance, the Zoning Administrator may, in addition to other remedies, institute any proper criminal action or proceedings in the name of the City of Newport, and herby shall have the powers of a police officer to prevent such unlawful alteration, division, use, development or redevelopment; to restrain or correct such violations; to prevent occupancy of said property; or to prevent any illegal act, conduct business or use in or about said premises. Any person who violates a provision of the Zoning Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses.

AVAILABILITY OF FULL TEXT

A printed copy of the entire ordinance and the ordinance amendments is available for inspection by any person during the City's regular office hours. The Zoning Ordinance is also available on the City of Newport web site, www.ci.newport.mn.us.

Ordinance adopted and summary approved for publication by the City Council of the City of Newport, this 16th day of April, 2015.

_____
Tim Geraghty, Mayor

ATTEST:

_____
Deb Hill, Administrator/Clerk

MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Executive Analyst

DATE: April 30, 2015

SUBJECT: 2015-2016 Liquor Licenses

BACKGROUND
The City works with the State of Minnesota to issue liquor licenses for businesses located within Newport each year, which expire on June 30.

DISCUSSION
Please find attached the renewal applications for the following businesses:

- Cloverleaf Bar and Grill
  - On-Sale: $2,500
  - Sunday: $200
- Newport Liquor Store
  - Off-Sale: $240
- Opinion Brewing Company
  - On-Sale: $2,500
  - Off-Sale: $240
  - Sunday: $200
  - Optional 2 AM License
- Super America
  - 3.2 Malt Beverage License Off-Sale: $30
- Tinucci's
  - On-Sale: $2,500
  - Sunday: $200

RECOMMENDATION
It is recommended that the City Council approve the attached applications.

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement
445 Minnesota Street, Suite 222
St. Paul, MN 55101
651-201-7500

RENEWAL OF LIQUOR , WINE, CLUB OR 3.2% LICENSES

No license will be approve or released until the $20 Retailer ID Card fee is received by Alcohol and Gambling Enforcement

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. City Clerk/County Auditor are also required by M.S. 340A.404 S.3 to report any license cancellation.

License Code ONSS **License Period Ending** 6/30/2015 **ID#** 3119

ISSUING AUTHORITY Newport

Licensee Name Cloverleaf Bar and Grill Inc.

Trade Name Cloverleaf Bar and Grill

City, State, Zip Code 2146 Hastings Ave
Newport MN 55055

Business Phone 6517689921

License Fees: **Off Sale** $0.00 **On Sale** $2,500.00 **Sunday** $200.00

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

Applicant's signature on this renewal confirms the following: Failure to report any of the following may result in civil penalties.

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. $100,000 in cash or securities or $100,000 surety bond may be submitted in lieu of liquor liability. (3.2& liquor licenses are exempt if sales are less than $25,000 at on sale, or $50,000 at off sale).

Licensee Signature Kathryn Becker DOB [redacted] Date 4-15-15
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature_____ Date_____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature_____ Date_____
County Board issued licenses only(Signature certifies licensee is eligible for license).

Police/Sheriff Signature_____ Date_____
(Signature certifies licensee or associates have not been cited during the past five years for any state/local liquor law violations(criminal/civil). Report violations on back, then sign here.

Indicate below changes of corporate officers, partners, home addresses or telephone numbers:

Indicate below any direct or indirect interest in other liquor establishments:

Report below details of liquor law violations (civil or criminal) that have occurred within the last five years. (Dates, offenses fines or other penalties, including alcohol penalties):

Report below details involving any license rejections or revocations:

City/County Comments:

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/20/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Werrell Agency Inc
4900 Hwy 169 N, Ste 302
New Hope MN 55428

CONTACT NAME: Mike Werrell
PHONE (A/C, No, Ext): (763) 277-8780 FAX (A/C, No): (763) 277-8781
E-MAIL ADDRESS: mike@werrellagency.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Illinois Casualty	
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Cloverleaf Bar & Grill, Inc DBA: Cloverleaf Bar &
2146 Hastings Avenue
Newport MN 55055

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	CLAIMS-MADE OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			LL89046	07/01/2015	06/30/2016	300,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City of Newport
596 7th Avenue

Newport, MN 55055
Phone: (651)459-5677
Fax: (651)459-9883

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE <MJW>

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Minnesota Department of Public Safety
Alcohol and Gambling Enforcement
445 Minnesota Street, Suite 222
St. Paul, MN 55101
651-201-7500

RENEWAL OF LIQUOR , WINE, CLUB OR 3.2% LICENSES

No license will be approve or released until the $20 Retailer ID Card fee is received by Alcohol and Gambling Enforcement

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. City Clerk/County Auditor are also required by M.S. 340A.404 S.3 to report any license cancellation.

License Code OFSL **License Period Ending** 6/30/2015 **ID#** 38503

ISSUING AUTHORITY Newport

Licensee Name BFH & Sons Inc.

Trade Name Newport Liquor

City, State, Zip Code 1638 Hastings Ave
Newport MN 55055

Business Phone 6514592778

License Fees: **Off Sale** $240.00 **On Sale** $0.00 **Sunday** $0.00

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

Applicant's signature on this renewal confirms the following: Failure to report any of the following may result in civil penalties.

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. $100,000 in cash or securities or $100,000 surety bond may be submitted in lieu of liquor liability. (3.2& liquor licenses are exempt if sales are less than $25,000 at on sale, or $50,000 at off sale).

Licensee Signature _____ DOB [redacted] Date 5/4/2015
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature _____ Date _____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature _____ Date _____
County Board issued licenses only(Signature certifies licensee is eligible for license).

Police/Sheriff Signature _____ Date _____
(Signature certifies licensee or associates have not been cited during the past five years for any state/local liquor law violations(criminal/civil). Report violations on back, then sign here.

Indicate below changes of corporate officers, partners, home addresses or telephone numbers:

None

Indicate below any direct or indirect interest in other liquor establishments:

None

Report below details of liquor law violations (civil or criminal) that have occurred within the last five years. (Dates, offenses fines or other penalties, including alcohol penalties):

1- one occurred in oct 2013 - Liquor Sold to minor

2. one Occurred in oct 2014 - Cigarret Sold to minor - under age

Report below details involving any license rejections or revocations:

No

City/County Comments:

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 4/30/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
KIM L BROWN INC
PO Box 25407
Woodbury, MN 55125
www.klbins.com

CONTACT NAME:
PHONE (A/C, No, Ext): (651)730-9803 FAX (A/C, No): (651)578-2427
E-MAIL ADDRESS: kim@klbins.com

INSURER(S) AFFORDING COVERAGE	NAIC#
INSURER A: Illinois Casualty Company	15571
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Newport Liquor
BFH & Sons Inc.
1638 Hastings Ave
Newport, MN 55055

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC OTHER			BQ942095	7-1-15	7-1-16	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ none
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			LQ942114	7-1-15	7-1-16	$500,000 occurrence unlimited Aggregate	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

City of Newport
596 7th Avenue
Newport, MN 55055
F 651-459-9883

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE Stephanie Oberbeley

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Minnesota Department of Public Safety
Alcohol and Gambling Enforcement
445 Minnesota Street, Suite 222
St. Paul, MN 55101
651-201-7500

RENEWAL OF LIQUOR , WINE, CLUB OR 3.2% LICENSES

No license will be approve or released until the $20 Retailer ID Card fee is received by Alcohol and Gambling Enforcement

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. City Clerk/County Auditor are also required by M.S. 340A.404 S.3 to report any license cancellation.

License Code CMBS **License Period Ending** 6/30/2015 **ID#** 40355

ISSUING AUTHORITY Newport

Licensee Name Opinion Brewing Co LLC

Trade Name Opinion Brewing Company

City, State, Zip Code 374 21st St
Newport MN 55055

Business Phone 6513152896

License Fees: **Off Sale** $240.00 **On Sale** $2,500.00 **Sunday** $200.00

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

Applicant's signature on this renewal confirms the following: Failure to report any of the following may result in civil penalties.

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Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. $100,000 in cash or securities or $100,000 surety bond may be submitted in lieu of liquor liability. (3.2& liquor licenses are exempt if sales are less than $25,000 at on sale, or $50,000 at off sale).

Licensee Signature [signature] DOB [redacted] Date 4/18/15
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature_____ Date_____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature_____ Date_____
County Board issued licenses only(Signature certifies licensee is eligible for license).

Police/Sheriff Signature_____ Date_____
(Signature certifies licensee or associates have not been cited during the past five years for any state/local liquor law violations(criminal/civil). Report violations on back, then sign here.

Indicate below changes of corporate officers, partners, home addresses or telephone numbers:

Indicate below any direct or indirect interest in other liquor establishments:

Report below details of liquor law violations (civil or criminal) that have occurred within the last five years. (Dates, offenses fines or other penalties, including alcohol penalties):

Report below details involving any license rejections or revocations:

City/County Comments:

JONCO-1 OP ID: JA

ACORD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/22/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Minnesota Employers Ins. Svcs.
Josh Anderson
2091 E County Rd D,Suite B-100
Maplewood, MN 55109
Josh Anderson

CONTACT NAME: Josh P. Anderson
PHONE (A/C, No, Ext): 651-348-6026 FAX (A/C, No): 651-340-5721
E-MAIL ADDRESS: joshanderson@mneis.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Wilson Mutual Company	19950
INSURER B : RTW Inc.	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Opinion Brewing Company, LLC
DBA: Opinion Brewing Company
374 21st Street
Newport, MN 55055

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC			BR230615	03/07/2015	03/07/2016	EACH OCCURRENCE	$	1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$	100,000
							MED EXP (Any one person)	$	5,000
							PERSONAL & ADV INJURY	$	1,000,000
							GENERAL AGGREGATE	$	2,000,000
							PRODUCTS - COMP/OP AGG	$	2,000,000
								$	
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	$	
							BODILY INJURY (Per person)	$	
							BODILY INJURY (Per accident)	$	
							PROPERTY DAMAGE (PER ACCIDENT)	$	
								$	
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	$	
							AGGREGATE	$	
								$	
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		#101878078	05/30/2014	05/30/2015	X WC STATU-TORY LIMITS OTH-ER		
							E.L. EACH ACCIDENT	$	100,000
							E.L. DISEASE - EA EMPLOYEE	$	100,000
							E.L. DISEASE - POLICY LIMIT	$	500,000
A	Liquor Liability			BR230615	07/01/2015	06/30/2016	Per Occur		1,000,000
							Aggregate		1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CITYNEW

City of Newport
596 7th Avenue
Newport, MN 55055

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Bonnie L. Anderson

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Minnesota Department of Public Safety
Alcohol and Gambling Enforcement
445 Minnesota Street, Suite 222
St. Paul, MN 55101
651-201-7500

RENEWAL OF LIQUOR , WINE, CLUB OR 3.2% LICENSES

No license will be approve or released until the $20 Retailer ID Card fee is received by Alcohol and Gambling Enforcement

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. City Clerk/County Auditor are also required by M.S. 340A.404 S.3 to report any license cancellation.

License Code 3.2OFSL **License Period Ending** 6/30/2015 **ID#** 35756

ISSUING AUTHORITY Newport

Licensee Name Northern Tier Retail LLC

Trade Name SuperAmerica #4459

City, State, Zip Code 1624 Hastings Ave
Newport MN 55055

Business Phone 6514588187

License Fees: **Off Sale** $30.00 **On Sale** **Sunday**

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

Applicant's signature on this renewal confirms the following: Failure to report any of the following may result in civil penalties.

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. $100,000 in cash or securities or $100,000 surety bond may be submitted in lieu of liquor liability. (3.2& liquor licenses are exempt if sales are less than $25,000 at on sale, or $50,000 at off sale).

Licensee Signature _____ DOB [redacted] Date 4/9/15
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature _____ Date _____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature _____ Date _____
County Board issued licenses only(Signature certifies licensee is eligible for license).

Police/Sheriff Signature _____ Date _____
(Signature certifies licensee or associates have not been cited during the past five years for any state/local liquor law violations(criminal/civil). Report violations on back, then sign here.

Indicate below changes of corporate officers, partners, home addresses or telephone numbers:

See Attached

Indicate below any direct or indirect interest in other liquor establishments:

Attachment 1

Report below details of liquor law violations (civil or criminal) that have occurred within the last five years. (Dates, offenses fines or other penalties, including alcohol penalties):

Attachment 2

Report below details involving any license rejections or revocations:

N/A

City/County Comments:

TITLE	NAME	ADDRESS	WORK PHONE
PRESIDENT	JACK ALFRED HELMICK	9168 BRENTWOOD TRAIL, WOODBURY, MN 55125	651-769-2045
VICE PRESIDENT	MELISSA MARIE BUHRIG	6211 E. REDWING ROAD, PARADISE VALLEY, MARICOPA, AZ 85253	602-286-1461

ATTACHMENT 1

Interest in approximately 153 SuperAmerica gas/convenience stores located in Minnesota, Wisconsin, and South Dakota, each holding 3.2 Off Sale Licenses, Package Malt Beverage License, and/or Class A Beer Licenses.

Northern Tier Retail LLC
Alcohol Violations

The following SuperAmerica locations failed alcohol compliance checks and as a result were fined by their respective municipalities:

- SuperAmerica #4508, located at 14000 St. Francis Boulevard NW, Ramsey, Minnesota, was cited for a liquor law violation during a compliance check on December 10, 2010, for a sale to an underage male by store employee Nate Long. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty and served a one day suspension; and

- SuperAmerica #4089, located at 11 Century Avenue South, Maplewood, Minnesota, was cited for a liquor law violation during a compliance check on March 5, 2011, for a sale to an underage male by store employee Shawn Campbell. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica # 4194, located at 5337 Shoreline Boulevard, Mound, Minnesota, was cited for a liquor law violation during a compliance check on April 18, 2011, for a sale to an underage female by store employee Liz Zimmerschied. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4267, located at 370 Central Avenue East, St. Michael, Minnesota, was cited for a liquor law violation during a compliance check on June 8, 2011, for sale to an underage male by store employee Eddie Pachuau. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4408, located at 1800 East 90th St, Bloomington, Minnesota, was cited for a liquor law violation during a compliance check on July 27, 2011, for sale to an underage male by store employee Megan Lynn Hedstrom. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4034, located at 2200 Lyndale Avenue South, Minneapolis, Minnesota, was cited for a liquor law violation during a compliance check on September 22, 2011, for sale to an underage male by store employee Brandon Dean Martin. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4497, located at 6955 Market Street, Golden Valley, Minnesota, was cited for liquor law violation during a compliance check on September 29, 2011, for sale to an underage male by store employee Dustin Jacobs. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil fine and one day suspension; and

- SuperAmerica #4439, located at 12835 Ventura Court, Shakopee, Minnesota, was cited for liquor law violation during a compliance check on October 21, 2011, for sale to an underage male by store employee Martin Henderson. The employee was subsequently terminated. Northern Tier Retail, LLC is awaiting receipt of documentation; and

- SuperAmerica #4388, located at 101 Grant Street W, Minneapolis, Minnesota, was cited for liquor law violation during a compliance check on November 9, 2011, for sale to an underage male by store employee Dennis Carthain. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4264, located at 2640 County Rd I, Moundsview, Minnesota, was cited for liquor law violation during a compliance check on November 30, 2011, for sale to an underage female by store employee Geoff Bebeau. The employee was subsequently terminated. Northern Tier Retail, LLC received a letter from the municipality acknowledging the compliance failure; and

- SuperAmerica #4484, located at 2020 S Broadway Ave, Menomine, Wisconsin, was cited for liquor law violation during a compliance check on April 28, 2012, for sale to an underage individual by store employee Brittany Whitten. The employee was subsequently terminated. Northern Tier Retail, LLC received a letter from the municipality acknowledging the compliance failure; and

- SuperAmerica #4191, located at 7500 Lyndale Avenue South, Richfield, Minnesota, was cited for liquor law violation during a compliance check on June 9, 2012, for sale to an underage individual by store employee Dwayne Mims. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty and five day suspension; and

- SuperAmerica #4357, located at 1447 Highway 96 E, White Bear Lake, Minnesota, was cited for liquor law violation during a compliance check on July 19, 2012, for sale to an underage individual by store employee Matthew Orman. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4488, located at 7570 10th Street North, Oakdale, Minnesota, was cited for liquor law violation during a compliance check on June 7, 2013, for sale to an underage individual by store employee Elijah Vang. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4056, located at 300 Broadway Street Northeast, Minneapolis, Minnesota, was cited for liquor law violation during a compliance check on June 28, 2013, for sale to an underage individual by store employee Robert Allan. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4290, located at 2015 Northdale Blvd, Coon Rapids, Minnesota, was cited for liquor law violation during a compliance check on July 31, 2013, for sale to an underage individual by store employee Michael Pribble. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4057, located at 5000 Central Avenue NE, Columbia Heights, Minnesota, was cited for liquor law violation during a compliance check on August 22, 2013, for sale to an underage individual by store employee Melissa Gillman. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4159, located at 16425 West 78th Street, Eden Prairie, Minnesota, was cited for liquor law violation during a compliance check on November 21, 2013, for sale to an underage individual by store employee Robert Krammerer. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty; and

- SuperAmerica #4484, located at 2020 S Broadway Ave, Menomine, Wisconsin, was cited for liquor law violation during a compliance check on April 24, 2014, for sale to an underage individual by store employee Bao Lee. The employee was subsequently terminated. Northern Tier Retail, LLC is awaiting documentation related to the violation.

- SuperAmerica #4357, located at 1447 Highway 96 E, White Bear Lake, Minnesota, was cited for liquor law violation during a compliance check on July 3, 2014, for sale to an underage individual by store employee Sarina Wandschneider. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty.

- SuperAmerica #4115, located at 2785 North Hamline Avenue, Roseville, Minnesota, was cited for liquor law violation during a compliance check on August 14, 2014, for sale to an underage individual by store employee Sarina Wandschneider. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty.

- SuperAmerica #4461, located at 9300 Zane Aveune, Brooklyn Park, Minnesota, was cited for liquor law violation during a compliance check on September 10, for sale to an underage individual by a store employee. The employee was subsequently terminated. Northern Tier Retail, LLC is awaiting documentation related to the violation.

- SuperAmerica #4175, located at 5667 University Avenue NE, Fridley, Minnesota, was cited for liquor law violation during a compliance check on November 17, 2014, for sale to an underage individual by a store employee. The employee was subsequently terminated. Northern Tier Retail, LLC paid a civil penalty.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 11/24/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

Frank Crystal & Co., Inc.
dba Crystal & Company
Financial Square, 32 Old Slip
New York NY 10005

CONTACT NAME: Rachel Sbarbaro
PHONE (A/C, No, Ext): 646-810-3438
FAX (A/C, No): 212-504-5989
E-MAIL ADDRESS: Rachel.Sbarbaro@crystalco.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Zurich American Insurance Company	16535
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED NORTTI

Northern Tier Retail LLC
dba SuperAmerica #4459
1624 Hastings Ave
Newport, MN 55055

COVERAGES **CERTIFICATE NUMBER:** 1393575167 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY						EACH OCCURRENCE	$
	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
	CLAIMS-MADE / OCCUR						MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
							GENERAL AGGREGATE	$
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY / PRO-JECT / LOC						PRODUCTS - COMP/OP AGG	$
								$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? **(Mandatory in NH)** If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					WC STATU-TORY LIMITS / OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			GLO595392401	12/1/2014	12/1/2015	Each Common Cause General Aggregate SIR	2,000,000 4,000,000 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The Certificate Holder is included as an Additional Insured on all above Policies (except as respects all coverage afforded by the Workers' Compensation) but not for broader coverage or greater limits of liability than is required by said contract or agreement and in no event, for broader coverage or greater limits of liability than is otherwise provided by the policy. The Certificate Holder is granted a Waiver of Subrogation as required by written contract. Liquor Liability Coverage policy remains in effect continuously until canceled.

CERTIFICATE HOLDER

City of Newport
596 7th Avenue
Newport, MN 55055

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Crystal & Company

© 1988-2010 ACORD CORPORATION. All rights reserved.

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Minnesota Department of Public Safety
Alcohol and Gambling Enforcement
445 Minnesota Street, Suite 222
St. Paul, MN 55101
651-201-7500

RENEWAL OF LIQUOR , WINE, CLUB OR 3.2% LICENSES

No license will be approve or released until the $20 Retailer ID Card fee is received by Alcohol and Gambling Enforcement

Licensee: Please verify your license information contained below. Make corrections if necessary and sign. City Clerk/County Auditor should submit this signed renewal with completed license and licensee liquor liability for the new license period. City Clerk/County Auditor are also required by M.S. 340A.404 S.3 to report any license cancellation.

License Code ONSS **License Period Ending** 6/30/2015 **ID#** 3121

ISSUING AUTHORITY Newport

Licensee Name Loupat Corp.

Trade Name Tinucci's

City, State, Zip Code 396 21st St

Newport MN 55055

Business Phone 6514593211

License Fees: **Off Sale** $0.00 **On Sale** $2,500.00 **Sunday** $200.00

By signing this renewal application, applicant certifies that there has been no change in ownership on the above named licensee. For changes in ownership, the licensee named above, or for new licensees, full applications should be used. See back of this application for further information needed to complete this renewal.

Applicant's signature on this renewal confirms the following: Failure to report any of the following may result in civil penalties.

1. Licensee confirms it has no interest whatsoever, directly or indirectly in any other liquor establishments in Minnesota. If so, give details on back of this application.
2. Licensee confirms that it has never had a liquor license rejected by any city/township/county in the state of Minnesota. If ever rejected, please give details on the back of this renewal, then sign below.
3. Licensee confirms that for the past five years it has not had a liquor license revoked for any liquor law violation (state or local). If a revocation has occurred, please give details on the back of this renewal, then sign below.
4. Licensee confirms that during the past five years it or its employees have not been cited for any civil or criminal liquor law violations. If violations have occurred, please give details on back of this renewal, then sign below.
5. Licensee confirms that during the past license year, a summons has not been issued under the Liquor Liability Law (Dram Shop) MS 340A.802. If yes, attach a copy of the summons, then sign below.
6. Licensee confirms that Workers Compensation insurance will be kept in effect during the license period.

Licensee has attached a liquor liability insurance certificate that corresponds with the license period in city/county where license is issued. $100,000 in cash or securities or $100,000 surety bond may be submitted in lieu of liquor liability. (3.2& liquor licenses are exempt if sales are less than $25,000 at on sale, or $50,000 at off sale).

Licensee Signature_____ DOB [redacted] Date 4-30-15
(Signature certifies all above information to be correct and license has been approved by city/county.)

City Clerk/County Auditor Signature_____ Date_____
(Signature certifies that renewal of a liquor, wine or club license has been approved by the city/county as stated above.)

County Attorney Signature_____ Date_____
County Board issued licenses only(Signature certifies licensee is eligible for license).

Police/Sheriff Signature_____ Date_____
(Signature certifies licensee or associates have not been cited during the past five years for any state/local liquor law violations(criminal/civil). Report violations on back, then sign here.

Indicate below changes of corporate officers, partners, home addresses or telephone numbers:

Indicate below any direct or indirect interest in other liquor establishments:

Report below details of liquor law violations (civil or criminal) that have occurred within the last five years. (Dates, offenses fines or other penalties, including alcohol penalties):

Report below details involving any license rejections or revocations:

City/County Comments:

LOUPA-1 OP ID: PK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 04/30/2015

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PRODUCER
Maguire Agency
1935 West County Road B-2,#241
Roseville, MN 55113
Erik D. Thompson, CIC

CONTACT NAME: Erik D. Thompson, CIC
PHONE (A/C, No, Ext): 651-638-9100 FAX (A/C, No): 651-638-9762
E-MAIL ADDRESS: ethompson@maguireagency.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : SECURA Insurance A Mutual Co	22543
INSURER B : SFM	11347
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Loupat Corporation
Tinucci's
396 21st Street
Newport, MN 55055-0268

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR			BP31034954	06/30/2015	06/30/2016	DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 250,000
							MED EXP (Any one person)	$ 10,000*
							PERSONAL & ADV INJURY	$ Included
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	ALL OWNED AUTOS / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS / NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						X PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N	N/A		001091230	06/30/2015	06/30/2016	E.L. EACH ACCIDENT	$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000
A	Liquor Liability			BP31034954	06/30/2015	06/30/2016	1,000,000	Ea Occurr
							2,000,000	Aggregate

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Tinucci's Restaurant address: 396 21st St., Newport, MN 55055

CERTIFICATE HOLDER

CITYNEP

City Of Newport
596 7th Avenue
Newport,, MN 55055

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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RESOLUTION NO. 2015-7

RESOLUTION OF THE CITY OF NEWPORT, MINNESOTA, DEFERRING AN ASSESSMENT OF PROPERTY LOCATED AT 1433 3RD AVENUE IN THE CITY OF NEWPORT PURSUANT TO MINNESOTA STATUTES §429.061, SUBD. 2, AND CITY OF NEWPORT ASSESSMENT POLICY

WHEREAS, the City of Newport (hereinafter "the City") has undertaken an improvement project for roads within the City pursuant to its authority under Minnesota Statutes Chapter 429; and

WHEREAS, the City has conducted all necessary hearings for the aforesaid project and passed Resolution No. 2014-50 establishing the assessments for the benefitting properties thereof; and

WHEREAS, the parcel 35.028.22.14.0023, the address of which is 1433 3rd Avenue ("the Subject Property"), was determined to be one of the benefitting properties and assessed the amount of six thousand two hundred thirty-six dollars and seventeen cents ($6,236.17); and

WHEREAS, the owner of the Subject Property has applied for an indefinite deferral of the assessment for reasons of age or disability as allowed under Minn.Stat.§429.061, subd. 2; and

WHEREAS, the same owner of the aforesaid Subject Property has provided to the City satisfactory proof of his qualification for the deferral.

NOW, THEREFORE, BE IT RESOLVED, by the City of Newport, acting through and by its City Council,

1. That the assessment levied by the City on the Subject Property will be deferred as long as the current owner occupies it and it is not sold to any third party.
2. At such time as the Subject Property is sold to any third party, the amount of the assessment thereon, plus accruing interest from the time of the Resolution of November 6, 2014, to the day of sale, shall become immediately due and payable.
3. That the deferred assessment may be paid, in full, with interest at any time.

Adopted this 7th day of May, 2015 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

APPLICATION AND AUTHORIZATION FOR DELAYED PAYMENT OF TAX SPECIAL ASSESSMENTS FOR SENIORS OR DISABLED
(M.S. 435.193- 435.195)

STATE OF MINNESOTA)
)
County of Washington) Date April 15th, 2015

To: Deb Hill Administrator, City of Newport, Washington County, Minnesota.

I, the undersigned, declare under penalties of perjury:

That I reside at 1433 3rd Avenue

That I am not less than 65 years of age (Yes/No) _____ if Yes, please include birthdate: _____

That I am retired by virtue of a permanent and total disability (Yes/No) _____

That I am the owner of the property legally described as: 35.028.22.14.0023

That my interest in the ownership of the above property was acquired July 21, 2011 (MM/DD/YY) and is as follows:

1. Sole ownership (Enter yes, if applicable) _____
2. Joint tenancy, held with Ronald W. Sullivan (husband)
3. Other undivided interest (Specify) _____

That on January 2, 20___ or June 1, 20___ I owned and occupied the above property as my homestead and such occupancy began on July 21, 2011, _____

That the taxes for improvements on the special assessments duly adopted in ordinance by the by resolution # 2014-50 of the City of Newport as of Nov 6 2014

which have been allocated against the subject property would create undue personal hardship on my behalf and I respectfully request that payment be delayed and that such taxes be so deferred for the years 20___ to 20___.

Signed _____
(Owner)
Signed Angela M. Sullivan

I, _____ *Clerk of the City of* _____

in Washington County, State of Minnesota, do hereby certify that the application of _____ _____ *above named, has been duly reviewed and that in accordance with the minutes of the official record in said chambers was duly* ___*APPROVED* ___*DENIED as of* _____ *20*____.

*That in accordance with approval granted, that the local assessments on the affiants subject property levied for annual collection in the amount of $*_____ *for the year (s)*_____ *thru*_____, *should be deferred with interest at the annual rate of* _____*%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.*

*Dated*_____ *20*___ _____
(Clerk or Authorized Deputy)

WASHINGTON COUNTY ASSESSMENT DIVISION
APPLICATION FOR ABATEMENT - GENERAL FORM
CLASSIFICATION / DISASTER CREDIT / SPECIAL ASSESSMENTS

Received: _____ Assessment Year: 2014

Worksheet# _____ Payable Year: 2015

APPLICANT

Owner's Name (please print or type)			Cell
Ronald William Sullivan	[redacted]		–
Owner's Name			Cell
Angela Marie Sullivan			–
Owner's Name	Soc. Sec. / Fed ID	Phone	Cell

Owner's Mailing Address			Property Address (if different from mailing address)		
1433 3rd Avenue			- Same		
City	State	Zip	City	State	Zip
Newport	MN	55055	~~New~~ Same	–	–

DESCRIPTION OF PROPERTY

Property ID Number	Linked Group Number		
35.028.22.14.0023			
Legal Description of Property	City or Township	School District #	TAG

ASSESSOR'S ESTIMATED MARKET VALUE

Original:

Land EMV	Improvement EMV	Total	Class
		0	

Revised:

Land EMV	Improvement EMV	Total	Class
		0	

Applicant's Statement of Facts:

I (Applicant) was diagnosed with major illness ending employment through State of Minnesota resulting in collection of State disability/retirement annuity in the amount of $1120.00 a month before taxes

Applicant's Request:

Requesting deferral of street improvement property tax increase due to major illness resulting in loss of employment & becoming disabled through the state of Minnesota causing financial hardship.

Applicant's Signature: Angela Sullivan **Date:** 4-15-15

NOTE: M.S. §609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement (as to any material matter whi

Note: Must include city/Township Resolution for reductions on assessments
Note: Must include Fire report for Local Option Disaster Credit

RESOLUTION NO. 2015-8

A RESOLUTION ACCEPTING DONATIONS FOR THE PERIOD OF MARCH 17 - MAY 4, 2015

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

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

Individual/Business	Donated Item	Donated Amount	Donated Date
Sherri Buss	Books for the Library and Community Center	Estimated - $50	04/13/2015
Cottage Grove Athletic Association	10% for March 2015	$333.03	04/21/2015
Cottage Grove Athletic Association	15% for March 2015 (for the Fire Department)	$499.55	04/21/2015
St. Paul Park-Newport Lions Club	Monetary - Fire Department	$1,547.01	04/27/2015
Climb Theatre	10% for March 2015	$437.75	04/30/2015

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

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

Adopted by this council this 7th day of May, 2015 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

MEMO

TO: Newport City Council

FROM: Deb Hill, City Administrator

DATE: May 7, 2015

SUBJECT: FEMA Grant for the mitigation of Cedar Lane Properties

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Background – The City of Newport has previously purchased and mitigated four properties near the levee off of Cedar Lane through the DNR Flood Reduction Program. The monies in that program have been nearly depleted. I have been working with Homeland Security (FEMA) to apply for grant monies through their Hazard Mitigation Assistance Program.

Discussion – Letters were sent to the remaining three properties that are in the 100 year flood plain informing them of a possible grant and whether they are interested in participating. Staff and along with Mayor Geraghty, met with two of the homeowners that were interested in applying. The grant is a 75-25 match where the City would pay 25% of the acquisition, legal fees, asbestos mitigation, land restoration etc. I have contacted the Watershed District and they are investigating whether and how much they can monetarily participate in the 25% match portion and with FEMA on whether this is allowed. I estimate the 25% portion to between $142,000 and $165,000 – please keep in mind this is an estimate. The property owners are looking at having appraisals done. If none of the homeowners apply or if we are not awarded the grant, there is no program currently available to help acquire the remaining three parcels.

Recommendation – Staff recommends that resolution 2015-9 be approved to move forward in applying for the Hazard Mitigation Assistance Program grant through FEMA.

RESOLUTION NO. 2015-9

A RESOLUTION AUTHORIZING THE EXECUTION OF A SUB-GRANT AGREEMENT

WHEREAS, The City Council has expressed interest in the potential purchase and investigation of the availability of certain real estate within the City of Newport, especially in the flood prone area of the uncertified levee along the Mississippi River, in order to mitigate the damages a future Mississippi River flood and its effects on the uncertified levy could have on the area; and

WHEREAS, the Minnesota Division of Homeland Security and Emergency Management Agency (HSEM) and the Federal Emergency Management Agency (FEMA) have a Hazard Mitigation Grant Program to prevent future losses of lives and property; and

WHEREAS, the City of Newport wishes to apply for the Hazard Mitigation Grant to purchase the remaining three homes along the uncertified levy.

NOW, THEREFORE, BE IT RESOLVED, that the Newport City Council hereby authorizes the City Administrator to execute and sign a sub-grant agreement and any amendments with the Division of Homeland Security and Emergency Management in the Minnesota Department of Public Safety for the program entitled Hazard Mitigation Assistance Program for Presidential disaster declaration FEMA _____ -DR-MN.

Adopted by this council this 7th day of May, 2015 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

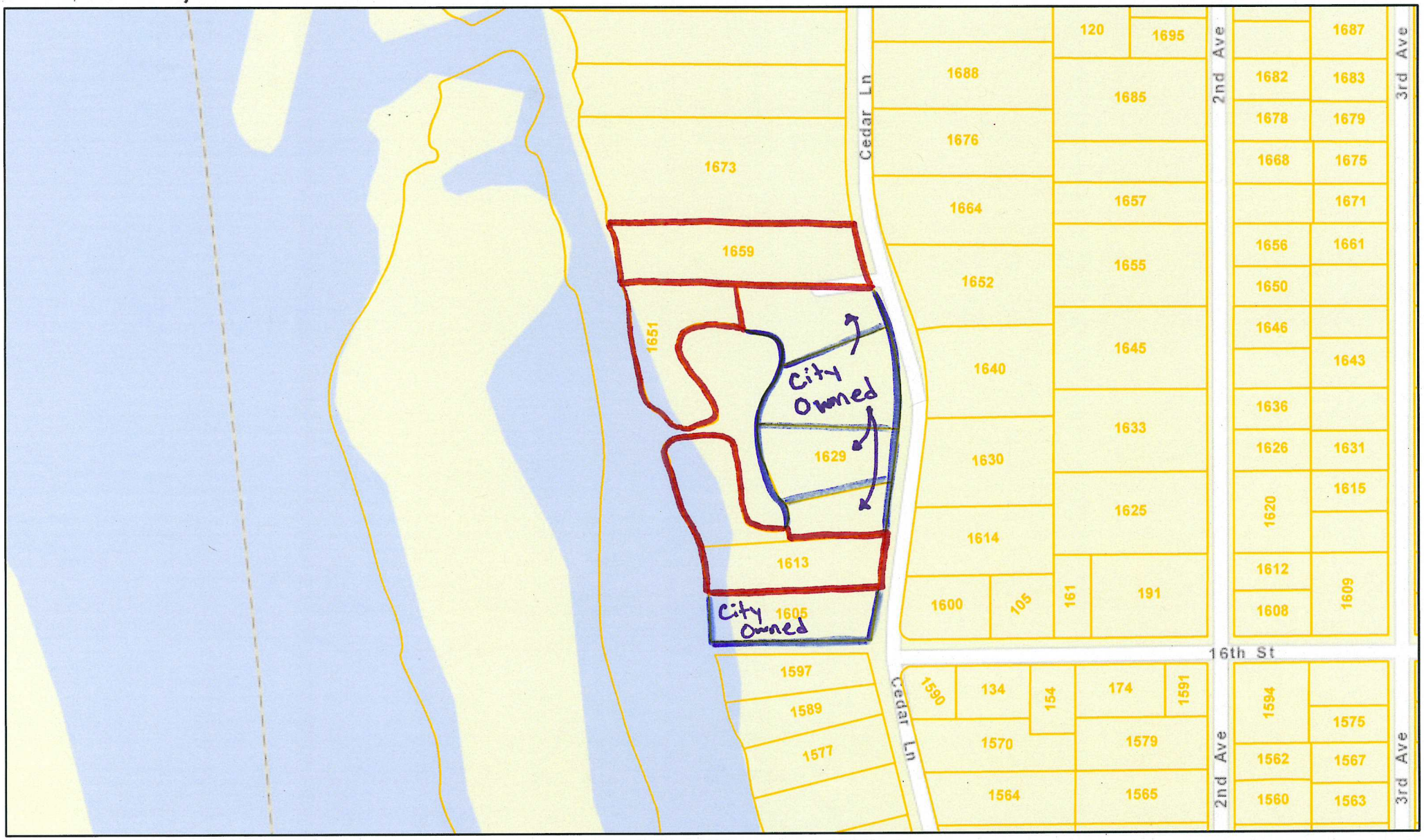
Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

I certify that the above resolution was adopted by the _____ of
(Executive Body)
_____ on _____.
(Name of Organization/Local Unit of Government) (Date)

SIGNED:	WITNESSETH:
_____	_____
(Signature)	(Signature)
_____	_____
(Title)	(Title)
_____	_____
(Date)	(Date)

Washington County



0 170 340 680 Feet

1613 Cedar Lane - $233,900 Assessed Value

1651 Cedar Lane - $208,200 Assessed Value

1659 Cedar Lane - $227,000 Assessed Value

Created on 4/30/2015

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Executive Analyst

DATE: April 30, 2015

SUBJECT: Codification Services

BACKGROUND

City staff has been working to clean up the City Code the last few years by removing duplicate sections, out-dated language or policies, and clarifying language. Through their work, staff have noted that the current format is difficult to search and several areas still have out-dated language. As such, staff researched businesses that provide recodification services and host online codes. Since the City's Code was codified in 1997, it would go through a recodification process. Through this process, the current code would be reviewed to identify any out-dated language, inconsistencies, duplications, poor grammar, conflicts, etc. After the review, the City Council would be given recommendations for changes. After those changes are made or not made, the code would be recodified, republished, and placed online in a searchable manner.

DISCUSSION

The City contacted three different businesses that provide this service: American Legal Publishing (through the League), Municode, and Sterling Codifiers. All three of these businesses provide the recodification process, online hosting, and edits as needed. Please see the costs for each business below as well as examples of their online codes.

	American Legal Publishing	**Municode**	**Sterling Codifiers**
One-time costs			
Recodification (Legal review, recommendations, and codification)	$9,995	$7,650	$9,300
Online conversion of Code (Only charged this if the City does not recodify)	$695	$0	$1,300
Annual costs			
Hosting fee for online Code	$495 per year	$545 per year*	$500 per year
Edits - In print and online	$19.95 per page	$18 per page	$21 per page
Total Costs			
One-time cost	$10,690	$2,125	$9,300
Annual costs**	$1,453	$1,409	$1,508
First year cost for recodification, hosting and editing	**$11,448**	**$8,514**	**$10,808**
First year cost for hosting and editing	**$2,148**	**$864**	**$2,808**

*First year is free with Municode

**Includes hosting fee and editing 48 pages, which is the average for the last five years

RECOMMENDATION

Since this is not a budgeted item, staff is recommending that the City Council provide direction on whether or not they would like to move forward with this in 2015 or budget for it in 2016. If the Council would like to move forward with this in 2015, staff is asking for direction on whether or not they would like to go through the recodification process or just get the Code online in 2015. Either way, staff is recommending the City contract with Municode. I've attached both quotes from Municode for review. If the City Council does not want to do the recodification process but does want a review of its Code, Municode charges $2,125 for that and it's something that could be done in 2016.

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Minnesota
Apple Valley Code of Ordinances
CITY OF APPLE VALLEY, MINNESOTA CODE OF
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TITLE III: ADMINISTRATION
TITLE V: PUBLIC WORKS
TITLE VII: TRAFFIC CODE
TITLE IX: GENERAL REGULATIONS
TITLE XI: BUSINESS REGULATIONS
TITLE XIII: GENERAL OFFENSES
TITLE XV: LAND USAGE
PARALLEL REFERENCES

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American Legal Publishing Sample

CITY OF APPLE VALLEY, MINNESOTA
CODE OF ORDINANCES

2014 S-11 Supplement contains:
Local legislation current through Ordinance 962, passed 2-27-14

Published by:
American Legal Publishing Corporation
432 Walnut Street, 12th Floor
Cincinnati, Ohio 45202
Tel: (800) 445-5588
Fax: (513) 763-3562
email: customerservice@amlegal.com
Internet: http://www.amlegal.com

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	Title	Location
1.	CHAPTER 50: GARBAGE	Apple Valley Code of Ordinances
2.	CHAPTER 71: PARKING REGULATIONS	Apple Valley Code of Ordinances
3.	CHAPTER 72: USE OF RECREATIONAL VEHICLES ON PUBLIC OR PRIVATE PROPERTY	Apple Valley Code of Ordinances
4.	CHAPTER 96: STREETS AND SIDEWALKS	Apple Valley Code of Ordinances
5.	CHAPTER 97: PUBLIC RIGHT-OF-WAY MANAGEMENT	Apple Valley Code of Ordinances
6.	CHAPTER 118: VENDING CARTS	Apple Valley Code of Ordinances
7.	CHAPTER 151: MANUFACTURED HOMES AND HOME PARKS	Apple Valley Code of Ordinances
8.	CHAPTER 152: NATURAL RESOURCES MANAGEMENT	Apple Valley Code of Ordinances
9.	CHAPTER 153: SUBDIVISION CONTROL	Apple Valley Code of Ordinances
10.	CHAPTER 154: SIGN REGULATIONS	Apple Valley Code of Ordinances
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15.	GENERAL REGULATIONS	Apple Valley Code of Ordinances
16.	PARKING REQUIREMENTS	Apple Valley Code of Ordinances
17.	ARTICLE 9. DESIGNATION NO. 244	Apple Valley Code of Ordinances
18.	ARTICLE 10. DESIGNATION NO. 254	Apple Valley Code of Ordinances
19.	ARTICLE 13. DESIGNATION NO. 341	Apple Valley Code of Ordinances
20.	ARTICLE 19. DESIGNATION NO. 532	Apple Valley Code of Ordinances

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SOUTH ST. PAUL, MINNESOTA - CITY CODE
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South St. Paul, Minnesota - Code of Ordinances

Supplement 17

Online content updated on March 27, 2015

CODE
City of
SOUTH ST. PAUL, MINNESOTA

Codified through
Ordinance No. 1288, enacted February 17, 2015.
(Supp. No. 17)

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3 C Sec. 110-140. - Coal tar-based sealers. | Code of Ordinances
4 C Sec. 118-258. - Access drives. | Code of Ordinances
5 C Sec. 114-64. - Sidewalks. | Code of Ordinances
6 C Sec. 58-93. - Parking restrictions. | Code of Ordinances
7 C Sec. 30-50. - Driving over fire hose. | Code of Ordinances
8 C Sec. 118-242. - Screening. | Code of Ordinances
9 C Sec. 118-194. - Screening. | Code of Ordinances
10 C Sec. 118-256. - Service stations. | Code of Ordinances
11 C Sec. 118-133. - MH, mobile home district. | Code of Ordinan
12 C Sec. 58-126. - Traffic laws apply to persons riding bicycles. |
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1 Codes Sec. 118-44. - Driveway access permits. | **Code of Ordinances**

Sec. 118-44. - ***Driveway*** access permits. A ***driveway*** access permit to a public road shall be secured from the public agency with jurisdiction and

2 Codes Sec. 118-353. - Design and maintenance of off-street parking areas. | **Code of Ordinances**

Sec. 118-353. - Design and maintenance of off-street parking areas. (a) ***Driveway*** width limitation. Parking areas shall be designed so as to provide adequate means of access to a public street or

3 Codes Sec. 110-140. - Coal tar-based sealers. | **Code of Ordinances**

and economic resources and contribute to the general health and welfare of the community. The use of sealers on asphalt ***driveways*** is a common practice. However, scientific studies on the use of ***driveway*** sealers have demonstrated a relationship between stormwater runoff

4 Codes Sec. 118-258. - Access drives. | **Code of Ordinances**

base material type and depth sufficient to support access by emergency vehicles. The city engineer shall review all access drives (***driveways***) for compliance with required community access drive standards; the opinion of the police and fire departments may from time to

5 Codes Sec. 114-64. - Sidewalks. | **Code of Ordinances**

adequately provide for the safety and welfare of the pedestrian or as a condition to platting. (e) Each and every ***driveway*** shall be constructed of concrete gutter to the property line sidewalk. Where a ***driveway*** is constructed

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Cottage Grove, Minnesota
City Code

This code was last updated by ordinance 939 passed February 14, 2015.

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Cottage Grove, MN

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18 documents matched your query 'driveway'.

1. 4-5-4: PERFORMANCE STANDARDS:
des or other toxic chemicals on any nonporous surface, such as a street or **driveway**, shall be prohibited. C. Tree Care Notification Required: Prior t

2. 7-2-1: PERMIT REQUIREMENTS:
And Compliance Required: No person shall make any curb cut or install any **driveway** or parking lot without first obtaining a permit from the city. The

3. 7-2-2: CURB CUTS:
second curb cut shall require that the original curb cut be closed and the **driveway** removed and the curb cut repaired at the applicant's expense. B.

4. 7-2-3: DRIVEWAYS AND PARKING LOTS; PROCEDURES AND SPECIFICATIONS:
7-2-3: **driveway**S AND PARKING LOTS; PROCEDURES AND SPECIFICATIONS: The following procedures and specifications shall be required for all **driveway** co

5. 7-2-4: TABLE OF DRIVEWAY DIMENSIONS:
7-2-4: TABLE OF **driveway** DIMENSIONS: All **driveway**s constructed in the city shall conform to the dimensions set forth in the following table: DR

6. 7-2-5: ADDITIONAL CONSTRUCTION REQUIREMENTS FOR CERTAIN DRIVEWAYS:
7-2-5: ADDITIONAL CONSTRUCTION REQUIREMENTS FOR CERTAIN **driveway**S: Where a proposed **driveway** is to be constructed so that it opens onto any street

7. 8-1-6: LIABILITY FOR MAINTENANCE OF AND REPAIRS TO WATER AND SEWER LINES:
er of such property shall not interfere with the same. 2. No structure or **driveway** shall be installed in such a manner as to interfere with access to

8. 10-5-3: STREETS:
10-5-3: STREETS: A. General Standards: 1. Proposed streets shall conform to the state road and county highway plans as have been prepared, adopted a

9. 11-1-3: RULES OF WORD CONSTRUCTION; DEFINITIONS:
11-1-3: RULES OF WORD CONSTRUCTION; DEFINITIONS: The language set forth in the text of this Title shall be interpreted in accordance with the foll

10. 11-2-2: BUILDING PERMIT:
s consistent with the intent of this code. g. Dimension of the proposed **driveway** if lot is considered a neck or flag lot, or a lot without frontage

11. 11-3-4: YARDS AND OPEN SPACES:
rd; provided, that no hedge in any front yard obstructs safe view from the **driveway** or street. (Ord. 849, 11-19-2008) 2. Side Or Rear Yards Only: Bay

12. 11-3-5: FENCES AND WALLS:
nce or wall shall obstruct a motorist's or pedestrian's safe view from the **driveway** or street. B. Residential Fence Or Wall: All fences or walls mu

13. 11-3-9: OFF STREET PARKING AND LOADING:
11-3-9: OFF-STREET PARKING AND LOADING2: A. Intent; Compliance Required: Regulation of off-street parking and loading spaces in this Title is to al

14. 11-3-10: DRIVEWAYS:
11-3-10: **driveway**S: A. Purpose; Interpretation: The purpose of this section is to establish minimum standards for the design of safe ingress and egre

15. 11-4-1: MOTOR FUEL STATIONS:
11-4-1: MOTOR FUEL STATIONS: Motor fuel stations in all districts shall be subject to the following standards: A. Minimum Yard And Setback Requireme

16. 11-6-4: SCREENING REQUIREMENTS:
n thirty feet (30') of an adjoining residential use or zone, and where the **driveway** to a parking area of more than six (6) parking spaces is within fi

17. 11-6-5: LANDSCAPING REQUIREMENTS:
eas from view from public roadways and adjoining properties. b. Enhancing **driveway** entrance areas. c. Promoting the maintenance of vital sightlines

18. 11-8A-3: PERMITTED ACCESSORY USES:
pact as possible so as to not interfere with existing business, parking or **driveway** operations. D. Temporary signs must comply with title 9, c

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Cottage Grove, Minnesota
City Code

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Click here to see recently passed ordinances that have not been codified.

Disclaimer:
The formatting and pagination of this web version of the code may vary from the official hard copy of the code. This web version of the code is provided for informational purposes only and may not reflect all of, or the most current, legislation that has been passed. Prior to any action being taken, please consult the clerk for any ordinances that have been enacted that are not contained in this web version. In case of any discrepancy between this web version and the official ordinances, the ordinances prevail.

Note: The document for folder entries ( ) in the table of contents (TOC) may not have any text under the heading. To view a text document ( ) click on the folder in the TOC to reveal the documents within the folder. This process may be repeated until you locate the document you wish to view.

Municipal Code Corporation • P.O. Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.564.7492 • www.municode.com

May 1, 2015

Ms. Renee Eisenbeisz
Executive Analyst
City of Newport
596 7th Avenue
Newport, MN 55055 Sent via: reisenbeisz@newportmn.com

Ms. Eisenbeisz:

Thank you for recently speaking with our Sales Representative, Tracy Stevanov, and expressing interest in utilizing Municode for recodification and supplementation services. We have reviewed the City's code and are pleased to submit the following information to the City of Newport for recodification services.

Our team is driven by the desire to serve you and your citizens. We believe that quality customer relationships and exceptional service are what have set us apart in the legal codification industry since 1951. Our commitment to service inspires us to: provide you with the highest quality legal codification services in the industry; set the standard for online and mobile services; ensure that you receive the most accurate and timely supplements possible and to work with you as a long-term partner. Our desire to serve you is why we have chosen this profession.

Why Municode?

Integrity. *"Our word is our bond."* We believe that long-term relationships built on trust are built to stand the test of time. Our goal is to serve you and your citizens for the next 30 years or more.

Attorneys. We have a team of full-time attorneys. All of your legal work will be completed by our experienced team of in-house attorneys.

Experience. With over 3,700 customers in all 50 states, we are the most trusted and experienced codifier of local government codes in the nation. Our team of attorneys has an average of over 20 years of codification experience. With over 180 professionals committed to serving you, we have the depth of knowledge and experience that it takes to stay at the forefront of legal and technological developments.

Relationships. For over 64 years, we have earned the trust, loyalty and respect of our customers by focusing on what is most important to us: our customers. We have a team of customer service professionals dedicated to serving you, your team and your citizens. No matter what the challenge, we are here for you.

Quality. We are committed to excellence in every product that we create. Our team of legal editors and legal proofreaders, each averaging over eight years of service, is dedicated to providing you with the most accurate and timely product available in the nation.

Technological Leadership. MunicodeNEXT is the nation's most advanced, accessible and intuitive website. With MunicodeNEXT, your staff and citizens can have access to your code of ordinances, all archived versions of your code, every official copy of your ordinances, the power to compare versions of your code over time, the ability to be notified every time your code is updated and a powerful search engine capable of simultaneously searching your code, ordinances, minutes, resolutions, budgets and more. Our web tools are designed to make your job easier, your code more accessible and your citizens more informed.

Why Our Clients Love Us

Applying our Legal Experience. We have a large team of full-time attorneys. This is a crucial factor to consider when assessing the qualifications of a codification company that is being considered for legal publication and supplementation services. We have been in business for over 64 years and have worked for decades serving the biggest and most advanced municipalities in the nation, as well as 57 clients located in Minnesota. No other codification company has this level of experience and knowledge that can be harnessed for your benefit.

Team Approach. We have 14 legal editorial teams, over 35 legal editors and over 20 legal proofreaders. By partnering with us, you are provided with a depth of legal talent that is unmatched in the industry. You and your citizens deserve the best and deserve to have a team that will be here to serve you no matter what the situation.

Customer Service. Our goal is to fully understand your unique needs. In order to do so, we will establish a routine meeting schedule with you. Your Municode representative, James Bonneville, is able to meet with you in person anytime. James can also provide onsite training or host webinars throughout the term of the contract. Tracy Stevanov or Steffanie Rasmussen will serve as your internal customer service "go to" person.

Your Representative. Municode's Mid-West Regional Sales Representative, James Bonneville, is located in Stillwater, Minnesota. He is available to answer questions and meet with you, as needed. James worked in state government, lobbying and governmental sales for over 13 years. James has been a part of Municode/MCCi since 2009. He regularly attends the Minnesota Municipal League Conference, Clerks Conference and IIMC Conference. James is supported by our entire team in Tallahassee. Municode's Mid-West Inside Sales Representative, Tracy Stevanov, is located in Tampa, FL. She works hand in hand with James Bonneville to ensure that our clients are well taken care of. She is available to answer questions or schedule a meeting with you as needed.

Real People. If you have a question, our response time is normally less than a few minutes via e-mail (constantly monitored) or within the half-hour for phone correspondence. When you call us, you will find that our phones are answered by our employees…not an automated answering service.

Personal Touch. We are a family-owned, medium size business which means you will receive a level of personal service that is unparalleled in the industry. We earn our reputation by providing exceptional customer service, offering helpful suggestions and developing solutions for your unique situation.

Responsible Citizen. We are proud to support numerous Clerk, Attorney, Municipal and County Associations. Additionally, we partner with the International Institute of Municipal Clerks and International Municipal Lawyers Association to provide services to their members. Our Vice President of Sales, Dale Barstow, is the President of the Municipal Clerks Education Foundation. We are also extremely active within our community, supporting the United Way, Boys Town and Ability First through quarterly employee volunteer days.

If you have any questions or desire additional information, please call and speak with our Regional Sales Representative, James Bonneville, or Tracy. We are also happy to schedule a conference call or webinar with all interested parties, or meet with you personally. We are here to serve you!

Sincerely,

W. Eric Grant
President

WEG/ll
Enc.
Cc: James Bonneville, Mid-West Regional Sales Representative
JBonneville@municode.com
(651) 262-6262
Tracy Stevanov, Mid-West Inside Sales Representative
tracy@municode.com
(800) 262-2633 ext. 1383

Executive Summary

We would like to propose the following option for your consideration. For further details on the project, please see page 4.

Recodification, Supplementation and MunicodeNEXT:

Logic: Give your municipality a fresh start. Engage our full-time attorneys to examine the legal sufficiency of your code from top to bottom. Clean up the pagination, reprint all pages and replace binders and tabs, if needed. Quickly and efficiently transition your code to the most advanced suite of web/mobile services available in the nation: ***MunicodeNEXT****.*

- Recodification ..... **$7,650**[1]
- Supplementation..... **$18 per page**
- Online hosting and support ..... **1st year free, then $395**[2]
- Timeline ..... **8-12 months**

Pricing = Apples to Apples:

We realize that different companies call services by different names. Here are some important considerations to keep in mind when comparing proposals:

- A full-time, Municode attorney will legally review the code, not just a code editor;
- The recodification base cost of **$7,650** is based on a **530 page, single column code**;
- Supplement charges - **single column per page rate of $18**;
- The **online code is free for the first year** and then **only $395** for our basic service or only **$995 for the bundled MyMunicode package**!
- Municode **does not** charge an extra fee for posting supplements online.
- Municode **does not** charge an extra fee for printing your supplement pages.

The supplement page rate is $18 for single column (including printing and posting each supplement on line). Some companies might have quoted you a double column price or **no supplement rate at all**. Please double check this when comparing responses.

Please consider the fact that some codifiers charge an additional page rate to post your code online. Our basic code on the internet fee of $395, covers this cost.

[1] Please see page 4 for additional pricing details.
[2] Please see page 6 for additional features and pricing available on our MunicodeNEXT platform.

Recodification Quotation Sheet

Recodification base cost, includes **$7,650**

- 530 single column pages[3]
- Zoning included
- Receipt, review and organization of materials
- Legal analysis & research by a full-time, Municode attorney
- Preparation of Legal Memorandum by a Municode attorney
- Conference with Attorney (make selections below)
- Implementation of approved legal findings
- Updating State Law References
- Editorial preparation and proofreading
- Page formatting (make selections below)
- Creation of tables[4] and Indexing
- Graphics[5] & tabular[6] matter
- 1 printed copy, to include a 3-Post stamped binder and tabs
- PDF copy of the code
- Adopting ordinance prepared by a Municode attorney
- Post your code on MunicodeNEXT[7]

Conference Selection:

- ❑ On-site conference, each **Attorney time, travel, lodging and per diem**
- ❑ Teleconference or web-based conference, 3 hour session **No charge**[8]

Format Elections *(Please check or circle desired elections below)*

Font: New Century Schoolbook will be used as the font unless otherwise indicated.

Other choices include:
Helvetica, Times New Roman, Avant-Garde Demi, Courier, Palatino, Helvetica Narrow, Century Gothic, Gill Sans and Arial MT

Binder Color: ❑ Semi-Bright Black ❑ Dark Blue ❑ Hunter Green ❑ Burgundy

Binder Stamping Color: ❑ Gold ❑ Silver ❑ White

Items Not Included In Base Cost

Pages over 530 single column, per page	**$18**
Pages under 530 single column[9], per page	**$12**
Freight	**Actual**
State sales tax	**If applicable**

Payments for Recodification project[10]

Execution of Agreement	**$2,960**
Submission of the Legal Memorandum	**$2,115**
Submission of Draft Code	**$2,115**
Delivery	**Balance**

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[3] 530 single column, 12 point pages. Other font sizes are available.
[4] The following Tables will be created and are included in the Base Cost: Supplement History Table, Code Comparative Table, State Law Reference Table and Ordinance History Table. An additional hourly charge applies for creation, modification, addition or updating of any table other than those enumerated in this footnote.
[5] Includes printing all copies. Additional fees will apply if graphics are printed in color.
[6] Tabular matter is defined as algebraic formula, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.
[7] Make Selections on Page 6.
[8] For the initial 3-hour session. $75 per hour thereafter.
[9] Rebate not to exceed 100 single column pages.
[10] Base cost split into four payments – Your project can be budgeted over two fiscal years.

Supplement Service Base Page Rate[11] Quotation Sheet

Supplement Service Base Page Rate

Page Format	Base Page Rate
Single Column	$18 per page

Base page rate above includes:

- Acknowledgement of material
- Data conversion, as necessary
- Editorial work
- Proofreading
- Updating the index
- Schedule as selected by client[12]
- Updating electronic versions[13] and online code
- 1 printed copy
- PDF copy of the code

Base page rate above excludes:

Freight	**Actual freight**
State sales tax	**If applicable**
Graphics[14] & tabular[15] matter, per graphic or table	**$10**
MyMunicode or online code	Selections on page 6

Electronic media potions for Code of Ordinances (Sent via download) [16]

❑ Folio Bound Views	$295 initially then $100 per update
❑ WORD (DOCX)	$150 initially then $75 per update
❑ Adobe PDF of the code	$150 initially then $75 per update
❑ Adobe PDF of each supplement	$150 initially then $75 per update

Payment for Supplements and Additional Services:

- Invoices will be submitted upon shipment of project(s).

[11] All prices quoted in this section may be increased annually in accordance with the Producer Price Index – Internet Publishing and web search portals (NAICS 519130) as reported by US Department of Labor – Bureau of Labor Statistics.
[12] Schedule for Supplements can be weekly, bi-weekly, monthly, bi-monthly, quarterly, tri-annual, semi-annual, annual or upon authorization. Electronic Updates can occur more frequently than printed Supplements.
[13] We do not charge a per page rate for updating the internet; however a handling fee is charged for PDF, Word, Folio or additional electronic media items ordered.
[14] Includes printing all copies. Additional fees will apply if graphics are printed in color.
[15] Tabular matter is defined as tables, algebraic formula, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.
[16] "delivery" is defined as making updated electronic data available to you via download or FTP. Fee applies whenever content is delivered as HTML, PDF, XML, Folio or Word, via one of the afore-mentioned mediums.

Online Services Quotation Sheet

Elections below will be implemented upon adoption of your new code.

Please check the appropriate box (es) to indicate your selection:

Value Pricing:

- ❑ **MyMunicode**[17] includes the following: **$995 annually**[18] *First year fee waived*
  - **Online Code = MunicodeNEXT**
  - **OrdBank**
  - **CodeBank**
  - **CodeBank Compare**
  - **eNotify**
  - **MuniPRO**
  - **Custom Banner**

A la carte pricing:
In lieu of purchasing the above package, online services can be purchased a la carte at the following rates:

❑ **Online Code = *MunicodeNEXT,*** (annually) *first year fee waived*	**$395**
❑ **CodeBank** (annually)	**$150**
❑ **CodeBank Compare + eNotify**[19] (annually)	**$250**
❑ **MuniPRO Service** (annually)	**$295**
❑ **Custom Banner**, onetime fee	**$250**
❑ **MuniDocs**	**Quote available upon request**

ORDINANCES PENDING CODIFICATION

Option 1) OrdBank

❑ Per ordinance fee (15 ordinances per year x $35 = $525)	$35
❑ Flat annual fee (recommended if MyMunicode is not selected)	$275

Option 2) OrdBank + OrdLink

❑ Per ordinance fee (15 ordinances per year x $60 = $900)	$60
❑ Flat annual fee (recommended if MyMunicode is not selected)	$375

Municode does not charge a per page rate to update the internet – this is all included in the supplement per page rate.

[17] Municode does not charge a per page rate for updating the Internet – this is included in the supplement per page rate.
[18] Total Value if each item purchased a la carte would be approximately $1,615 per year with participation in our OrdBank service.
[19] Enrollment in CodeBank is required in order to receive the CodeBank Compare/eNotify technology.

Scope of Services - Recodification

We will handle the publishing for your Code of Ordinances. This includes legal work, editing, page composition, proofreading, indexing, and delivering the information in print or via electronic copy. Hereinafter, unless specifically cited, a reference to "codes" or "the codes" includes the Municipal Code of Newport, Minnesota. We understand the scope of this project to include a complete recodification of the Code, ongoing supplemental services and online hosting of the Code. A summary of the recodification process is provided below.

Excellence

"The code update went far beyond my expectations. Everyone at Municode was nice to work with and always responded in a timely manner. Your customer service was outstanding. Thanks again for a very positive experience."
- Barron, WI

Recodification Project Leader: H.E. Rick Grant, Executive Vice President and C.O.O.

Material. The following sections describe the nature of material included or excluded in the project, creation of a disposition list, and the methodology of adding material to the Client's online version of the code.

Ordinances. All legislation of a general and permanent nature, passed in final form by the Client as of the cutoff date established by the Municode attorney (usually following delivery of the Legal Memorandum), will be included in the new code. We will rely upon the material (in print or electronic form) as furnished by you during the recodification process. All material that we receive will be acknowledged via e-mail, in order to establish a record of included ordinances. Legislation not of a general and permanent nature will be omitted from the code unless otherwise instructed by you.

Attorney Analysis and Review of Material. We will assign a team, consisting of a lead attorney, legal editor, proofreader and indexer, to the project. All recommendations by our legal team are intended for use by your attorney and should not be considered legal advice. Our legal team is responsible for the following: We will research all legislation submitted by you against the State Constitution, State Law and the Charter; additionally, the ordinances are compared to other ordinances, in order to determine if there are any inconsistencies or conflicts within the legislation itself. Zoning and Land Use provisions will be reviewed only if included in the code. Ordinances enacted, or added, subsequent to the date of this agreement, or items not contemplated within the scope of service, may be added at an agreed upon page rate. We will suggest a structure and organization for your code and provide a Table of Contents indicating the recommended structure.

Page Format Options. We will review page composition format options, such as font type, font size, page layout, and graphics appearance and placement with you. We will help you choose a format that produces a professional document that is easily researched.

References. We will provide State Law references within the code. Editor's notes will be provided as appropriate. Internal references within the code will be hyperlinked in the online version.

Legal Memorandum. We will provide you and your staff with a user-friendly legal memorandum containing all of our analysis and recommendations. This memorandum will reflect our attorney's legal review and will provide you with recommended options intended to remove conflicts and inconsistencies; conform to state law, when appropriate; and ensure compliance with your charter. This approach facilitates collaboration and dissemination among departments, thus making the process as easy for you as possible. Our goal is to make the recodification process simple and smooth for you. From start to finish, we will work with you to complete the project as quickly and efficiently as possible.

Conference. We will conduct a conference, either in person, via telephone or webinar, to review the legal memorandum and recommendations. All interested personnel may be included; but your attorney and clerk are essential. Issues discovered during the legal research will be discussed at the conference, with the goal of the conference being to come to agreement on any required changes. Your attorney has the final decision making authority for resolution of issues brought up at the Conference or noted in the legal memorandum.

Implementation of Conference Decisions

Editing and Proofreading. Our team will edit the text of your code to reflect proper grammar and stylistic consistency. We will not reword any provision that changes the substantive intent of the code, unless you approve the revision. However, non-substantive revisions to improve readability are a part of the process. We will proofread your code. The text will be reviewed for sense and structure and to ensure the implementation of the decisions by your attorney and our attorney.

Graphics, Index and Tables. Our team will create a hierarchical, subject matter index and all tables (Contents, State Law Reference, Prior Code Comparison, and Ordinance Disposition) for your code as necessitated by the materials provided. The creation of additional Tables can be performed for an additional hourly fee. We will insert the graphics you have provided into the printed and electronic versions of your code. Manipulation, enhancement or reformatting of any graphic supplied by you can be performed for an additional hourly fee.

Post Conference Memorandum and Draft Code. After editing and proofreading, a post-conference memorandum and a draft code incorporating solutions captured in the legal memorandum and agreed upon at the legal conference will be delivered to you. The draft code will be in final print form and will be provided to you for final review prior to printing and shipment. We guarantee typographical correctness. Any errors attributable to our team will be corrected at no charge during the term of this Agreement. Our liability for all services shall extend only to correcting the errors in your code and subsequent updates, not to any acts or occurrences as a result of such errors, and only as long as the contract is in effect.

Adopting Ordinance. Our attorney will provide an Adopting Ordinance upon completion of the project.

Delivery of Code

Electronic Format and Delivery Options. Your new code can be delivered in HTML, PDF, DOCX, Folio or integrated with the dtSearch Engine on our MunicodeNEXT platform. Electronic delivery mediums include online posting and download.

Printing and Binding. We will print your code on acid-free paper in your chosen format. Color printing is available at an additional charge. Standard binding for the code is three-post, expandable, Dark Blue, Hunter Green, Semi-Bright Black, Burgundy, leatherette binders with gold, silver or white stamping. Alternate binders, such as D-ring or polyvinyl, are also available. A seal or logo can be added to the front cover and spine in addition to the text, for an additional charge, if desired. Divider tabs for each major section of the code and Index are also provided.

Client Responsibility

Amendatory Legislation. Please forward all adopted legislation (including amendments, the Charter, Special Acts and other pertinent rules and regulations having the effect of law) to be codified on a continual basis. Submission should be timely and can be sent in electronic or printed form. Electronic submission is highly preferred.

Review Legal Memorandum. Please review the Legal Memorandum to ensure that it comports with your intentions and modify and/or approve the proposed Table of Contents and organization of the code, page format, font type and size, approve number of copies to be printed, binder colors and choice of electronic format and medium.

Participation of Attorney. Please ensure your Attorney and other interested personnel attend and participate in the project, including on-site or teleconference and review of the code draft.

Submission of Data. Please provide data, graphics and tables of the highest reproducible quality, preferably in their original, electronic format. Provide a black and white line art seal or logo for the binders, if desired.

Draft Code. Please review and return the draft within thirty (30) days of receipt. To assist you in this endeavor, a post-conference memorandum will accompany the draft code to point out to you where changes and additions have been made. Any changes to the text should be marked directly on the draft and returned to us. Changes not discussed at the conference may result in a proof update fee.

Supplemental Updating

We will handle 100% of the publishing for your Code of Ordinances. This includes editing, page composition, proofreading, indexing, and delivering the information as printed or via electronic copy. Supplementation will start upon completion of the recodification project on the schedule selected by the client.

Editorial Approach. We use a team approach to editing. This provides for consistency in editing, understanding and quality of work for you.

Ongoing Supplementation. Our goal is to meet and exceed the needs and expectations of our clients. Working with you and your staff, we will create whatever supplementation schedule will best serve you and your citizens.

Municode Recodification Process

MunicodeNEXT – Website Tools Defined

STANDARD FEATURES:

- **Modern Design** – MunicodeNEXT was designed by our team with an emphasis on mobile devices. This means that tablet users will be directed to the full version of your site. This advance was made possible thanks to the responsive user interface that we have created. Being able to access the full version of MunicodeNEXT from a tablet means that your users will enjoy a more dynamic and satisfying user experience.
- **Tablet friendly** – Tablet users are directed to the full desktop version of the site. The advanced user interface uses large buttons and icons, making it extremely touch friendly.
- **Searching** – Search results begin in a popover, then move to a persistent left-hand tab as you cycle through the results. You can toggle between search and browse modes by selecting the appropriate tab. This enables you to quickly move through search results without clicking "back" to a search results page. The code is also indexed by the section, returning more accurate, granular results.
    - **Advanced Searching** – You and your power users can conduct searches using Normal Language, Boolean Logic, Stemming, Fuzzy Search and Synonym search.
    - **Searchable ordinances** – If you use our OrdBank service, ordinances posted pre and post-codification are full-text searchable with hit highlighting.
    - **Searching all content types** – If you use our OrdBank or MuniDocs service, you can search any combination of the code, Ordinances, and MuniDocs simultaneously. Search results are color coded and labeled for easy identification.
    - **Narrow Searching** – Your users have the ability to search selected chapters or titles.
- **Print/Save/Email** – Users can print, save (as Word) or email files at the section level as well as at the article or chapter level. You will also be able to print, save or email non-sequential sections from multiple portions of your code(s).
- **Multiple publications** – If you have multiple publications (code, zoning, etc.) they will all be searchable from one interface.
- **Social Media Sharing** – You and your users are able to share code sections via Facebook and Twitter. This will make it easier for you and your team to utilize social media in order to engage your citizenry and enhance your level of transparency.
- **Internal Cross-Reference Linking** – Cross-references within your code are linked to their respective destination Article, Chapter, or Section.
- **Mouseover (cluetips).** Navigate to your code and any linked cross-reference will quickly display the pop-up preview window.
- **Static Linking** – Copy links of any section, chapter or title to share via email or social media.
- **Scrolling Tables and Charts** – Headers stay fixed while you scroll through the table/chart.
- **GIS** - We can provide a permalink to any code section and assist staff to create a link from your GIS system to relevant code sections.
- **In-line Images & PDFs.** We take great care to ensure that your images match online and in print, and are captured at the highest quality possible. Our online graphics can be enlarged with a frameless view to maximize the image. Municode can also incorporate PDFs of certain portions of the code that have very specific viewing and layout requirements.
- **Collapsible TOC.** The table of contents collapses and is re-sizeable, providing additional real estate with which you may view your code. Easily view your maps, graphs and charts by simply enlarging the item.
- **Support** - Phone, email and web support for citizens and staff: 24 hour email response; phone support from 8:00 a.m. to 8:00 p.m. Eastern Standard Time.

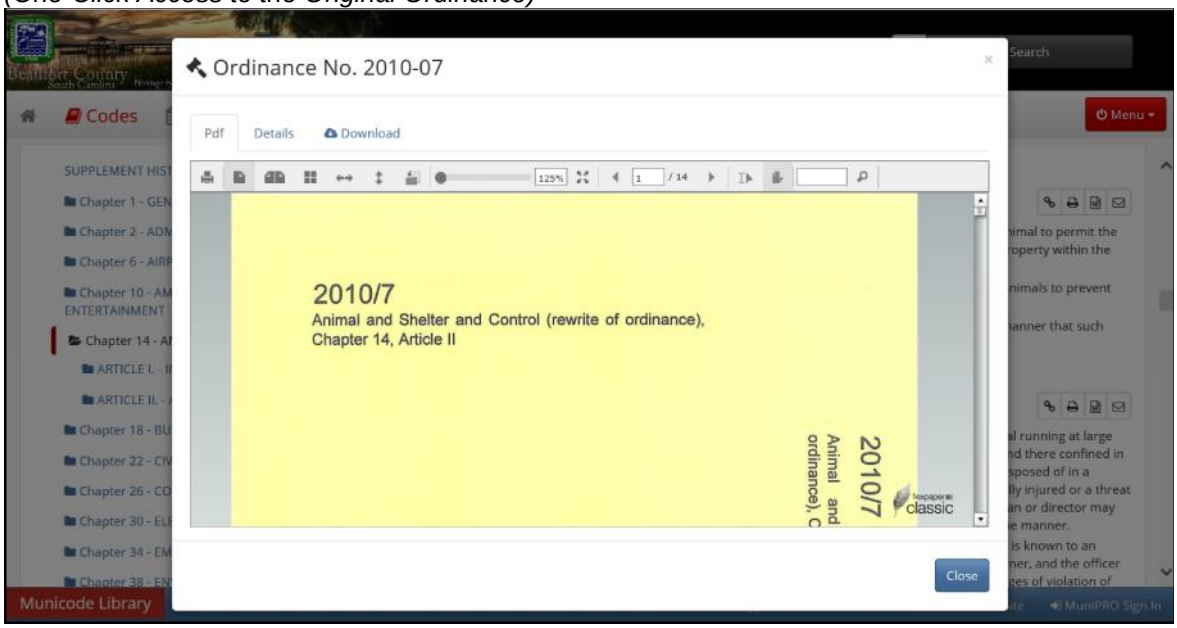
MunicodeNEXT

(Take Your Online code to the NEXT Level with these Exclusive, Premium Features!)

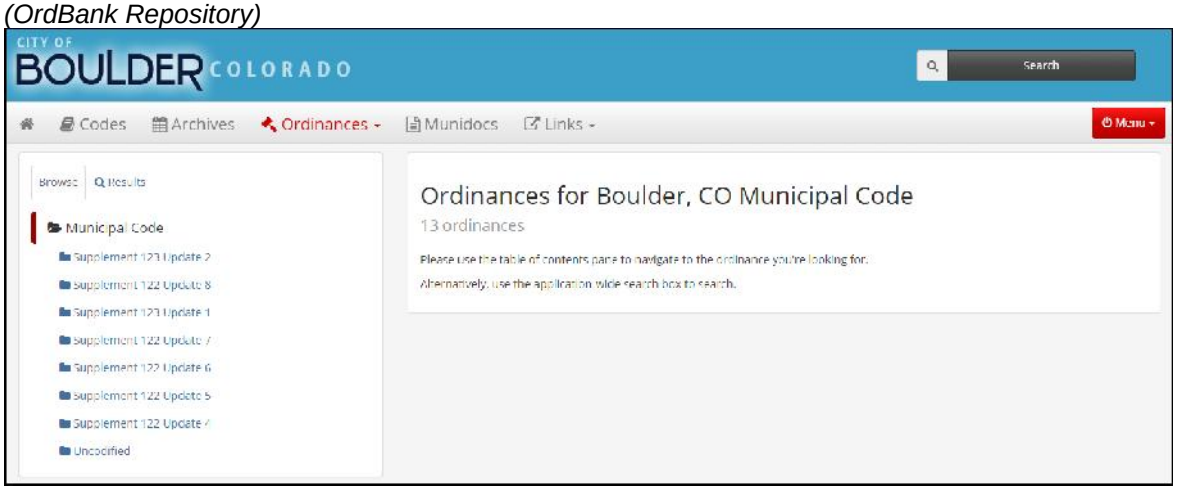
OrdBank. With our OrdBank solution, newly adopted legislation will be posted online in between supplements. Upon the completion of your supplement, the ordinances will be linked in your history notes and stored in your OrdBank Repository under the "ordinances" tab.

(Hyperlinked Ordinance in Text)

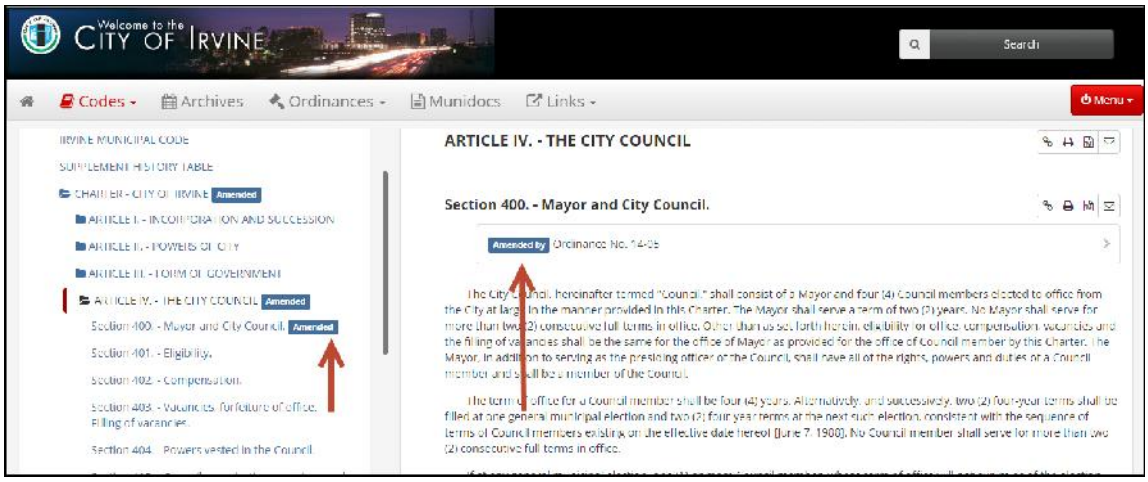
(One-Click Access to the Original Ordinance)



(OrdBank Repository)



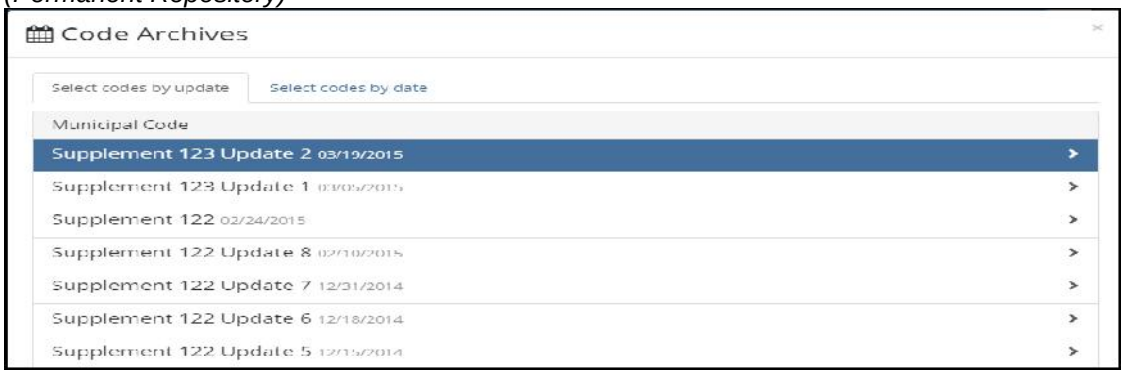
OrdLink + OrdBank. Prior to incorporating the ordinances into your code via supplementation, the OrdLink system can hyperlink newly adopted ordinances to the section being amended. Linked sections are highlighted in the Table of Contents and links are created from the amended sections to the new ordinances. Once the linked ordinances are incorporated into your code, they are added to your OrdBank repository and hyperlinked to your History Notes. This service helps put everyone on notice that new ordinances have been adopted.



CodeBank. Our CodeBank service serves as an online archival platform for previous supplements of your code. Empower your staff and citizens to access every previous version of your code with one click.

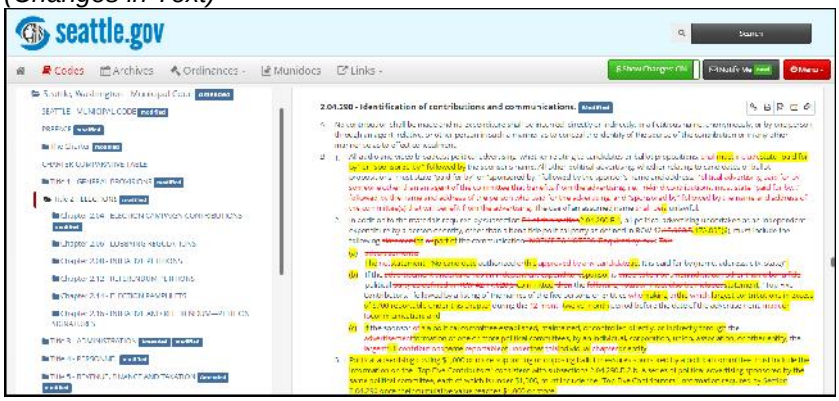
(Archives Tab)

(Permanent Repository)



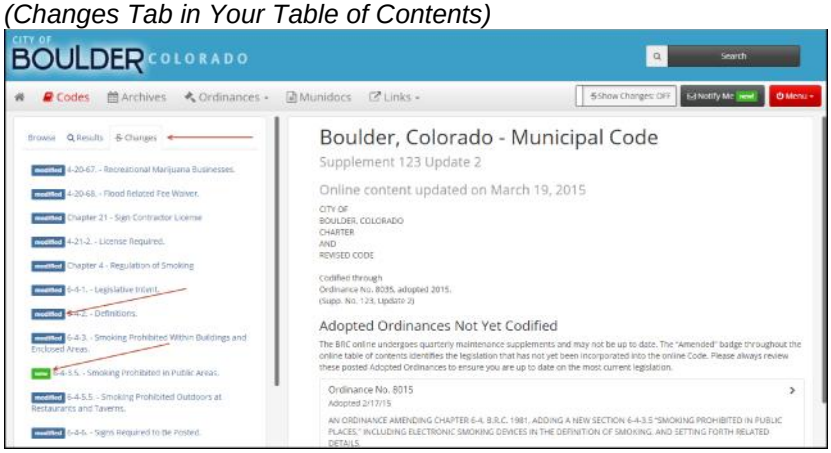
CodeBank Compare. Our CodeBank Compare service is a powerful feature that provides users the ability to select a past version of your online code and compare it to any other version of your code. The differences will be shown via highlights (added material) or strikethrough (deleted material).

(Changes in Text)



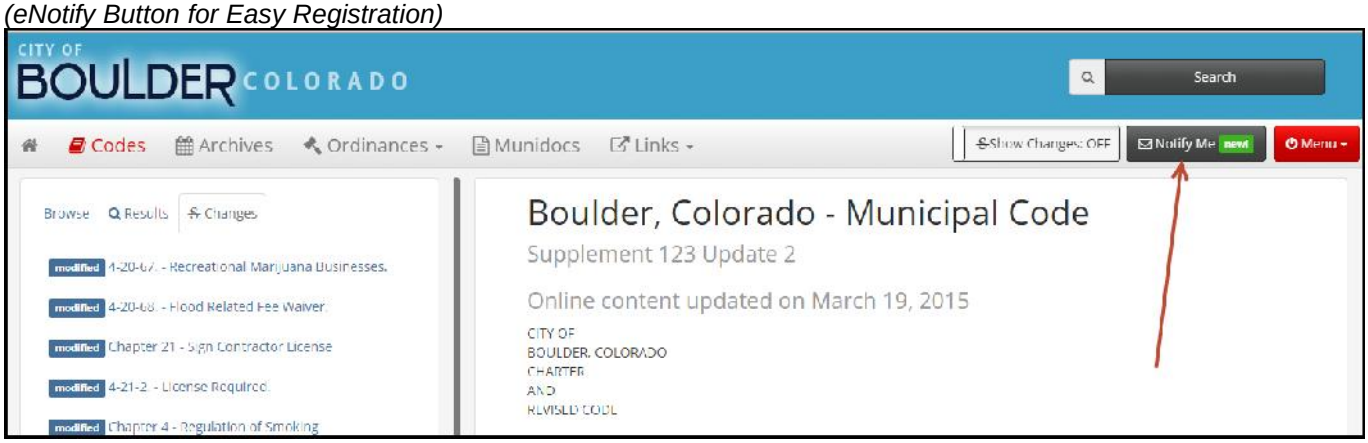
Users will be notified of the changes in the table of contents and within the text of your code via “Modified,” “New,” or “Removed” badges. Users can also select an option to view all of the changes in a single view, complete with strikethrough and highlights showing the specific textual changes that were made. The CodeBank Compare service will show all amendments to your code that were implemented during the most recent update.

(Changes Tab in Your Table of Contents)



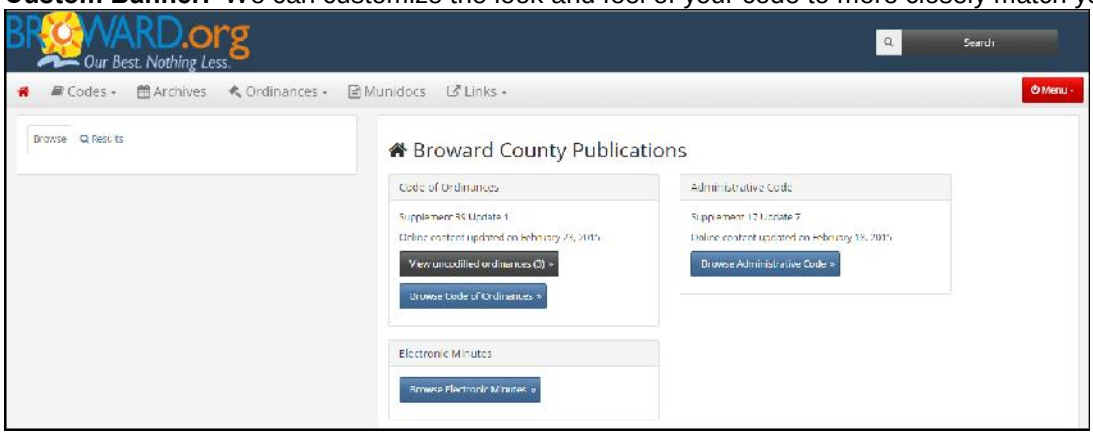
eNotify. Our eNotify service allows users to enroll online and receive email notifications each time your online code is updated. This will empower your staff and citizens to receive instant notifications every time your Code of Ordinances is updated by Municode.

(eNotify Button for Easy Registration)



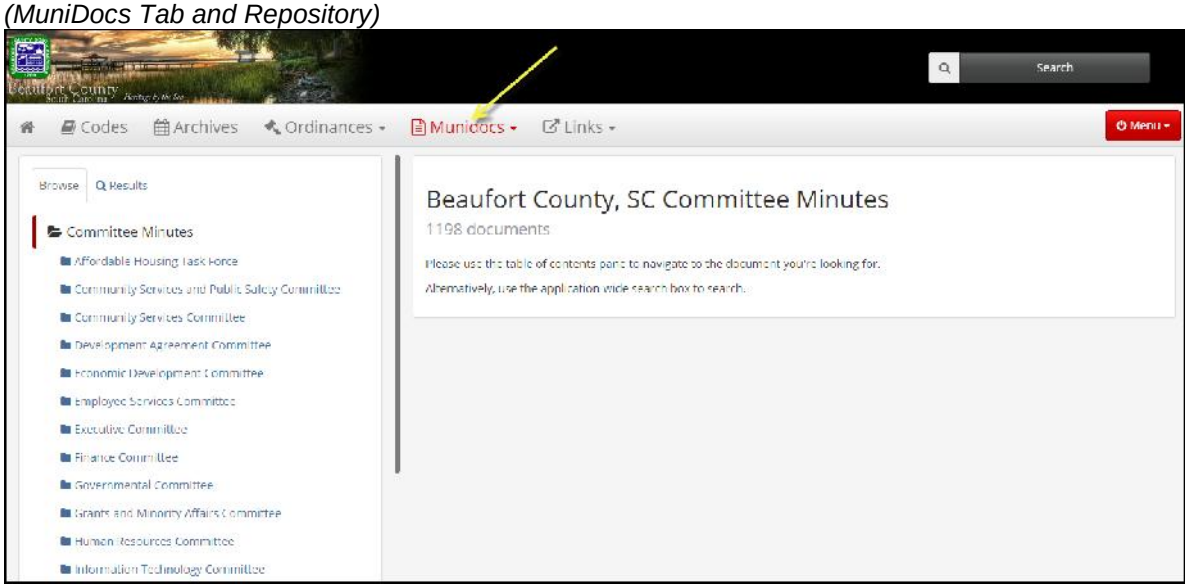
(eNotify Sign-Up)

Custom Banner. We can customize the look and feel of your code to more closely match your website.



MuniDocs. Enables municipal users to send material of your choosing directly to us to upload documents to your online code. Let us do all the work and upload your Minutes, Resolutions, Budgets, and or any other non-code material online. Your collection of documents, will be posted alongside your online code and will be fully searchable and filterable for ease of use. No need for you and your staff to learn and manage a new system.

(MuniDocs Tab and Repository)



MuniPRO. MuniPRO Searching allows you to search the nearly 3,100 codes we host (the entire country, a single state, or individually selected codes of your choosing). MuniPRO Searches are ideal for researching local regulations of special interest, or to find out how other communities are dealing with similar issues. If the IP based model is selected, only Multiple Code Searching is available. MuniPRO provides subscribers with the following tools:

- **Multiple Code Search.** Search all codes within one state, multiple codes within one state, or search all 3,100 codes in the entire U.S. hosted by us! Search results are sorted by relevancy and indicate the source publication, showing excerpts and keyword highlighting.

- **MuniPRO Favorites.** Create a "favorites" list of frequently visited codes or sections. This will save time by making navigation a one-click process from your dashboard.

- **MuniPRO Notes.** Create a note and attach it to any document in any publication. Note icons will show in both the table of contents and search results page, alerting the user to a previously written note. Notes can be shown or hidden when browsing and searching a publication, and a global listing of notes can be accessed with a single click from your dashboard.

- **MuniPRO Drafts.** Begin a new ordinance draft to keep track of pending legislation. Drafts icons will appear in the table of contents and search results, and can also be accessed from a single click.

YOUR ADVANTAGES WITH

municodeNEXT

	municodeNEXT	MY municode
Basic Search	●	●
Print/Save/Email	●	●
All-in-One Search	●	●
Advanced Search	●	●
Modern Design	●	●
Fully Searchable PDF documents	●	●
Twitter & Facebook Sharing	●	●
Enhanced for Tablet Use	●	●
PREMIUM FEATURES		
*OrdBank	○	●
*OrdLink	○	●
*CodeBank	○	●
*CodeBank Compare	○	●
*eNotify	○	●
*MuniPro	○	●
*Custom Site Theming	○	●

*Municode's optional, premium offerings are enhanced with MunicodeNEXT. Call or email for details.

Municipal Code Corporation • P.O. Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.564.7492 • www.municode.com

This proposal shall be valid for a period of ninety (90) days from the date appearing below unless signed and authorized by Municode and the Client.

Term of Agreement. This Agreement shall begin upon execution of this Agreement and end three years after the publication date of the new code. Thereafter, the supplement service shall be automatically renewed from year to year provided that each party may cancel or change this agreement with sixty (60) days written notice.

Submitted by:

MUNICIPAL CODE CORPORATION

Municode Officer: _____

Title: President

Date: May 1, 2015

Accepted by:

CITY OF NEWPORT, MINNESOTA

By: _____

Title: _____

Date: _____

Resumes and Project Contacts

Lawton Langford, Esq., Chairman & CEO. Lawton attended Vanderbilt University with a double major in Economics and Business Administration. His post-graduate degrees are a Juris Doctor from the FSU College of Law and a Masters of Business Administration from the FSU College of Business. Lawton is a member of the Florida Bar.

Eric Grant, Esq., President. B.S., U.S. Naval Academy; M.A., Georgetown University; J.D., University of Virginia School of Law. Member of the Florida Bar. Eric served as a Tank Platoon Commander in the United States Marine Corps. As a Marine, Eric served both stateside and abroad. Eric and his unit were deployed during Operation Enduring Freedom shortly after September 11, 2001. While serving as a United States Marine, Eric served in Virginia, Kentucky, California and abroad as a member of the 15th Marine Expeditionary Unit.

Legal:

H. E. "Rick" Grant, Esq., Executive Vice President and COO. B.S., U. S. Naval Academy; J.D., Florida State University. Rick is a former naval aviator and Navy attorney (JAG Corps) who retired as the Navy's senior attorney, the Judge Advocate General of the Navy. He will have overall supervision of the Legal work for the code project. He will assign the Municode attorney, and will ensure that the final product is up to Municode's demanding standards.

Roger D. Merriam, Esq., B.A. (cum laude), Mercer University; J.D., Emory University; more than 39 years of experience in local government law; Member of Florida Bar. Roger has reviewed codes in all 50 states.

Alyce A. Whitson, J.D., B.A., University of South Florida; J.D., University of Florida; more than 37 years of experience in local government law; Member of Florida Bar. Alyce has completed over 600 codes and various other legal projects throughout the United States.

Daniel F. Walker, Esq., B.S., Florida Southern College; J.D., Georgia State University College of Law; 8 years of private practice; 10 years of experience in local government law; member of Florida and South Carolina Bars. Also admitted to practice before the U.S. Court of International Trade and the U.S. Court of Appeals for the Armed Forces.

William J. Carroll Jr., Esq., B.S., Penn State University; J.D., Florida State University; more than 35 years of experience in local government law; Member of Florida Bar. Bill has completed hundreds of codes and legal projects throughout the United States.

Sandra S. Fox, Esq., B.A, Florida State University; J.D., Florida State University; 13 years of experience in legal research and writing. Sandra has completed codes in Alaska, Alabama, Georgia, Illinois, Kansas, Maine, Michigan, Minnesota, Montana, Oklahoma, Missouri, Rhode Island, South Dakota, Tennessee, Texas, and Wisconsin.

Sally E. Raines, Esq., B.A. (cum laude), University of Florida; J.D., University of Florida Levin College of Law. Sally started with Municode in 2013 and is gaining experience working in local government law in Florida, Texas, and Georgia. Member of the Florida Bar. Member of the Texas Bar.

Jim Jenkins, Esq., B.A., Eckerd College; J.D., University of Maryland School of Law; Former Appellate Attorney and Trial Prosecutor for the Kings County District Attorney's Office, Brooklyn, NY; 19 years of experience in complex legal research and litigation; 8 years of experience in local government law. Jim has completed codes in Alabama, California, Georgia, Louisiana, New Hampshire, South Carolina, Texas, Utah, Washington and Wisconsin.

Project Coordinators/Customer Service:

Dale Barstow, Vice President of Sales & Pilot of Municode's Corporate Airplane. Graduate from Embry-Riddle Aeronautical University; Honorary Town Clerk in 5 States; Municipal Clerks Education Foundation President; Dale has over 40 years of experience in client sales. Dale meets with our customers to ensure face to face communication and coordination.

Steffanie W. Rasmussen, Assistant Vice President of Sales. M.S., Industrial & Organizational Psychology, Kansas State University; B.S., Business Psychology, Florida State University; Certificate in Performance Management, Florida State University. She is Communication, Efficiency and Customer Service driven.

James Bonneville, Mid-West Regional Sales Representative, located in Stillwater, Minnesota. He is available to answer questions and meet with you, as needed. James graduated from the University of Minnesota with a B.S., in Political Science. James worked in State Government, Lobbying and Governmental Sales for over 19 years. James has been a part of Municode/MCCi since 2009. He frequents the Wisconsin area often and attends the Municipal League Conference, Clerks Conference and IIMC Conference. He is also supported by our entire staff in Tallahassee.

Tracy Stevanov, Mid-west Inside Sales Representative. B.S., Public Administration, Florida State University School of Social Science. Tracy has over 15 years of sales experience and has worked with Municode since 2008. She enjoys meeting with clients and assisting them in all facets of their account; from demonstrating new products and solutions to problem solving and preparing budgets. Tracy works hand in hand with James ensuring that clients are taken care of.

Dennis J. Sinnett, Vice President of Supplements. B.S., United States Naval Academy; M.A.S., Embry-Riddle Aeronautical University. A former Naval aviator with over 30 years of leadership experience, he is the Supervisor of the Supplement Department.

Additional Services

As an additional service/product under this contract, the following optional services are available:

Distribution. Fulfillment services are available to distribute individual printed copies of codes and supplements to departments or subscribers at no additional fee to you. We can sell your codes, supplements, chapter reprints, binders and tabs at a pre-determined price. We assume all risk and expense for providing these items. Orders can be placed through our online ordering, via fax, mail or telephone. More detailed information about distribution services will be provided after the return of the proofs.

Future Legal Review. At any point during the term of this Agreement, or extensions thereof, we can provide additional legal reviews to identify inconsistencies, obsolete provisions or compare the code to current State Law. State Law references can be updated in conjunction with this legal review or as a separate engagement.

Utility Billing and Revenue Management Services. MCCadvantage (MCCa), a fully integrated division of Municipal Code Corporation, offers industry leading end-to-end utility bill presentment services for the local government market. MCCa's revenue management services include utility bill print and mailing, e-bill fulfillment, pro-active notifications and electronic payment options. Currently, almost 60 municipal owned utilities trust MCCa to process approximately 7 million bill statements annually. Our utility billing processes create flexible, efficient and customer-centric solutions that allow municipalities to better leverage existing billing resources. Costs for bill presentment services, including custom bill design, data formatting, printing and mailing services are competitively priced based on billing volume.

Enterprise Content Management Software (Laserfiche). With a client base of over 600 government agencies, we are the largest provider of Laserfiche solutions in the country.

Electronic Agenda and Legislative Management (Legistar). MCCi, a subsidiary of Municipal Code Corporation, offers the Granicus Legislative Management Suite (Legistar) and related services which provides electronic automation and creation of Agendas and Minutes. Options for integrating Legistar with Laserfiche and MunicodeNEXT are also available.

Digital Imaging Services. MCCi offers scanning, indexing and integration of hard copy documents, electronic documents, and microfilm/microfiche. MCCi integrates the records with Laserfiche Software to provide the Client with the most powerful search engine available.

Open Records Request Solution (JustFOIA). MCCi offers its JustFOIA solution to help agencies track Open Records Requests. JustFOIA is a hosted solution that is user-friendly, affordable, and integrated with Laserfiche ECM.

Contract Management Software (Contract Assistant). MCCi offers the Contract Assistant Software (developed by Blueridge Software) which is a solution designed to provide control and automation of the contract management process, while also offering Laserfiche integration options.

What Our Clients Say about Partnering With Us

"We were not only impressed with the services and products provided by Municode but the speed in which it all took place. Our Legislative Body and Administration were pleased with the new code books and the pricing we received. Thank you for producing this great product with such professionalism. We look forward to our continued relationship with Municode."

"We certainly couldn't have done it without your team. MCC is a very customer oriented company."

"I find everyone at Municode delightfully friendly and helpful. You are all very professional. It's apparent that you all care a great deal about good customer service. That is wonderfully refreshing as it is so hard to find anymore."

"I am extremely satisfied with Municipal Codes Corporation's performance and customer assistance. Not many companies provide such excellent services."

"You have personally demonstrated excellent service, diligence and concern for the integrity of our code and the integrity of the product your company produces. Please know your efforts are very much appreciated!"

"We appreciate the superior customer service you have provided. I can't tell you how nice it is to have people that will work with you."

"You are true professionals and great to work with!"

"Thank you for the tremendous job that you do for us. You always make me look good as the Clerk and I truly appreciate your services."

"WONDERFUL!!! Thanks for making my life easier, I really appreciate all that you do!"

"Your diligence, care, command over the process and attention to details have been exceptional. Moreover, what also helps set you apart from most of those in your line of work is that, you are readily accessible and exceedingly responsive. I hope that my clients are as pleased with me as I am with you."

"I really enjoy working with you! Your responsiveness and enthusiasm are greatly appreciated!!"

municode

Municipal Code Corporation • PO Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

April 14, 2015

Ms. Renee Eisenbeisz
Executive Analyst
City of Newport
596 7th Avenue
Newport, MN 55055 Email Sent Via: reisenbeisz@newportmn.com

Dear Ms. Eisenbeisz,

Thank you for speaking with Steffanie Rasmussen and expressing interest in utilizing Municode for supplementation services. We have reviewed the City's Code and are pleased to submit the following information for your review. Municipal Code Corporation (Municode) will provide the City of Newport and outside subscribers the highest level of service. It is our goal to focus on the details of each need and demonstrate that we are best suited to serving you and your citizens. We were founded in 1951 as a one man operation, for the sole purpose of codifying municipal laws and ordinances and publishing this material in loose-leaf form.

The Municode Team is driven by the desire to serve you and your citizens. We believe that quality customer relationships and exceptional service are what have set us apart in the legal codification industry since 1951. Our commitment to service inspires us to: provide you with the highest quality legal codification services in the industry; set the standard for online and mobile services; ensure that you receive the most accurate and timely supplements possible and to work with you as a long term partner. Our desire to serve you is why we have chosen this profession.

Why Municode?

Integrity

"Our word is our bond."
We believe that long term relationships built on trust are built to stand the test of time. Our goal is to serve you and your citizens for the next 30 years or more.

Experience

With over 3,600 customers in all 50 states, and nearly 3,100 posted online, Municode is the most trusted and experienced codifier of local government Codes in the nation. Our team of Attorneys has an average of over 20 years of codification experience. With over 150 professionals committed to serving you, we have the depth of knowledge and experience that it takes to stay at the forefront of legal and technological developments.

Relationships

For over 64 years, we have earned the trust, loyalty and respect of our customers by focusing on what is most important to us: our customers. Municode has a team of Customer Service Professionals dedicated to serving you, your team and your citizens. No matter what the challenge, we are here for you.

Municode currently provides codification services to 51 municipalities in the state of Minnesota including the following areas surrounding Eagan, Maplewood and St. Paul. **Our attorneys provide an annual Minnesota State law pamphlet.** Thus, Municode is experienced in not only Minnesota law, but with the unique needs of Minnesota.

Quality

We are committed to excellence in every product that we create. Our team of over 40 Editors and Proofreaders, each averaging over eight years of service, is dedicated to providing you with the most accurate and timely product available in the nation. In partnering with Municode, you are provided with a depth of legal talent that is unmatched in the industry. Our team concept allows us to support one another and back one another up during unexpected contingencies. You and your citizens deserve the best and deserve to have a team that will be here to serve you no matter what the situation.

We Are Your Cloud Backup

We consider technology a “core competency” and are committed to staying abreast of technological developments for your benefit. Municode invests heavily in research and development technology that benefits our clients on an annual basis. This level of continued commitment to technology enables us to grow our capabilities each and every year. Municode can host your code, archive all of your material to include ordinances, resolutions, minutes, agendas and past versions of your code and ensure that you will always have easy access 24/7, 365 days a year. We take this responsibility seriously and have invested in a geo-redundant data center with full synchronization for your entire suite of data and services.

Online Stability

Municode has invested hundreds of thousands of dollars in a robust Business Continuity and Disaster Recovery Plan. Internet Stability is crucial to cities and counties of every size. Municode houses its public facing websites in a secure, SAS70, PCI compliant data center owned and operated by Peak 10 in Atlanta, Georgia. This page outlines the features of Peak 10’s datacenter, including redundant Internet providers, redundant power and cooling, and secure biometric access to the physical facility (http://www.peak10.com/locations/atlanta#facility1). All systems are backed up and synchronized between our Tallahassee, Florida and Atlanta, Georgia locations for full geographic redundancy should one of the sites become inaccessible.

Customer Service

Our focus on service begins by fully understanding your unique needs and requirements. Municode will establish a routine meeting schedule with you to discuss services and any concerns. This allows Municode staff to have firsthand knowledge of the City’s needs. We strive to provide a personal touch and keep an open line of communication.

We look forward to discussing our proposal with you and ask that you contact our Regional Sales Representative, James Bonneville, or Sales Representative, Tracy Stevanov, with any questions you may have at any time. You can also email us at info@municode.com, or we will gladly schedule a conference call or webinar with all interested parties. We appreciate your time to review our proposal.

Sincerely,

Dale Barstow
Vice President - Sales

DMB/ll
Enc.
Cc: James Bonneville, 651-262-6262, jbonneville@municode.com
Tracy Stevanov, 850-408-5598, tracy@municode.com

SCOPE OF WORK

MUNICODE, a corporation duly organized and existing under the laws of the State of Florida, hereinafter referred to as Municode, hereby offers to perform supplementation services for the **CITY OF NEWPORT, MINNESOTA,** hereinafter referred to as the City.

1. **Services Offered.** Municode will research, edit, index and publish (both in print and electronically) the finally enacted legislation City specifies for inclusion in the code.

2. **Material Included**. All legislation of a general and permanent nature, passed in final form by the City will be included in the code. Municode prefers the material in an editable electronic format (such as WORD (DOCX)), and will rely upon the electronic media furnished by the City. All material received by Municode will be acknowledged via e-mail. Ordinances contained within the text of minutes can be researched and extracted.

3. **Omitted Material**. The following legislation, which is not of a general and permanent nature, will be omitted from the code unless the City instructs otherwise: Appropriations; Franchises; Bonds; Vacating Streets and Other Public Properties; Sales of Surplus Assets and Properties; Tax Levies; Special Elections; Contracts and Agreements; Rezoning; Personnel Regulations; Annexations and Disannexations; Tax Anticipated Notes and Issuances of Similar Debt Instruments; Appointments of Named Individuals to Positions within a Governmental Body; Comprehensive Master Plans and Traffic Schedules and Fee Schedules.

4. **Additional Content**. The City can include additional content (for example, charter, zoning, SmartCode or Form Based Code, land development regulations) in the code. The native files (typically InDesign) will be required of any graphic-intensive content. Added content can be included in a Supplement or published separately. Additional divider tabs or binders will be provided as necessary.

5. **Editorial Work**. The Supplement editorial team, who is supervised by **a licensed attorney** and consists of a legal editor, proofreader and indexer, will review the legislation to determine proper placement within the code. Municode will adhere to the structure and style contained in the ordinance unless changes are required to ensure consistency with other text in the code. The team will also update the table of contents, catch lines, reference tables and index. Editorial notes will be appended to sections that require additional explanation. Municode has Supplement teams trained in the use of InDesign, and will editorially preserve the integrity of form of such files whether displayed on-line or in print.

6. **Schedule.** Amendments are provided on a schedule designed to meet the needs of the City. The schedule can be weekly, bi-weekly, monthly, bi-monthly, quarterly, tri-annual, semi-annual, annual or upon authorization. Electronic Updates can occur on a more frequent schedule than printed supplements. In addition to establishing when Supplements will occur, the schedule determines how frequently Municode will request ordinances from the City.

7. **Printed Supplements.** Amendments to the printed code occur in the form of printed Supplement pages that are issued as replacement pages on acid-free paper. Printed Supplements include: an updated Table of Contents; Code Comparative Table; Index; an instruction sheet to advise holders of the book where to insert and remove pages; a Checklist of Up-To-Date pages that indicates the most recent source from which each page is derived; and a Supplement History Table that indicates the specific ordinances included in the Supplement. A copy of each Supplement for every printed Code is included in the base page rate. Our paper supplier is chain-of-custody certified with the Forest Stewardship Council (FSC), Sustainable Forest Initiative (SFI) and Program for Endorsement of Forest Certification schemes (PEFC).

8. **Electronic Updates.** Amendments to the Internet version of the code can be provided on a separate schedule from Printed Supplements. Electronic Updates reflect the editorial decisions made by the Supplement team and a fully searchable, complete code will be posted. Electronic Updates are included in the base page rate and clients who receive both Electronic Updates and Printed Supplements receive the Printed Supplements at no charge.

9. **Electronic Medium and Format**. The code can be furnished in any electronic medium and format selected by the City. Most popular formats are: HTML, WORD (DOCX), PDF, Folio and the Online Code.

10. **Support.** Support for our electronic and online services is offered 8:00a to 8:00p (Eastern). Telephone requests are answered within 24 hours, and e-mail requested within one hour.

11. **Delivery**. Printed Supplements to the code will be delivered in bulk to the City, unless the City chooses to utilize Municode's Distribution Services. The website will be updated upon shipment of the printed supplement or as Electronic Updates are completed.

Supplement pricing example - Municode will only invoice for the actual number of pages generated by the inclusion of ordinances. Below is an example of how Municode would invoice for a 100 page supplement.

100 pages x $18 = $1,800 (this includes updating the website with the supplement)
Electronic Media (Optional – WORD/DOCX, PDF, HTML at $50 each; or Folio at $75)
Shipping of supplement = $10 (actual freight)
Estimated Total = $1,810

ADDITIONAL SERVICES

1. **Distribution.** Fulfillment services are available to distribute individual printed copies of codes and supplements to departments or subscribers at no additional fee to the City. Municode can sell the codes, supplements, chapter reprints, binders and tabs at a pre-determined, agreed upon price. Municode assumes all risk and expense for providing these items. Orders can be placed through our online ordering, via fax or mail.

2. **Legal Review**. At any point during the term of this Agreement, or extensions thereof, Municode can prepare a Legal Review for the code to identify inconsistencies, obsolete provisions or compare the code to current State Law. State Law references can be updated in conjunction with this legal review or as a separate engagement. State Law Pamphlets for selected states are provided on the www.municode.com website free of charge.

3. **Document Scanning Services (MuniScan)**. Municode's subsidiary, MCCi, offers scanning, indexing and integration of hard copy documents with Laserfiche Software to provide the City with intuitive browsing, index cards, and fuzzy logic. Pricing information can be supplied upon request.

4. **Electronic Records Management Software and Services (Laserfiche) –** MCCi is the largest Laserfiche Var in the United States and focuses on Local Government. With over 400 clients, MCCi can provide your organization with the most experienced professionals to implement and support your Laserfiche solution. Laserfiche software is used for Electronic Records Management and here are just some of the features: scan, index, search, archive, automate approval processes, make records available via the web, manage records retention, and integrate with your other software systems.

5. **Utility Billing Services (MuniBills)**. MCCAdvantage offers billing, statement and remittance processing services as an additional benefit under this agreement. MCCAdvantage, a subsidiary of Municode, can provide the client with design, printing and mailing services for customer billing/statements of all types. These services also include remittance payment options, software and other billing solutions. Pricing information for this service can be supplied upon request.

Billing services, to include custom formatting, data cleansing, printing and mailing of your statements, are included with this contract. An initial setup fee and $.15 per bill (10,000 bills per month) includes formatting, printing, mailing, and materials. Tiered pricing for volumes above 10,000 statements. (Minimum charge of $250 per month for volumes less than 2,000.) PDF copies of all statements are provided in advance of mailing. Additional features available upon request.

QUOTATION SHEET FOR THE CITY OF NEWPORT, MINNESOTA

Conversion

- Conversion of Code to Municode Database, if Code can be furnished in Word — No Charge[1]

Municode will just simply take over the Code keeping the existing supplement numbering sequence and style of the Code intact. The Code will be converted and posted online within 12 weeks upon receipt of the Word files and printed copy of the Code, allowing for the transition to be seamless. Codification of legislation is not included in the conversion.

Supplement Service Base Page Rate[2]

Page Format	Base Page Rate
Single Column	$18 per page

Base page rate above includes:

- Acknowledgement of Material
- Data conversion, as necessary
- Editorial Work
- Proofreading
- Updating the Index
- Schedule as selected by Client[3]
- Updating Electronic versions[4] and Online Code
- PDF copy of the code

Base page rate above excludes:

- Freight, prebilled — Actual freight
- State Sales Tax — If applicable
- Graphics[5] & Tabular[6] matter, per page — $10
- Online code or MyMunicode, first year no charge — Selections on page 5

Optional Services to Supplement Service:

- ❑ Optional legal review of the Code — $2,125
- ❑ Folio Bound Views, per delivery[7] — $75
- ❑ Printed copies of the updated Code — $.06 per impression
- ❑ 3-post expandable leatherette binders, $50 each — qty_____$_____
- ❑ 3-ring leatherette binders, $40 each — qty_____$_____
- ❑ 3-ring vinyl binders, $18 each — qty_____$_____
- ❑ Please circle binder color: Semi-Bright Black, Burgundy, Dark Blue, Hunter Green
- ❑ Please circle stamping color: Gold, Silver, White
- ❑ Tabs, $10 per set — qty_____$_____

Payment for Supplements and Additional Services: Invoices will be submitted upon shipment of project(s).

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[1] Provided Municode can rely upon the version of the Code furnished and it is in an editable, electronic format.
[2] All prices quoted in this section may be increased annually in accordance with the Producer Price Index – Internet Publishing and web search portals (NAICS 519130) as reported by US Department of Labor – Bureau of Labor Statistics.
[3] Schedule for Supplements can be weekly, bi-weekly, monthly, bi-monthly, quarterly, tri-annual, semi-annual, annual or upon authorization. Electronic Updates can occur more frequently than printed Supplements.
[4] We do not charge a per page rate for updating the Internet, however a handling fee is charged for PDF, Word, Folio or additional electronic media items ordered.
[5] Includes printing all copies. Additional fee if graphic includes color.
[6] Tabular matter is defined as tables, Algebraic formula, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.
[7] "delivery" is defined as delivering electronic data available to the Client via FTP or Download. Fee applies whenever updated content is delivered via one of the above-defined products.

WEB HOSTING QUOTATION SHEET FOR
FOR THE CITY OF NEWPORT, MINNESOTA

(Please see the website features defined page for a brief description of the services outlined below)

Please check the appropriate box (es) to indicate your selection:

- ❑ **MyMunicode**[8] includes the following: — $995 annually[9], First Year No Charge

  i. **Code On Internet**
  ii. **OrdBank (or Upgrade to OrdLink/OrdBank for an additional $100)**
  iii. **CodeBank**
  iv. **MuniPRO**
  v. **Custom Banner**

In lieu of purchasing the above package, the City can purchase each item a la carte:

❑ **Code on Internet *(after the first free year)*** (annually)	$395
❑ **CodeBank** (annually)	$150
❑ **CodeBank Compare / eNotify**[10] (annually)	$150
❑ **MuniPRO** (annually)	$295
❑ **Custom Banner** (onetime fee)	$250
❑ **MuniDocs**	Quote available upon request

OrdBank

❑ Per ordinance	$35
❑ Flat annual fee	$275

-OR-

OrdBank + OrdLink

❑ Per ordinance	$60
❑ Flat annual fee	$375

Municode does not charge a per page rate for updating the Internet or any additional printing fees – this is all included in the supplement per page rate. In comparing services, if you notice a service that is not listed please email or call us! We are positive that Municode can do it. We might even currently provide that service under a different name.

[8] Municode does not charge a per page rate for updating the Internet – this is included in the supplement per page rate.
[9] Total Value if each item purchased a la carte would be $1,365 initially then $1,115 per year with election of the flat annual fee for OrdBank.
[10] Enrollment in CodeBank is required in order to receive the CodeBank Compare technology.

Municipal Code Corporation • PO Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

This proposal shall be valid for a period of ninety (90) days from the date appearing below unless signed and authorized by Municode and the City.

Term of Agreement. This Agreement shall begin upon execution of this Agreement and end three years thereafter. In the absence of notice of cancelation, this Agreement shall be automatically renewed from year to year provided that either party may cancel or change this agreement with sixty (60) days written notice.

Submitted by:

MUNICIPAL CODE CORPORATION

Municode Officer: _____

Title: _____

Date: _____

Accepted by:

CITY OF NEWPORT, MINNESOTA

By: _____

Title: _____

Date: _____

MUNICODE'S WEBSITE SERVICES DEFINED

Code on Internet includes the following features:

- Mobile Friendly Site: Automatically downloads to iOS, Blackberry, Android and Windows phone 7 or higher;
- Save as Word;
- Print, Save, Email one or more Sections, Chapters and whole Titles;
- Internal Linking within the code where cited;
- Mouseover Preview (or Pop ups);
- Static Linking: Copy links of any Section, Chapter or Title to share via email or social media;
- Pinpoint Searching; advance searching including: Boolean, Stemming; Fuzzy and Synonym searching;
- Scrolling Tables and Charts: Header stays fixed while you scroll through the table/chart;
- GIS - Municode can provide a permalink to any code section and assist the City staff to create a link from their GIS system to relevant code sections.
- In-line Images and PDFs;
- Server Stability and Disaster Recovery Plan;
- ***Co-Location in Atlanta, Georgia: only Codification Company to have geo-redundant servers in multiple states;***
- Phone, email and Web support for Citizens and Staff: 24 hour email response; Phone support from 8:00 a.m. to 8:00 p.m. Eastern Standard Time

OrdBank. Creates a permanent, online collection of all ordinances sent to Municode. Prior to incorporation into your code via supplementation, all of your ordinances will be posted on your landing page for easy access. Once codified, each ordinance History Note is hyperlinked to the actual ordinance as enacted. OrdBank saves your municipality valuable time and money by enabling you, your staff and your citizens to gain instant access to your ordinances by simply clicking the history note.

OrdLink + OrdBank. Prior to incorporation into your code via supplementation, OrdLink hyperlinks newly adopted ordinances to the section being amended. Linked sections are highlighted in the Table of Contents and links are created from the amended sections to the new ordinances. Once the linked ordinances are incorporated into the code, they added to your OrdBank and hyperlinked to your History Notes. For the linked ordinances to be searchable, they must be sent in an editable format. Scanned documents can be included in the list and are viewable, but not searchable.

CodeBank. Creates a permanent, online collection of all past versions of your code. CodeBank enables your online users to easily access previous versions of your code. The historic version of your code is fully searchable and printable, making the task of researching past versions of your code more efficient. For your convenience, when a previous version of your Code is selected, users are alerted that they are looking at an older version of your code. No set up fee is required.

CodeBank Compare. This service provides the users the ability to select a past version of the online code and compare it to any other version of the code each time the code is updated. The differences will be shown via Highlights (added material) or Strikethrough (deleted material).

MuniDocs. Enables municipal users to send material of your choosing directly to Municode to upload documents to your online Code of Ordinances. Let Municode do all the work and upload the versions of Minutes, Resolutions, Budgets, and or any other non-code material online. Your collection of documents to be posted alongside your code and will be fully searchable, filterable for ease of use.

MuniPRO. MuniPro Searching allows you to search all of the codes we host (the entire country, a single state, or individually selected Codes of your choosing). MuniPro Searches are ideal for researching local regulations of special interest, or to find out how other communities are dealing with similar issues. There is a per annum fee for this premium service; User Name and Password required. If the IP based model is selected, only Multiple Code Searching is available. MuniPRO provides subscribers with the following tools:

- **Multiple Code Search.** Search all codes within one state, multiple codes within one state, or search all codes in the entire U.S.! Search results are sorted by relevancy and indicate the source publication, showing excerpts and keyword highlighting.

- **MuniPRO Favorites.** Create a "favorites" list of frequently visited codes or sections. This will save time by making navigation a one-click process from your Dashboard.

- **MuniPRO Notes.** Create a note and attach it to any document in any publication. Note icons will show in both

the Table of Contents and search results page, alerting the user to a previously written note. Notes can be shown or hidden when browsing and searching a publication, and a global listing of notes can be accessed with a single click from your Dashboard.

- **MuniPRO Drafts.** Begin a new ordinance draft to keep track of pending legislation. Drafts icons will appear in the Table of Contents and search results, and can also be accessed from a single click.

Custom Banner. Municode will customize the look and feel of your code on municode.com to more closely match your municipality's web site. This is accomplished by posting a banner image (provided by the City) over the top portion of our site.

Mobile Friendly Site. The Municode.com Online Library includes a mobile friendly version of your code. This is a frameless version that is accessible from your mobile device and is formatted for a better viewing experience on today's modern Smartphones. Our website recognizes when a visitor is viewing the content on a mobile device and automatically changes the view to maximize the capabilities of the hand-held device. *This feature is included in your annual Internet fee.*

Email (from the Web). Chapters, Articles or individual Sections may be selected for emailing. The functionality is intuitive and *included in your annual Internet fee.*

Print or Save. Similar to Emailing, Chapters, Articles or individual Sections may be selected for Printing or Saving. Save (as compared to "blocking & copying") preserves the formatting when the document is edited using your word processing software. *These features are offered to you as part of your annual code on the Internet fee.*

Internal Cross Reference Linking. Cross references within the code will be linked to their respective destination Article, Chapter, or Section. *This feature is offered to you as part of your annual code on the Internet fee.*

Mouseover (cluetips). Navigate to a code and any linked cross reference will display the pop-up after a 1 second delay. You'll need to clear your browser cache to enable them (Tools -> Internet Options -> Delete -> Temporary Internet Files). *This feature is offered to you as part of your annual code on the Internet fee.*

Static Linking to your Code. Each level of the code has a static link that will enable your users to easily create "Hot Links" to any section of the code. Simply click the permalink icon to the right of each heading level and paste the URL into the destination of your choice. *This feature is offered to you as part of your annual code on the Internet fee.*

Pinpoint Searching. Easily search any individual code with our advanced search options: revisit previously conducted searches using the "Search History" button; or narrow the scope of your search to find more specific legislation. *Once again these features are offered to you as part of your annual code on the Internet fee.*

Scrolling Tables and Charts. The header stays fixed to the top of your browsing pane while you scroll through your tables and charts.

GIS. Municode can provide a permalink to any code section and assist staff members to create links from their GIS system to relevant code sections.

Collapsible TOC. The Table of Contents collapses and is re-sizeable providing additional real estate with which you may view your code. Easily view your maps, graphs and charts by simply enlarging the item. This feature *is included in your annual code on the Internet fee*.

In-line Images & PDFs. Municode takes great care to ensure that your images match online and in print, and are captured at the highest quality possible. Our online graphics can be enlarged with a frameless view to maximize the image. Municode can also incorporate PDFs of certain portions of the code that have very specific viewing and layout requirements. These PDFs are fully searchable within our search engine, and are typically utilized with form-based Land Development Codes. *This service is included in your annual code on the Internet fee.*

Internet Stability. Municode houses its public facing websites in a secure, SAS70, PCI compliant data center owned and operated by Peak 10 in Atlanta, Georgia. This page outlines the features of Peak 10's datacenter, including redundant Internet providers, redundant power and cooling, and secure biometric access to the physical facility (http://www.peak10.com/locations/atlanta#facility1). All systems are backed up and synchronized between our Tallahassee, Florida and Atlanta, Georgia locations for full geographic redundancy should one of the sites become inaccessible.

MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Executive Analyst

DATE: April 21, 2015

SUBJECT: Solicitor's Permits

Please find attached the following Solicitor's Permits for approval:

- Troje's Trash and Recycling
  - Patrick Flynn
  - Neil Flynn
  - Loren Herbes

RECOMMENDATION
It is recommended that the City Council either approve or deny the permits. Investigator Freemyer recommends that the City Council approve Patrick Flynn's and Loren Herbes' applications based on the background checks.

115901033

City of NEWPORT

APPLICATION FOR SOLICITOR'S – PEDDLER'S – TRANSIENT MERCHANT'S

Newport City Hall ◆ 596 7th Avenue ◆ Newport ◆ Minnesota ◆55055 ◆Telephone 651-459-5677◆ Fax 651-459-9883

Application Date: 4/13/2015

Applicant Information

Applicant's Full Name: Patrick John Flynn

Applicant's Telephone: [redacted]

Other Names the Applicant Goes By: NA

Applicant's Cell Phone: [redacted]

Applicant's Permanent Address: 617 West Canto St.

City/State/Zip: Belle Plaine, MN, 56011

Applicant's Temporary Address: NA

City/State/Zip: NA

Type of Photo ID: Class D Drivers License

ID #: [redacted]

Physical Description of Applicant:

Date of Birth: [redacted] Height: 5'10" Hair Color: Brn. Eye Color: Hzl

Have you ever been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations: _____ Yes X No (If Yes, explain below)

Business Information

Description of Business: Door to Door Sales

Employer's Name: ~~[illegible]~~ Backtour Ltd.

Employer's Address: ~~[illegible]~~ 501 W. Forest St. #10, Belle Plaine, MN

Employer's Phone #: ~~[illegible]~~ Contact Name: Valerie Strom

Type of Permit: (Check One) [redacted]

- [x] Solicitor's Day ($50/day)
- [ ] Transient Merchant's Day ($100/day)
- [ ] Peddler/Hawker/Wagon Peddler's Day ($50/day)
- [ ] Solicitor's Year ($300)
- [ ] Transient Merchant's Year ($300)
- [ ] Peddler/Hawker/Wagon Peddler's Year ($250)

Dates and Times of Business:

Dates: From	To	Hours: From	To
05/13/2015	05/14/2015	4:00 PM	8:00 PM

Products Being Sold: Trash pickup

Source of Supply of Goods: NA

Company Name and Address: Troje's Trash Removal, 6010 Concord Heights Blvd. Inver Grove Heights, MN 55076

If Transient Merchant:

Location of Where Business will be Set Up: NA

Last three municipalities in which you carried on this business:

1. NA
2.
3.

Vehicle Information

Description of Vehicle(s):

Year: 07 Model: Saturn Aura Color: grey License Plate #: 687 NJG

Year: Model: Color: License Plate #:

Year: Model: Color: License Plate #:

Miscellaneous Information

Names of at least two property owners of Washington County, Minnesota, who will certify as to the applicant's good character and business respectability.

1. NA
2.
3.
4.

Applicant Statement and Acknowledgements

The undersigned applicant makes this application pursuant to all laws of the State of Minnesota and such rules and regulations as the City of Newport may from time to time prescribe.

Applicant/Agent Printed Name: Pat Flynn Signature:

For Office Use

Investigation Fee $ 50 Permit Fee $ 100 Receipt # Date Paid 04/13/15-Inv.

Provide Copy of: County License Photograph Written Permission from Property Owner (Transient Merchant's Only)

Investigation Completed By: S. Freemyer. #399

Date: 4-16-15 Approved: Denied:

Reasons: Misd. traffic citation

115901035.

City of NEWPORT

APPLICATION FOR SOLICITOR'S – PEDDLER'S – TRANSIENT MERCHANT'S

Newport City Hall ◆ 596 7th Avenue ◆ Newport ◆ Minnesota ◆55055 ◆Telephone 651-459-5677◆ Fax 651-459-9883

Application Date: 4/13

Applicant Information

Applicant's Full Name: Neil Patrick Flynn

Applicant's Telephone: [redacted]

Other Names the Applicant Goes By:

Applicant's Cell Phone: [redacted]

Applicant's Permanent Address: 21005 Xeon Ave

City/State/Zip: Jordan MN 55352

Applicant's Temporary Address:

City/State/Zip:

Type of Photo ID: D.L.

ID #: [redacted]

Physical Description of Applicant:

Date of Birth: [redacted] Height: 5'9 Hair Color: Brown Eye Color: Blue

Have you ever been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations: Yes No (If Yes, explain below)

I have many Charges 2 May to List and can't Rember all of them I have made many Changes in my Life, all my Charges ~~is~~ ~~to~~ are all older than 6 years ago I was a Stupid Kid that took many Charges To Change my Life, Now I'm Changed Person! Thanks Prug Free!

Business Information

Description of Business: Door to Door for Troje's trash Pick-up

Employer's Name: Back 4 LTD

Employer's Address: 501 West forest St. #10 Bellplaine MN 56011

Employer's Phone #: [redacted]

Contact Name: Val

Type of Permit: (Check One)

- [x] Solicitor's Day ($50/day)
- [ ] Transient Merchant's Day ($100/day)
- [ ] Peddler/Hawker/Wagon Peddler's Day ($50/day)
- [ ] Solicitor's Year ($300)
- [ ] Transient Merchant's Year ($300)
- [ ] Peddler/Hawker/Wagon Peddler's Year ($250)

Dates and Times of Business:

Dates		Hours	
From May 13	To 14	From 4:00 pm	To 8:00 pm
From	To	From	To
From	To	From	To
From	To	From	To

Products Being Sold: Trash Pick up

Source of Supply of Goods:

Company Name and Address: Trojas Trash 6010 Concord Heights Blvd IGH

If Transient Merchant:

Location of Where Business will be Set Up: Door to Door

Last three municipalities in which you carried on this business:

1. IGH
2. S. St. Paul
3. Mendo Heights

Vehicle Information

Description of Vehicle(s):

Year:	07	Model:	Sat Aura	Color:	gray	License Plate #:	687 NJG
Year:		Model:		Color:		License Plate #:	
Year:		Model:		Color:		License Plate #:	

Miscellaneous Information

Names of at least two property owners of Washington County, Minnesota, who will certify as to the applicant's good character and business respectability.

1.
2.
3.
4.

Applicant Statement and Acknowledgements

The undersigned applicant makes this application pursuant to all laws of the State of Minnesota and such rules and regulations as the City of Newport may from time to time prescribe.

Applicant/Agent Printed Name: Neil P Flynn Signature:

For Office Use

Investigation Fee $ 50 Permit Fee $ 100 Receipt # Date Paid 04/13/15 - Inv.

Provide Copy of: County License Photograph Written Permission from Property Owner (Transient Merchant's Only)

Investigation Completed By: S. Freemyer #559

Date: 4-16-15 Approved: Denied:

Reasons: Felony Convictions, Drugs, Burglary, Trespassing 17 pages Criminal History

115901034

City of NEWPORT

APPLICATION FOR SOLICITOR'S – PEDDLER'S – TRANSIENT MERCHANT'S

Newport City Hall • 596 7th Avenue • Newport • Minnesota • 55055 • Telephone 651-459-5677 • Fax 651-459-9883

Application Date: 4/13

Applicant Information

Applicant's Full Name: Loren Anton Herbes

Applicant's Telephone: [redacted]

Other Names the Applicant Goes By: —

Applicant's Cell Phone: [redacted]

Applicant's Permanent Address: 3340 Spruce Cir SV

City/State/Zip: Roir Lake MN, 55372

Applicant's Temporary Address: —

City/State/Zip: —

Type of Photo ID: Driver's License

ID #: [redacted]

Physical Description of Applicant:

Date of Birth: [redacted]

Height: 6-0

Hair Color: Brown

Eye Color: HZL

Have you ever been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than traffic violations: _____ Yes X No (If Yes, explain below)

Underage consumption's, Disorderly Conduct, ALL Happen many year's ago. If there is Any Other charges I dont Remember! call if Any ?'s

Business Information

Description of Business: Door To Door for Trojes trash Pick up

Employer's Name: Back 4 LTD

Employer's Address: 501 W forest ST #10 Belle Plaine MN 56011

Employer's Phone #: [redacted]

Contact Name: Val

Type of Permit: (Check One)

- [X] Solicitor's Day ($50/day)
- [ ] Transient Merchant's Day ($100/day)
- [ ] Peddler/Hawker/Wagon Peddler's Day ($50/day)
- [ ] Solicitor's Year ($300)
- [ ] Transient Merchant's Year ($300)
- [ ] Peddler/Hawker/Wagon Peddler's Year ($250)

Dates and Times of Business:

Dates		Hours	
From may 13	To may 14	From 4:00 Pm	To 8:00 Pm
From	To	From	To
From	To	From	To
From	To	From	To

Products Being Sold: Trash Service

Source of Supply of Goods:

Company Name and Address: Trojes Trash / 6010 Concord Heights Blvd

If Transient Merchant:

Location of Where Business will be Set Up: Door to Door

Last three municipalities in which you carried on this business:

1. I.G.H
2. South. St. Paul
3. Moore Heights

Vehicle Information

Description of Vehicle(s):

Year: 07 Model: Sat Aura Color: Gray License Plate #: 687-NJG

Year: Model: Color: License Plate #:

Year: Model: Color: License Plate #:

Miscellaneous Information

Names of at least two property owners of Washington County, Minnesota, who will certify as to the applicant's good character and business respectability.

1.
2.
3.
4.

Applicant Statement and Acknowledgements

The undersigned applicant makes this application pursuant to all laws of the State of Minnesota and such rules and regulations as the City of Newport may from time to time prescribe.

Applicant/Agent Printed Name: Signature:

For Office Use

Investigation Fee $ 50 Permit Fee $ 100 Receipt # Date Paid 04/13/15-Inv.

Provide Copy of: County License Photograph Written Permission from Property Owner (Transient Merchant's Only)

Investigation Completed By: S. Freemyer.

Date: 4-16-15 Approved: Denied:

Reasons: m.sd. 4th degree damage to property, traffic.

MSA PROFESSIONAL SERVICES
More ideas. Better solutions.®

MEMO

To: Honorable Mayor and City Council Members

Ms. Deb Hill, City Administrator

From: Jon Herdegen, P.E. – City Engineer

Subject: Public Utilities & Stormwater Ordinance Revisions

Date: May 4, 2015 – For the May 7th Council Meeting

Over the last few months, City Staff has been revising/reorganizing Chapter 10 of the City Code, formerly the "Water & Sewer" ordinance. Council conducted a Public Hearing on April 2nd to accept public comment on the new "Public Utilities and Stormwater" ordinance. The hearing was continued to May 7th to address a number of comments from Council. Staff received a number of comments from Council following the initial hearing. Enclosed for your review is a copy of the revised ordinance with the proposed changes "tracked" for reference purposes. (The minor grammatical and punctuation corrections have been made but not noted in the document.) Additional comments have been noted in the right-hand margin and summarized below. Staff has provided some clarification [*shown in brackets*] for a few comments but would like further direction from the Council as to the required ordinance revisions:

- (1000.13 Subd 5) Clarify "work". [*Work would be considered any ancillary activities necessary to install drainage or plumbing systems*]
- (1000.13 Subd 5 A) Clarify the need for cleanout (To clean out the back bldg?).
- (1000.15 Subd 4) Clarify what happens after violation of this Chapter. *[Staff would consider a violation under this Chapter to be a petty misdemeanor. The responsible party would be cited/fined under the provision of the City Code (City attorney should confirm)]*
- (1000.17 Subd 1) Clarify waste as "household" waste.
- (1000.17 Subd 3 C 2b) Clarify if grease interceptor is required for issuance of building permit for activities not related to sanitary sewer (i.e. A new roof). [*Typically a building permit triggered by the construction of a sanitary sewer, or the like, would require a grease interceptor to be installed. Staff internally left his provision broad to provide some flexibility]*
- (1000.17 Subd 3 C 5) Clarify if City has an "approved format". [*The City has a FOG Maintenance Log that it has sent to the one restaurant that currently has an interceptor and will send it to any other businesses that install interceptors in the future.]*
- (1000.17 Subd 3 C 8) Clarify of the City performs periodic and random FOG equipment inspections. [*Considering this is the first year of this requirement, it has not been done.]*
- (1000.18 Subd 5) Clarify "…shall give undertaking to the City with respect thereto."

- (1000.19 Subd 4 A) Clarify entire sub-paragraph [*This is existing language from the ordinance and was included unchanged*]
- (1000.19 Subd 6) Clarify the distinction between "Connection Charges" & "Trunk Fees". – [*Connection charges are charged to any new building that needs to be connected or reconnected (for instance, if a new house is built on a vacant lot that once had a house, we only charge the connection fee). Trunk fees are charged when it's a new building on a lot that has never been connected.]*
- (1000.20 Subd 1) Clarify "…the assessable cost shall be determined by the City Engineer" [*When a project is funded, in part, by special assessments, the City typically directs the City Engineer to prepare a feasibility study which includes the assessable cost of the project.]*
- (1000.21 Subd 1) Clarify "…and allocates the debt service costs of such unused capacity for the year among such local government units."
- (1000.21 Subd 2 C) Clarify entire sub-paragraph. *[Met Council's SAC fee is charged on any new building or remodel and is based on the number of SAC units that the Met Council determines a new building or remodel will generate. The number of units is calculated from information that the property owner provides to Met Council. For instance, when North Pole remodeled in 2013, they were charged an additional 4 units. A new house is charged 1 unit. The SAC fee is due when the building permit is picked up and paid for*]
- (1000.21 Subd 2 E) Clarify entire sub-paragraph. [*Occasionally, the Met Council will ask the City for information on a determination application. Additionally, the City submits quarterly reports to the Met Council on SAC activity such as new houses or remodels.]*
- (1000.22 Subd 1) Clarify circumstances that the City would offer "discounted" services. [*The only instances of discounting that staff can recall are senior discounts and excess use of water to prevent freezing*]
- (1000.22 Subd 7) Clarify policy on providing disconnection notice. [*A delinquent utility bill will be stamped "shut-off pending" and a door hanger will be installed prior to shut off*]
- (1000.24 Subd 1 D) Clarify limitations on private wells (they draw down the water table too).
- (1000.25) Clarify "failure is thereby prohibited"
- (1005.02) Clarify "failure is thereby prohibited"
- (1010.01.1010.04) Clarify "It is further determined that any charge set forth pursuant to this Chapter is in addition to any charge pursuant to any other ordinance of the City or any other governmental entity or agency" should be inserted in each ordinance section.
- (1015.05 Subd 1) Clarify entire sub-paragraph specifically the delinquency date (not in water/sewer). [*Storm water utility bills are only sent out once per year to residents that don't have City water or sewer*]
- (1015.06 second paragraph) Clarify the following: "The decision of the Board of Appeals is final without any further right of appeal."

- (1020.02) Clarify meaning of "restrictive soils". [*Restrictive soils are generally silts and clays that do not infiltrate water]*
- (1020.06 Subd 1) Clarify appropriate City Department. [*Typically the plans are reviewed by the Superintendent of Public Works with the assistance of the City Engineer*]
- (1020.06 Subd 2 B 5) Clarify who is responsible for enforcement of this provision. [*The Public Work Department of the onsite field representative (City Engineer's Staff) is responsible for enforcement*]
- (1020.07 Subd 5) Clarify adding provision for application of 125%.
- (1020.09 B) Clarify how wetland buffer stripe will be maintained.
- (1035.01) Clarify sub-paragraph to addressing mowing in wetland buffer stripes.

CITY OF NEWPORT
ORDINANCE 2015-1

AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, AMENDING CHAPTER 10, WATER AND SEWER SYSTEMS

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

CHAPTER 10 – PUBLIC UTILITIES AND STORMWATER

Section 1000 – Sewer and Water Utility System

1000.01 General Operation. The City municipal sewer, water, and storm sewer public utility system shall be operated as a public utility and convenience from which revenue shall be derived, subject to the provisions of this Chapter.

1000.02 Management of Public Utility Systems.

A. The water and sewer systems as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this Chapter subject to the authority of the City Council at any time to amend, alter, change or repeal the same.

B. The City Council shall have charge and management of the water and sewer systems, subject to such delegation of the authority to the Public Works Supervisor or its designee, City Engineer, City Administrator its designee.

1000.03 Consent to Rules, Regulations, and Rates. Every person applying for water or sewer service, every owner of property for which any such application is made, every person accepting water or sewer service, and every owner of property where such service is accepted shall be deemed upon making such application or accepting such service to consent to all rules, regulations and rates as established by this chapter and as may hereafter be set forth and adopted by the City Council by ordinance.

1000.04 Minnesota Plumbing Code. The provisions of the Minnesota Plumbing Code, as approved by the Minnesota State Board of Health, including future amendments thereof, shall be hereby adopted by reference and shall be a part of this Chapter as if set forth in full, except as the same may be inconsistent with any provision of this Chapter or inapplicable.

1000.05 Public Work Superintendent. The Public Works Superintendent or City Council ~~and~~ shall appoint some person suitable and qualified to fulfill the office and who shall assume and discharge the responsibility imposed by this Chapter, together with such other duties as may be required or assigned to him or her.

1000.06 City of Newport Public Works Design Manual. The Public Works Design Manual is a separate administrative and policy document that provides design standards for public infrastructure improvements and acceptable construction practices and applications. The Public Works Superintendent and the City Engineer are responsible for its enforcement. The Public Works Superintendent shall have the authority to amend the Public Works Design Manual from time to time as needed.

1000.07 Nonliability of City for Water Utility Deficiency. The City shall not be held liable at any time for any deficiency or failure in the supply of water to the customer whether the same be occasioned by shutting off the water for repairs or connections or for any cause whatsoever.

1000.08 Tampering with Public Utility System. No person shall maliciously, willfully break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewer, water, or storm sewer system.

1000.09 Turning on/off Water. No person except an authorized City employee shall turn on or off any water supply at the stop box without permission from the Public Works Superintendent.

1000.10 Private Water Supplies (Wells) and Cross Connection Control. Whenever any premises are connected to the City water system, they shall be maintained to have a complete physical separation between the City water supply system and the private water supply system so that it is impossible to intentionally or unintentionally allow any water produced by a private system to be introduced in the supply line from the City system. If necessary, hose bibbs that will enable the cross-connection of the two systems shall be prohibited on internal piping of the well supply system. The threads on the boiler drain of the well volume tank shall be removed or the boiler drain bibb replaced with a sink faucet. Where both private and City systems are in use, outside hose bibbs shall not be installed on both systems.

1000.11 Use of Fire Hydrants. No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system without first obtaining authority to do so from the Public Works Superintendent.

1000.12 Utility Connections Beyond City Limits.

Subd. 1 Water. Where water mains of the City are in any street or alley adjacent to or outside the corporate limits of the City, the Council may issue permits to the owners or occupants of properties adjacent or accessible to the water mains to make proper water service pipe connections with the water mains of the City and to be supplied with water in conformity with the applicable provisions of this Chapter, and to set rates and charges therefor in excess of those provided for in this Section.

Subd. 2. Sewer. No buildings located on property lying outside the limits of the City shall be connected to the municipal sanitary sewer system unless express authority therefor shall be obtained from the Council.

1000.13 Utility Connection Requirements.

Subd. 1. Valves Required. There shall be installed in every connection to the City water system one full-way valve which shall be installed at a point between the curb stop and the meter so that the water may be turned off and the meter and house plumbing entirely drained. There shall be installed another full-way valve in the pipe on the house side of the meter.

Subd. 2. Backflow Valves. All water lines serving commercial, industrial, or multiple dwelling structures which are connected to the municipal water system shall contain an automatic backflow valve to prevent contamination of the municipal water in the event of low pressure. The valve shall be of a type approved and identified in the City of Newport Public Works Design Manual.

Subd. 3. Hydrant Shutoff Valves. All fire hydrants installed in the City, except those in single-family residential districts, shall be equipped with a shutoff valve in the water supply line.

Subd. 4. Pipe Specifications. All service pipe connections shall be installed to meet the requirements of the adopted City of Newport Public Works Design Manual.

Subd. 5. Separate Lines Required. The drainage and plumbing systems of each new building, and work installed in an existing building, shall be separate from and independent of that of any other building and every building shall have an independent connection with the public sewer and water when such is available.

A. **Exception.** Where one building stands to the rear of another building on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building drain from the front building may be extended to the rear building and the whole shall be considered as one building drain. Where the building drain is extended, a clean out shall be provided immediately inside the rear wall of the front building. This exemption shall be determined on a case by case basis by the Public Works Superintendent.

Comment [JH1]: Sumner Comment "Clarify work"

Comment [JH2]: Sumner Comment: "to clean out the back bldg."

Subd. 6. Replacement of Existing Utility Services. When new buildings are erected on existing sites served by existing services~~,~~ and it is necessary, as determined by the Public Works Superintendent, to increase or change the existing services;~~.~~ ~~If~~ the property owner is required to replace the old water and/or sewer service~~,~~. ~~new~~ New connections with the sewer or water main shall not be made until all the old services have been removed and the water or sewer main is plugged.

Subd. 7. Use of Old House Sewers. Old house sewers or portions thereof may be approved for use by the public works Superintendent. The public works Superintendent may request that the old sewer be excavated and or televised for the purpose of facilitating inspection. No cesspool or septic tank shall be connected to any portion of the house sewer. The existing cesspool or septic tank shall immediately be pumped, cleaned and filled with earth to the surrounding ground level.

Subd. 8. Required Connection to Sewer.

A. **Existing Buildings**. Any building used for human use or habitation and located on property adjacent to a sewer main, or in a block through which the system extends within one hundred feet (100') of the property line, shall be connected to the municipal sanitary sewer system within two (2) years from the time a connection is available to any such property.

B. **New Buildings.** All buildings hereafter constructed within the City on property adjacent to a sewer main, or in a block through which the system extends within one hundred feet (100') of the property line, shall be provided with a connection to the municipal sanitary sewer system for the disposal of human wastes. The connection shall be made by the owner of the building at no cost to the City.

1000.14 Liability for Maintenance and Repairs of Utility Lines. After the initial connection has been made to the sanitary sewer line or to the water system, the responsibility for maintenance and repair shall be as follows:

Subd. 1 Sanitary Sewer Lines.

A. The owner, occupant, or user of the premises shall be responsible for all maintenance and repair from the structure up to the sanitary sewer main and including the service wye, tap, or break-in.

B. The owner, occupant, or user is responsible for the repair of any break between the structure and the sanitary sewer main. All repairs shall be made at the expense of the property owner meeting the adopted City of Newport Public Works Design Manual and inspection of the Public Works Superintendent or his designee.

C. “Maintenance", as used in this section, shall include but not be limited to the following: repair of any break, cleaning and/or removal of roots, debris, clogs, and freeze ups between the structure and the sewer main.

Subd. 2 Water Lines:

A. The owner, occupant, or user of the structure shall be responsible for all maintenance and repair of water lines between the structure to the water main, excluding the curbstop.

B. The owner, occupant, or user shall be responsible for repair of the water line~~s~~ from the structure to the water main. All repairs shall be made meeting the adopted City of Newport Public Works Design Manual and inspection of the Public Works Supervisor or his designee.

C. “Maintenance", as used in this section, shall include but not be limited to the following: repair of any break, cleaning and/or removal of roots, debris, clogs, and freeze ups between the structure and the water main, excluding the curbstop.

D. Leak in Service Line: Any owner, occupant, or user of premises who shall discover a leak in a service line to the premises shall notify the public works department within twenty four (24) hours. Any water wasted due to

failure of such person to comply with this regulation shall be estimated by the public works supervisor and be charged against the owner of such premises at the established rate.

E. All water breaks in a structure that occur due to freezing are the responsibility of the owner. This includes water services, pipes, fixtures, and water meters. If a water meter should break or leak due to freezing, it is the responsibility of the owner to immediately contact the City Public Works Department so the damaged meter can be repaired or replaced. The City reserves the right to charge the owner for the repair or replacement of the damaged water meter and the estimated amount of water lost during the break.

Subd. 3 Curb Stop Box Installations:

A. The curb stop box shall be installed as required by the adopted City of Newport Public Works Design Manual.

B. The curb stop box shall be maintained at a height at finished grade of the land or property, and the owner of such property shall not interfere with the same.

C. No structure or driveway shall be installed in such a manner as to interfere with access to the curb stop box.

D. The homeowner shall be responsible to ensure that the curb stop box remains at finished grade where there is any landscaping or where grade changes are made.

1000.15 Water Meters. Before any water conveyed through the City water system shall be used on the land or premises of any person, there shall first be installed a water meter that will accurately measure the water actually consumed on the premises, except and unless such installation shall be exempted by the City. All meters installed shall be of a type approved by the City. If a proposed meter location is not readily accessible to City personnel, the City may require installation of outside reading remote meters. All meters shall be purchased by the applicant from the City and after installation shall become and remain the property of the City.

Subd. 1. Use of Meters. Except for extinguishment of fires, no person, except authorized City employees, shall use water from the water system or permit water to be drawn therefrom, unless the same be metered by passing through a meter supplied or approved by the City. No person not authorized by the Public Works Superintendent shall connect, disconnect, take apart, or in any manner change, or cause to be changed, or interfere with any ~~the~~ meter or the action thereof.

Subd. 2. Application for Meter. All applications for the installation, maintenance, and repair of water meters shall be made to the City.

Subd. 3. Authority to Install a Meter. The Public Works Superintendent or his designee shall have authority to install a meter.

Subd. 4. Accessibility of Meters. All water meters connected to the water system shall be accessible to the Public Works Superintendent or designee at any reasonable hour of any business day. The refusal of admission by any owner or occupant of any premises wherein a water meter is installed after such owner or occupant has been notified, in writing, that admission is desired for the purpose of inspecting or reading a water meter installed in such premises shall constitute a violation of this Chapter.

Comment [JH3]: Sumner Comment: "what then"

Subd. 5. Meter Maintenance and Repairs. The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them, if necessary. However, where replacement, repair, or adjustment of any meter is rendered necessary by the act, neglect, including damage from hot water backup or carelessness of the owner or occupant of any premises, any expenses caused the City thereby shall be charged against and collected from the water consumer.

Subd. 6. Meter Tests. A consumer may, by written request, have his or her meter tested by depositing an amount as set from time to time by the Council, with the help of the Public Works Superintendent. If the meter is found to be operating properly and there is less than a 5% error the meter testing deposit shall be retained by the City. In case a test should show an error of 5% or more of the water consumed, the deposit shall be refunded to the consumer, a correctly registering meter shall be installed, and the bill shall be adjusted accordingly if the meter erred in favor of the City. The adjustment shall not extend back more than one billing period from the date of the written request.

Subd. 7. Tampering with Meters. No person shall tamper with, alter, bypass or in any manner whatsoever interfere with the proper use and functioning of any water meter within the City.

1000.16 Discharge of Storm and/or Surface Water into a Public Utility Prohibited. It shall be unlawful for any owner, occupant or user of any premises to direct into or allow any storm water, surface water, ground water, well water or water from industrial or commercial air conditioning systems to drain into the sanitary sewer system of the City. No rain spout, or other form of surface drainage and no foundation drainage or sump pump shall be connected or discharged into any sanitary sewer.

1000.17 Types of Wastes Prohibited in the Sanitary Sewer System.

Subd. 1 Prohibited Waste. It shall be unlawful to discharge any waste into the municipal sanitary sewer system as regulated by the Metropolitan Council Waste Discharge Rules for the Metropolitan Disposal System and as amended from time to time.

Comment [JH4]: Sumner Addition "household"

Subd. 2 Industrial Wastes. It shall be unlawful to discharge into the municipal sanitary sewer system any industrial wastes unless the prior approval of the Public Works Superintendent or designee is obtained. The Public Works Superintendent or designee shall approve the discharge of industrial wastes when in his or her opinion; the proposed wastes shall not be of an unusual amount and/or character. When in the opinion of the Public Works Superintendent or Council, the proposed wastes are of an unusual amount and/or character, the Public Works Superintendent or Council may approve the wastes, provided the approval of the Council shall be obtained by resolution as to a particular use, and subject to the restriction as imposed by the Council.

Subd. 3 Fat, Oils and Grease Interceptor Requirements

A. The following provisions establish standards for the reduction of fats, oils and grease by requiring proper grease interceptor design, installation, maintenance, reporting and the enforcement of penalties for failure to comply. These actions will protect the health, welfare and safety of the public and the environmental by requiring provisions for the reduction of fats, oils and grease, minimizing the impact on the Wastewater Collection and Transmission System.

B. Definitions:

1. "Customer" means any entity which discharges wastewater to the City wastewater conveyance system.

2. "Fats, Oils and Grease" (FOG) means material, either liquid or solid, composed primarily of fat, oil and grease from animal, vegetable or mineral sources.

3. "Food Service Facility" includes the following types of establishments: Full service restaurants, fast food establishments, delicatessens, cafeterias, school cafeterias, church kitchen, hospitals and medical facilities, boarding houses, clubhouses, adult daycare facilities, assisted living facilities, convalescent homes, meat distributors and processing facilities, food processing facilities, grocery stores with food preparation/service areas, bakeries, caterers and or other similar types of operations with commercial kitchen equipment.

4. "Grease Interceptor" or "Interceptor" means a device designed to capture fats, oils and grease prior to discharge to a sanitary sewer. Also termed grease traps or grease recovery devices.

5. "City" means the City of Newport, Minnesota.

C. Requirements: The installation or upgrade, and maintenance, of grease control equipment at both new and existing FOG generating facilities must meet the following requirements:

1. Grease Interceptors must be installed at all new FOG generating facilities.

2. Existing FOG generating facilities must install an approved, properly operated and maintained Grease Interceptor when any of the following conditions exist:

   a. If the City determines the discharge of grease from the facility to the sewer has or is creating restrictions in the public sewer or is causing additional sewer maintenance costs.

   b. Construction which requires issuance of a building permit from the City occurs at a Food Service Facility.

3. Grease Interceptors must be of adequate size and efficiency and at a minimum shall be sized and installed in accordance with the State of Minnesota Administrative Rules, Chapter 4715, Plumbing Code and all applicable municipal plumbing codes.

4. Grease Interceptors shall be installed in the waste line leading from the sinks, drains or other fixtures where grease may be introduced, and must be readily accessible for cleaning and inspection.

5. FOG generating facilities must maintain records for all Grease Interceptor cleaning and maintenance activities in a format approved by the City and have such records available for inspection.

6. FOG generating facilities that maintain a grease interceptor as required by the City of Newport must clean said interceptor at a minimum on a monthly basis. If the owner of a FOG generating facilities in which an interceptor is installed and/or required can demonstrate to the reasonable satisfaction of the City Council or a designated representative that cleaning does not need to be monthly, the Council or its designated person may grant an exception allowing such owner to clean less frequently, but not less than on a quarterly basis.

   a. Each facility must maintain records of the dates and means of disposal.

   b. Any removal and hauling of the captured materials ~~not performed by the owner's personnel~~ must be performed in compliance with all applicable laws and regulations by a licensed waste disposal contractor.

7. Variance. The City may grant a variance or conditional waiver from the minimum requirements in Section C if the FOG generating facility demonstrates to the satisfaction of the City that any FOG discharge is negligible and will have an insignificant impact on the sewer system. At a minimum, the following conditions apply:

   a. The FOG generating facility must demonstrate that the discharge from its activities contains less than 100 mg/1 of FOG.

   b. The sampling and testing to demonstrate the concentration of grease in the discharge must be conducted, at the facility's expense, by an independent testing organization in accordance with acceptable industry standards

8. The City will perform periodic and random FOG equipment inspections, including scheduled inspections of known problem areas. Records of the inspections shall be maintained by the City. An authorized agent

Comment [JH5]: Sumner Comment: "Even if not related to wastewater; ie New Roof"

Comment [JH6]: Sumner Comment: Does this exist", JDH Comment: Applicant would provide forms for City approval at the time of installation

Comment [JH7]: Sumner Comment: "Is this done"

of the City or employee of the City may at all reasonable hours, enter any private premises for the purpose of inspecting sewer system connections, plumbing, Grease Interceptors and appurtenances to assure compliance with this or other applicable laws, regulations and ordinances.

D. Penalties and Charges for remedial maintenance or repair of sanitary sewer system.

1. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by penalty established in Minnesota law for a misdemeanor as may be amended from time to time. Any person convicted of a violation of this ordinance shall be required to pay the reasonable costs of prosecution.

2. The City may in its discretion, seek any civil remedies available to it including remedies at law, in equity or other relief. In the event that civil remedy is pursued, the City may seek reimbursement of any and all costs, disbursements, witness or other fees, as well as reasonable attorney's fees expended by the City in order to enforce this Ordinance.

3. Other Remedies.

   a. Each right or remedy accruing to the City under this Ordinance or at law is separate and distinct and may, at the City's discretion, be exercised independently or simultaneously with any other right or remedy.

   b. The City may disconnect water and sewer service to the establishment ~~and to~~or the structure in which the grease trap is located.

   c. The City may impose a civil penalty of not more than $1,000 per month until such owner demonstrates that they are in compliance with the requirements of this Ordinance.

   d. For failure to maintain records as required by this Ordinance, or failing or refusing to timely comply with any request for records required to be provided to the Council or its designated representative, a civil penalty of up to $250.00 per day shall be imposed until such records are provided.

   e. All unpaid civil penalties imposed on a Food Service Facility during that calendar year shall be assessed to said facility's first quarter water bill for the following calendar year.

4. In the event that the owner is found to have contributed to the partial or complete obstruction of the sewer system resulting from the discharge of waste containing grease and that the City is required to act immediately to control a public health hazard because of such blockage, such owner shall be required to reimburse the City for all costs of abating such condition. In situations where there are multiple owners identified as contributing to the obstruction, the City will apportion the cost of the clean-up, maintenance or repair costs on a prorated basis, based on each owner's percentage share of the average total sanitary sewer charges for all such owners. Further, should inspection, testing or other sampling activity by the City or its representative confirm that any user is contributing excessive grease (including other harmful ingredients) and is causing the repair or extraordinary maintenance activity to maintain the sanitary sewer system, the City Council may require further remedial actions necessary to correct the problem.

1000.18 Public and Private Utility Related Excavations and Restoration.

Subd. 1. Supervision. All installation work or repair of connections to the water and sewer systems, including excavations, grades, ~~bends~~fittings, and backfilling, shall be performed under the direction and supervision of the Public Works Superintendent or designee.

Subd. 2. Permit Required. No digging in any permanent type street shall be permitted except by permission or a permit from the City.

Subd. 3. Protective Devices. All work and excavations shall be protected by barricades and warning markers and lights reasonable and suitable to the purpose.

Subd. 4. Restoration. No public or private connection to the municipal sewer or water system shall be finally approved until all streets, pavements, curbs and boulevards, establishment of turf, final grade, or other public improvements thereon have been restored to their former condition to the satisfaction of the Public Works Superintendent and the City Engineer.

Subd. 5. No liability Of City. The City shall be held harmless for any claim or loss as might otherwise arise for damage, loss, or injury caused by or arising by reason of such work being performed~~, and the applicant causing such work to be done shall give undertaking to the City with respect thereto.~~ .

Comment [JH8]: Sumner Comment: "What does this mean" Check with Fritz; possibly end sentence at "performed"

1000.19 Utility Connection or Repair Permits and Fees:

Subd. 1 Permit Required. No person shall make any type of connection or repair to the water system, sanitary sewer, or storm sewer system except upon making an application therefor on a form provided by the City and receiving a permit issued by the City for such purposes.

Subd. 2 Application for Permit. Any person desiring a connection to the municipal water system, sanitary sewer or storm sewer system for property not previously connected with the system, shall apply to the City for permit. The application shall be submitted on forms furnished by the City and shall be accompanied by plans, specifications and such other information as desired by the City, together with a permit and required fees as may be set from time to time by the City Council. All costs and expenses incident to the installation and connection shall be borne by the owner, and the owner shall indemnify the City for any loss or damage that may, directly or indirectly, be occasioned by the installation of the sewer connection, including restoring streets or street surfaces.

Subd. 3 Issuance. A permit shall be issued only to such persons who shall be duly licensed by the City to engage in the business of plumbing or sewer installation and who have filed with the municipality the bonds and insurance certificates required by this Chapter.

Subd. 4 Bond and Insurance. Before any permit required under this Section shall be issued, the licensee applying for the permit shall file with the City the following bond and insurance certificate:

A. A bond in favor of the City, with an approved corporate surety, in the penal sum of Ten-Thousand and no/100 Dollars ($10,000.00); the conditions of which bond shall be that the licensee shall save the obligee harmless from all costs and charges that may accrue on account of the doing of any work authorized or permitted by this Section; and that the licensee shall save the obligee harmless from any loss or damage by reason of improper or inadequate work performed by the licensee under the provisions of this Section; and further that the licensee shall defend, indemnify and hold harmless the municipality from any damage to the utility lines, curbs, streets, street surfaces, or sidewalks.

Comment [JH9]: Sumner Comment: "?": (Existing Language)

B. A certificate that insurance shall be in force covering the licensee for the period covered by the license in the following minimum amounts: Property Damage -- $10,000.00; Public Liability -$25,000.00, each person; $50,000.00 each accident. The certificate shall state that the policies covering the licensee shall not be canceled without ten (10) days written notice to the municipality.

Subd. 5 Fees. At the time of making such application all required fees as approved by the City Council shall be paid in full.

Subd. 6 Sewer and Water Connection Charges. Before proceeding with the construction of any new water or sewer lines connecting the water system or sanitary sewer system with any new house or building, the owner or his/her agent shall first obtain a permit for such purposes from the City. The fees for connection charges shall be established by ordinance of the City Council on a yearly basis.

A. City Water Access Charge (WAC) shall be paid at the time of making application for a connection or building permit.

B. City Sewer Access Charge (SAC) shall be paid at the time of making application for a connection or building permit.

C. A Metropolitan Council Environmental Services Sewer Access Charge (MCES SAC) shall be paid at the time of making application for a connection or building permit.

Subd. 7 Sewer and Water Trunk Fee. Before proceeding with the construction of any new water or sewer lines connecting the water system or sanitary sewer system with any new house or building, the owner or his/her agent shall first obtain a permit for such purposes from the City. The fees for trunk charges shall be established by ordinance of the City Council on a yearly basis.

A. A City Water Trunk Area Charge shall be paid at the time of making application for a building permit or as determined by adopted by ordinance annually.

B. A City Sewer Trunk Area Charge shall be paid at the time of making application for a connection or building permit or as determined by adopted by ordinance annually.

Comment [JH10]: Sumner Comment: "What is the difference between 6 & 7"

1000.20 Property Assessments. In addition thereto, before any permit is issued allowing a tapping or connection to the sewer or water main, the following conditions shall be complied with:

Subd. 1 Additional Cost Determination. No permit to tap or connect to any sewer or water main shall be issued unless the Applicant shall pay an additional cost which shall be equal to the portion of the cost of construction of the sewer or water main, which would be assessable against the lot or tract to be served by the tapping or connection as authorized by Minn. Stat. 429.051. The assessable cost shall be determined by the City Engineer upon the same basis as any assessment previously levied against other property for the sewer or water main.

Comment [JH11]: Sumner Comment; "?"

1000.21 MCES Sewer Service Availability and Connection Charges.

Subd. 1 Statement of Purpose. The Metropolitan Council Environmental Services (MCES) Agency reserves unused capacity in the metropolitan disposal system (MDS) each year for local government units in which new buildings will be connected to the system or new connections to the system are commenced during each year and allocates the debt service costs of such unused capacity for the year among such local government units. In order for the City to pay such costs allocated to it each year, sewer service availability and connection charges are levied for all new connections or increased volume to the metropolitan disposal system.

Comment [JH12]: Sumner Comment; "?"

Subd. 2 Service Availability Charge Established. For the purpose of paying costs of reserve capacity allocated to the City each year by the Metropolitan Council Environmental Services Agency, there is hereby established a service availability charge (SAC) for:

A. The availability of treatment works and interceptors comprising the metropolitan disposal system.

B. Connections, direct and indirect, to the metropolitan disposal system.

C. The charge is imposed on each building or structure in the City and each connection to the metropolitan disposal system directly or through the City's system, inside any sewer service area established by the Metropolitan Council Environmental Services Agency. The charge shall be payable upon the issuance of a building permit or a connection permit, as the case may be, but no charge shall be due upon the issuance of a connection permit if a charge was paid upon issuance of a building permit.

Comment [JH13]: Sumner Comment; "?"

D. The service availability charge (SAC) for each building or structure shall be equal to the estimated number of

units of sewage volume that it will discharge. Service availability charge (SAC) determinations and related fees are established by the Metropolitan Council Environmental Services Agency.

E. Information Provided: The City shall provide information necessary for the computation of the number of units assignable to the building or structure in question and shall collect the applicable charge before issuance of a permit. The City shall make such information available to the Metropolitan Council Environmental Services (MCES) Agency on a report format provided by them for that purpose or upon request. If, upon filing a report covering such permit with the Metropolitan Council Environmental Services (MCES) Agency, the MCES Agency determines that a greater number of units are assignable to the building or structure in question, any additional cost allocated to the City as a result shall be paid by the person or company to whom the permit was granted.

Comment [JH14]: Sumner Comment: "?"

1000.22 Utility Rates and Charges: Bills for Service, Discontinuance of Service.

Subd. 1 Authority. The City Council shall have the authority to prescribe by ordinance the rates to be charged for water and sewer service to the customer from time to time and may prescribe the date of billing, a discount for payment within a prescribed period, penalty for failure to pay within such period and such further rules and regulations relative to the use and operation of such systems as it may deem necessary from time to time.

Comment [JH15]: Sumner Comment: "We don't discount rates, do we?"

Subd. 2 Public Utilities Fund. There shall be hereby continued a public utilities fund, which fund shall be used to meet all of the expenses for operating, maintenance, repair and expansion of the water system and for the administration of the water system. There shall be paid into the fund all monies collected pursuant to this Chapter, together with such other funds as may be paid into the fund pursuant by resolution of the Council. The accounting procedure shall conform to the requirements and recommendations of the Auditor of the State of Minnesota.

Subd. 3 Water Rates and Collection of Charges. All accounts shall be kept on the books of the City by the house and street number and under the account number assigned thereto, and by the name of the owner. All statements of charges and notices sent out by the City shall normally be sent to the property owner at the address shown for that property owner. Renters may be sent statements of charges, but ultimately, responsibility for the payment of all fees and charges shall rest with the property owner. Any error in address shall be promptly reported to the City.

Subd. 4 Water Rates and Charges.

A. **Amount.** Charges for water usage shall be as set from time to time by the City Council

B. **Payment of Charges.** Statements for total water charges for the preceding quarterly period shall be mailed by the City to each customer on or before the 10th day of each quarter. The statement shall be due on or before the 10th day of the month following the quarterly period covered by the statement. There shall be added to all statements not paid when due a penalty charge as set from time to time by the City Council. If any account shall remain unpaid for a period of 30 days beyond the original due date, the water may be turned off, pursuant to 1000.09, and a fee collected for having the water service restored.

C. **Faulty Meter.** In case the meter is found to have stopped or to be operating in a faulty manner, the amount of water used shall be estimated in accordance with the amount used previously in comparable periods of the year.

D. **Monthly Change.** Where service is for less than a quarterly period, the quarterly charge shall be prorated on a monthly basis.

E. **Building Sprinkler Systems.** Where a connection is made to an automatic sprinkler system for standby service only, a charge for installation, inspection, and maintenance of the service shall be made as set from time to time by the Council. The charge shall apply in all cases where automatic sprinklers are installed and where fire gates and other outlets are sealed. Meters or detector check valves shall be installed on the services as shall be required by the Public Works Superintendent or designee.

F. **Extra-territorial Service.** Rates due and payable by each water user located beyond the territorial boundaries of the City shall be determined by special contract.

Sub. 5 Sanitary Rates and Charges.

A. **Amount.** Charges for sewer usage shall be as set from time to time by the City Council.

B. **Payment of Charges.** Statements for sewer service for the preceding quarterly period shall be mailed by the City to each customer on or before the 10th day of each month following the mailing of the quarterly statement. There shall be added to all statements not paid when due a penalty charge as set from time to time by the City Council by resolution. Delinquent payment for sewer service may be collected by the method set forth in this Chapter.

Subd. 6 Actions to Collect Charges. Any amounts due for sewer/water charges hereunder may be collected in a civil action, or the ~~Clerk~~ Administrator may certify to the County Auditor the amounts due, together with a legal description of the premises served; and the County Auditor shall thereupon enter the amount as part of the tax levy on the premises to be collected during the ensuing year as provided by law of the State of Minnesota.

Subd. 7 Discontinuance of Service; Reconnections. The City reserves the right to discontinue service to any customer of the water and sanitary sewer system without notice when necessary for repairs, additional connection or reconnection, for nonpayment of charges or bills, or for disregard of any rules or regulations in connection with the use or operation of such system. Whenever any service has been discontinued for nonpayment of the charges or bills, for disregard of any rules or regulations, or for any other purpose, it shall not be resumed except upon payment of the charges or bills accrued or upon compliance with the rules and regulations previously violated and payment to the City of a restoration fee established by ordinance. Any reconnection or turn on outside of Public Work's regular working hours shall be charged an additional fee established by ordinance.

Subd. 8 Delinquent Bills; Lien. In the event a water or sewer bill is unpaid 30 days after the due date, the billing shall be considered delinquent, the service may be discontinued, and the City Council may cause the charges noted in such billing to become a lien against the property served by certifying to the County Auditor the amount of such delinquent bill in accordance with the statutes of the state.

Comment [JH16]: Sumner Comment: "We should give notice before discontinuation of water/sewer service"

Subd. 9 Final Meter Readings; Water Shutoff. After a final meter reading, the water shall be shut off, unless a responsible party assumes the obligation of payment of the water bill.

1000.23 Inspections; Entry Powers.

Subd. 1 Entry. The City, by any authorized employee, agent, or contractor, shall have the right to enter and be admitted to any land, property, or building in the City that is connected to City water and sewer systems for the following purposes:

A. Inspection and maintenance of materials, plumbing work, and fixtures of all kinds used by or in connection with the City water and sewer systems.

B. Repair of materials, plumbing work, and fixtures of all kinds used by or in connection with the water and sewer systems.

C. Replacement of materials, plumbing work, and fixtures of all kinds used by or in connection with water and sewer systems, specifically including the water meters and their accompanying wiring and attached meter recording device.

1000.24 Water Conservation. All water customers and consumers shall be governed by the applicable regulations promulgated by the Public Works Superintendent to limitations in the time and manner of using water and such other

applicable regulations promulgated by the Public Works Superintendent affecting the preservation, regulation, and protection of the water supply and system.

Subd. 1 Emergency Regulations. The City may impose emergency water usage regulations by limiting the times and hours, or completely prohibiting water use of the City's water system for certain uses, for example. The following are some best management practices that may be implemented from time to time if found necessary to conserve water supply:

A. The watering and sprinkling of lawns and/or gardens from a municipal water supply system shall be permitted on even numbered days for property with even numbered addresses and on odd numbered days for property with odd numbered addresses; except, that any property may be watered on the thirty first day of any month.

B. Outdoor watering is prohibited between the hours of twelve o'clock (12:00) noon and four o'clock (4:00) P.M.

C. Other practices as determined by the City Public Works Superintendent necessary to conserve the water supply.

D. The foregoing limitations shall apply only to property served by City water.

Comment [JH17]: Sumner Comment: "Wells draw down the water table also"

1000.25 Violation a Misdemeanor. Every person who violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Comment [JH18]: Sumner Comment: "?"

Section 1005 - Subsurface Sewage Treatment System

1005.01 Subsurface Sewage Treatment System Regulations. Pursuant to Minnesota Statutes 471.62, the provisions of the Washington County Subsurface Sewage Treatment System Regulations Ordinance hereby adopted and made a part of this Code as is fully set out herein, except as here in after modified or changed from time to time as approved by the City Council. In case of conflict between this Section and other provisions of the Code, the other provisions shall prevail. The City is authorized to contract for permitting and inspection services with Washington County.

Subd. 1. Other Controls. In the event of any conflict between the provisions of this ordinance or adopted regulations provisions the more restrictive standard prevails.

A. Minnesota Rules, Chapter 7080-7083, Subsurface Sewage Treatment System Program, are hereby incorporated as the minimum acceptable design standards for the management of subsurface sewage treatment systems in the City; should there be any discrepancy between the M.R. 7080-7083 and the Washington County SSTS Ordinance, the most stringent shall apply.

B. Post installation inspection and maintenance requirements are hereby incorporated as outlined in the Metropolitan Council's Wastewater Treatment and Handling Policy Plan.

Subd. 2. Required Permitting. The location, design, installation, use, maintenance and inspection of Subsurface Sewage Treatment System Regulations shall be governed by the Washington County Development Code and administered by County officials and personnel. No permit shall be issued for installation, expansion or alteration of any Subsurface Sewage Treatment System or for a new building or the remodeling or expansion of an existing building which provides for or requires the installation, expansion or alteration of any Subsurface Sewage Treatment System unless and until Washington County has issued a permit for such system. No certificate of occupancy shall be issued until after the final inspection and issuance of an operation permit.

1005.02 Violation a Misdemeanor. Every person who violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby

prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Comment [JH19]: Sumner Comment: "?"

Section 1010 – Street Lighting Utility Charge

1010.01 Policy and Purpose: The Newport City Council has determined that it is in the best interests of the residents of the City of Newport to operate a street light system throughout the City to promote the general health, safety, and welfare of the residents pursuant to Minnesota Statutes 412.221, Subd. 7. In order to help defray the cost of the establishment, construction, repair, replacements, maintenance, enlargement and improvement of said system, it is hereby determined by the City Council that every parcel of property benefits from the safety and convenience of street lights and, therefore, there shall be a Street Light Utility Charge payable by every lot, parcel or piece of property within the City, whether residential, commercial, institutional or industrial.

It is hereby determined to be the policy of the City that the benefit of street lighting to any lot, piece or parcel of land developed within the City limits is similar and that payment for said services should be collected on as fair, reasonable, and equitable basis as possible. It is further determined that any charge set forth pursuant to this Chapter is in addition to any charge pursuant to any other ordinance of the City or any other governmental entity or agency.

Comment [JH20]: Sumner Comment: "?"

1010.02 Initiation: The Council, in all new subdivisions or upon a petition by a developer or a petition of at least 60% of the property owners within 150 feet of the proposed location, or upon its own initiative or recommendation of the City Engineer based on traffic or safety considerations, shall determine the street, parks or other public areas on which the City shall install and operate a street lighting system pursuant to the authority granted by Minnesota Statutes 429.021, Subd. 1(4).

1010.03 Authority to Impose Street Light Utility Charge:

Subd. 1. Installation Costs. The cost of installation of the street light system in all new subdivisions shall be included in the cost of required public improvements and may be assessed against the benefiting property owners in accordance with the provisions of Minnesota Statutes, Chapter 429.

Subd. 2. Operating Costs. For the purpose of providing funds to defray the cost of maintenance and operation of the street light system, the costs of construction, maintenance and operation of street lights, payment of capital charges represented by bonds, certificates of indebtedness or otherwise, and the payment of reasonable requirements for replacement and obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises within the City, a monthly street light utility charge determined as provided in this Chapter.

1010.04 Collection of Charges: Street Light Utility Charges shall be determined by resolution of the City Council. Street Light Utility Charges shall be collected in conjunction with other City utility charges. The Council may prescribe the date and manner of billing, a penalty for failure to pay within the period set for payment, and such other rules and regulations relative to the system as it may deem necessary from time to time.

Comment [JH21]: Sumner Comment: "Same as water/sewer"

1010.05 Enforcement for Collection of Charges: Any unpaid or delinquent Street Light Utility Charges may be recovered from the occupant or owner of the premises billed therefore in a civil action by the City in any competent jurisdiction or, in the discretion of the City Council, may be certified to the County Auditor as taxes against any such property to be collected and paid over to the City along with other taxes. Either or both of such methods of collection thereof may be pursued by the City until payment in full has been made and the initiation of one such method of collection shall not be deemed to be an election preventing the City from thereafter using the other method of collection until paid in full. Payment of delinquent Street Light Utility Charges shall be credited to the same fund used for current Street Light Utility Charges, deduction there from any costs of collection accruing to the City therefore.

1010.06 Exemptions: Collection of Charges: The following land uses are exempt from street light fees:

A. Public rights-of-way; and

B. City owned property.

1010.07 Violation a Misdemeanor. Every person who violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

1010.08 Effective Date

A. This ordinance is effective the day following its publication.

B. Adopted by the City Council of the City of Newport, MN this 1st day of 2004.

Section 1015 - Storm Water Utility

1015.01 Purpose The purpose of this Section is for the efficient, economic and safe operation of a storm water system for the protection of the health, safety and general welfare of the residents of the City of Newport.

The system, as constructed heretofore, has been financed and paid for through the imposition of special assessments and ad valorem taxes. In addition to these funding sources, it is now necessary and desirable to provide an alternative method of recovering some or all of the future costs of improving, establishing, enlarging, replacing, repairing, maintaining, and operating the system through the imposition of charges as provided in this ordinance.

1015.02 Storm Water Utility Established. A municipal storm water utility is hereby established and shall be operated as a public utility pursuant to Minnesota Statutes Section 444.075 from which revenues will be derived subject to the provisions of this Chapter and Minnesota Statutes. The storm water drainage utility will be part of the Public Works Department and under the administration of the Superintendent of Public Works.

1015.03 Definitions. Unless the context clearly indicates otherwise, the following words or phrases have the meanings given in this section.

Subd. 1. Runoff Equivalent Unit (REU). Rates and charges for the use and availability of the system are to be determined through the use of a "Runoff Equivalent Unit". For the purposes of this section, one REU is defined as calculated by the South Washington Watershed District for the East Mississippi sub-watershed.

Subd. 2. Storm Water Utility Rate. The rate charged against a REU of one (1.0) shall be the storm water utility rate as determined annually by the City of Newport.

1015.04 Calculation of Fee.

Subd. 1. Land Use Classifications. Storm water drainage fees shall be determined by multiplying the most recent REU for a tax parcel, as determined from time to time by the South Washington County Watershed District, by the Storm Water Utility Rate.

Subd. 2. Storm Water Utility Rate. The storm water utility rate shall be determined by the City Council on an annual basis in the same manner as for other utilities, and shall be charged to all parcels not listed as exempt in Subdivision 4.

1015.05 Billing and Payment. Storm water utility charges shall be computed and billed quarterly with, and included as a charge on, bills issued by the City for water and sewer services. If a parcel of land subject to the storm water utility is not served by other utilities, a separate bill shall be issued on a quarterly basis. All charges shall be subject to:

Subd. 1. Penalties and Remedies for Delinquencies. All storm water utility charges shall be due on the date specified by the City for the respective amount and shall be delinquent thereafter. Delinquent accounts will be charged a late fee of 10% of the amount past due. The late charge will be added to the bill and shall be payable together with the amount

of such bill. The City shall attempt to collect delinquent accounts promptly. Any past due storm water drainage fees, in excess of ninety (90) days past due on October 1 of any year, may be certified to the County Auditor for collection with real estate taxes in the following year, pursuant to Minnesota Statute, section 444.075, subdivision 3. In addition, the City shall also have the right to bring a civil action or to take other legal remedies to collect unpaid fees.

Comment [JH22]: Sumner Comment: "Not the same as water/sewer"

Comment [JH23]: Sumner Comment: "Different language"

1015.06 Fee Appeal. If a property owner or person responsible for paying for the storm water utility fee believes that a particular assigned fee is incorrect, such person may request, in writing, that the fee be recomputed. Such request shall be made within thirty (30) days of the mailing of the billing in question, and shall immediately be addressed by appropriate City Staff. If the property owner is not in agreement with the City staff's determination of the fee, he or she may appeal the determination in writing by making a request for a hearing to the Storm Water Utility Board of Appeals within fourteen (14) days of the Staff's determination. The City Council shall act as the Storm Water Utility Board of Appeals.

A hearing before the Board of Appeals shall be scheduled to occur within forty-five (45) days of receiving the property owner's request for a hearing. Notice of the hearing must be served on the property owner at least fourteen (14) days in advance unless a shorter time is accepted by all parties. Service of the Notice shall be by first class mail and will be complete upon mailing. The property owner shall have the burden of proving that the storm water utility fee for his or her property is incorrect. The decision of the Board of Appeals is final without any further right of appeal. The property owner may obtain judicial review of the decision of the Board of Appeals by proceeding pursuant to a writ of certiorari in the appropriate court. In the event that the property owner believes that the REU assigned to the Tax Property is incorrect he/she shall be responsible for petitioning the South Washington Watershed District to recalculate the value of REU assigned to the property in question. The City Council shall accept the most recent value of REU per parcel as established by South Washington County Watershed District

Comment [JH24]: Sumner Comment: "?"

1015.07 Establishment of Fund. All fees collected for the storm water utility shall be placed in a fund for storm water purposes. Revenues shall be used to pay for the construction, reconstruction, repair, enlargement, improvement, or other obtainment and the maintenance, operation and use of the facilities, and all other purposes as permitted by Minnesota Statutes Section 444.075.

1015.08 Severability Clause. Should any section, subdivision, clause or other provision of this Section be held to be invalid by any Court of competent jurisdiction, such decision shall not affect the validity of this Section or the Newport City Code as a whole, or any part thereof, other than the part held to be invalid.

Comment [JH25]: Sumner Comment: "Include in water/sewer/street light sections as well?"

1015.09 Violation a Misdemeanor. Every person who violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

1020 - Storm Water Management

1020.01 Statutory Authorization. This ordinance is adopted pursuant to Minnesota Statutes Section 462.351 (1990).

1020.02 Findings. The City of Newport hereby finds that uncontrolled and inadequately planned use of wetlands, woodlands, natural habitat areas, areas subject to soil erosion and areas containing restrictive soils adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City of Newport to provide adequate water, sewage, flood control, and other community services. In addition, extraordinary public expenditures may be required for the protection of persons and property in such areas ~~and in areas~~, which may be affected by unplanned land usage.

Comment [JH26]: Sumner Comment: "What are restrictive soils"

1020.03 Purpose. The purpose of this ordinance is to promote, preserve and enhance the natural resources within the City of Newport and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse and potentially irreversible impact on water quality and unique and fragile environmentally sensitive land; by minimizing conflicts and encouraging compatibility between land disturbing and development activities and water quality and environmentally sensitive lands;

and by requiring detailed review standards and procedures for land disturbing or development activities proposed for such areas, thereby achieving a balance between urban growth and development and protection of water quality and natural areas.

1020.04 Definitions. For the purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

Subd. 1. Applicant. Any person who wishes to obtain a building permit, zoning or subdivision approval.

Subd. 2. Control measure. A practice or combination of practices to control erosion and attendant pollution.

Subd. 3. Detention facility. A permanent natural or man-made structure, including wetlands, for the temporary storage or runoff, which has a storm water outlet and may have a permanent pool of water.

Subd. 4. Dual Purpose Pond. A detention facility without a permanent pool that functions as both a storm water ponding basin and as a sedimentation basin. Sediment removal is accomplished through the use of filter media surrounding a slotted outlet pipe, with an overflow outlet set at an elevation that provides for minimum required run off volume and sediment storage.

Subd. 5. Flood Fringe. That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for the City of Newport.

Subd. 6. Flood Plain. The beds proper and the areas adjoining a wetland, lake or watercourse, which have been or hereafter may be covered by the regional flood. (The critical 100-year storm). Or as may defined by a FEMA approved FIRM.

Subd. 7. Floodway. The bed of a wetland or lake and the channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry or store the regional flood discharge.

Subd. 8. Hydric soils. Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

Subd. 9. Hydrophytic vegetation. Macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

Subd. 10. Land disturbing or development activities. Any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure.

Subd. 11. Person. Any individual, firm, corporation, partnership, franchisee, association or governmental entity.

Subd. 12. Public Waters. Waters of the state as defined in Minnesota Statutes, section 103G.005, subdivision 15.

Subd. 13. Regional Flood. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the critical 100 year recurrence interval. Regional flood is synonymous with the term "base flood" in the Flood Insurance Study.

Subd. 14. Retention facility. A permanent natural or manmade structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Subd. 15. Sediment. Solid matter carried by water, sewage, or other liquids.

Subd. 16. Structure. Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, mobile or manufactured homes, and other similar items.

Subd. 17. Wetlands. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water no deeper than 6 feet. For purposes of this definition, wetlands must have the following three attributes:

A. Have a predominance of hydric soils;

B. Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and

C. Under normal circumstances support a prevalence of such vegetation.

1020.05 Scope and Effect.

Subd. 1 Applicability. Every applicant for a building permit, subdivision approval, or a permit to allow land-disturbing activities must submit a storm water management plan to the City Clerk. No building permit, subdivision approval, or permit to allow land disturbing activities shall be issued until approval of the storm water management plan or a waiver of the approval requirements has been obtained in strict conformance with the provisions of this ordinance. ~~The provisions of Section 1371.09 of this ordinance apply to all land, public or private, located within the City of Newport.~~

Subd. 2 Exemptions. The provisions of this ordinance do not apply to:

A. Any part of a subdivision if a plat for the subdivision has been approved by the City Council on or before the effective date of this ordinance;

B. Any land disturbing activity for which plans have been approved by the watershed management organization within six months prior to the effective date of this ordinance;

C. A lot for which a building permit has been approved on or before the effective date of this ordinance;

D. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles, gardening, tree planting, deck construction and other types of construction disturbing 1/3 acre or less; or

E. Emergency work to protect life, limb, or property.

Subd.3 Waiver. The City Council may waive any requirement of this ordinance upon making a finding that compliance with the requirement will involve an unnecessary hardship and the waiver of such requirement will not adversely affect the standards and requirements set forth in Section 6. The City Council may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements.

1020.06 Storm Water Management Plan Approval Procedures

Subd.1 Application. A written application for storm water management plan approval, along with the proposed storm water management plan, shall be filed with the City ~~Clerk~~ Administrator and shall include a statement indicating the grounds upon which the approval is requested, that the proposed use is permitted by right, or as an exception in the underlying zoning district, and adequate evidence showing that the proposed use will conform to the standards set forth in this ordinance. Prior to applying for approval of a storm water management plan, an applicant may have the storm water management plans reviewed by the appropriate departments of the City.

Comment [JH27]: Sumner Comment: "Which"

Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the City Clerk and shall be accompanied by all required fees for processing and approval as set forth in Section 7.5, and a bond when required by Section 7.4 in the amount to be calculated in accordance with that section. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. The drawing size shall be limited to a maximum of 22" x 34", and the drawing scale may range from a maximum of 1 inch equals 20 feet to a minimum of 1 inch equals 100 feet.

Subd.2 Storm water management plan. At a minimum, the storm water management plan shall contain the following information:

A. **Existing site map.** A map of existing site conditions showing the site and immediately adjacent areas, including:

1. The name and address of the applicant, the section, township and range, north direction arrow, date and scale of drawing and number of sheets;

2. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, utilities, subdivisions, towns and districts or other landmarks;

3. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than 2 feet;

4. A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a description of all vegetation which may be found in the water, a statement of general water quality and any classification given to the water body or wetland by the Minnesota Department of Natural Resources, the Minnesota Pollution Control Agency, the Washington County Soil and Water Conservation District and/or the United States Army Corps of Engineers;

5. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site delineating in which direction and at what rate storm water is conveyed from the site, identifying the receiving stream, river, public water, or wetland, and setting forth those areas of the unaltered site where storm water collects;

6. A description of the soils of the site, including a map indicating soil types of areas to be disturbed as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable ~~including special rotations locating~~ where erosion soils exist on the site;

7. Vegetative cover and clearly delineating any vegetation proposed for removal; and

8. 100-year floodplain, flood fringes and floodways.

B. **Site Construction plan.** A site construction plan including:

1. Locations and dimensions of all proposed land disturbing activities and any phasing and phasing time frame of those activities;

2. Locations and dimensions of all temporary soil or dirt stockpiles;

3. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this ordinance;

4. Schedule of anticipated starting and completion date of each land disturbing activity including the installation of construction site erosion control measures needed to meet the requirements of this ordinance (in general such erosion control measure shall be installed prior to any grading activity); and

5. Provisions for maintenance of the construction site erosion control measures during construction.

Comment [JH28]: Sumner Comment: "Who Enforces"

C. **Plan of final site conditions.** A plan of final site conditions on the same scale as the existing site map showing the site changes including:

1. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;

2. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials, which will be added to the site as part of the development;

3. A drainage plan of the developed site delineating in which direction and at what rate storm water will be conveyed from the site and setting forth the areas of the site where storm water will be allowed to collect;

4. The proposed size, alignment and intended use of any structures to be erected on the site;

5. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and

6. Any other information pertinent to the particular project which in the opinion of the applicant and/or the City is necessary for the review of the project.

1020.07 Plan Review Procedure

Subd.1 Process. Applicant prepared storm water management plans meeting the requirements of Section 6 shall be submitted to the City for review in accordance with the standards of Section 8. City Council action on the storm management plan must be accomplished within 120 days following the date the application for approval is filed with the City.

Subd. 2 Duration. Approval of a plan submitted under the provisions of this ordinance shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the City for an extension of time to commence construction setting forth the reasons for the requested extension, the City may grant an extension of not greater than one single year. Receipt of any request for extension shall be acknowledged by the City within 15 days. The City shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.

Subd. 3 Conditions. A storm water management plan may be approved subject to compliance with conditions reasonable and necessary to insure that the requirements contained in this ordinance are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require placement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, and require the conveyance to the City of Newport or other public entity of certain lands or interests herein.

Subd. 4 Letter of Credit. Prior to approval of any storm water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a letter of credit to cover the amount of the established cost of complying with the agreement. The agreement and letter of credit shall guarantee completion and compliance with conditions within a specific time, which time may be extended. The performance

bond amount shall be determined by the City Engineer, and shall be set at 125% of the estimated cost of the required improvement.

The adequacy, conditions and acceptability of any agreement and letter of credit shall be determined by the Newport City Council or any official of the City of Newport as may be designated by resolution of the City Council.

Subd. 5 Fees. All applications for storm water management plan approval shall be accompanied by an application fee as required by ordinance.

Comment [JH29]: Sumner Comment: "Or 125%?"

1020.08 Approval Standards

Subd.1 Standards. No storm water management plan which fails to meet the standards contained in the adopted City of Newport Public Works Design Manual shall be approved by the City.

1020.09 Wetlands.

A. Runoff shall not be discharged directly into wetlands without pre-settlement of the runoff.

B. A protective buffer strip of natural vegetation at least 16.5 feet in width shall surround all wetlands.

Comment [JH30]: Sumner Comment: "How will it be maintained"

C. Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:

1. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

2. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and

5. Compensating for the impact by replacing or providing substitute wetland resources or environments. Compensation, including the replacement ratio and quality of replacement shall be consistent with the requirements outlined in the rules which will be adopted by the Board of Water and Soil Resources to implement the Wetland Conservation Act of 1991.

1020.10 Other Controls. In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control or shoreland protection ordinance adopted by the City Council, the more restrictive standard prevails.

1020.11 Severability. The provisions of this ordinance are severable. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

1020.12 Violation a Misdemeanor. Every person who violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 1025 – Illicit Discharge and Connection

1025.01 Statutory Authorization This ordinance is adopted pursuant to Minnesota Statutes Section 462.351 (1990).

1025.02 Purpose and Intent The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of City of Newport through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

A. To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.

B. To prohibit illicit connections and discharges to the MS4.

C. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

1025.03 Definitions For the purposes of this ordinance, the following terms, phrases, words, and their derivatives shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directive.

Subd. 1. Authorized Enforcement Agency. City Administrator or other Staff as designated to enforce this ordinance by the City Council.

Subd. 2. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. BMP's shall be the more stringent as defined by the Minnesota Pollution Control Agency or by the South Washington Watershed District

Subd. 3. Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Subd. 4. Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Subd. 5. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Subd. 6. Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

Subd. 7. Illicit Connections. An illicit connection is defined as either of the following:

A. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Subd. 8. Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

Subd. 9 Minnesota Pollution Control Agency (MPCA). The Minnesota Pollution Control Agency is the governing body in the State of Minnesota responsible for monitoring environmental quality and enforcing environmental regulations. Included with this oversight is the enforcement of the City's Municipal Separate Storm Sewer System (MS4).

Subd. 10 Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Newport and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

Subd. 11. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. The permit issued by the Minnesota Pollution Control Agency (MPCA) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Subd. 12. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water, or snowmelt.

Subd. 13. Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Subd. 14. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Subd. 15. Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Subd. 16. Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Subd. 17. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Subd. 18. Storm Water Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Subd. 19. Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a residence, business, or other facility.

1025.04 Applicability This ordinance shall apply to all water entering the storm drain system, serving the area encompassed by the municipal boundary and as generated on any developed and undeveloped lands unless explicitly exempted by the City of Newport.

1025.05 Responsibility for Administration The City of Newport shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Newport may be delegated in writing by the Administrator of the City of Newport to persons or entities acting in the beneficial interest of or in the employ of the City.

1025.06 Compatibility With Other Regulations This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

1025.07 Severability The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

1025.08 Ultimate Responsibility The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

1025.09 Discharge Prohibitions

Subd. 1 Prohibitions of Illegal Discharges No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

A. Discharges associated with water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

B. Discharges or flow from firefighting, and other discharges specified in writing by the City of Newport as being necessary to protect public health and safety.

C. Discharges associated with dye testing, however this activity requires a verbal notification to the City of Newport prior to the time of the test.

D. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Minnesota Pollution Control Agency (MPCA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system**.**

Subd. 2 Prohibitions of Illegal Connections

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

D. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Newport.

E. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Newport requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Newport.

1025.10 Industrial or Construction Activity Discharges

Subd. 1 Submission of permit application or (notice of intent) to City of Newport

A. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Newport prior to the allowing of discharges to the MS4.

B. The operator of a facility required to have an NPDES permit to discharge storm water associated with industrial activity or construction site activity shall submit a copy of the completed permit application (notice of intent) to the City of Newport at the same time the operator submits the original completed permit application to the Minnesota Pollution Control Agency (MPCA) as applicable.

C. The copy of the permit application may be delivered to the City of Newport either in person or by mailing it to:

City of Newport
Attention: City Administrator
596 7th Avenue
Newport, MN 55055

D. A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the permit application to the City of Newport.

1025.11 Compliance Monitoring

Subd. 1 Right of Entry: Inspection and Sampling The City of Newport shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

A. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City of Newport.

B. Facility operators shall allow the City of Newport ready access to all parts of the premises for the purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

C. The City of Newport shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City of Newport to conduct monitoring and/or sampling of the facility's storm water discharge.

D. The City of Newport has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Newport and shall not be replaced. The costs of clearing such access shall be borne by the operator.

F. Unreasonable delays in allowing the City of Newport access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the City of Newport reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

Subd. 2 Search Warrants If the City of Newport has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Newport may seek issuance of a search warrant from any court of competent jurisdiction.

1025.12 Requirement to Prevent, Control, and Reduce Storm Water Pollutants By The Use of Best Management Practices City of Newport has adopted Best Management Practices in Section 1371 of the City Code as well as the Public Works Design Manual for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the state as defined by the MPCA. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These BMPs shall be part of a Storm Water Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

1025.13 Notification of Spills Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the State of Minnesota, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Newport in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Newport within 5 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an

on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 2 years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

1025.14 Violations, Enforcement, and Penalties Refer to the City's "Illicit Discharge and Connection Violation Enforcement Policy".

1025.15 Appeal of Notice of Violation Refer to the City's "Illicit Discharge and Connection Violation Enforcement Policy".

1025.16 Enforcement Measures After Appeal Refer to the City's "Illicit Discharge and Connection Violation Enforcement Policy".

1025.17 Cost of Abatement of the Violation Refer to the City's "Illicit Discharge and Connection Violation Enforcement Policy".

1025.18 Violations Deemed a Public Nuisance In addition to the enforcement processes and penalties provided in the City's "Illicit Discharge and Connection Violation Enforcement Policy", any condition caused or permitted to exist in violation of any of the provisions of this ordinance and/or policy is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

1025.19 Remedies Not Exclusive The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Newport to seek cumulative remedies.

The City of Newport may recover all attorney's fees, including costs of expert witnesses called to testify on the City's behalf, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

1025.20 Adoption of Ordinance This ordinance shall be in full force and effect 30 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 1030 - Regulating the Use of Coal Tar-Based Sealer Products

1030.01 Statutory Authorization This ordinance is adopted pursuant to Minnesota Statutes Section.

Subd. 1 Purpose. The City of Newport understands that rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns. The purpose of this ordinance is to regulate the use of sealer products within the City of Newport, in order to protect, restore, and preserve the quality of its waters.

Subd. 2 Definitions

A. **Asphalt-Based Sealer**. A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.

B. **Coal Tar.** A byproduct of the process used to refine coal.

C. **Coal Tar-Based Sealer**. A sealer material containing coal tar that has not been mixed with asphalt and which is commonly used on driveways, parking lots and other surfaces.

D. **MPCA**. The Minnesota Pollution Control Agency.

E. **PAHs**. Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

Subd. 3 Prohibitions.

A. No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

B. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

C. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

Subd. 4 Asphalt-Based Sealcoat Products. The provisions of this ordinance shall only apply to use of coal tar-based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.

Subd. 5 Severability. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

1030.02 Violation a Misdemeanor. Every person who violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 1035 - Regulating Disposal of Grass clippings, etc.

1035.01 Disposal Prohibited. No person shall apply or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces or within stormwater drainage systems, natural drainageways, or wetland buffer areas.

Comment [JH31]: Sumner Comment: "Mowing"

1035.02 Violation a Misdemeanor. Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 1040 – Regulating the Use of Phosphorous Fertilizer

1040.01 Statutory Authorization This ordinance is adopted pursuant to Minnesota Statutes Section.

Subd. 1 Purpose. The City of Newport understands that rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The use of fertilizer on lawns and turf is a common practice. However, scientific studies on the use of fertilizer high in phosphorous have demonstrated a relationship between stormwater runoff and environmental concerns. The purpose of this ordinance is to regulate the use of fertilizer products within the City of Newport, in order to protect, restore, and preserve the quality of its waters.

Subd. 2 Restrictions. All displays for retail sale to the general public of fertilizers containing phosphorous must be posted with a sign containing, at a minimum, the following information:

A. The fertilizer in the display contains phosphorus.

B. State law prohibits the application of phosphorous fertilizers on any turf except:

   1. Where a state approved test conducted within the previous three years demonstrates that the level of phosphorous in the soil is insufficient to support healthy turf growth.

   2. During the first growing season of a newly sodded or seeded turf.

   3. On a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program authorized by the State.

C. A person who applies phosphorous fertilizer except when authorized by this Section or State law is guilty of a petty misdemeanor and subject to a fine.

D. Additional consumer information on phosphorous fertilizer use restrictions and best turf management practices as produced by the State Commissioner of Agriculture must be posted or made available for distribution at all retail points of sale.

1040.02 Violation a Misdemeanor. Every person violates a section, subdivision, paragraph or provision of this chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

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 16th day of April, 2015.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Deb Hill, City Administrator