



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
MAY 16, 2013 – 5:30 P.M.**

MAYOR:	Tim Geraghty	City Administrator:	Deb Hill
COUNCIL:	Tom Ingemann	Supt. of Public Works:	Bruce Hanson
	Bill Sumner	Chief of Police:	Curt Montgomery
	Tracy Rahm	Fire Chief:	Mark Mailand
	Steven Gallagher	Executive Analyst:	Renee Helm

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. Minutes of the May 2, 2013 Regular City Council Meeting
 - B. Minutes of the May 2, 2013 City Council Workshop Meeting
 - C. Minutes of the May 2, 2013 Special City Council Meeting
 - D. List of Bills in the Amount of \$193,374.63
 - E. Liability Coverage Waiver Form
 - F. Approval of 2013-2014 Liquor License Renewals
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
 - A. Presentation of the Betty Haugen Preservation Award
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
10. ATTORNEY'S REPORT
 - A. Discussion Regarding 515 4th Avenue
11. POLICE CHIEF'S REPORT
 - A. April 2013 Police Activity Report
12. FIRE CHIEF'S REPORT

Agenda for 05-16-13

13. ENGINEER'S REPORT

A. 2013-2015 Street Improvement Project

1. **Public Hearing** – To Consider the Making of the Street Improvement Project on 18th Street
 - a. **Resolution No. 2013-21** – Ordering the Improvement and Preparation of Plans for 18th Street
2. **Resolution No. 2013-22** – Approving Plans and Specifications and Ordering Advertisement for Bids

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|---|---------------|-----------|
| 1. Park Board Meeting | May 23, 2013 | 7:00 p.m. |
| 2. Memorial Day – City Offices will be closed | May 27, 2013 | |
| 3. City Council Meeting | June 6, 2013 | 5:30 p.m. |
| 4. Planning Commission Meeting | June 13, 2013 | 6:00 p.m. |
| 5. City Council Meeting | June 20, 2013 | 5:30 p.m. |



**City of Newport
City Council Minutes
May 2, 2013**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

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

Council Absent –

Staff Present – Deb Hill, City Administrator; John Neska, Asst. Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Fritz Knaak, City Attorney; Jim Stremel, City Engineer;

Staff Absent – Bruce Hanson, Supt. of Public Works; Renee Helm, Executive Analyst;

4. ADOPT AGENDA

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

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the April 16, 2013 Public Hearing Meeting
- B. Minutes of the April 18, 2013 Regular City Council Meeting
- C. List of Bills in the Amount of \$312,977.27

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Fred Leimbek, 603 7th Avenue – Why is the City burning down the houses on Cedar Lane?

Mayor Geraghty – Right now, we only owe two of them but our long-term plan is to turn it into a park and buy out those that are in jeopardy if the levy fails.

Mr. Leimbek – Wouldn't it be more economical to build up the dyke.

Mayor Geraghty – No, because that is \$5 to \$10 million.

Mr. Leimbek – How many other houses are there?

Mayor Geraghty – I believe eight more.

Mr. Leimbek – How much does it cost Newport to buy them?

Mayor Geraghty – We're paying half price because the market is down and we partner with the DNR.

Mr. Leimbek – Every time you tear them down you're losing people and a tax base.

Mayor Geraghty – Part of it is to make that area a little more attractive.

Mr. Leimbek – Is there any Federal money for the dyke?

Mayor Geraghty – No, we've been asking for several years.

7. MAYOR'S REPORT –

A. Proclaiming May 2013 as Preservation Month

Mayor Geraghty – We have a proclamation citing May 2013 as Preservation Month so I'll sign that. Also, we had our first planning meeting for Pioneer Day 2013. The Newport Business Association will be more involved this year.

8. COUNCIL REPORTS –

Councilman Gallagher – Nothing to report.

Councilman Sumner – On Wednesday, May 8th, the Heritage Preservation Commission will be meeting at 4:30. They will be discussing the 125th Anniversary of Newport at the meeting. From 7:30 to 9:00 p.m. there will be a presentation at the Library that night. I have a question regarding the tree trimming at the Community Garden. Why were they taken down?

Asst. Supt. Neska – There were several trees that were dying off over the last couple years and our power supply was being threatened so we decided to clean up the trees to protect our electric supply.

Councilman Ingemann – Nothing to report.

Councilman Rahm – Nothing to report.

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2013-18 – Amending the 2013 General Fund Operating Budget and 2013 Economic Development Authority Budget

Admin. Hill presented on this item as outlined in May 2, 2013 City Council packet.

Councilman Sumner – So there's no increase, it's just a redistribution?

Admin. Hill – Correct.

Councilman Rahm – And there's no other areas that need revising?

Admin. Hill – No.

Councilman Gallagher – We can take some blame as well, we should have seen some of that.

Mayor Geraghty – The Department Heads should have noticed as well.

Motion by Sumner, seconded by Ingemann, to approve Resolution No. 2013-18. With 5 Ayes, 0 Nays, the motion carried.

B. Resolution No. 2013-19 – Amending the Planning Commission Meeting Time and Policy Guide

Motion by Sumner, seconded by Gallagher, to approve Resolution No. 2013-19. With 5 Ayes, 0 Nays, the motion carried.

Admin. Hill – I have an update in regards to the deer hunt. A couple of the members walked through the parks with John and will be sending us a sample agreement. Would anyone on the Council like to sit down with Bruce and I to set the dates and parameters?

Councilman Gallagher – I'll do that.

10. ATTORNEY'S REPORT –

Attorney Knaak – You should have the prosecution report, which is down but still higher than what it has been historically.

Councilman Gallagher – It seems like the hearing officers don't have a high resolution rate. I thought it was supposed to be around 70%, is there a reason it's so low?

Attorney Knaak – I have no explanation, they are under the supervision of the court. We offer certain directives where they are allowed to negotiate. We see people there that will go to the hearing officer and will get an offer and turn it down to see if they can get a better deal. Also, someone could try to get a deal outside of the parameter. I think overall, the participation and results have been good. I would like to see it higher. I can certainly follow up with the hearing officer.

Councilman Rahm – Is the Linn case that we won, is there any further information or is that done?

Attorney Knaak – I would like to hand something out regarding that case. This is the appeal of your decision to turn down a license application for Steven Linn. The Court of Appeals did uphold your decision and procedures without any further discussion.

Councilman Ingemann – Would it be prudent to set a standard where particular establishments need to be a certain distance apart?

Attorney Knaak – You can certainly do that without impacting the decision.

Councilman Ingemann – I think that would good.

Councilman Rahm – Is there any follow-up to 515 4th Avenue?

Attorney Knaak – We're in the process of drafting a resolution to declare it a hazardous building. If Council approves and we get no response within 20 days then the City will go in to clean it up and demolish it. The costs will be assessed to the property. Typically, the property owners do come in to negotiate with the City. I don't think there's much of a problem with this property since the utilities are turned off. I'm confident that it will be a very easy determination to defend.

11. POLICE CHIEF'S REPORT –

Chief Montgomery – On May 2, 1992 a gentleman named Todd Hanson went missing from South St. Paul, he was 25 at the time. If anyone has any information regarding Mr. Hanson, please contact the BCA at 1-800-996-6222 or they can contact Newport Police or Washington County Sherriff's Office.

Councilman Rahm – Any more information on that situation that occurred at Newport Elementary?

Chief Montgomery – No.

12. FIRE CHIEF'S REPORT – Nothing to Report

13. ENGINEER'S REPORT –

A. 2013-2015 Street Improvement Projects

Engineer Stremel presented on this item as outlined in the May 2, 2013 City Council packet. In regards to the schedule, it

is recommended that the City Council authorize the bidding at the May 16, 2013 meeting and have a special meeting on June 27, 2013 to receive the bids and award the contract. Additionally, the second neighborhood meeting will be June 19, 2013.

Councilman Sumner – In regards to Ford Road, it's changing to a full-depth reconstruction east of 8th Avenue. Will that happen this fall?

Engineer Stremel – No that will take place in 2014. The section west of 8th Avenue will be completed in 2013.

Motion by Geraghty, seconded by Rahm to approve Resolution No. 2013-20 receiving the amended feasibility report. With 5 Ayes, 0 Nays, the motion carried.

Motion by Geraghty, seconded by Ingemann, to schedule the neighborhood meeting for June 19, 2013 at 6:00 p.m. for the 2013 Projects. With 5 Ayes, 0 Nays, the motion carried.

Motion by Geraghty, seconded by Ingemann, to schedule a special City Council meeting for June 27, 2013 at 5:30 p.m. With 5 Ayes, 0 Nays, the motion carried.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Asst. Supt. Hanson – Public Works will begin flushing on Tuesday, May 7, 2013. Also, we are hoping to begin patching as well now that the weather is cooperating.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Ingemann, seconded by Gallagher, to adjourn the regular Council Meeting at 6:03 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst



**City of Newport
City Council Workshop Meeting Minutes
May 2, 2013**

1. ROLL CALL -

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

Council Absent –

Staff Present – Deb Hill, City Administrator; John Neska, Asst. Superintendent of Public Works; Curt Montgomery, Police Chief; Fritz Knaak, City Attorney;

Staff Absent - Bruce Hanson, Superintendent of Public Works; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; John Stewart, City Engineer

2. DISCUSSION REGARDING THE OPEN MEETING LAW

Attorney Knaak presented on this item as outlined in the May 2, 2013 City Council Workshop Packet. The items are attached as part of the official minutes.

3. ADJOURNMENT

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst



INFORMATION MEMO

Meetings of City Councils

Learn about the open meeting law, taking meeting minutes, scheduling and conducting meetings, including use of parliamentary procedure, audience participation and regulating attendance of councilmembers. Most principles apply also to city boards, commissions and other public bodies. Includes tables of privileged, subsidiary and main motions, and links to sample council bylaws.

RELEVANT LINKS:

Moberg v. Indep. Sch. Dist.
No. 281, 336 N.W.2d 510
(Minn. 1983).

Minn. Stat. § 412.191, subd.
1. Minn. Stat. § 645.08 (5).

Minn. Stat. § 13D.04, subd. 7.

Minn. Stat. § 412.191, subd.
2. Minn. Stat. § 13D.04, subd.
1.

Minn. Stat. § 13D.04, subd. 2.
Minn. Stat. § 645.44, subd. 5.

I. Types of meetings and notice requirements

A meeting is a gathering of a quorum of public officials to discuss, decide, or receive information on official matters over which they have authority. The city council exercises its authority when it meets as a group. There are certain requirements for council meetings under state law.

A majority of the members of a statutory city council constitutes a quorum. A majority of the qualified members of any board or commission also constitutes a quorum. Home rule charter cities may have different quorum requirements in their charters.

Public notice generally must be provided for meetings of a public body subject to the open meeting law. The notice requirements depend on the type of meeting. However, if a person receives actual notice of a meeting at least 24 hours before the meeting, all notice requirements under the open meeting law are satisfied regardless of the method of receipt.

A. Regular meetings

Regular meetings of a statutory city council are held at times established by the council. A council will typically meet once a month on a particular day, although some councils may have regular meetings scheduled more frequently. Home rule charter cities should consult their charters and any council rules concerning the scheduling of regular meetings.

The council must keep a schedule of its regular meetings on file at its primary office. The council should also set an alternate meeting day for any regular meeting days that fall on a legal holiday. If the council decides to hold a meeting at a different time or place from that stated in its schedule of regular meetings, it must generally give the notice required for a special meeting.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

Minn. Stat. § 13D.04, subd. 2.

Minn. Stat. § 412.191, subd. 2.

Minn. Stat. § 13D.04, subd. 2.

Minn. Stat. § 412.191, subd. 2. A.G. Op. 471-e (Jan. 22, 1957).

Minn. Stat. § 13D.04, subd. 2. *Rupp v. Mayasich*, 553 N.W.2d 893 (Minn. Ct. App. 1995). IPAD 10-020 (advising that a special-meeting notice must provide detail regarding the purpose of the meeting and that a city's notice that a special meeting would address: "Any Other Business that May Arise" did not comply with the open meeting law).

Minn. Stat. § 13D.04, subd. 2 (b), (c).

See LMC information memo, *Newspaper Publication*, for more information.

Minn. Stat. § 331A.05, subd. 7.

B. Special meetings

Special meetings are meetings held at a time or place that is different from the regularly scheduled meetings. These are often scheduled to deal with specific items that need to be addressed before the next regular meeting. Generally, any matter can be addressed at a special meeting that can be addressed at a regular meeting if it has been properly noticed. All state laws governing regular meetings, including the open meeting law, apply to special meetings.

Special meetings may be called by the mayor or by any two members of a five-member council or three members of a seven-member council. Special meetings are called by filing a written statement with the city clerk. Home rule charter city councils may have additional requirements for special meetings in their charters.

Unless otherwise expressly established by statute, the following notice requirements apply to special meetings.

1. Notice to council

When a special meeting has been called, the clerk must mail a notice to all councilmembers, at least one day before the meeting, stating the time and place of the meeting. If all councilmembers attend and participate in the meeting, the notice requirements will be considered to have been satisfied.

2. Notice to public

The clerk must also post written notice of the date, time, place, and purpose of the special meeting on the city's principal bulletin board at least three days before the meeting. A principal bulletin board must be located in a place reasonably accessible to the public. If the city does not have a principal bulletin board, the notice must be posted on the door of its usual meeting room.

In addition to posting notice, the city must also mail or deliver notice to each person who has filed a written request for notice of special meetings with the city. Notice to these individuals must be mailed or delivered at least three days before the meeting. As an alternative to mailing or delivering the notice, the city may publish the notice once in its official newspaper at least three days before the meeting. If there is no official newspaper, notice must be published in a qualified newspaper of general circulation that covers the city. If, through no fault of the city, an error occurs in the publication of a notice, the error generally does not impact the validity of a public meeting.

RELEVANT LINKS:

Minn. Stat. § 645.15. *In re Appeal from an Order of Lake Valley Township Bd.*, 305 Minn. 488, 234 N.W.2d 815 (Minn. 1975).

Minn. Stat. § 13D.04, subd. 2(d).

Minn. Stat. § 13D.04, subd. 2(c), (f).

Minn. Stat. § 412.191, subd. 2. Minn. Stat. § 13D.04, subd. 3. IPAD 06-027 (advising that a city council improperly held an emergency meeting to consider complaints about the city's building inspector). *Slippy v. Rach*, No. C5-06-3574 (9th Jud. Dist. June 8, 2007) (the district court rejected the advisory opinion's conclusion and instead held that the city council's decision to hold the emergency meeting complied with the open meeting law).

Minn. Stat. § 13D.04, subd. 3(f).

In calculating the number of days for providing notice, the first day the notice is given should not be counted, but the last day should be. But if the last day is a Saturday, Sunday, or a legal holiday, that day is omitted from the calculation and the following day is considered the last day. For example, if a special meeting is scheduled for a Thursday, notice has to be given by Monday at the latest to meet the three-day notice provision. In this example, Tuesday is day one, Wednesday is day two, and Thursday is day three. Monday is not included in the time computation. Similarly, if a special meeting is planned for Monday, notice must be given on Friday at the latest; Saturday is day one, Sunday is day two, and Monday is day three. Saturday and Sunday are included in the time computation since they are not the last day of the time period.

A person filing a written request for notice of special meetings may limit the request to notification of special meetings that cover a particular subject. In this case, the city only needs to send notice of special meetings addressing those subjects.

Cities may set an expiration date for requests for notices of special meetings and require each request to be re-filed once each year. The city must provide each person who has filed a request notice of the requirement to re-file not more than 60 days before re-filing is due.

C. Emergency meetings

An emergency meeting is a special meeting called by the council due to circumstances that, in its judgment, require immediate council consideration. The procedure for notifying councilmembers of an emergency meeting is the same as that for a special meeting. The public-notice requirements, however, are different. The council must make good faith efforts to provide notice of the emergency meeting to all media that have filed a written request for notice. Notice must be by telephone or by any other method used to notify councilmembers. The notice must include the subject of the meeting. A published or posted notice is not necessary.

If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the meeting minutes must include a specific description of them.

RELEVANT LINKS:

Minn. Stat. § 13D.04, subd. 5.
See section II-F Open
meeting law exceptions.

Minn. Stat. § 412.02, subd. 2.
Minn. Stat. § 645.44, subd. 5.

Minn. Stat. § 412.831.
LMC Information Memo,
Newspaper Publication, for
more information.
Minn. Stat. § 412.121.
Minn. Stat. § 412.831.
Minn. Stat. § 427.01-.02.
Minn. Stat. § 118A.02, subd.
1. Minn. Stat. § 427.09.

Minn. Stat. § 424A.04, subd.
1.

D. Closed meetings

A closed meeting is a meeting of a public body that the public is not allowed to attend. A public meeting can only be closed if it meets the requirements of one of the specific exceptions listed in the open meeting law. The same notice requirements that apply to open meetings also apply to closed meetings. For example, if a closed meeting takes place at a regular meeting, the notice requirements for a regular meeting apply. Likewise, if a closed meeting takes place at a special meeting, the notice requirements for a special meeting apply.

E. Annual meeting (first meeting of the year)

There is no date set by statute for the first meeting of the year. In most statutory cities, the date is set by council bylaws establishing rules of procedure for the council. A home rule charter city should consult both its charter and any procedural rules the council has adopted.

The term of office for new statutory city councilmembers begins on the first Monday in January. The first meeting is usually held on or shortly after this date. In the meantime, all previously chosen and qualified councilmembers shall serve until their successors qualify. The first day of a new term in a home rule charter city is generally set by the charter.

The notice required for the annual meeting will depend on whether it occurs at a regularly scheduled meeting or at a special meeting that occurs at a different time and place from the regular meetings.

The following must be done at the first meeting of the year:

- Designate an official newspaper.
- Appoint an acting mayor from among the councilmembers. The acting mayor shall perform the duties of the mayor if there is a vacancy in the mayor's position or during the mayor's disability or absence.
- Select an official depository for city funds. (This must be done within 30 days of the start of the city's fiscal year).

In addition, although not required by statute, many city councils will also do the following at the first meeting of the year:

- Review different council appointments to city boards and commissions. For example, the council must appoint one elected city official and one elected or appointed city official to serve with the city's fire chief on the board of trustees for a city fire department's volunteer relief association.
- Review council's bylaws and make any needed changes.
- Assign committee duties to members.
- Approve official bonds that have been filed with the clerk.

RELEVANT LINKS:

Minn. Stat. § 412.191, subd. 1.

Minn. Stat. § 13D.04, subd. 4.

Minn. Stat. § 13D.02. IPAD 08-034.

Minn. Stat. § 13D.02. Minn. Stat. § 13D.04.

Home rule charter cities may have additional requirements for their first meeting of the year in their charters.

F. Adjourned meetings

Cities often use the terms “adjourned,” “continued,” and “recessed” interchangeably when referring to meetings that are postponed to a future time for lack of a quorum, for convenience, or to complete pending business from a regular meeting.

Although a quorum (majority of councilmembers in a statutory city) is necessary in order to conduct business, less than a quorum may adjourn or postpone a meeting to a fixed, future time.

If the date, time, and place of the adjourned meeting are announced at an open meeting and recorded in the minutes, no additional public notice is necessary. Otherwise, the notice for a special meeting is needed.

G. Meetings conducted by interactive television

A city council meeting may be conducted by interactive television if all of the four following requirements are met:

- At least one councilmember is physically present at the regular meeting location.
- All councilmembers must be able to hear and see each other and all discussion and testimony presented at any location at which at least one councilmember is present.
- All members of the public at the regular meeting location must be able to hear and see all discussion, testimony, and votes of all councilmembers.
- Each location at which a councilmember is present must be open and accessible to the public.

If possible, a member of the public should be able to monitor the meeting electronically from a remote location.

If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating by interactive television. The timing and method of providing notice will depend on whether the meeting is a regular, special, or emergency meeting.

RELEVANT LINKS:

Minn. Stat. § 13D.02, subd. 5.

IPAD 13-009. See Section II. for more information about the open meeting law.

Minn. Stat. § 13D.021, subd. 1.

The open meeting law does not provide a definition for this term “interactive television.” Therefore, it is not clear what technology is authorized to be used under this authority. Although school boards have express authority to use “interactive technology with an audio and visual link” to conduct a meeting if all of the other requirements for interactive television are satisfied, city councils do not have similar authority.

However, the commissioner of the Minnesota Department of Administration has advised that a city council meeting where a city councilmember participated in the meeting through Skype while physically present at a remote location outside Minnesota complied with the statutory authority for conducting meetings through interactive television. After the meeting occurred, a newspaper article suggested that the meeting violated the open meeting law because the remote location of the councilmember was not accessible to the city’s residents. The advisory opinion noted that the meeting met each of the four requirements in the statute and reasoned that the “plain language of the statute does not forbid a member of a public body from ‘attending’ a public meeting at a location ‘open and accessible to the public’ outside of the entity’s geographic area, as long as all other conditions of the section are met.”

H. Telephone or electronic meetings

Meetings may be conducted by telephone or other electronic means if the following conditions are met:

- The presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines an in-person meeting or a meeting conducted through interactive television is not practical or prudent because of a health pandemic or an emergency declared under chapter 12 of the Minnesota Statutes.
- All members of the governing body participating in the meeting can hear each other and can hear all discussion and testimony.
- Members of the public present at the regular meeting location can hear all discussion, testimony, and votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration.
- At least one member of the governing body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration.
- All votes are conducted by roll call so that each member’s vote on each issue can be identified and recorded.

RELEVANT LINKS:

Minn. Stat. § 13D.021, subd.2.

Minn. Stat. § 13D.021, subd. 3.

Minn. Stat. § 13D.021, subd. 4. Minn. Stat. § 13D.04.

See section I-F- Adjournd meetings.

Each member of the governing body participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

If telephone or another electronic means is used to conduct a meeting, to the extent practical, the governing body shall allow a person to monitor the meeting electronically from a remote location. The governing body may require the person making a connection to pay for the documented additional cost incurred as a result of the additional connection.

If telephone or another electronic means is used to conduct a regular, special, or emergency meeting the public body shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and, if practical, of the option of connecting to the meeting remotely. The timing and method of providing notice will depend on whether the meeting is a regular, special, or emergency meeting.

I. Hearings

A public hearing is a meeting that is held where members of the public can express their opinions. The council is there to regulate the hearing and make sure that people who want to speak on the issue get the opportunity to do so. The council does not deliberate or discuss matters during the public-hearing portion of this type of meeting; instead, it listens to the public. Once the public-comment period is finished, the council will often wrap up the meeting.

In order to recess or continue a meeting of this sort, the council should not formally end the public-comment part of the hearing.

There are two types of hearings, those that are discretionary and those that are required by a specific statute, ordinance, or charter provision.

1. Discretionary hearings

Many city councils will hold public hearings even when not legally required to do so. Generally, hearings of this type are for the purpose of allowing the public to comment on a specific issue. Such hearings can be helpful in raising concerns about an issue that the council may not have considered.

2. Required hearings

RELEVANT LINKS:

See Minn. Stat. § 462.357, subd. 3. Minn. Stat. § 429.031, subd. 1(a). Minn. Stat. § 429.061, subd. 1.

Minn. Stat. § 412.851.

Minn. Stat. § 414.033, subd. 2b.

Minn. Stat. § 429.031, subd. 1.

Minn. Stat. § 429.061.

Minn. Stat. § 444.18, subd. 3.

Minn. Stat. § 469.003, subd. 2.

Minn. Stat. § 469.093, subd. 1.

Minn. Stat. § 469.065, subd. 2.

Minn. Stat. § 469.105, subd. 2.

Minn. Stat. § 469.107, subd. 2.

Minn. Stat. § 340A.602.

Minn. Stat. § 275.065, subd. 6.

Minn. Stat. § 462.357, subd. 3.

Minn. Stat. § 462.358, subd. 3b.

Minn. Stat. § 462.3595, subd. 2.

Minn. Stat. § 410.12, subd. 7.

Minn. Stat. § 645.44, subd. 5.

When a specific statute, ordinance, or charter provision requires that the council hold a public hearing, the notice requirements must be followed carefully. Often there are special-notice requirements that are more substantial than the notice that is needed for a special meeting. For example, hearings required for zoning-ordinance amendments and special assessments have special notice requirements.

Here are some of the more common required public hearings:

- Street vacation.
- Annexation by ordinance.
- Local improvement projects that will be paid for with special assessments.
- When special assessments are made to property.
- Purchase and improvement of waterworks, sewers, drains, and storm sewers by storm-sewer-improvement districts.
- Adoption of a housing redevelopment authority (HRA) resolution.
- Adoption of an economic development authority (EDA) enabling resolution.
- Sale of port authority land.
- Sale of EDA land.
- Increase of levy for an EDA.
- Continuation of a municipal liquor store after a net loss for two of three consecutive years.
- Truth-in-taxation.
- Adoption or amendment of a zoning ordinance.
- Subdivision applications.
- Granting of a conditional use permit.
- Adoption of a charter amendment by ordinance.

There are other situations that may require public hearings. Contact the League for further information if you are unsure about a particular situation.

J. Days and time when meetings cannot be held

State law defines a set of public holidays when no public business can be transacted except to deal with emergencies. The transaction of public business includes conducting public meetings.

The public holidays are:

RELEVANT LINKS:

Minn. Stat. § 645.44, subd. 5.

Minn. Stat. § 645.44, subd. 5.

Minn. Stat. § 202A.19, subd. 1.
Minn. Stat. § 204C.03, subd. 1.

Minn. Stat. § 13D.01.

Rupp v. Mayasich, 533 N.W.2d 893 (Minn. Ct. App. 1995). *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

- New Year's Day (Jan. 1).
- Martin Luther King's Birthday (the third Monday in January).
- Washington's and Lincoln's Birthday (the third Monday in February).
- Memorial Day (the last Monday in May).
- Independence Day (July 4).
- Labor Day (the first Monday in September).
- Christopher Columbus Day (the second Monday in October).
- Veterans Day (Nov. 11).
- Thanksgiving Day (the fourth Thursday in November).
- Christmas Day (Dec. 25).

All cities have the option, however, of deciding whether Christopher Columbus Day and the Friday after Thanksgiving shall be holidays. If these days are not designated as holidays, public business may be conducted on them.

If a holiday falls on a Saturday, the preceding Friday is considered to be a holiday. If a holiday falls on a Sunday, the next Monday is considered to be a holiday.

In addition, city council meetings may not be held during the following times:

- After 6 p.m. on the evening of a major political party precinct caucus.
- Between 6 p.m. and 8 p.m. on a day when there is an election being held within the city's boundaries.

II. The open meeting law

A. Purpose

The Minnesota open meeting law generally requires that all meetings of public bodies be open to the public. This presumption of openness serves three basic purposes. It:

- Prohibits actions from being taken at a secret meeting where it is impossible for the interested public to become fully informed concerning decisions of public bodies or detect improper influences.
- Ensures the public's right to be informed.
- Gives the public an opportunity to present its views to the public body.

B. Public notice

RELEVANT LINKS:

See section I-Types of meetings and notice requirements. Minn. Stat. § 13D.04, subd. 7.

Minn. Stat. § 13D.01, subd. 6.
IPAD 08-015.

Minn. Stat. § 13D.01, subd. 1.

*Southern Minnesota
Municipal Power Agency v.
Boyne*, 578 N.W.2d 362
(Minn. 1998).

*Moberg v. Indep. Sch. Dist.
No. 281*, 336 N.W.2d 510
(Minn. 1983). *St. Cloud
Newspapers, Inc. v. Dist. 742
Community Schools*, 332
N.W.2d 1 (Minn. 1983).

Minn. Stat. § 412.191, subd.
1. Minn. Stat. § 645.08 (5).

Public notice generally must be provided for meetings of a public body subject to the open meeting law. The notice requirements depend on the type of meeting. However, if a person receives actual notice of a meeting at least 24 hours before the meeting, all notice requirements under the open meeting law are satisfied regardless of the method of receipt.

C. Printed Materials

At least one copy of the printed materials relating to agenda items that are provided to the council at or before a meeting must also be made available for public inspection in the meeting room while the governing body considers the subject matter.

D. Groups governed by the open meeting law

The open meeting law applies to all governing bodies of any school district, unorganized territory, county, city, town or other public body, and to any committee, sub-committee, board, department or commission of a public body.

Thus, the law applies to meetings of all city councils, planning commissions, advisory boards, firefighter relief associations, economic development authorities, and housing redevelopment authorities, among others.

The Minnesota Supreme Court has held, however, that the governing body of a municipal power agency, created under Minn. Stat. §§ 453.51-453.62, is not subject to the open meeting law because the Minnesota Legislature granted these agencies authority to conduct their affairs as private corporations.

E. Gatherings governed by the open meeting law

There is no statutory definition of the term “meeting” in the open meeting law. The Minnesota Supreme Court, however, has ruled that meetings are gatherings of a quorum or more of the members of the governing body, or a quorum of a committee, subcommittee, board, department, or commission thereof, at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.

A majority of the members of a statutory city council constitutes a quorum. A majority of the qualified members of any board or commission also constitutes a quorum. Home rule charter cities may have different quorum requirements in their charters.

F. Open meeting law exceptions

RELEVANT LINKS:

Minn. Stat. § 13D.01, subd. 3.
The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. Ct. App. 2004).

Minn. Stat. § 13D.05, subd. 1 (d).

Minn. Stat. § 13D.05, subd. 1 (d)

Minn. Stat. § 13D.04, subd. 5.

Minn. Stat. § 13D.03. Minn. Stat. § 13D.01, subd. 3.

There are seven exceptions to the open meeting law. Under these exceptions, some meetings may be closed and some meetings must be closed. Before a meeting can be closed under any of the exceptions, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

All closed meetings, except those closed as permitted by the attorney-client privilege, must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting

The same notice requirements that apply to open meetings also apply to closed meetings. For example, if a closed meeting takes place at a regular meeting, the notice requirements for a regular meeting apply. Likewise, if a closed meeting takes place as a special meeting, the notice requirements for a special meeting would apply.

1. Meetings that may be closed

The public body may choose to close certain meetings. The following types of meetings may be closed:

a) Labor negotiations under PELRA

A meeting to consider strategies for labor negotiations, including negotiation strategies or development or discussion of labor-negotiation proposals, may be closed. However, the actual negotiations must be done at an open meeting if a quorum of the council is present.

Procedure. The following must be done to use this exception:

- Before closing the meeting, the council must decide to close the meeting by a majority vote at a public meeting and must announce the time and place of the closed meeting.
- Before closing the meeting, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.
- A written record of all people present at the closed meeting must be available to the public after the closed meeting.
- The meeting must be tape-recorded.
- The recording must be kept for two years after the contract is signed.
- The recording becomes public after all labor agreements are signed by the city council for the current budget period.

RELEVANT LINKS:

Minn. Stat. § 13D.03, subd. 3.

Minn. Stat. § 13D.05, subd. 3(a).

Minn. Stat. § 13D.05, subd. 3(a). Minn. Stat. § 13D.01, subd. 3.

Minn. Stat. § 13D.05, subd. 3(b).

Brainerd Daily Dispatch, LLC v. Dehen, 693 N.W.2d 435 (Minn. Ct. App. 2005).

Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002).

If an action claiming that other public business was transacted at the closed meeting is brought during the time the tape is not public, the court will review the recording privately. If it finds no violation of the open meeting law, the action will be dismissed and the recording will be preserved in court records until it becomes available to the public. If the court determines there may have been a violation, the entire recording may be introduced at the trial. However, the court may issue appropriate protective orders requested by either party.

b) Performance evaluations

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority.

Procedure. The following must be done to use this exception:

- The public body must identify the individual to be evaluated prior to closing the meeting.
- The meeting must be open at the request of the individual who is the subject of the meeting, so some advance notice to the individual is needed in order to allow the individual to make an informed decision.
- Before closing the meeting, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.
- The meeting must be electronically recorded, and the recording must be preserved for at least three years after the meeting.
- At the next open meeting, the public body must summarize its conclusions regarding the evaluation. The council should be careful not to release private or confidential data in its summary.

c) Attorney-client privilege

Meetings between the governing body and its attorney to discuss active, threatened, or pending litigation may be closed when the balancing of the purposes served by the attorney-client privilege against those served by the open meeting law dictates the need for absolute confidentiality. The need for absolute confidentiality should relate to litigation strategy, and will usually arise only after a substantive decision on the underlying matter has been made.

RELEVANT LINKS:

Northwest Publications, Inc. v. City of St. Paul, 435 N.W.2d 64 (Minn. Ct. App. 1989). *Minneapolis Star & Tribune v. Housing and Redevelopment Authority in and for the City of Minneapolis*, 251 N.W.2d 620 (Minn. 1976).

Minn. Stat. § 13D.01, subd. 3.

See *The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. Ct. App. 2004) (holding that a general statement that a meeting was being closed under the attorney-client privilege to discuss “pending litigation” did not satisfy the requirement to “describe the subject to be discussed” at the closed meeting).

Minn. Stat. § 13D.05, subd. 3(c). *Vik v. Wild Rice Watershed Dist., no. A09-1841* (Minn. Ct. App. 2010). IPAD 08-001.

Minn. Stat. § 13D.05, subd. 3(c).

IPAD 08-001 (advising that a public body cannot authorize release of a tape of a closed meeting under this exception until all property discussed at the meeting has been purchased or sold or the public body has abandoned the purchase or sale).

This privilege may not be abused to suppress public observations of the decision-making process, and does not include situations where the council will be receiving general legal opinions and advice on the strengths and weaknesses of a proposed action that may give rise to future litigation.

Procedure. The following must be done to use this exception:

- Before closing the meeting, the council must state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.
- The council should also describe how a balancing of the purposes of the attorney-client privilege against the purposes of the open meeting law demonstrates the need for absolute confidentiality.
- The council must actually communicate with its attorney at the meeting.

d) Purchase or sale of property

A public body may close a meeting to:

- Determine the asking price for real or personal property to be sold by the public body.
- Review confidential or nonpublic appraisal data.
- Develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Procedure. The following must be done to use this exception:

- Before closing the meeting, the public body must state on the record the specific grounds for closing the meeting, describe the subject to be discussed, and identify the particular property that is the subject of the meeting.
- The meeting must be tape-recorded and the property must be identified on the tape. The recording must be preserved for eight years, and must be made available to the public after all property discussed at the meeting has been purchased or sold or after the public body has abandoned the purchase or sale.
- A list of councilmembers and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- The actual purchase or sale of the property must be approved at an open meeting, and the purchase or sale price is public data.

RELEVANT LINKS:

Minn. Stat. § 13D.05, subd. 3(d).

Minn. Stat. § 13D.05, subd. 3(d).

Minn. Stat. § 13D.05, subd. 2(b), Minn. Stat. § 13.43, subd. 2(4).

Minn. Stat. § 13D.01, subd. 3.
Minn. Stat. § 13D.05, subd. 1.

e) Security reports

A meeting may be closed to receive security briefing and reports, to discuss issues related to security systems, to discuss emergency-response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities—if disclosure of the information would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed, and all related financial decisions must be made at an open meeting.

Procedure. The following must be done to use this exception:

- Before closing the meeting, the public body must state on the record the specific grounds for closing the meeting and describe the subject to be discussed.
- When describing the subject to be discussed, the public body must refer to the facilities, systems, procedures, services or infrastructure to be considered during the closed meeting.
- The closed meeting must be tape-recorded, and the recording must be preserved for at least four years.

2. Meetings that must be closed

There are some meetings that the open meeting law requires to be closed. The following meetings must be closed:

a) Misconduct allegations

A public body must close a meeting for preliminary consideration of allegations or charges against an individual subject to the public body's authority. While the law permits the council to announce that it is closing a meeting to consider charges against an individual, it is still the best practice not to refer to that individual by name. The council should state only that it is closing the meeting to give preliminary consideration to allegations against someone subject to its authority. However, if someone requests the name of the employee who is the subject of the closed meeting, the name will probably have to be furnished since the existence and status of any complaints against an employee are public data.

Procedure. The following must be done to use this exception:

- Before closing the meeting, the council must state on the record the specific grounds for closing the meeting and describe the subject to be discussed.

RELEVANT LINKS:

Note: There is a special provision dealing with allegations of law enforcement personnel misconduct; see II D 2 (b).

Minn. Stat. § 13D.05, subd. 2(a).

Minn. Stat. § 13.32. Minn. Stat. § 13.3805, subd. 1. Minn. Stat. § 13.384. Minn. Stat. § 13.46, subd. 2 or 7. Minn. Stat. §§ 144.291-144.298.

Minn. Stat. § 13D.01, subd. 3. Minn. Stat. § 13D.05, subd. 1.

Minn. Stat. § 13D.05, subds. 1(a), 2(a). See section II- F- b.

- The meeting must be open at the request of the individual who is the subject of the meeting. Thus, the individual should be given advance notice of the existence and nature of the charges against him or her, so that the individual can make an informed decision about whether to request that the meeting be open.
- The meeting must be electronically recorded, and the recording must be preserved for at least three years after the meeting.
- If the public body decides that discipline of any nature may be warranted regarding the specific charges, further meetings must be open.

b) Certain not-public data

The general rule is that meetings cannot be closed to discuss data that are not public under the Minnesota Government Data Practices Act. A meeting must be closed, however, if the following not-public data is discussed:

- Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.
- Internal affairs data relating to allegations of law enforcement personnel misconduct or active law enforcement investigative data.
- Educational data, health data, medical data, welfare data or mental health data that are not-public data.
- Certain medical records.

Procedure. The following must be done to use this exception:

- The council must state on the record the specific grounds for closing the meeting and describe the subject to be discussed.
- The meeting must be electronically recorded, and the recording must be preserved for at least three years after the meeting.

G. Common issues

This section provides an overview of some of the more common issues cities consider while attempting to comply with the open meeting law.

1. Data practices

Generally, meetings may not be closed to discuss data that is not public. However, the public body must close any part of a meeting at which certain types of not-public data are discussed.

RELEVANT LINKS:

Minn. Stat. § 13D.05, subd. 2(a). Minn. Stat. § 13.03, subd. 11.

Minn. Stat. § 13D.05, subd. 1(b).

Minn. Stat. § 13D.05, subd. 1(c).

Channel 10, Inc. v. Indep. Sch. Dist. No. 709, 298 Minn. 306, 215 N.W.2d 814 (Minn. 1974).
See section II -G -6- Serial meetings.

Mankato Free Press v. City of North Mankato, No. C1-96-100036 (Fifth Jud. Dist. 1996).

Mankato Free Press v. City of North Mankato, 563 N.W.2d 291 (Minn. Ct. App. 1997).
Mankato Free Press v. City of North Mankato, No. C9-98-677 (Minn. Ct. App. Dec. 15, 1998) (unpublished decision).

If not-public data is discussed at an open meeting when the meeting is required to be closed, it is a violation of the open meeting law. Discussions of some types of not-public data may also be a violation of the Minnesota Government Data Practices Act (MGDPA). However, not-public data may generally be discussed at an open meeting without liability or penalty if both of the following criteria are met:

- The disclosure relates to a matter within the scope of the public body's authority.
- The disclosure is necessary to conduct the business or agenda item before the public body.

Data that is discussed at an open meeting retains its original classification under the MGDPA. However, a record of the meeting is public, regardless of the form. It is suggested that not-public data that is discussed at an open meeting not be specifically detailed in the minutes.

2. Interviews

The Minnesota Supreme Court has held that a school board must interview prospective employees for administrative positions in open sessions. The court said that the absence of a statutory exception to the open meeting law for interviews indicated that the Legislature had decided that such sessions should not be closed. The reasoning would seem to apply to city council interviews of prospective officers and employees as well, if a quorum is present.

In 1996, a district court found that it was not a violation of the open meeting law for candidates to be serially interviewed by members of a city council in one-on-one closed interviews. In this case, five city councilmembers were present in the same building but each was conducting separate interviews in five different rooms. Because there was no quorum present in any of the rooms, the court found there was no meeting. The decision, however, was appealed.

In 1997, the Minnesota Court of Appeals reversed the district court's decision and remanded the case back to the district court for a factual determination on whether the city used the one-on-one interview process in order to avoid the requirements of the open meeting law. On remand, the district court found that the private interviews were not conducted for the purpose of avoiding public hearings. The case was again appealed. In an unpublished decision, the court of appeals affirmed the district court's decision.

RELEVANT LINKS:

A.G. Op. 63-A-5 (June 13, 1957). See also Minn. Stat. §13D.01, subd. 1(b)(4).

St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools, 332 N.W.2d 1 (Minn. 1983).

A.G. Op. 10-b (July 3, 1975).

IPAD 07-025.

A.G. Op. 63a-5 (Aug. 28, 1996).
Sovereign v. Dunn, 498 N.W.2d 62 (Minn. Ct. App. 1993). IPAD 07-025.

The conclusion that can be drawn from this decision appears to be that if serial meetings are held for the purpose of avoiding the requirements of the open meeting law, it will constitute a violation of the law. Cities that are considering holding private interviews with job applicants should first consult their city attorney.

3. Executive sessions

The attorney general has advised that executive sessions of a city council must be open to the public.

4. Informational meetings and committees

The Minnesota Supreme Court has held that informational seminars about school-board business, which the entire board attends, must be noticed and open to the public. As a result, it appears that any scheduled gathering of a quorum of a city council must be properly noticed and open to the public, regardless of whether the council takes or contemplates taking action at that gathering. This includes meetings where members receive information that may influence later decisions.

Many city councils create committees to make recommendations regarding a specific issue. Commonly, such a committee will be responsible for researching the issue and submitting a recommendation to the council for its approval. These committees are usually advisory, and the council is still responsible for making the final decision. This type of committee may be subject to the open meeting law.

For example, the attorney general has advised that an advisory panel of the State Arts Council that was charged with making recommendations regarding which individuals and organizations should be funded for artistic projects was a committee subject to the open meeting law.

In contrast, the commissioner of the Minnesota Department of Administration has advised that a city's Free Speech Working Group consisting of members, including city officials, that the city council appointed to develop and review strategies for addressing free-speech concerns relating to a political convention that was going to be held in the city was not subject to the open meeting law. The commissioner primarily based this decision on the fact that the committee did not have decision-making authority.

City councils routinely appoint individual councilmembers to act as liaisons between the council and particular committees. These types of committee meetings may be subject to the open meeting law and a notice of a committee meeting may be required. In addition, a separate notice for a special city council meeting may also be required if a quorum of the council will be present at the meeting and will participate in the discussion.

RELEVANT LINKS:

Thuma v. Kroschel, 506 N.W.2d 14 (Minn. Ct. App. 1993). A.G. Op. 63a-5 (Aug. 28, 1996).

St. Cloud Newspapers, Inc. v. District 742 Cmty. Sch., 332 N.W.2d 1 (Minn. 1983).
Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

Hubbard Broadcasting, Inc. v. City of Afton, 323 N.W.2d 757 (Minn. 1982).

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

Mankato Free Press v. City of North Mankato, 563 N.W.2d 291 (Minn. Ct. App. 1997).

Mankato Free Press v. City of North Mankato, No. C9-98-677 (Minn. Ct. App. Dec. 15, 1998) (unpublished decision).

For example, when a quorum of a city council attended a meeting of the city's planning commission, the Minnesota Court of Appeals ruled that there was a violation of the open meeting law, not because of the councilmembers' attendance at the meeting, but because the councilmembers conducted public business in conjunction with that meeting. Based on that decision, the attorney general has advised that mere attendance by additional councilmembers at a meeting of a council committee held in compliance with the open meeting law would not constitute a special city council meeting requiring separate notice. The attorney general warned, however, that the additional councilmembers should not participate in committee discussions or deliberations absent a separate notice of a special city council meeting.

5. Chance or social gatherings

Chance or social gathering of city councilmembers will not be considered a meeting subject to the open meeting law as long as there is not a quorum present, or, if a quorum is present, as long as the quorum does not discuss, decide, or receive information on official city business.

The Minnesota Supreme Court has held that a conversation between two councilmembers over lunch regarding an application for a special-use permit did not violate the open meeting law because a quorum was not present.

6. Serial meetings

The Minnesota Supreme Court has noted that meetings of less than a quorum of the public body held serially to avoid public hearings or to fashion agreement on an issue may violate the open meeting law.

A Minnesota Court of Appeals' decision also indicates that serial meetings could violate the open meeting law. The Minnesota Court of Appeals considered a situation where individual councilmembers conducted separate, serial interviews of candidates for a city position in one-on-one closed interviews. Although the district court found that no meetings had occurred because there was never a quorum of the council present, the court of appeals remanded the decision back to the district court for a determination of whether the councilmembers had used this interview process for the purpose of avoiding the requirements of the open meeting law.

On remand, the district court found that the private interviews were not conducted for the purpose of avoiding the requirements of the open meeting law. This decision was also appealed, and the court of appeals, in an unpublished decision, agreed with the district court's decision. A city that wants to hold private interviews with applicants for city employment should first consult with its city attorney.

RELEVANT LINKS:

Compare *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983), and A.G. Op. 63a-5 (Feb. 5, 1975).

A.G. Op. 63a-5 (Feb. 5, 1975).

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

O'Keefe v. Carter, No. A12-0811 (Minn. Ct. App. Dec. 31, 2012) (unpublished decision).

7. Training sessions

Whether the participation of a quorum or more of councilmembers in a training program should be defined as a meeting under the open meeting law would likely depend on whether the program includes a discussion of general training information or a discussion of specific matters relating to an individual city.

The attorney general has advised that a city council's participation in a non-public training program devoted to developing skills is not covered by the open meeting law. However, the opinion also stated that if there were to be any discussions of city business by the attending members, either outside or during the training session, it could be seen as a violation of the open meeting law.

8. Technology

It is not clear how the open meeting law applies to technology, including email or telephone calls. Although the open meeting law does not specifically address the use of email, telephone calls, and other technology it is possible that any form of communication between councilmembers or members of other public bodies could violate the open meeting law under certain circumstances.

An unpublished 2012 decision by the Minnesota Court of Appeals concluded that email communications are not subject to the open meeting law because they are written communications and are not a "meeting" for purposes of the open meeting law.

The court of appeals' decision also concluded that even if the email messages were subject to the open meeting law, the substance of the emails in question did not contain the type of discussion that would be required for a prohibited "meeting" to have occurred. The court noted that the substance of the email messages was not important and controversial; instead, they discussed a relatively straightforward operational matter. The decision also noted that the town board members did not appear to make any decisions in their email messages.

Because this decision is unpublished, it is not binding on other courts. In addition, the outcome of this decision might have been different if the substance of the emails had related to something other than operational matters, for example, if the substance of the emails were attempting to build agreement on a particular issue that was going to be presented to the town board at a future meeting.

RELEVANT LINKS:

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).
See LMCIT Information Memo *Electronic Communications Between Council Members*. See Section II.-G.-6. Serial meetings.

IPAD 09-020.

Minn. Stat. § 13.072, subd. 1(b). See IPAD for an index of advisory opinions by topic.

See Requesting an Open Meeting Law Advisory Opinion from IPAD

Minn. Stat. § 8.07. See index of Attorney General Advisory opinions from 1993 to present.

Likewise, serial discussions between less than a quorum of a public body subject to the open meeting law that are used to deliberate matters that should be dealt with at an open meeting could also violate the open meeting law. Therefore, city councils and other groups to which the open meeting law applies should take a conservative approach and avoid using letters, telephone conversations, email, and other such technology if the following circumstances exist:

- A quorum of the council is involved.
- Information relating to official city business is being discussed.

The commissioner of the Minnesota Department of Administration has issued an opinion advising that email communication in which a quorum of a public body discussed official business violated the open meeting law. However, the opinion also advised that one-way communication between the chair and members of a public body is permissible under the open meeting law, for example, when the chair or a staff member sends meeting materials through email to all board members, as long as no discussion or decision-making takes place.

H. Advisory opinions

1. Commissioner of the Minnesota Department of Administration

The commissioner of the Minnesota Department of Administration has authority to issue non-binding advisory opinions on certain issues related to the open meeting law. A \$200 fee is required. The Information Policy Analysis Division (IPAD) of the Department of Administration handles these requests.

A public body subject to the open meeting law can request an advisory opinion from the commissioner. A person who disagrees with the manner in which members of a governing body perform their duties under the open meeting law can also request an advisory opinion.

2. Minnesota Attorney General

The Minnesota Attorney General is authorized to issue written advisory opinions to city attorneys on “questions of public importance.”

RELEVANT LINKS:

Minn. Stat. § 13D.06, subd. 2.
O'Keefe v. Carter, No. A12-0811 (Minn. Ct. App. Dec. 31, 2012) (unpublished decision).

Minn. Stat. § 541.07 (2).

Minn. Stat. § 13D.06, subds. 1, 4.

Minn. Stat. § 13D.06, subd. 4.
See LMCIT Information Memo, *Defense Cost Reimbursement Coverage For Open Meeting Law and Bankruptcy Lawsuits*, for information about insurance coverage for lawsuits under the open meeting law.

Minn. Stat. 13D.06, subd. 4.

Minn. Stat. § 13D.06, subd. 4 (d). *Coalwell v. Murray*, No. C6-95-2436 (Minn. Ct. App. Aug. 6, 1996) (unpublished decision).

Minn. Stat. § 13D.06, subd. 3.
Claude v. Collins, 518 N.W.2d 836 (Minn. 1994).
Brown v. Cannon Falls Township, 723 N.W.2d 31 (Minn. Ct. App. 2006).

Minn. Stat. § 13D.06, subd. 3 (b) and (c).

I. Penalties

An action to enforce the open meeting law may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located. In an unpublished decision, the court of appeals concluded that this broad grant of jurisdiction authorized a member of a town board to bring an action against his own town board for alleged violations of the open meeting law.

This same decision also concluded that a two-year statute of limitations applies to lawsuits under the open meeting law.

A councilmember who intentionally violates the open meeting law can be subject to personal liability in the form of a civil penalty of up to \$300. The city may not pay this penalty. A court may take into account a councilmember's time and experience in office to determine the amount of the penalty.

In addition, a court may award reasonable costs, disbursements, and attorney fees of up to \$13,000 to the person who brought the violation to court. The court may award costs and attorney fees to a city only if the action is found to be frivolous and without merit. A city may pay for any costs, disbursements, and attorney fees awarded.

If a plaintiff prevails in a lawsuit under the open meeting law, an award of reasonable attorney fees is mandatory if the court determines the public body was the subject of a prior written advisory opinion from the commissioner of the Department of Administration, and the court finds that the opinion is directly related to the lawsuit and that the public body did not act in conformity with the opinion. A court is also required to give deference to the advisory opinion in a lawsuit brought to determine whether the open meeting law was violated.

No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds there was intent to violate the open meeting law.

If a person is found to have intentionally violated this chapter in three or more separate actions, the person must be removed from office and may not serve in any other capacity with that public body for a period of time equal to the term of office the person was serving.

If a court finds a separate, third violation that is unrelated to the previous violations, it must declare the position vacant and notify the appointing authority or clerk of the governing body. As soon as practicable, the appointing authority or governing body shall fill the position as in the case of any other vacancy.

RELEVANT LINKS:

Quast v. Knutson, 276 Minn. 340, 150 N.W.2d 199 (Minn. 1967).

Sullivan v. Credit River Township, 217 N.W.2d 502 (Minn. 1974). *In re D & A Truck Line, Inc.*, 524 N.W.2d 1 (Minn. Ct. App. 1994). *Lac Qui Parle-Yellow Bank Watershed Dist. v. Wollschlager*, No. C6-96-1023 (Minn. Ct. App. Nov. 12, 1996) (unpublished decision). IPAD 11-004.

The open meeting law does not address whether actions taken at an improper meeting would be invalid. The Minnesota Supreme Court once held that an attempted school district consolidation was fatally defective when the initiating resolution was adopted at a meeting that was not open to the public.

However, in more recent decisions, Minnesota courts have refused to invalidate actions taken at improperly closed meetings. In an unpublished decision, the court stated that “even a violation of the open meeting law will not invalidate actions taken at that meeting.”

III. Meeting procedures

A. Agendas

The city clerk generally prepares an agenda for council meetings. The agenda is then given to councilmembers and other interested individuals such as department heads and citizens. The agenda establishes the order in which the matters will be addressed during the meeting.

Many city councils have found the following order of business convenient:

- Call to order.
- Roll call.
- Approval of minutes from previous meeting.
- Consent agenda.
- Petitions, requests, and complaints.
- Reports of officers, boards, and committees.
- Reports from staff and administrative officers.
- Ordinances and resolutions.
- Presentation of claims.
- Unfinished business.
- New business.
- Miscellaneous announcements.
- Adjournment.

1. Consent agenda

The consent agenda or consent calendar is used by many city councils to help shorten the length of meetings by using time more efficiently. A consent agenda typically groups together many items that are routine and uncontroversial. Although the council must take action on these items, they do not require further discussion.

Minn. Stat. § 204C.03. Minn. Stat. § 202A.19.

Minnesota election law provides that meetings are prohibited between 6 p.m. and 8 p.m. on any election day, including a local general or special election. Thus, if a school district is holding a special election on a particular day, no other unit of government totally or partially within the school district may hold a meeting between 6 p.m. and 8 p.m. Meetings are also prohibited after 6 p.m. on the day of a major political precinct caucus.

II. Open meeting law

See LMC information memo, Meetings of City Councils, for more information about the open meeting law.

Minn. Stat. § 13D.01. *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

A. Purpose

The open meeting law requires that meetings of public bodies must generally be open to the public. It serves three vital purposes:

- Prohibits actions from being taken at a secret meeting where the interested public cannot be fully informed of the decisions of public bodies or detect improper influences.
- Ensures the public's right to be informed.
- Gives the public an opportunity to present its views.

B. Public notice

See section I-Types of council meetings and notice requirements. Minn. Stat. § 13D.04, subd. 7.

Public notice generally must be provided for meetings of a public body subject to the open meeting law. The notice requirements depend on the type of meeting. However, if a person receives actual notice of a meeting at least 24 hours before the meeting, all notice requirements under the open meeting law are satisfied regardless of method of receipt.

C. Printed materials

Minn. Stat. § 13D.01, subd. 6. IPAD 08-015.

At least one copy of the printed materials relating to agenda items that are provided to the council at or before a meeting must also be made available for public inspection in the meeting room while the governing body considers the subject matter.

D. Groups governed by the open meeting law

Minn. Stat. § 13D.01, subd. 1.
Minn. Stat. § 465.719, subd. 9.

Under the Minnesota open meeting law, all city council meetings and executive sessions must be open to the public with only a few exceptions. The open meeting law also requires meetings of any committee, subcommittee, board, department, or commission of a public body to be open to the public. For example, the governing bodies of local public pension plans, housing and redevelopment authorities, economic development authorities, and city-created corporations are subject to the open meeting law.

Southern Minnesota Municipal Power Agency v. Boyne, 578 N.W.2d 362 (Minn. 1998).

The Minnesota Supreme Court has held, however, that the governing body of a municipal electric power agency is not subject to the open meeting law because the Legislature has granted these agencies authority to conduct their affairs as private corporations.

E. Gatherings governed by the open meeting law

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983). *St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).

The open meeting law does not define the term “meeting.” The Minnesota Supreme Court, however, has ruled that meetings are gatherings of a quorum or more members of the governing body, or a quorum of a committee, subcommittee, board, department, or commission thereof, at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.

Minn. Stat. § 412.191, subd. 1.
Minn. Stat. § 645.08(5).

For most public bodies including statutory cities, a majority of its qualified members constitutes a quorum. Charter cities may provide that a different number of members of the council constitutes a quorum.

See Section II. E. 4. For more information about serial meetings.

The open meeting law does not generally apply in situations where less than a quorum of the council is involved. However, serial meetings in groups of less than a quorum that are held in order to avoid the requirements of the open meeting law may be found to violate the law, depending on the specific facts.

F. Open meeting law exceptions

The open meeting law is designed to favor public access. Therefore, the few exceptions that do exist are carefully limited to avoid abuse.

Minn. Stat. § 13D.05, subd. 1(d).

All closed meetings (except those closed under the attorney-client privilege exception) must be electronically recorded at the expense of the public body. Unless otherwise provided by law, the recordings must be preserved for at least three years after the date of the meeting.

Minn. Stat. § 13D.01, subd. 3.
 Minn. Stat. § 13D.04, subd. 5.
See The Free Press v. County of Blue Earth, 677 N.W.2d 471 (Minn. Ct. App. 2004); (holding that the county's statement that it was closing a meeting under the attorney-client privilege to discuss "pending litigation" did not satisfy the requirement of describing the subject to be discussed at the closed meeting).

Before closing a meeting under any of the following exceptions, the public body must state, on the record, the specific grounds that permit the meeting to be closed and describe the subject to be discussed. The same notice requirements that apply to open meetings also apply to closed meetings. For example, if a closed meeting takes place at a regular meeting, the notice requirements for a regular meeting apply. Likewise, if a closed meeting takes place as a special meeting or as an emergency meeting, the notice requirements for a special meeting or an emergency meeting would apply.

1. Labor negotiations

Minn. Stat. § 13D.03, subd. 1 (b).

The city council may, by majority vote in a public meeting, decide to hold a closed meeting to consider its strategy for labor negotiations, including negotiation strategies or developments or discussion of labor-negotiation proposals. The council must announce the time and place of the closed meeting at the public meeting.

Minn. Stat. § 13D.03, subds. 1 (d), 2.

After the closed meeting, a written record of all members of the city council and all other people present must be available to the public. The council must tape-record the proceedings at city expense, and preserve the tape for two years after signing the contract. The tape-recording must be available to the public after all labor contracts are signed for the current budget period.

Minn. Stat. § 13D.03, subd. 3.

If someone claims the council conducted public business other than labor negotiations at the closed meeting, a court must privately review the recording of the meeting. If the court finds the law was not violated, the action must be dismissed and the recording sealed and preserved. If the court determines a violation of the open meeting law may exist, the recording may be introduced at trial in its entirety, subject to any protective orders requested by either party and deemed appropriate by the court.

2. Not-public data under the Minnesota Government Data Practices Act

Minn. Stat. § 13D.05, subd. 2.

The general rule is that meetings cannot be closed to discuss data that are not public under the Minnesota Government Data Practices Act. A meeting must be closed, however, if certain not-public data is discussed.

For example, any portion of a meeting must be closed if expressly required by law or if any of the following types of not-public data are discussed:

- Data that would identify victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.
- Active investigative data created by a law-enforcement agency, or internal-affairs data relating to allegations of law-enforcement-personnel misconduct.

Minn. Stat. §§ 144.291-.298.

Minn. Stat. § 13D.05, subd. 1(d).

Minn. Stat. § 13D.05, subd. 1(b), (c).

Minn. Stat. § 13D.05, subds. 1(d), 2 (b).

Minn. Stat. § 13D.05, subds. 1(d), 3 (a). *See* "Employee Discipline and the Open Meeting Law," *Minnesota Cities*, Sept. 1997 for more information.

- Educational, health, medical, welfare, or mental-health data that are not public data.
- Certain medical records.

A closed meeting held to discuss any of the not-public data listed above must be electronically recorded, and the recording must be preserved for at least three years after the meeting.

Other not-public data may be discussed at an open meeting without liability or penalty if the disclosure relates to a matter within the scope of the public body's authority, and it is reasonably necessary to conduct the business or agenda item before the public body. The public body, however, should make reasonable efforts to protect the data from disclosure. Data discussed at an open meeting retains its original classification; however, a record of the meeting shall be public.

3. Misconduct allegations or charges

A public body must close one or more meetings for "preliminary consideration" of allegations or charges of misconduct against an individual subject to its authority. This type of meeting must be open at the request of the individual who is the subject of the meeting. If the members conclude discipline of any nature may be warranted, further meetings or hearings relating to the specific charges or allegations that are held after that conclusion is reached must be open. This type of meeting must be electronically recorded, and the recording must be preserved for at least three years after the meeting.

4. Performance evaluations

A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body must identify the individual to be evaluated prior to closing the meeting. At its next open meeting, the public body must summarize its conclusions regarding the evaluation. This type of meeting must be open at the request of the individual who is the subject of the meeting. If this type of meeting is closed, it must be electronically recorded, and the recording must be preserved for at least three years after the meeting.

5. Attorney-client privilege

Minn. Stat. § 13D.05, subd. 3 (b).

Brainerd Daily Dispatch, LLC v. Dehen, 693 N.W.2d 435 (Minn. Ct. App. 2005); *Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002); *Northwest Publications, Inc. v. City of St. Paul*, 435 N.W.2d 64 (Minn. Ct. App. 1989); *Minneapolis Star & Tribune v. Housing and Redevelopment Authority in and for the City of Minneapolis*, 251 N.W.2d 620 (Minn. 1976).

A meeting may be closed if permitted by the attorney-client privilege. Meetings between a government body and its attorney to discuss active or threatened litigation may only be closed, under the attorney-client privilege, when a balancing of the purposes served by the attorney-client privilege against those served by the open meeting law dictates the need for absolute confidentiality. The need for absolute confidentiality should relate to litigation strategy, and will usually arise only after the city has made a substantive decision on the underlying matter. This privilege may not be abused to suppress public observations of the decision-making process, and does not include situations where the council will be receiving general legal opinions and advice on the strengths and weaknesses of a proposed underlying action that may give rise to future litigation.

6. Purchase or sale of real or personal property

Minn. Stat. § 13D.05, subd. 3 (c).

A public body may close a meeting to:

- Determine the asking price for real or personal property to be sold by the public body.
- Review confidential or protected nonpublic appraisal data.
- Develop or consider offers or counteroffers for the purchase or sale of real or personal property.

Minn. Stat. § 13.44, subd. 3.

Minn. Stat. § 13D.05, subd. 3 (c); *Vik v. Wild Rice Watershed Dist.*, No. A09-1841 (Minn. Ct. App. Aug. 10, 2010) (unpublished decision) (holding that this exception authorizes closing a meeting to discuss the development or consideration of a property transaction and is not limited to the discussion of specific terms of advanced negotiations). IPAD 08-001.

Before holding a closed meeting under this exception, the public body must identify on the record the particular real or personal property that is the subject of the closed meeting. The closed meeting must be tape-recorded. The recording must be preserved for eight years, and must be made available to the public after all real or personal property discussed at the meeting has been purchased or sold, or after the public body has abandoned the purchase or sale. The real or personal property that is being discussed must be identified on the tape. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting. The actual purchase or sale of the real or personal property must be approved at an open meeting, and the purchase or sale price is public data.

7. Security reports

Minn. Stat. § 13D.05, subd. 3 (d).

Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency-response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting. Before closing a meeting under this exception, the public body must when describing the subject to be discussed, refer to the facilities, systems, procedures, services or infrastructures to be considered during the closed meeting. The closed meeting must be tape-recorded, and the recording must be preserved for at least four years.

G. Common issues

1. Interviews

Channel 10, Inc. v. Indep. Sch. Dist. No. 709, 215 N.W.2d 814 (Minn. 1974).

The Minnesota Supreme Court has ruled that a school board must interview prospective employees for administrative positions in open sessions. The court reasoned that the absence of a statutory exception indicated that the Legislature intended such sessions to be open. As a result, a city should conduct any interviews of prospective officers and employees at an open meeting if a quorum or more of the city council will be present.

Mankato Free Press v. City of North Mankato, 563 N.W.2d 291 (Minn. Ct. App. 1997).

The Minnesota Court of Appeals considered a situation where individual councilmembers conducted separate, serial interviews of candidates for a city position in one-on-one closed interviews. The district court found that no “meeting” of the council had occurred because there was never a quorum of the council present during the interviews. The court of appeals sent the case back to the district court for a determination of whether the councilmembers had conducted the interview process in a serial fashion to avoid the requirements of the open meeting law.

Mankato Free Press v. City of North Mankato, No. C9-98-677 (Minn. Ct. App. Dec. 15, 1998) (unpublished decision).

On remand, the district court found that the individual interviews were not done to avoid open-meeting-law requirements. This decision was also appealed, and the court of appeals affirmed the district court’s decision. Cities that want to use this type of interview process should first consult their city attorney.

2. Informational meetings and committees

St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools, 332 N.W.2d 1 (Minn. 1983).

The Minnesota Supreme Court has held that informational seminars about school-board business, which the entire board attends, must be noticed and open to the public. As a result, it appears that any scheduled gatherings of a quorum of a city council must be properly noticed and open to the public, regardless of whether the council takes or contemplates taking action at that gathering. This includes meetings where members receive information that may influence later decisions.

Many city councils create committees to make recommendations regarding a specific issue. Commonly, such a committee will be responsible for researching the issue and submitting a recommendation to the council for its approval. These committees are usually advisory, and the council is still responsible for making the final decision. This type of committee may be subject to the open meeting law.

A.G. Op. 10-b (July 3, 1975).

For example, the attorney general has advised that an advisory panel of the State Arts Council that was charged with making recommendations regarding which individuals and organizations should be funded for artistic projects was a committee subject to the open meeting law.

IPAD 07-025.

In contrast, the Commissioner of the Department of Administration has advised that a city's Free Speech Working Group consisting of people including city officials appointed by the city to meet to develop and review strategies for addressing free-speech concerns relating to a political convention that was going to be held in the city was not subject to the open meeting law. The Commissioner primarily based its decision on the fact that the Group did not have decision-making authority.

A.G. Op. 63a-5 (Aug. 28, 1996); Sovereign v. Dunn, 498 N.W.2d 62 (Minn. Ct. App. 1993). IPAD 07-025.

City councils also routinely appoint individual councilmembers to act as liaisons between the council and particular council committees. These committee meetings may also be subject to the open meeting law. In addition, notice for a special meeting of the city council may be needed if a quorum of the council will be present at the meeting and will be participating in the discussion.

Thuma v. Kroschel, 506 N.W.2d 14 (Minn. Ct. App. 1993).

A.G. Op. 63a-5 (Aug. 28, 1996).

For example, when a quorum of a city council attended a meeting of the city's planning commission, the Minnesota Court of Appeals ruled that there was a violation of the open meeting law—not because the councilmembers attended the meeting—but because the councilmembers conducted public business in conjunction with that meeting.

Based on this decision, the attorney general has advised that mere attendance by councilmembers at a meeting of a council committee, held in compliance with the open meeting law, would not constitute a special council meeting requiring separate notice. The attorney general cautioned, however, that the additional councilmembers should not participate in committee discussions or deliberations absent a separate special-meeting notice of a city council meeting.

3. Social gatherings

St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools, 332 N.W.2d 1 (Minn. 1983); Moberg v. Indep. Sch., Dist. No. 281, 336 N.W.2d 510 (Minn. 1983); Hubbard Broadcasting, Inc. v. City of Afton, 323 N.W.2d 757 (Minn. 1982).

Social gatherings of city councilmembers would not be considered a meeting subject to the open meeting law as long as there is not a quorum present, or, if a quorum is present, as long as the quorum does not discuss, decide, or receive information on official city business. The Minnesota Supreme Court has ruled that a conversation between two city councilmembers over lunch about a special-use-permit application did not violate the open meeting law because a quorum of the council was not present.

4. Serial gatherings

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

The Minnesota Supreme Court has noted that meetings of less than a quorum of a public body held serially to avoid a public meeting or to fashion agreement on an issue of public business may violate the open meeting law.

Mankato Free Press v. City of North Mankato, 563 N.W.2d 291 (Minn. Ct. App. 1997).

The Minnesota Court of Appeals considered a situation where individual councilmembers conducted separate, serial interviews of candidates for a city position in one-on-one closed interviews. The district court found that no “meeting” of the council had occurred because there was never a quorum of the council present during the interviews. However, the court of appeals sent the case back to the district court for a determination of whether the councilmembers had conducted the interview process in a serial fashion to avoid the requirements of the open meeting law.

Mankato Free Press v. City of North Mankato, No. C9-98-677 (Minn. Ct. App. Dec. 15, 1998) (unpublished decision).

On remand, the district court found that the individual interviews were not done to avoid open-meeting-law requirements. This decision was also appealed, and the court of appeals affirmed the district court’s decision. Cities that want to use this type of interview process with job applicants should first consult their city attorney.

5. Training sessions

Compare St. Cloud Newspapers, Inc. v. Dist. 742 Community Schools, 332 N.W.2d 1 (Minn. 1983). A.G. Op. 63a-5 (Feb. 5, 1975).

It is not clear whether the participation of a quorum or more of the members of a city council in a training program would be defined as a meeting under the open meeting law. The determining factor would likely be whether the program includes a discussion of general training information or a discussion of specific matters relating to an individual city.

A.G. Op. 63a-5 (Feb. 5, 1975).

The attorney general has advised that a city council’s participation in a non-public training program devoted to developing skills was not a meeting subject to the open meeting law. However, the opinion also advised that if there were to be any discussions of specific city business by the attending members, either outside or during training sessions, it could be a violation of the open meeting law.

6. Technology

Moberg v. Indep. Sch. Dist. No. 281, 336 N.W.2d 510 (Minn. 1983).

It is not clear how the open meeting law applies to technology, such as e-mail or telephone calls. Although the law does not specifically address the use of email, telephone calls, and other technology, it is possible that any form of communication between councilmembers or members of other public bodies could violate the open meeting law under certain circumstances.

O’Keefe v. Carter, No. A12-0811 (Minn. Ct. App. Dec. 31, 2012) (unpublished decision).

An unpublished 2012 decision by the Minnesota Court of Appeals concluded that email communications are not subject to the open meeting law because they are written communications and are not a “meeting” for purposes of the open meeting law.

The court of appeals' decision also concluded that even if the email messages were subject to the open meeting law, the substance of the emails in question did not contain the type of discussion that would be required for a prohibited "meeting" to have occurred. The court noted that the substance of the email messages was not important and controversial; instead, they discussed a relatively straightforward operational matter. The decision also noted that the town board members did not appear to make any decisions in their email messages.

Because this decision is unpublished, it is not binding on other courts. In addition, the outcome of this decision might have been different if the substance of the emails had related to something other than operational matters, for example, if the substance of the emails were attempting to build agreement on a particular issue that was going to be presented to the town board at a future meeting.

*LMCIT risk management memo,
Electronic Communications
Between Councilmembers,
IPAD 09-020.*

In addition, serial discussions between less than a quorum of the council could violate the open meeting law. As a result, city councils and other public bodies should take a conservative approach and should not use email, telephone calls, and other technology to communicate back and forth with other members of the public body if both of the following circumstances exist:

- A quorum of the council or public body will be contacted regarding the same matter.
- City business is being discussed.

H. Advisory opinions

1. Commissioner of the Minnesota Department of Administration

Minn. Stat. § 13.072, subd. 1
(b). See IPAD for an index of
advisory opinions by topic.

The commissioner of the Minnesota Department of Administration has authority to issue non-binding advisory opinions on certain issues related to the open meeting law. A \$200 fee is required. The Information Policy Analysis Division (IPAD) of the Department of Administration handles these requests.

See Requesting an Open
Meeting Law Advisory Opinion
from IPAD.

A public body subject to the open meeting law can request an advisory opinion from the commissioner. A person who disagrees with the manner in which members of a governing body perform their duties under the open meeting law can also request an advisory opinion.

2. Minnesota Attorney General

Minn. Stat. § 8.07. See index of
Attorney General Advisory
Opinions from 1993 to present.

The Minnesota Attorney General is authorized to issue written advisory opinions to city attorneys on "questions of public importance."

I. Penalties

Minn. Stat. § 13D.06, subd. 1.

Claude v. Collins, 518 N.W.2d 836 (Minn. 1994).

Any person who intentionally violates the open meeting law is subject to personal liability in the form of a civil penalty of up to \$300 for a single occurrence. The public body may not pay the penalty. A court may take into account a councilmember's time and experience in office to determine the amount of the civil penalty.

Minn. Stat. § 13D.06, subd. 2.

An action to enforce this penalty may be brought by any person in any court of competent jurisdiction where the administrative office of the governing body is located.

Minn. Stat. § 13D.06, subd. 4. See LMCIT risk management memo, Open Meeting Law Defense Coverage, for information about insurance coverage for open-meeting-law violations.

The court may also award reasonable costs, disbursements, and attorney fees of up to \$13,000 to any party in an action alleging a violation of the open meeting law. The court may award costs and attorney fees to a defendant only if the action is found to be frivolous and without merit. A public body may pay any costs, disbursements, or attorney fees incurred by or awarded against any of its members.

Minn. Stat. § 13D.06, subd. 4.

If a party prevails in a lawsuit under the open meeting law, an award of reasonable attorney fees is mandatory if the court determines that the public body was the subject of a prior written advisory opinion from the commissioner of the Department of Administration, and the court finds that the opinion is directly related to the lawsuit and that the public body did not act in conformity with the opinion. A court is required to give deference to the advisory opinion.

Minn. Stat. § 13D.06, subd. 4 (d). *Coalwell v. Murray*, No. C6-95-2436 (Minn. Ct. App. Aug 6, 1996) (unpublished decision).

No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds there was intent to violate the open meeting law.

Minn. Stat. § 13D.06, subd. 3 (a). *Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. Ct. App. 2006).

If a person is found to have intentionally violated the open meeting law in three or more separate actions involving the same governing body, that person must forfeit any further right to serve on the governing body or in any other capacity with the public body for a period of time equal to the term of office the person was serving.

Minn. Stat. § 13D.06, subd. 3 (b).

If a court finds a separate, third violation that is unrelated to the previous violations, it must declare the position vacant and notify the appointing authority or clerk of the governing body. As soon as practicable, the appointing authority or governing body shall fill the position as in the case of any other vacancy.

Minn. Const. art. VIII, § 5. *Jacobsen v. Nagel*, 255 Minn. 300, 96 N.W.2d 569 (Minn. 1959).

Under the Minnesota Constitution, the Legislature may provide for the removal of public officials for malfeasance or nonfeasance. To constitute malfeasance or nonfeasance, a public official's conduct must affect the performance of official duties and must relate to something of a substantial nature directly affecting the rights and interests of the public.

Jacobsen v. Nagel, 255 Minn. 300, 96 N.W.2d 569 (Minn. 1959); *Claude v. Collins*, 518 N.W.2d 836 (Minn. 1994).

Sullivan v. Credit River Township, 299 Minn. 170, 217 N.W.2d 502 (Minn. 1974); *In re D & A Truck Line, Inc.*, 524 N.W.2d 1 (Minn. Ct. App. 1994); *Lac Qui Parle-Yellow Bank Watershed Dist. v. Wollschlager*, No. C6-96-1023 (Minn. Ct. App. Nov. 12, 1996) (unpublished decision); *Quast v. Knutson*, 276 Minn. 340, 150 N.W.2d 199 (Minn. 1967).

“Malfeasance” refers to evil conduct or an illegal deed. “Nonfeasance” is described as neglect or refusal, without sufficient excuse, to perform what is a public officer’s legal duty to perform. More likely than not, a violation of the open meeting law would be in the nature of nonfeasance. Although good faith does not nullify an open-meeting-law violation, good faith is relevant in determining whether a violation amounts to nonfeasance.

The open meeting law does not address whether actions taken at a meeting that does not comply with its requirements would be valid. Minnesota courts have generally refused to invalidate actions taken at an improperly closed meeting. But the Minnesota Supreme Court has held that an attempted school district consolidation was fatally defective when the initiating resolution was adopted at a meeting that was not open to the public.

III. Meeting procedures

A. Citizen involvement

Minn. Stat. § 13D.01, subd. 6.

Any person may observe council meetings. In fact, the council should encourage citizen attendance to help raise awareness of the city’s problems and help create support for programs suggested by the council. Citizens must be able to hear the discussion at a meeting, and must be able to determine who votes for or against a motion. One copy of the agenda and of all materials made available to the council should be made available to the audience unless doing so would violate the Minnesota Government Data Practices Act.

Minn. Stat. § 412.191, subd. 2.

Although anyone can attend council meetings, citizens cannot speak or otherwise participate in any discussions unless the mayor or the presiding officer recognizes them for this purpose. The decision to recognize speakers is usually up to the mayor or presiding officer, but the council can overrule this decision. The council can, through a motion, decide to hear one or more speakers from the audience.

Participation in council meetings can be intimidating for the average citizen. Councils should make sure citizens are invited to participate when appropriate and listened to with courtesy. Individual councilmembers should not argue with citizens. Citizens attend council meetings to give information for the council to consider. Discussions or debates between individual councilmembers and citizens during council meetings is inappropriate and may reflect badly on the decision-making process.

B. Recording and broadcast of meetings

A.G. Op. 63a-5 (Dec. 4, 1972).

The public may make an audio or videotape of an open meeting if doing so does not have a significantly adverse impact on the order of the meeting. The city council may not prohibit dissemination or broadcast of the tape.



**City of Newport
Special City Council Minutes
May 2, 2013**

1. CALL TO ORDER

Mayor Tim Geraghty called the meeting to order at 7:15 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

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

Council Absent –

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

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

4. CLOSE THE MEETING TO THE PUBLIC

At this time the City Council closed the meeting to the public to discuss personnel issues.

5. DISCUSS PERSONNEL ISSUES

6. ADJOURNMENT

The meeting adjourned at 8:00 P.M.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst

Text25	Text26	Text27	Text28	Comments
Paid Chk# 000165E	ING LIFE INSURANCE & ANNUITY	41395	408.80	MSRS
Paid Chk# 000166E	MN REVENUE	41395	1,796.48	State withholding
Paid Chk# 000167E	FEDERAL TAXES	41395	6,412.12	
Paid Chk# 000168E	PSN	41401	72.75	Electronic payment fee
Paid Chk# 014915	NEWPORT POST OFFICE	41394	275.77	
Paid Chk# 014916	COMCAST	41396	123.27	
Paid Chk# 014917	DEBORA HILL	41396	58.54	Mileage and supplies
Paid Chk# 014918	DEERFIELD SEMINARS	41396	345.00	FMLA and hourly conf
Paid Chk# 014919	DELTA DENTAL OF MN	41396	1,168.52	Dental insurance
Paid Chk# 014920	FAIR OFFICE WORLD	41396	62.90	
Paid Chk# 014921	ING LIFE INSURANCE & ANNUITY	41396	1,723.00	
Paid Chk# 014922	Holstad & Knaak, PLC	41396	5,200.00	April Attorney fees
Paid Chk# 014923	LEAGUE OF MINNESOTA CITIES	41396	245.00	Annual conference
Paid Chk# 014924	MN CHILD SUPPORT PAYMENT CNT	41396	302.72	1445931401
Paid Chk# 014925	ON SITE SANITATION	41396	74.81	Compost toilet
Paid Chk# 014926	PERA	41396	7,617.31	
Paid Chk# 014927	SELECTACCOUNT	41396	567.00	
Paid Chk# 014928	STREICHERS	41396	640.24	Uniforms
Paid Chk# 014929	SW/WC SERVICES COOPERATIVES	41396	14,346.00	
Paid Chk# 014930	TENNIS SANITATION LLC	41396	21.80	Garbage service
Paid Chk# 014931	WASHINGTON CTY PROPERTY REC	41396	1,370.00	
Paid Chk# 014932	XCEL ENERGY	41396	8.46	
Paid Chk# 014933	ADVANCED SPORTSWEAR	41403	97.15	Embroidery
Paid Chk# 014934	ARAMARK REFRESHMENT SERV.	41403	102.63	
Paid Chk# 014935	ATOMIC-COLO, LLC	41403	3,083.99	IT and Phone Support
Paid Chk# 014936	BUFFLEHEAD WEB DESIGN	41403	132.70	contracted services
Paid Chk# 014937	Cardmember Services	41403	3,857.09	Visa bill
Paid Chk# 014938	CENTURY LINK	41403	379.27	Phone service
Paid Chk# 014939	COMCAST	41403	312.92	
Paid Chk# 014940	COTTAGE GROVE, CITY OF	41403	17,312.23	Sealcoat and inspection fees
Paid Chk# 014941	DEPARTMENT OF TRANSPORTAION	41403	19.49	Job cost transfer North Ravine
Paid Chk# 014942	FIRST IMPRESSION GROUP	41403	1,476.19	Printed newsletter
Paid Chk# 014943	FLEET ONE LLC	41403	2,740.27	Fuel
Paid Chk# 014944	GERLACH OUTDOOR POWER EQUIII	41403	79.15	Equipment maintenance and part
Paid Chk# 014945	GOPHER STATE ONE-CALL	41403	59.55	
Paid Chk# 014946	HAWKINS	41403	10.00	Chlorine Cylinder
Paid Chk# 014947	INSTRUMENTAL RESEARCH, INC.	41403	36.00	City test
Paid Chk# 014948	LEAGUE OF MN CITIES INS TRUST	41403	67,273.00	Property and casualty insuranc
Paid Chk# 014949	LIBERTY NAPA OF NEWPORT	41403	674.81	parts
Paid Chk# 014950	Metropolitan Council	41403	14,855.66	
Paid Chk# 014951	NORTHEAST WI. TECHNICAL COLLE	41403	175.00	Training
Paid Chk# 014952	RENEE HELM	41403	177.41	Travel-mileage reimbursement
Paid Chk# 014953	RIVERTOWN MULTIMEDIA	41403	435.51	Hearing posting
Paid Chk# 014954	SOUTH SUBURBAN RENTAL, INC.	41403	19.77	LP Gas
Paid Chk# 014955	ST. PAUL PARK REFINING CO. LLC	41403	169.89	
Paid Chk# 014956	STREICHERS	41403	95.10	Uniforms and \$94.89 credit app
Paid Chk# 014957	TKDA	41403	3,165.91	Professional services
Paid Chk# 014958	WASHINGTON CTY ELECTIONS	41403	470.00	Maintenance of volting equipme
Paid Chk# 014959	WATER CONSERVATION SERVICE	41403	279.68	Leak locate
Paid Chk# 014960	XCEL ENERGY	41403	2,781.24	Traffic lights electricity
		staff	30,262.53	
			193,374.63	

Cardmember Services

May

Hanson	Batteries Plus	Batteries	\$99.50	yes
	Best Buy	Back-up RS 700 VA Tower	\$119.96	yes
	American Auto Radiator	Radiator clean and repair	\$185.00	yes
Neska	Power Process	.437 packing 53 feet Box 5	\$622.00	yes
	Linoleum Sales Company	Linoleum upgrades city hall	\$224.34	yes
	Home Depot	Frame moulding	\$142.26	yes
	7 Corners Ace Hardware	Angle drill shop tool	\$252.92	yes
	Armacoatings	Bobcat Dump Box	\$300.00	yes
	Linoleum Sales Company	Linoleum upgrades city hall	\$16.15	no
Mailand	Batteris Plus	Battery	\$26.22	
	Minn Fire SVC Cert	Education	\$500.00	
	Restaurant Equippers	\$116.5 paid by Fire Dep.	\$382.27	
		Remaining \$265.77 for minor equipment		
Montgomery	ID Wholesaler	Uniforms	\$112.22	
Helm	Grand View Lodge	Conference lodging	\$198.00	yes
	TLF Cottage Grove Floral	Flowers for Johnson	\$50.24	yes
Hill	Atomic Data Centers	Equipment for server	\$679.10	yes



City of Newport, MN

Financial Status Report

Period ended April 30, 2013

(Un-Audited)

Prepared by:
Administration Department



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Section 1 – Cash & Investment

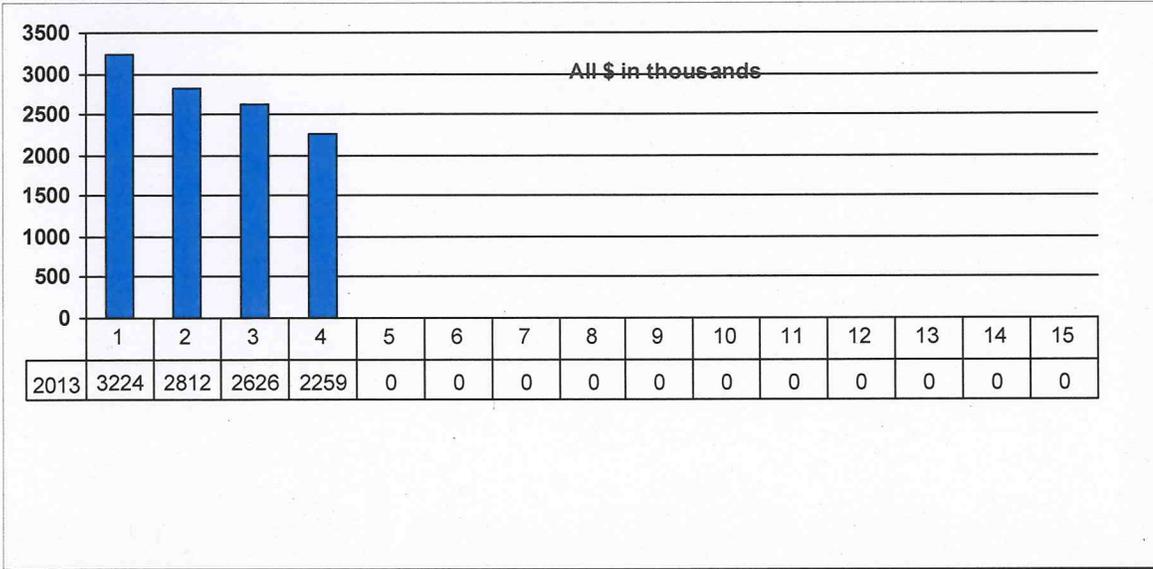
Purpose:

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



CITY OF NEWPORT
***Check Reconciliation©**

Central Bank
10100 CASH
April 2013



Account Summary

Beginning Balance on 4/1/2013	\$2,712,385.39	Cleared	\$2,265,572.17
+ Receipts/Deposits	\$87,745.52	Statement	\$2,265,572.17
- Payments (Checks and Withdrawals)	\$534,558.74	Difference	\$0.00
Ending Balance as of 4/28/2013	\$2,265,572.17		

Check Book Balance

Active	G 101-10100	GENERAL FUND	-\$70,164.98
Active	G 201-10100	PARKS SPECIAL FUND	\$24,511.63
Active	G 204-10100	HERITAGE PRESERVATIO	\$1,339.72
Active	G 205-10100	RECYCLING	\$23,455.15
Active	G 206-10100	FIRE ENGINE	\$0.14
Active	G 208-10100	BUY FORFEITURE	\$1,303.42
Active	G 225-10100	PIONEER DAYS	\$18,309.64
Active	G 270-10100	EDA	\$375,066.28
Active	G 301-10100	G.O. CAPITAL IMP. PLAN 2	-\$124,458.67
Active	G 305-10100	GO TIF 1991/1999 BOND	\$0.48
Active	G 307-10100	GO TIF 1994B	-\$0.30
Active	G 308-10100	CERIFICATES OF INDEBT	\$0.53
Active	G 313-10100	GO IMP BOND 2000B	\$0.00
Active	G 315-10100	\$690,000 BOND 2002A	-\$134,096.88
Active	G 316-10100	PFA/TRLF REVENUE NOT	\$340,733.36
Active	G 321-10100	EQUIP CERTIFICATE 2006	\$0.00
Active	G 322-10100	GO BONDS OF 2011A	-\$108,567.31
Active	G 401-10100	EQUIPMENT REVOLVING	\$151,950.37
Active	G 402-10100	TAX INC DIST 1	\$4.77

Active	G 405-10100	T.H. HWY 61	\$235,265.47
Active	G 409-10100	STREET RECONSTRUCTI	\$28,448.29
Active	G 411-10100	CERT. OF INDEBTEDNESS	\$0.00
Active	G 416-10100	4TH AVENUE RAVINE	\$12,750.61
Active	G 417-10100	NORTH RAVINE	-\$330.69
Active	G 422-10100	2011A UTILITY CAPITAL	-\$0.44
Active	G 423-10100	2011A EQUIPMENT CAPIT	\$328,662.50
Active	G 601-10100	WATER FUND	\$450,932.21
Active	G 602-10100	SEWER FUND	\$670,251.91
Active	G 603-10100	STREET LIGHT FUND	\$13,214.36
Active	G 604-10100	STORM WATER FUND	\$20,415.80
		Cash Balance	\$2,258,997.37

Beginng Balance	\$2,712,385.39	
+ Total Deposits	\$87,822.47	
- Checks Written	\$541,210.49	
		\$2,258,997.37
Check Book Balance		\$2,258,997.37
Difference		\$0.00

City of Newport
INVESTMENTS
May-13

<u>TYPE</u>	<u>BOUGHT DATE</u>	<u>MATURITY DATE</u>	<u># OF DAYS</u>	<u>COST</u>	<u>RATE</u>	<u>GASB #40 Value</u>
SB (Morgan)						
FHL	6/12/2003	6/12/2013	365	98,124	4.00%	101,976.33
CD	2/4/2009	2/6/2012	365	96,000	3.00%	-
MF						533,528.41
sub total						<u>635,504.74</u>

NORTHLAND

MNY MKT	Govmt security money market class B					14,129.17
GO BOND	10/6/2010	3/1/2015	365	240,000.00	1.85%	241,531.20
GO BOND	10/6/2010	3/1/2015	365	100,000.00	1.75%	102,216.00
subtotal						<u>357,876.37</u>

Sub-total Investments GASB 40 993,381.11

Central Bank

CD	8/19/2012	7/19/2013		312,635.63	0.85%	312,320.74
		6/13/2013		62,083.37	0.25%	62,239.00
sub total						<u>374,559.74</u>

Checking 2,258,997.37

Total Cash, Investments and CD's 3,626,938.22

Section 2 – Budget Control Summary

Purpose:

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



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Varianc	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
FUND 101 GENERAL FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$3,051,576.00	\$193,166.34	\$2,858,409.66	93.67%	\$0.00	\$3,051,576.00	-\$3,051,576.00	0.06	-0.29
DEPT 45000 Parks (GENERAL)	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 45100 Recreation (GENERAL)	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$3,051,576.00	\$193,166.34	\$2,858,409.66	93.67%	\$0.00	\$3,051,576.00	-\$3,051,576.00	0.06	-0.28
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$800.33	-\$800.33	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 41000 Administration (GENERAL)	\$273,008.00	\$98,878.85	\$174,129.15	63.78%	\$0.00	\$273,008.00	-\$273,008.00	0.24	-0.52
DEPT 41110 Mayor and Council	\$24,090.00	\$7,272.72	\$16,817.28	69.81%	\$0.00	\$24,090.00	-\$24,090.00	0.23	-0.40
DEPT 41410 Elections	\$1,600.00	\$0.00	\$1,600.00	100.00%	\$0.00	\$1,600.00	-\$1,600.00	0.00	-0.60
DEPT 41600 Professional Services	\$291,146.00	\$88,413.48	\$202,732.52	69.63%	\$0.00	\$291,146.00	-\$291,146.00	0.32	-0.48
DEPT 41910 Planning and Zoning	\$48,073.00	\$20,440.92	\$27,632.08	57.48%	\$0.00	\$48,073.00	-\$48,073.00	0.17	-0.39
DEPT 41940 City Hall Bldg	\$18,795.00	\$7,341.47	\$11,453.53	60.94%	\$0.00	\$18,795.00	-\$18,795.00	0.32	-0.68
DEPT 42000 Police Department(GENERAL)	\$807,733.00	\$273,420.77	\$534,312.23	66.15%	\$0.00	\$807,733.00	-\$807,733.00	0.28	-0.50
DEPT 42100 Civil Defense	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 42260 Fire Protection	\$191,011.00	\$37,736.58	\$153,274.42	80.24%	\$0.00	\$191,011.00	-\$191,011.00	0.19	-0.55
DEPT 42280 Fire Stations No. 1	\$17,222.00	\$10,641.03	\$6,580.97	38.21%	\$0.00	\$17,222.00	-\$17,222.00	0.40	-0.60
DEPT 42290 Fire Station No. 2	\$2,772.00	\$1,326.28	\$1,445.72	52.15%	\$0.00	\$2,772.00	-\$2,772.00	0.17	-0.33
DEPT 43000 PW Street (GENERAL)	\$384,988.00	\$124,182.16	\$260,805.84	67.74%	\$0.00	\$384,988.00	-\$384,988.00	0.21	-0.34
DEPT 43100 Public Works Garage	\$15,750.00	\$8,320.18	\$7,429.82	47.17%	\$0.00	\$15,750.00	-\$15,750.00	0.39	-0.61
DEPT 43160 Street Lighting	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 43260 Composting	\$5,000.00	\$2,756.39	\$2,243.61	44.87%	\$0.00	\$5,000.00	-\$5,000.00	0.06	-0.16
DEPT 45000 Parks (GENERAL)	\$336,628.00	\$115,425.77	\$221,202.23	65.71%	\$0.00	\$336,628.00	-\$336,628.00	0.93	0.23
DEPT 45100 Recreation (GENERAL)	\$3,000.00	\$0.00	\$3,000.00	100.00%	\$0.00	\$3,000.00	-\$3,000.00	0.00	-0.22
DEPT 45206 Parks Bldgs. & Warming Houses	\$5,500.00	\$2,834.70	\$2,665.30	48.46%	\$0.00	\$5,500.00	-\$5,500.00	0.14	-0.36
DEPT 45501 Library Bldg	\$23,250.00	\$7,979.56	\$15,270.44	65.68%	\$0.00	\$23,250.00	-\$23,250.00	0.15	-0.30
DEPT 45550 Heritage Pres. Committee	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49470 Street Lights	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49754 Railroad Tower	\$1,120.00	\$181.01	\$938.99	83.84%	\$0.00	\$1,120.00	-\$1,120.00	0.09	-0.66
DEPT 49985 Special Contributions	\$5,000.00	\$0.00	\$5,000.00	100.00%	\$0.00	\$5,000.00	-\$5,000.00	0.00	-1.00
DEPT 49995 Miscellaneous Contingency	\$10,000.00	\$4,000.00	\$6,000.00	60.00%	\$0.00	\$10,000.00	-\$10,000.00	0.20	-0.30
Total Expenditure Accounts	\$2,465,686.00	\$811,952.20	\$1,653,733.80	67.07%	\$0.00	\$2,465,686.00	-\$2,465,686.00	0.27	-0.36
Total FUND 101 GENERAL FUND	\$585,890.00	-\$618,785.86	\$1,204,675.86	205.61%	\$0.00	\$585,890.00	-\$585,890.00		
FUND 201 PARKS SPECIAL FUND									



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Varianc	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$83.00	-\$83.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$83.00	-\$83.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$3,906.05	-\$3,906.05	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$3,906.05	\$3,906.05	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 201 PARKS SPECIAL FUND	\$0.00	-\$3,823.05	\$3,823.05	0.00%	\$0.00	\$0.00	\$0.00		
FUND 202 POLICE FORFEITURE FUND									
Revenue Accounts									
DEPT 42000 Police Department(GENERAL)	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 202 POLICE FORFEITURE FUND	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 204 HERITAGE PRESERVATION COMM									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.41	-\$0.41	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.41	-\$0.41	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$1,000.00	-\$1,000.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$1,000.00	\$1,000.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 204 HERITAGE PRESERVATION COM	\$0.00	-\$999.59	\$999.59	0.00%	\$0.00	\$0.00	\$0.00		
FUND 205 RECYCLING									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$7.23	-\$7.23	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$7.23	-\$7.23	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$1,044.47	-\$1,044.47	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Variance	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$2,525.58	-\$2,525.58	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$2,525.58	-\$2,525.58	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$197,355.42	-\$197,355.42	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$197,355.42	\$197,355.42	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 270 EDA	\$0.00	-\$194,829.84	\$194,829.84	0.00%	\$0.00	\$0.00	\$0.00		
FUND 301 G.O. CAPITAL IMP. PLAN 2010A									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$4,486.25	-\$4,486.25	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$4,486.25	\$4,486.25	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 301 G.O. CAPITAL IMP. PLAN 2010A	\$0.00	-\$4,486.25	\$4,486.25	0.00%	\$0.00	\$0.00	\$0.00		
FUND 305 GO TIF 1991/1999 BOND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 305 GO TIF 1991/1999 BOND	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 307 GO TIF 1994B									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Variance	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 307 GO TIF 1994B	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 308 CERIFICATES OF INDEBTEDNESS									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 308 CERIFICATES OF INDEBTEDNES	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 313 GO IMP BOND 2000B									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 313 GO IMP BOND 2000B	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 315 \$690,000 BOND 2002A									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$1,742.31	-\$1,742.31	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$1,742.31	-\$1,742.31	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Variance	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$89,457.50	-\$89,457.50	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$89,457.50	\$89,457.50	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 315 \$690,000 BOND 2002A	\$0.00	-\$87,715.19	\$87,715.19	0.00%	\$0.00	\$0.00	\$0.00		
FUND 316 PFA/TRLF REVENUE NOTE									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$6,696.18	-\$6,696.18	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$6,696.18	-\$6,696.18	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$2,522.85	-\$2,522.85	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$2,522.85	\$2,522.85	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 316 PFA/TRLF REVENUE NOTE	\$0.00	\$4,173.33	-\$4,173.33	0.00%	\$0.00	\$0.00	\$0.00		
FUND 321 EQUIP CERTIFICATE 2006A									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 321 EQUIP CERTIFICATE 2006A	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 322 GO BONDS OF 2011A									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$94,142.50	-\$94,142.50	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Varianc	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
Total Expenditure Accounts	\$0.00	\$94,142.50	\$94,142.50	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 322 GO BONDS OF 2011A	\$0.00	-\$94,142.50	\$94,142.50	0.00%	\$0.00	\$0.00	\$0.00		
FUND 401 EQUIPMENT REVOLVING									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$63.20	-\$63.20	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$63.20	-\$63.20	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$57,770.68	-\$57,770.68	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$57,770.68	\$57,770.68	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 401 EQUIPMENT REVOLVING	\$0.00	-\$57,707.48	\$57,707.48	0.00%	\$0.00	\$0.00	\$0.00		
FUND 402 TAX INC DIST 1									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49995 Miscellaneous Contingency	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 402 TAX INC DIST 1	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 405 T.H. HWY 61									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$71.53	-\$71.53	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$71.53	-\$71.53	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$8,005.22	-\$8,005.22	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Variance	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$184.47	-\$184.47	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$184.47	-\$184.47	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$8,855.05	-\$8,855.05	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$8,855.05	\$8,855.05	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 417 NORTH RAVINE	\$0.00	-\$8,670.58	\$8,670.58	0.00%	\$0.00	\$0.00	\$0.00		
FUND 422 2011A UTILITY CAPITAL									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 422 2011A UTILITY CAPITAL	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00		
FUND 423 2011A EQUIPMENT CAPITAL									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$105.28	-\$105.28	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Revenue Accounts	\$0.00	\$105.28	-\$105.28	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$165,831.83	-\$165,831.83	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$0.00	\$165,831.83	\$165,831.83	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total FUND 423 2011A EQUIPMENT CAPITAL	\$0.00	-\$165,726.55	\$165,726.55	0.00%	\$0.00	\$0.00	\$0.00		
FUND 601 WATER FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$33.05	-\$33.05	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49400 Water Utilities (GENERAL)	\$190,220.00	\$61,526.03	\$128,693.97	67.66%	\$0.00	\$190,220.00	-\$190,220.00	0.02	-0.15



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Varianc	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
Total Revenue Accounts	\$190,220.00	\$61,559.08	\$128,660.92	67.64%	\$0.00	\$190,220.00	-\$190,220.00	0.01	-0.11
Expenditure Accounts									
DEPT 49400 Water Utilities (GENERAL)	\$245,129.00	\$73,449.21	\$171,679.79	70.04%	\$0.00	\$245,129.00	-\$245,129.00	0.09	-0.19
Total Expenditure Accounts	\$245,129.00	\$73,449.21	-\$171,679.79	70.04%	\$0.00	\$245,129.00	-\$245,129.00	0.09	-0.19
Total FUND 601 WATER FUND	-\$54,909.00	-\$11,890.13	-\$43,018.87	78.35%	\$0.00	-\$54,909.00	\$54,909.00		
FUND 602 SEWER FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$49.38	-\$49.38	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49450 Sewer (GENERAL)	\$340,162.00	\$98,756.59	\$241,405.41	70.97%	\$0.00	\$340,162.00	-\$340,162.00	0.03	-0.07
Total Revenue Accounts	\$340,162.00	\$98,805.97	\$241,356.03	70.95%	\$0.00	\$340,162.00	-\$340,162.00	0.02	-0.05
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49450 Sewer (GENERAL)	\$310,771.00	\$106,925.82	\$203,845.18	65.59%	\$0.00	\$310,771.00	-\$310,771.00	0.11	-0.21
DEPT 49460 Storm Water	\$0.00	\$149.58	-\$149.58	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
Total Expenditure Accounts	\$310,771.00	\$107,075.40	-\$203,695.60	65.55%	\$0.00	\$310,771.00	-\$310,771.00	0.10	-0.18
Total FUND 602 SEWER FUND	\$29,391.00	-\$8,269.43	\$37,660.43	128.14%	\$0.00	\$29,391.00	-\$29,391.00		
FUND 603 STREET LIGHT FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.78	-\$0.78	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 43160 Street Lighting	\$48,460.00	\$14,365.13	\$34,094.87	70.36%	\$0.00	\$48,460.00	-\$48,460.00	0.07	-0.18
Total Revenue Accounts	\$48,460.00	\$14,365.91	\$34,094.09	70.36%	\$0.00	\$48,460.00	-\$48,460.00	0.04	-0.10
Expenditure Accounts									
DEPT 43160 Street Lighting	\$0.00	\$274.62	-\$274.62	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49470 Street Lights	\$44,087.00	\$14,708.06	\$29,378.94	66.64%	\$0.00	\$44,087.00	-\$44,087.00	0.16	-0.34
Total Expenditure Accounts	\$44,087.00	\$14,982.68	-\$29,104.32	66.02%	\$0.00	\$44,087.00	-\$44,087.00	0.11	-0.23
Total FUND 603 STREET LIGHT FUND	\$4,373.00	-\$616.77	\$4,989.77	114.10%	\$0.00	\$4,373.00	-\$4,373.00		



CITY OF NEWPORT

*Budget Control Summary

Current Period: April 2013

Account Descr	2013 Cumulative Budget	2013 Cumulative Actuals	2013 Cumulative Variance	2013 % Varianc	2013 Adopted Budget	2013 Forecast	Variance at Completion	2013 YTD Perf	2013 Est to Complete
FUND 604 STORM WATER FUND									
Revenue Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$1.45	-\$1.45	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49460 Storm Water	\$30,000.00	\$5,108.47	\$24,891.53	82.97%	\$0.00	\$30,000.00	-\$30,000.00	0.04	-0.21
Total Revenue Accounts	\$30,000.00	\$5,109.92	\$24,890.08	82.97%	\$0.00	\$30,000.00	-\$30,000.00	0.03	-0.14
Expenditure Accounts									
DEPT 00000 ALL DEPARTMENTS	\$0.00	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	\$0.00	0.00	0.00
DEPT 49460 Storm Water	\$301.00	\$935.20	-\$634.20	-210.70%	\$0.00	\$301.00	-\$301.00	1.04	0.70
Total Expenditure Accounts	\$301.00	\$935.20	\$634.20	-210.70%	\$0.00	\$301.00	-\$301.00	0.78	0.53
Total FUND 604 STORM WATER FUND	\$29,699.00	\$4,174.72	\$25,524.28	85.94%	\$0.00	\$29,699.00	-\$29,699.00		
	\$594,444.00	-\$1,270,765.83	\$1,865,209.83	313.77%	\$0.00	\$594,444.00	-\$594,444.00		

FILTER: None

Section 3 – Cash Balances

Purpose:

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



CITY OF NEWPORT

*Cash Balances

Current Period April 2013

Fund	2013 Begin Balance	Receipts	Disbursements	-----Transfers-----		JE Payroll	Balance	
				Rec/Disb	Journal Entry			
10100 Central Bank								
101 GENERAL FUND	\$542,071.29	\$203,002.28	\$614,215.10	\$0.00	\$0.00	(\$201,023.45)	(\$70,164.98)	In Bal
201 PARKS SPECIAL F	\$28,334.68	\$83.00	\$3,906.05	\$0.00	\$0.00	\$0.00	\$24,511.63	In Bal
204 HERITAGE PRESE	\$2,339.31	\$0.41	\$1,000.00	\$0.00	\$0.00	\$0.00	\$1,339.72	In Bal
205 RECYCLING	\$24,492.39	\$7.23	\$1,044.47	\$0.00	\$0.00	\$0.00	\$23,455.15	In Bal
206 FIRE ENGINE	\$0.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.14	In Bal
208 BUY FORFEITURE	\$1,303.02	\$0.40	\$0.00	\$0.00	\$0.00	\$0.00	\$1,303.42	In Bal
225 PIONEER DAYS	\$18,304.13	\$5.51	\$0.00	\$0.00	\$0.00	\$0.00	\$18,309.64	In Bal
270 EDA	\$569,896.12	\$2,525.58	\$197,355.42	\$0.00	\$0.00	\$0.00	\$375,066.28	In Bal
301 G.O. CAPITAL IMP	(\$119,972.42)	\$0.00	\$4,486.25	\$0.00	\$0.00	\$0.00	(\$124,458.67)	In Bal
305 GO TIF 1991/1999	\$0.48	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.48	In Bal
307 GO TIF 1994B	(\$0.30)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.30)	In Bal
308 CERIFICATES OF I	\$0.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.53	In Bal
313 GO IMP BOND 200	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
315 \$690,000 BOND 20	(\$46,381.69)	\$1,742.31	\$89,457.50	\$0.00	\$0.00	\$0.00	(\$134,096.88)	In Bal
316 PFA/TRLF REVEN	\$336,560.03	\$6,696.18	\$2,522.85	\$0.00	\$0.00	\$0.00	\$340,733.36	In Bal
321 EQUIP CERTIFICA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
322 GO BONDS OF 20	(\$14,424.81)	\$0.00	\$94,142.50	\$0.00	\$0.00	\$0.00	(\$108,567.31)	In Bal
401 EQUIPMENT REV	\$209,657.85	\$63.20	\$57,770.68	\$0.00	\$0.00	\$0.00	\$151,950.37	In Bal
402 TAX INC DIST 1	\$4.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4.77	In Bal
405 T.H. HWY 61	\$243,199.16	\$71.53	\$8,005.22	\$0.00	\$0.00	\$0.00	\$235,265.47	In Bal
409 STREET RECONS	\$40,937.78	\$10.51	\$12,500.00	\$0.00	\$0.00	\$0.00	\$28,448.29	In Bal
411 CERT. OF INDEBT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	In Bal
416 4TH AVENUE RAV	\$12,746.76	\$3.85	\$0.00	\$0.00	\$0.00	\$0.00	\$12,750.61	In Bal
417 NORTH RAVINE	\$8,339.89	\$184.47	\$8,855.05	\$0.00	\$0.00	\$0.00	(\$330.69)	In Bal
422 2011A UTILITY CA	(\$0.44)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.44)	In Bal
423 2011A EQUIPMEN	\$494,389.05	\$105.28	\$165,831.83	\$0.00	\$0.00	\$0.00	\$328,662.50	In Bal
601 WATER FUND	\$463,307.17	\$61,285.46	\$49,684.66	\$0.00	\$0.00	(\$23,964.88)	\$450,943.09	In Bal
602 SEWER FUND	\$678,510.46	\$98,805.97	\$82,854.68	\$0.00	\$0.00	(\$24,220.72)	\$670,241.03	In Bal
603 STREET LIGHT FU	\$13,831.13	\$14,365.91	\$14,982.68	\$0.00	\$0.00	\$0.00	\$13,214.36	In Bal
604 STORM WATER F	\$16,241.08	\$5,109.92	\$935.20	\$0.00	\$0.00	\$0.00	\$20,415.80	In Bal
	\$3,523,687.56	\$394,069.00	\$1,409,550.14	\$0.00	\$0.00	(\$249,209.05)	\$2,258,997.37	

Section 4 – Revenue Summary

Purpose:

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



CITY OF NEWPORT
***Revenue Summary**

FUND	Description	2013 YTD Budget	April 2013 Amt	2013 YTD Amt	YTD Balance	% of Budget
101	GENERAL FUND	\$3,051,576.00	\$36,954.24	\$193,166.34	\$2,858,409.66	6.33%
201	PARKS SPECIAL FUND	\$0.00	\$1.80	\$83.00	-\$83.00	0.00%
202	POLICE FORFEITURE FUND	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
204	HERITAGE PRESERVATION C	\$0.00	\$0.10	\$0.41	-\$0.41	0.00%
205	RECYCLING	\$0.00	\$1.72	\$7.23	-\$7.23	0.00%
206	FIRE ENGINE	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
208	BUY FORFEITURE	\$0.00	\$0.10	\$0.40	-\$0.40	0.00%
225	PIONEER DAYS	\$0.00	\$1.34	\$5.51	-\$5.51	0.00%
270	EDA	\$0.00	\$448.12	\$2,525.58	-\$2,525.58	0.00%
301	G.O. CAPITAL IMP. PLAN 2010	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
305	GO TIF 1991/1999 BOND	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
307	GO TIF 1994B	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
308	CERIFICATES OF INDEBTEDN	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
313	GO IMP BOND 2000B	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
315	\$690,000 BOND 2002A	\$0.00	\$0.00	\$1,742.31	-\$1,742.31	0.00%
316	PFA/TRLF REVENUE NOTE	\$0.00	\$25.00	\$6,696.18	-\$6,696.18	0.00%
321	EQUIP CERTIFICATE 2006A	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
322	GO BONDS OF 2011A	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
401	EQUIPMENT REVOLVING	\$0.00	\$15.39	\$63.20	-\$63.20	0.00%
402	TAX INC DIST 1	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
405	T.H. HWY 61	\$0.00	\$17.26	\$71.53	-\$71.53	0.00%
409	STREET RECONSTRUCTION	\$0.00	\$2.09	\$10.51	-\$10.51	0.00%
416	4TH AVENUE RAVINE	\$0.00	\$0.94	\$3.85	-\$3.85	0.00%
417	NORTH RAVINE	\$0.00	\$183.47	\$184.47	-\$184.47	0.00%
422	2011A UTILITY CAPITAL	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
423	2011A EQUIPMENT CAPITAL	\$0.00	\$21.80	\$105.28	-\$105.28	0.00%
601	WATER FUND	\$190,220.00	\$16,592.97	\$61,559.08	\$128,660.92	32.36%
602	SEWER FUND	\$340,162.00	\$25,771.09	\$98,805.97	\$241,356.03	29.05%
603	STREET LIGHT FUND	\$48,460.00	\$4,200.01	\$14,365.91	\$34,094.09	29.64%
604	STORM WATER FUND	\$30,000.00	\$1,078.97	\$5,109.92	\$24,890.08	17.03%
		\$3,660,418.00	\$85,316.41	\$384,506.68	\$3,275,911.32	10.50%

FILTER: None

Section 5 – Expenditure Summary

Purpose:

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



CITY OF NEWPORT

*Expenditure Summary

FUND	Description	2013 YTD Budget	April 2013 Amt	2013 YTD Amt	Enc Current	YTD Balance	% YTD Budget
101	GENERAL FUND	\$2,465,686.00	\$250,189.75	\$811,952.20	\$0.00	\$1,653,733.80	32.93%
201	PARKS SPECIAL FUND	\$0.00	\$0.00	\$3,906.05	\$0.00	-\$3,906.05	0.00%
204	HERITAGE PRESERVATION C	\$0.00	\$0.00	\$1,000.00	\$0.00	-\$1,000.00	0.00%
205	RECYCLING	\$0.00	\$0.00	\$1,044.47	\$0.00	-\$1,044.47	0.00%
208	BUY FORFEITURE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
225	PIONEER DAYS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
270	EDA	\$0.00	\$130,962.27	\$197,355.42	\$0.00	-\$197,355.42	0.00%
301	G.O. CAPITAL IMP. PLAN 2010	\$0.00	\$0.00	\$4,486.25	\$0.00	-\$4,486.25	0.00%
305	GO TIF 1991/1999 BOND	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
307	GO TIF 1994B	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
308	CERIFICATES OF INDEBTEDN	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
313	GO IMP BOND 2000B	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
315	\$690,000 BOND 2002A	\$0.00	\$0.00	\$89,457.50	\$0.00	-\$89,457.50	0.00%
316	PFA/TRLF REVENUE NOTE	\$0.00	\$0.00	\$2,522.85	\$0.00	-\$2,522.85	0.00%
321	EQUIP CERTIFICATE 2006A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
322	GO BONDS OF 2011A	\$0.00	\$0.00	\$94,142.50	\$0.00	-\$94,142.50	0.00%
401	EQUIPMENT REVOLVING	\$0.00	\$26,208.68	\$57,770.68	\$0.00	-\$57,770.68	0.00%
402	TAX INC DIST 1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
405	T.H. HWY 61	\$0.00	\$0.00	\$8,005.22	\$0.00	-\$8,005.22	0.00%
409	STREET RECONSTRUCTION	\$0.00	\$0.00	\$12,500.00	\$0.00	-\$12,500.00	0.00%
411	CERT. OF INDEBTEDNESS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
416	4TH AVENUE RAVINE	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
417	NORTH RAVINE	\$0.00	\$0.00	\$8,855.05	\$0.00	-\$8,855.05	0.00%
422	2011A UTILITY CAPITAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
423	2011A EQUIPMENT CAPITAL	\$0.00	\$0.00	\$165,831.83	\$0.00	-\$165,831.83	0.00%
601	WATER FUND	\$245,129.00	\$16,125.44	\$73,449.21	\$0.00	\$171,679.79	29.96%
602	SEWER FUND	\$310,771.00	\$28,420.91	\$107,075.40	\$0.00	\$203,695.60	34.45%
603	STREET LIGHT FUND	\$44,087.00	\$1,673.26	\$14,982.68	\$0.00	\$29,104.32	33.98%
604	STORM WATER FUND	\$301.00	\$450.00	\$935.20	\$0.00	-\$634.20	310.70%
		\$3,065,974.00	\$454,030.31	\$1,655,272.51	\$0.00	\$1,410,701.49	53.99%

FILTER: None

Section 6 – Balance Sheets

Purpose:

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

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



CITY OF NEWPORT

GL Yearly

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Current Period: April 2013

FUND 101 GENERAL FUND

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 101-10100 Cash	\$542,071.29	\$40,683.84	\$252,287.68	\$208,325.51	\$820,561.78	(\$70,164.98)
G 101-10200 Petty Cash	\$74.73	\$0.00	\$0.00	\$0.00	\$0.00	\$74.73
G 101-10300 Bond Street Account	\$62,239.00	\$0.00	\$0.00	\$0.00	\$0.00	\$62,239.00
G 101-10400 Investments	(\$0.44)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.44)
G 101-10401 Northland Securities	\$355,794.26	\$0.00	\$0.00	\$0.00	\$0.00	\$355,794.26
G 101-10402 CDARS/Central Bank	\$312,321.07	\$0.00	\$0.00	\$0.00	\$0.00	\$312,321.07
G 101-10406 Smith Barney	\$101,930.27	\$0.00	\$0.00	\$0.00	\$0.00	\$101,930.27
G 101-10410 Smith Barney MM	\$533,506.17	\$0.00	\$0.00	\$0.00	\$0.00	\$533,506.17
G 101-10450 Interest Receivable	\$4,480.04	\$0.00	\$0.00	\$0.00	\$0.00	\$4,480.04
G 101-10500 Taxes Receivable-Current	\$42,866.41	\$0.00	\$0.00	\$0.00	\$0.00	\$42,866.41
G 101-10700 Taxes Receivable-Delinquent	\$108,942.12	\$0.00	\$0.00	\$0.00	\$0.00	\$108,942.12
G 101-13100 Due From Other Funds	\$4,233.75	\$0.00	\$0.00	\$0.00	\$0.00	\$4,233.75
G 101-13200 Due From Other Government	\$4,565.76	\$0.00	\$0.00	\$0.00	\$0.00	\$4,565.76
G 101-15500 Prepaid Items	\$32,123.42	\$0.00	\$0.00	\$0.00	\$0.00	\$32,123.42
Total Asset	\$2,105,147.85	\$40,683.84	\$252,287.68	\$208,325.51	\$820,561.78	\$1,492,911.58
Liability						
G 101-20200 Accounts Payable	(\$64,678.25)	\$0.00	\$0.00	\$0.00	\$0.00	(\$64,678.25)
G 101-20800 Due to Other Governments	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 101-21600 Accrued Wages & Salaries P	(\$15,202.21)	\$0.00	\$0.00	\$0.00	\$0.00	(\$15,202.21)
G 101-21701 Federal W/H Payable	\$403.30	\$8,335.18	\$8,335.18	\$41,440.30	\$41,440.30	\$403.30
G 101-21702 State Withholding Payable	\$11,537.44	\$3,557.69	\$3,557.69	\$16,540.18	\$16,540.18	\$11,537.44
G 101-21703 FICA Tax Withholding	\$328.52	\$6,110.84	\$6,110.84	\$28,245.44	\$28,245.44	\$328.52
G 101-21704 PERA	(\$4,436.99)	\$15,204.56	\$15,204.56	\$61,543.33	\$61,543.33	(\$4,436.99)
G 101-21705 Medica payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 101-21706 Garnishment	\$0.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.40
G 101-21707 Union Dues	\$1,486.18	\$270.00	\$432.50	\$1,405.00	\$1,730.00	\$1,161.18
G 101-21708 United Way	(\$0.45)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.45)
G 101-21709 Medicare	\$127.52	\$2,486.66	\$2,486.66	\$10,912.80	\$10,912.80	\$127.52
G 101-21710 Other Deductions	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 101-21711 NPERS - Life	(\$43.91)	\$160.00	\$80.00	\$320.00	\$320.00	(\$43.91)
G 101-21712 HSA Employee	(\$323.78)	\$1,134.00	\$1,134.00	\$3,969.00	\$4,536.00	(\$890.78)
G 101-21713 Dental Family	(\$1,657.97)	\$0.00	\$258.14	\$1,052.86	\$1,056.76	(\$1,661.87)
G 101-21714 LTD Employee	\$1,215.19	\$499.24	\$478.10	\$1,870.90	\$1,831.19	\$1,254.90
G 101-21715 MSRS Employee	(\$2,263.75)	\$817.60	\$817.60	\$3,203.37	\$3,203.37	(\$2,263.75)
G 101-21716 Health Insurance	(\$2,085.06)	\$516.18	\$476.40	\$2,150.18	\$1,991.60	(\$1,926.48)
G 101-21717 MNBA Life Ins.	(\$140.98)	\$61.43	\$61.44	\$245.72	\$245.76	(\$141.02)
G 101-21719 ING Employee	\$951.42	\$3,246.00	\$3,246.00	\$8,784.00	\$8,784.00	\$951.42
G 101-21721 Child Support	(\$228.57)	\$800.00	\$800.00	\$3,200.00	\$3,200.00	(\$228.57)
G 101-21722 Cobra Payment	(\$16.50)	\$996.00	\$996.00	\$3,984.00	\$3,984.00	(\$16.50)
G 101-21723 Insurance Recovery	\$0.00	\$0.00	\$1,351.94	\$0.00	\$1,351.94	(\$1,351.94)
G 101-22100 Escrow	(\$5,500.00)	\$0.00	\$0.00	\$0.00	\$4,500.00	(\$10,000.00)
G 101-22200 Deferred Revenues	(\$108,942.13)	\$0.00	\$0.00	\$0.00	\$0.00	(\$108,942.13)
Total Liability	(\$189,470.58)	\$44,195.38	\$45,827.05	\$188,867.08	\$195,416.67	(\$196,020.17)
Equity						
G 101-25300 Unreserved Fund Balance	(\$1,915,677.27)	\$251,571.41	\$38,335.90	\$817,275.43	\$198,489.57	(\$1,296,891.41)
Total Equity	(\$1,915,677.27)	\$251,571.41	\$38,335.90	\$817,275.43	\$198,489.57	(\$1,296,891.41)
Total 101 GENERAL FUND	\$0.00	\$336,450.63	\$336,450.63	\$1,214,468.02	\$1,214,468.02	\$0.00



CITY OF NEWPORT

GL Yearly

Current Period: April 2013

FUND 201 PARKS SPECIAL FUND

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 201-10100 Cash	\$28,334.68	\$1.80	\$0.00	\$83.00	\$3,906.05	\$24,511.63
Total Asset	\$28,334.68	\$1.80	\$0.00	\$83.00	\$3,906.05	\$24,511.63
Equity						
G 201-25300 Unreserved Fund Balance	(\$28,334.68)	\$0.00	\$1.80	\$3,906.05	\$83.00	(\$24,511.63)
Total Equity	(\$28,334.68)	\$0.00	\$1.80	\$3,906.05	\$83.00	(\$24,511.63)
Total 201 PARKS SPECIAL FUND	\$0.00	\$1.80	\$1.80	\$3,989.05	\$3,989.05	\$0.00



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Current Period: April 2013

FUND 204 HERITAGE PRESERVATION COMM		April 2013					
		Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset							
G 204-10100 Cash		\$2,339.31	\$0.10	\$0.00	\$0.41	\$1,000.00	\$1,339.72
	Total Asset	\$2,339.31	\$0.10	\$0.00	\$0.41	\$1,000.00	\$1,339.72
Equity							
G 204-25300 Unreserved Fund Balance		(\$2,339.31)	\$0.00	\$0.10	\$1,000.00	\$0.41	(\$1,339.72)
	Total Equity	(\$2,339.31)	\$0.00	\$0.10	\$1,000.00	\$0.41	(\$1,339.72)
Total 204 HERITAGE PRESERVATION COMM		\$0.00	\$0.10	\$0.10	\$1,000.41	\$1,000.41	\$0.00



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FUND 205 RECYCLING

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 205-10100 Cash	\$24,492.39	\$1.72	\$0.00	\$7.23	\$1,044.47	\$23,455.15
Total Asset	\$24,492.39	\$1.72	\$0.00	\$7.23	\$1,044.47	\$23,455.15
Equity						
G 205-25300 Unreserved Fund Balance	(\$24,492.39)	\$0.00	\$1.72	\$1,044.47	\$7.23	(\$23,455.15)
Total Equity	(\$24,492.39)	\$0.00	\$1.72	\$1,044.47	\$7.23	(\$23,455.15)
Total 205 RECYCLING	\$0.00	\$1.72	\$1.72	\$1,051.70	\$1,051.70	\$0.00



CITY OF NEWPORT
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Current Period: April 2013

FUND 208 BUY FORFEITURE

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 208-10100 Cash	\$1,303.02	\$0.10	\$0.00	\$0.40	\$0.00	\$1,303.42
Total Asset	\$1,303.02	\$0.10	\$0.00	\$0.40	\$0.00	\$1,303.42
Equity						
G 208-25300 Unreserved Fund Balance	(\$1,303.02)	\$0.00	\$0.10	\$0.00	\$0.40	(\$1,303.42)
Total Equity	(\$1,303.02)	\$0.00	\$0.10	\$0.00	\$0.40	(\$1,303.42)
Total 208 BUY FORFEITURE	\$0.00	\$0.10	\$0.10	\$0.40	\$0.40	\$0.00



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Current Period: April 2013

FUND 225 PIONEER DAYS

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 225-10100 Cash	\$18,304.13	\$1.34	\$0.00	\$5.51	\$0.00	\$18,309.64
Total Asset	\$18,304.13	\$1.34	\$0.00	\$5.51	\$0.00	\$18,309.64
Liability						
G 225-20200 Accounts Payable	\$0.03	\$0.00	\$0.00	\$0.00	\$0.00	\$0.03
Total Liability	\$0.03	\$0.00	\$0.00	\$0.00	\$0.00	\$0.03
Equity						
G 225-25300 Unreserved Fund Balance	(\$18,304.16)	\$0.00	\$1.34	\$0.00	\$5.51	(\$18,309.67)
Total Equity	(\$18,304.16)	\$0.00	\$1.34	\$0.00	\$5.51	(\$18,309.67)
Total 225 PIONEER DAYS	\$0.00	\$1.34	\$1.34	\$5.51	\$5.51	\$0.00



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Current Period: April 2013

FUND 270 EDA

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 270-10100 Cash	\$569,896.12	\$5,448.12	\$135,962.27	\$7,525.58	\$202,355.42	\$375,066.28
G 270-10500 Taxes Receivable-Current	\$305,806.00	\$0.00	\$0.00	\$0.00	\$0.00	\$305,806.00
Total Asset	\$875,702.12	\$5,448.12	\$135,962.27	\$7,525.58	\$202,355.42	\$680,872.28
Liability						
G 270-20200 Accounts Payable	(\$7,192.93)	\$0.00	\$0.00	\$0.00	\$0.00	(\$7,192.93)
Total Liability	(\$7,192.93)	\$0.00	\$0.00	\$0.00	\$0.00	(\$7,192.93)
Equity						
G 270-25300 Unreserved Fund Balance	(\$868,509.19)	\$135,962.27	\$5,448.12	\$202,355.42	\$7,525.58	(\$673,679.35)
Total Equity	(\$868,509.19)	\$135,962.27	\$5,448.12	\$202,355.42	\$7,525.58	(\$673,679.35)
Total 270 EDA	\$0.00	\$141,410.39	\$141,410.39	\$209,881.00	\$209,881.00	\$0.00



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Current Period: April 2013

FUND 301 G.O. CAPITAL IMP. PLAN 2010A		April 2013					
		Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset							
G 301-10100 Cash		(\$119,972.42)	\$0.00	\$0.00	\$0.00	\$4,486.25	(\$124,458.67)
	Total Asset	(\$119,972.42)	\$0.00	\$0.00	\$0.00	\$4,486.25	(\$124,458.67)
Equity							
G 301-25300 Unreserved Fund Balance		\$119,972.42	\$0.00	\$0.00	\$4,486.25	\$0.00	\$124,458.67
	Total Equity	\$119,972.42	\$0.00	\$0.00	\$4,486.25	\$0.00	\$124,458.67
Total 301 G.O. CAPITAL IMP. PLAN 2010A		\$0.00	\$0.00	\$0.00	\$4,486.25	\$4,486.25	\$0.00



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Current Period: April 2013

FUND 315 \$690,000 BOND 2002A

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 315-10100 Cash	(\$46,381.69)	\$0.00	\$0.00	\$1,742.31	\$89,457.50	(\$134,096.88)
Total Asset	(\$46,381.69)	\$0.00	\$0.00	\$1,742.31	\$89,457.50	(\$134,096.88)
Equity						
G 315-25300 Unreserved Fund Balance	\$46,381.69	\$0.00	\$0.00	\$89,457.50	\$1,742.31	\$134,096.88
Total Equity	\$46,381.69	\$0.00	\$0.00	\$89,457.50	\$1,742.31	\$134,096.88
Total 315 \$690,000 BOND 2002A	\$0.00	\$0.00	\$0.00	\$91,199.81	\$91,199.81	\$0.00



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Current Period: April 2013

FUND 316 PFA/TRLF REVENUE NOTE

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 316-10100 Cash	\$336,560.03	\$25.00	\$0.00	\$6,696.18	\$2,522.85	\$340,733.36
G 316-12100 SA Recievable -Current	\$11,472.28	\$0.00	\$0.00	\$0.00	\$0.00	\$11,472.28
G 316-12200 Special Assess Rec-Delinque	\$18,061.12	\$0.00	\$0.00	\$0.00	\$0.00	\$18,061.12
G 316-12300 Special Assess Rec-Deferred	\$446,334.68	\$0.00	\$0.00	\$0.00	\$0.00	\$446,334.68
Total Asset	\$812,428.11	\$25.00	\$0.00	\$6,696.18	\$2,522.85	\$816,601.44
Liability						
G 316-22200 Deferred Revenues	(\$464,395.80)	\$0.00	\$0.00	\$0.00	\$0.00	(\$464,395.80)
Total Liability	(\$464,395.80)	\$0.00	\$0.00	\$0.00	\$0.00	(\$464,395.80)
Equity						
G 316-25300 Unreserved Fund Balance	(\$348,032.31)	\$0.00	\$25.00	\$2,522.85	\$6,696.18	(\$352,205.64)
Total Equity	(\$348,032.31)	\$0.00	\$25.00	\$2,522.85	\$6,696.18	(\$352,205.64)
Total 316 PFA/TRLF REVENUE NOTE	\$0.00	\$25.00	\$25.00	\$9,219.03	\$9,219.03	\$0.00



CITY OF NEWPORT
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Current Period: April 2013

FUND 322 GO BONDS OF 2011A

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 322-10100 Cash	(\$14,424.81)	\$0.00	\$0.00	\$0.00	\$94,142.50	(\$108,567.31)
Total Asset	(\$14,424.81)	\$0.00	\$0.00	\$0.00	\$94,142.50	(\$108,567.31)
Equity						
G 322-25300 Unreserved Fund Balance	\$14,424.81	\$0.00	\$0.00	\$94,142.50	\$0.00	\$108,567.31
Total Equity	\$14,424.81	\$0.00	\$0.00	\$94,142.50	\$0.00	\$108,567.31
Total 322 GO BONDS OF 2011A	\$0.00	\$0.00	\$0.00	\$94,142.50	\$94,142.50	\$0.00



CITY OF NEWPORT

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Current Period: April 2013

FUND 401 EQUIPMENT REVOLVING

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 401-10100 Cash	\$209,657.85	\$15.39	\$26,208.68	\$63.20	\$57,770.68	\$151,950.37
Total Asset	\$209,657.85	\$15.39	\$26,208.68	\$63.20	\$57,770.68	\$151,950.37
Equity						
G 401-25300 Unreserved Fund Balance	(\$209,657.85)	\$26,208.68	\$15.39	\$57,770.68	\$63.20	(\$151,950.37)
Total Equity	(\$209,657.85)	\$26,208.68	\$15.39	\$57,770.68	\$63.20	(\$151,950.37)
Total 401 EQUIPMENT REVOLVING	\$0.00	\$26,224.07	\$26,224.07	\$57,833.88	\$57,833.88	\$0.00



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FUND 405 T.H. HWY 61

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 405-10100 Cash	\$243,199.16	\$17.26	\$0.00	\$71.53	\$8,005.22	\$235,265.47
G 405-13200 Due From Other Government	(\$62,221.18)	\$0.00	\$0.00	\$0.00	\$0.00	(\$62,221.18)
Total Asset	\$180,977.98	\$17.26	\$0.00	\$71.53	\$8,005.22	\$173,044.29
Equity						
G 405-25300 Unreserved Fund Balance	(\$180,977.98)	\$0.00	\$17.26	\$8,005.22	\$71.53	(\$173,044.29)
Total Equity	(\$180,977.98)	\$0.00	\$17.26	\$8,005.22	\$71.53	(\$173,044.29)
Total 405 T.H. HWY 61	\$0.00	\$17.26	\$17.26	\$8,076.75	\$8,076.75	\$0.00



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GL Yearly

Current Period: April 2013

FUND 409 STREET RECONSTRUCTION

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 409-10100 Cash	\$40,937.78	\$2.09	\$0.00	\$10.51	\$12,500.00	\$28,448.29
Total Asset	\$40,937.78	\$2.09	\$0.00	\$10.51	\$12,500.00	\$28,448.29
Equity						
G 409-25300 Unreserved Fund Balance	(\$40,937.78)	\$0.00	\$2.09	\$12,500.00	\$10.51	(\$28,448.29)
Total Equity	(\$40,937.78)	\$0.00	\$2.09	\$12,500.00	\$10.51	(\$28,448.29)
Total 409 STREET RECONSTRUCTION	\$0.00	\$2.09	\$2.09	\$12,510.51	\$12,510.51	\$0.00



CITY OF NEWPORT
GL Yearly

Current Period: April 2013

FUND 416 4TH AVENUE RAVINE

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 416-10100 Cash	\$12,746.76	\$0.94	\$0.00	\$3.85	\$0.00	\$12,750.61
G 416-13200 Due From Other Government	\$12,776.47	\$0.00	\$0.00	\$0.00	\$0.00	\$12,776.47
Total Asset	\$25,523.23	\$0.94	\$0.00	\$3.85	\$0.00	\$25,527.08
Liability						
G 416-20700 Due to Other Funds	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
Total Liability	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
Equity						
G 416-25300 Unreserved Fund Balance	(\$25,523.48)	\$0.00	\$0.94	\$0.00	\$3.85	(\$25,527.33)
Total Equity	(\$25,523.48)	\$0.00	\$0.94	\$0.00	\$3.85	(\$25,527.33)
Total 416 4TH AVENUE RAVINE	\$0.00	\$0.94	\$0.94	\$3.85	\$3.85	\$0.00



CITY OF NEWPORT

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Current Period: April 2013

FUND 417 NORTH RAVINE

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 417-10100 Cash	\$8,339.89	\$183.47	\$0.00	\$184.47	\$8,855.05	(\$330.69)
G 417-13200 Due From Other Government	\$61,176.00	\$0.00	\$0.00	\$0.00	\$0.00	\$61,176.00
Total Asset	\$69,515.89	\$183.47	\$0.00	\$184.47	\$8,855.05	\$60,845.31
Liability						
G 417-20200 Accounts Payable	(\$1,846.82)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,846.82)
G 417-20700 Due to Other Funds	(\$4,235.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$4,235.00)
Total Liability	(\$6,081.82)	\$0.00	\$0.00	\$0.00	\$0.00	(\$6,081.82)
Equity						
G 417-24400 Fund Balance For Encumbra	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
G 417-25300 Unreserved Fund Balance	(\$63,434.32)	\$0.00	\$183.47	\$8,855.05	\$184.47	(\$54,763.74)
Total Equity	(\$63,434.07)	\$0.00	\$183.47	\$8,855.05	\$184.47	(\$54,763.49)
Total 417 NORTH RAVINE	\$0.00	\$183.47	\$183.47	\$9,039.52	\$9,039.52	\$0.00



CITY OF NEWPORT

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Current Period: April 2013

FUND 423 2011A EQUIPMENT CAPITAL	April 2013					
	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 423-10100 Cash	\$494,389.05	\$26,230.48	\$26,208.68	\$57,875.96	\$223,602.51	\$328,662.50
Total Asset	\$494,389.05	\$26,230.48	\$26,208.68	\$57,875.96	\$223,602.51	\$328,662.50
Equity						
G 423-25300 Unreserved Fund Balance	(\$494,389.05)	\$26,208.68	\$26,230.48	\$223,602.51	\$57,875.96	(\$328,662.50)
Total Equity	(\$494,389.05)	\$26,208.68	\$26,230.48	\$223,602.51	\$57,875.96	(\$328,662.50)
Total 423 2011A EQUIPMENT CAPITAL	\$0.00	\$52,439.16	\$52,439.16	\$281,478.47	\$281,478.47	\$0.00



CITY OF NEWPORT

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Current Period: April 2013

FUND 601 WATER FUND

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 601-10100 Cash	\$463,307.17	\$17,492.35	\$16,923.51	\$63,833.77	\$76,197.85	\$450,943.09
G 601-11500 Accounts Receivable	\$46,422.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46,422.00
G 601-12300 Special Assess Rec-Deferred	\$10,844.38	\$0.00	\$0.00	\$0.00	\$0.00	\$10,844.38
G 601-15500 Prepaid Items	\$1,167.13	\$0.00	\$0.00	\$0.00	\$0.00	\$1,167.13
G 601-16100 Land	(\$0.50)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.50)
G 601-16200 Building and Improvements	\$123,291.00	\$0.00	\$0.00	\$0.00	\$0.00	\$123,291.00
G 601-16300 Improvements other building	\$2,942,727.40	\$0.00	\$0.00	\$0.00	\$0.00	\$2,942,727.40
G 601-16400 Equipment	\$294,264.08	\$0.00	\$0.00	\$0.00	\$0.00	\$294,264.08
G 601-16410 Accumulated dep. Equip.	(\$1,648,638.19)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,648,638.19)
G 601-21720 Online fees payable	(\$31.90)	\$56.81	\$65.78	\$200.33	\$212.29	(\$43.86)
G 601-26100 Contributions From City	(\$858,692.15)	\$0.00	\$0.00	\$0.00	\$0.00	(\$858,692.15)
Total Asset	\$1,374,660.42	\$17,549.16	\$16,989.29	\$64,034.10	\$76,410.14	\$1,362,284.38
Liability						
G 601-20200 Accounts Payable	(\$7,293.33)	\$0.00	\$0.00	\$0.00	\$0.00	(\$7,293.33)
G 601-21500 Accrued Interest Payable	(\$3,945.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$3,945.00)
G 601-21600 Accrued Wages & Salaries P	(\$1,385.09)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,385.09)
G 601-21701 Federal W/H Payable	(\$0.22)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.22)
G 601-21702 State Withholding Payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 601-21703 FICA Tax Withholding	(\$0.28)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.28)
G 601-21704 PERA	\$0.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.08
G 601-21707 Union Dues	(\$0.17)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.17)
G 601-21708 United Way	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 601-21709 Medicare	\$0.22	\$0.00	\$0.00	\$0.00	\$0.00	\$0.22
G 601-21711 NPERS - Life	(\$0.30)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.30)
G 601-21712 HSA Employee	(\$0.11)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.11)
G 601-21714 LTD Employee	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
G 601-21715 MSRS Employee	(\$0.08)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.08)
G 601-21718 Water sales tax payable	(\$237,993.12)	\$522.00	\$522.00	\$522.00	\$522.00	(\$237,993.12)
G 601-22510 General Obligation Bonds Pa	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 601-99999 Utility Overpayments	\$16,151.54	\$164.89	\$257.23	\$1,956.67	\$1,470.76	\$16,637.45
Total Liability	(\$234,465.61)	\$686.89	\$779.23	\$2,478.67	\$1,992.76	(\$233,979.70)
Equity						
G 601-25300 Unreserved Fund Balance	(\$1,140,194.81)	\$16,179.81	\$16,647.34	\$73,518.85	\$61,628.72	(\$1,128,304.68)
Total Equity	(\$1,140,194.81)	\$16,179.81	\$16,647.34	\$73,518.85	\$61,628.72	(\$1,128,304.68)
Total 601 WATER FUND	\$0.00	\$34,415.86	\$34,415.86	\$140,031.62	\$140,031.62	\$0.00



CITY OF NEWPORT

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Current Period: April 2013

FUND 602 SEWER FUND

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 602-10100 Cash	\$678,510.46	\$25,781.97	\$28,431.79	\$98,832.13	\$107,101.56	\$670,241.03
G 602-11500 Accounts Receivable	\$66,867.40	\$0.00	\$0.00	\$0.00	\$0.00	\$66,867.40
G 602-12300 Special Assess Rec-Deferred	\$15,533.30	\$0.00	\$0.00	\$0.00	\$0.00	\$15,533.30
G 602-13100 Due From Other Funds	\$523.29	\$0.00	\$0.00	\$0.00	\$0.00	\$523.29
G 602-15500 Prepaid Items	\$1,367.13	\$0.00	\$0.00	\$0.00	\$0.00	\$1,367.13
G 602-16100 Land	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.50
G 602-16200 Building and Improvements	\$360,863.00	\$0.00	\$0.00	\$0.00	\$0.00	\$360,863.00
G 602-16300 Improvements other building	\$1,365,822.15	\$0.00	\$0.00	\$0.00	\$0.00	\$1,365,822.15
G 602-16400 Equipment	\$56,342.75	\$0.00	\$0.00	\$0.00	\$0.00	\$56,342.75
G 602-16410 Accumulated dep. Equip.	(\$1,104,888.22)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,104,888.22)
G 602-16500 Construction in Progress	\$15,083.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,083.00
G 602-26100 Contributions From City	(\$632,448.36)	\$0.00	\$0.00	\$0.00	\$0.00	(\$632,448.36)
Total Asset	\$823,576.40	\$25,781.97	\$28,431.79	\$98,832.13	\$107,101.56	\$815,306.97
Liability						
G 602-20200 Accounts Payable	(\$5,165.70)	\$0.00	\$0.00	\$0.00	\$0.00	(\$5,165.70)
G 602-21500 Accrued Interest Payable	(\$3,945.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$3,945.00)
G 602-21600 Accrued Wages & Salaries P	(\$1,374.24)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,374.24)
G 602-21701 Federal W/H Payable	\$0.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.08
G 602-21702 State Withholding Payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 602-21703 FICA Tax Withholding	(\$0.28)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.28)
G 602-21704 PERA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 602-21707 Union Dues	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
G 602-21709 Medicare	\$0.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.25
G 602-21711 NPERS - Life	(\$0.28)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.28)
G 602-21712 HSA Employee	\$0.47	\$0.00	\$0.00	\$0.00	\$0.00	\$0.47
G 602-21714 LTD Employee	(\$0.35)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.35)
G 602-21715 MSRS Employee	(\$0.08)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.08)
G 602-22510 General Obligation Bonds Pa	(\$304,000.00)	\$0.00	\$0.00	\$0.00	\$0.00	(\$304,000.00)
Total Liability	(\$314,484.88)	\$0.00	\$0.00	\$0.00	\$0.00	(\$314,484.88)
Equity						
G 602-25300 Unreserved Fund Balance	(\$509,091.52)	\$28,431.79	\$25,781.97	\$107,101.56	\$98,832.13	(\$500,822.09)
Total Equity	(\$509,091.52)	\$28,431.79	\$25,781.97	\$107,101.56	\$98,832.13	(\$500,822.09)
Total 602 SEWER FUND	\$0.00	\$54,213.76	\$54,213.76	\$205,933.69	\$205,933.69	\$0.00



CITY OF NEWPORT

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Current Period: April 2013

FUND 603 STREET LIGHT FUND

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 603-10100 Cash	\$13,831.13	\$4,200.01	\$1,673.26	\$14,365.91	\$14,982.68	\$13,214.36
G 603-11500 Accounts Receivable	\$5,120.47	\$0.00	\$0.00	\$0.00	\$0.00	\$5,120.47
G 603-12200 Special Assess Rec-Delinque	\$1,786.76	\$0.00	\$0.00	\$0.00	\$0.00	\$1,786.76
Total Asset	\$20,738.36	\$4,200.01	\$1,673.26	\$14,365.91	\$14,982.68	\$20,121.59
Liability						
G 603-20200 Accounts Payable	(\$4,560.24)	\$0.00	\$0.00	\$0.00	\$0.00	(\$4,560.24)
G 603-20700 Due to Other Funds	(\$523.48)	\$0.00	\$0.00	\$0.00	\$0.00	(\$523.48)
Total Liability	(\$5,083.72)	\$0.00	\$0.00	\$0.00	\$0.00	(\$5,083.72)
Equity						
G 603-25300 Unreserved Fund Balance	(\$15,654.64)	\$1,673.26	\$4,200.01	\$14,982.68	\$14,365.91	(\$15,037.87)
Total Equity	(\$15,654.64)	\$1,673.26	\$4,200.01	\$14,982.68	\$14,365.91	(\$15,037.87)
Total 603 STREET LIGHT FUND	\$0.00	\$5,873.27	\$5,873.27	\$29,348.59	\$29,348.59	\$0.00



CITY OF NEWPORT

GL Yearly

Current Period: April 2013

FUND 604 STORM WATER FUND

April 2013

	Begin Yr	MTD Debits	MTD Credits	YTD Debits	YTD Credits	Balance
Asset						
G 604-10100 Cash	\$16,241.08	\$1,078.97	\$450.00	\$5,109.92	\$935.20	\$20,415.80
G 604-11500 Accounts Receivable	(\$1,155.20)	\$0.00	\$0.00	\$0.00	\$0.00	(\$1,155.20)
G 604-12100 SA Recievable -Current	(\$0.07)	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.07)
G 604-12200 Special Assess Rec-Delinque	\$2,136.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,136.00
Total Asset	\$17,221.81	\$1,078.97	\$450.00	\$5,109.92	\$935.20	\$21,396.53
Liability						
G 604-20200 Accounts Payable	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
G 604-20700 Due to Other Funds	\$0.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.19
Total Liability	\$0.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.19
Equity						
G 604-25300 Unreserved Fund Balance	(\$17,222.00)	\$450.00	\$1,078.97	\$935.20	\$5,109.92	(\$21,396.72)
Total Equity	(\$17,222.00)	\$450.00	\$1,078.97	\$935.20	\$5,109.92	(\$21,396.72)
Total 604 STORM WATER FUND	\$0.00	\$1,528.97	\$1,528.97	\$6,045.12	\$6,045.12	\$0.00
Report Total	\$0.00	\$652,789.93	\$652,789.93	\$2,379,745.68	\$2,379,745.68	\$0.00

LEAGUE OF MINNESOTA CITIES INSURANCE TRUST

LIABILITY COVERAGE – WAIVER FORM

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- o *If the city does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.
- o *If the city waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$1,500,000 on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000., regardless of the number of claimants.
- o *If the city waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

City of Newport _____ accepts liability coverage limits of \$500,000/\$1.5M _____ from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

- The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council meeting _____

Signature/Date _____ Position _____

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044



MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: May 9, 2013

SUBJECT: 2013-2014 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: \$200
- Red Rock Saloon
 - On-Sale: \$2,500
 - Off-Sale: \$200
 - Sunday: \$200
- 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

444 Cedar Street, Suite 222

St. Paul, MN 55101

651-201-7507 • TTY 651-282-6555 • Fax 651-297-5259



RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control • (3.2% Licenses exempt)

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 # 3119
City/County where license approved. Newport

Licensee Name Cloverleaf Bar and Grill Inc.

Trade Name

Cloverleaf Bar and Grill

Licensed Location address

2146 Hastings Ave

City, State, Zip Code

Newport, MN 55055

Business Phone

651/768-9921

LICENSE FEES: Off Sale \$ 0.00 On Sale \$ 2500.00 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 will result in fines.

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 Katherine Decker DOB [REDACTED] SS# [REDACTED] Date 4-25-13

(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.)



Minnesota Department of Public Safety

Alcohol and Gambling Enforcement

444 Cedar Street, Suite 222

St. Paul, MN 55101

651-201-7507 • TTY 651-282-6555 • Fax 651-297-5259



RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control • (3.2% Licenses exempt)

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 # 18209
City/County where license approved. Newport

Licensee Name JP Brothers Inc.
Trade Name Newport Liquor Store
Licensed Location address 1638 Hastings Ave
City, State, Zip Code Newport, MN 55055
Business Phone 651/206-4455

LICENSE FEES: Off Sale \$ 200.00 On Sale \$ 0.00 Sunday \$ 0.00
~~100.00~~

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 will result in fines.

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 [Signature] DOB [Redacted] SS# [Redacted] Date 4/8/13

(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.)



Minnesota Department of Public Safety

Alcohol and Gambling Enforcement

444 Cedar Street, Suite 222

St. Paul, MN 55101

651-201-7507 • TTY 651-282-6555 • Fax 651-297-5259



RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control • (3.2% Licenses exempt)

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# 3120
City/County where license approved. Newport

Licensee Name Jon-Con Inc.
Trade Name Red Rock Saloon
Licensed Location address 374 21st St
City, State, Zip Code Newport, MN 55055
Business Phone 651/459-7511

LICENSE FEES: Off Sale \$ \$200.00 On Sale \$ 2500.00 Sunday \$ 200.00
~~100.00~~

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 will result in fines.

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 John J. Seligman DOB [REDACTED] SS# [REDACTED] Date 5/7/2013

(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.)



CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 04/03/2013

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	Phone: 651-756-1483 Fax: 651-340-5721	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
		INSURER A: Wilson Mutual Company
		INSURER B: State Fund Mutual
		INSURER C:
		INSURER D:
		INSURER E:
		INSURER F:

COVERAGES	CERTIFICATE NUMBER:	REVISION NUMBER:
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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 SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		BR230615	07/01/2013	07/01/2014	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS					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
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	13628.215	07/01/2013	07/01/2014	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER
A	Liquor Liability		BR230615	07/01/2013	06/30/2014	E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000 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
CANCELLATION

CITYNEW

 City of Newport
 596 7th Avenue
 Newport, MN 55055

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

Josh Anderson



Minnesota Department of Public Safety

Alcohol and Gambling Enforcement

444 Cedar Street, Suite 222

St. Paul, MN 55101

651-201-7507 • TTY 651-282-6555 • Fax 651-297-5259



RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control • (3.2% Licenses exempt)

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 3.20FSL License Period Ending 6/30/2013 ID# 35756
City/County where license approved. Newport

Licensee Name Northern Tier Retail LLC

Trade Name SuperAmerica #4459

Licensed Location address 1624 Hastings Ave

City, State, Zip Code Newport, MN 55055

Business Phone 651/458-8187

LICENSE FEES: Off Sale \$ 30.00 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 will result in fines.

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 [Signature] DOB [Redacted] SS# [Redacted] Date 5/10/13

(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.)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/30/2012

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: Nathan Albano	FAX (A/C, No): 212-509-1292	
	PHONE (A/C, No, Ext): 212-504-5980	E-MAIL ADDRESS: Nathan.albano@crystalco.com	
INSURED NORTTI Northern Tier Retail LLC, dba SuperAmerica #4459 1624 Hastings Ave Newport MN 55055	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : National Union Fire Insurance Co of		19445
	INSURER B :		
	INSURER C :		
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES

CERTIFICATE NUMBER: 1582336383

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 SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					EACH OCCURRENCE	\$
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
						MED EXP (Any one person)	\$
						PERSONAL & ADV INJURY	\$
						GENERAL AGGREGATE	\$
						PRODUCTS - COMP/OP AGG	\$
							\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
							\$
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input type="checkbox"/> N	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		GL1949976	12/1/2012	12/1/2013	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

CANCELLATION

City of Newport 596 7th Avenue Newport MN 55055	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 <i>Crystal & Company</i>

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Minnesota Department of Public Safety

Alcohol and Gambling Enforcement

444 Cedar Street, Suite 222

St. Paul, MN 55101

651-201-7507 • TTY 651-282-6555 • Fax 651-297-5259



RENEWAL OF LIQUOR, WINE, CLUB OR 3.2% LICENSES

No license will be approved or released until the \$20 Retailer ID Card fee is received by MN Liquor Control • (3.2% Licenses exempt)

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 6/30/2010 # 3121
City/County where license approved. Newport

Licensee Name Loupat Corp.
Trade Name Tinucci's
Licensed Location address 396 21st St
City, State, Zip Code Newport, MN 55055
Business Phone 651/459-3211

LICENSE FEES: Off Sale \$ 0.00 On Sale \$ 2500.00 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 will result in fines.

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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 [Signature] DOB Tinucci's SS# [Redacted] Date 4-16-13
(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.)



LOUPA-1

OP ID: DK

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/16/13

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 Maguire Agency 1935 West County Road B-2, #241 Roseville, MN 55113 Michael D. Tate, CIC	651-638-9100	CONTACT NAME: Michael D. Tate	
	651-638-9762	PHONE (A/C, No, Ext): 651-635-2770	FAX (A/C, No): 651-638-9762
		E-MAIL ADDRESS: mtate@maguireagency.com	
		INSURER(S) AFFORDING COVERAGE	NAIC #
		INSURER A: SECURA Insurance A Mutual Co	22543
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

INSURED
Loupat Corporation
Tinucci's
P.O. Box 268
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 INSR	SUBR (A/C)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			BP31034952	06/30/13	06/30/14	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Each occurrence)	\$ 250,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ Included
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	GEN AGGREGATE LIMIT APPLIES PER:							
	<input type="checkbox"/> POLICY	<input type="checkbox"/> PRO-PORTION	<input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Each accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALLOWED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB						EACH OCCURRENCE	\$
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR					AGGREGATE	\$
		<input type="checkbox"/> CLAIMS-MADE						\$
		<input type="checkbox"/> DED	<input type="checkbox"/> RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	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			BP31034952	06/30/13	06/30/14	1,000,000	Each Occur
							2,000,000	Aggregate

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

CERTIFICATE HOLDER**CANCELLATION**

CITYNEP

City Of Newport
596 7th Avenue
Newport, MN 55055

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

Mike Tate

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April 2013

Newport Police Department
Activity Report

		Monthly Total	Yearly Total
ACCIDENTS		10	54
ADMINISTRATIVE		118	369
ALARMS		5	27
ANIMAL CALLS		14	40
ARRESTS	Felony	1	16
	Misdemeanor	6	33
	Gross Misd.	4	13
ASSAULTS	Aggravated		
	Simple	1	4
ASSIST OTHER DEPT/OFFICER		41	232
ASSIST PUBLIC		189	678
AUTO THEFT			
	Attempted		
BURGLARY		2	10
	Attempted		
CHILD ABUSE/NEGLECT		2	8
CIVIL DISPUTES		9	27
CRIMINAL SEXUAL CONDUCT			3
CURFEW			2
DAMAGE TO PROPERTY		4	15
DEATH INV.			3
DISORDER CONDUCT		4	5
DOMESTICS		12	44
DRIVING COMPLAINT		9	26
DRUGS/PARAPHERNALIA			8
DRUNKS/DETOX			6
D.W.I.		4	20
FIRECALLS		3	15
FORGERY		1	2
FOUND PROPERTY		3	6
HAR/COMM		1	6
HANG UPS (911)		1	14
HOMICIDE			1
JUVENILE PETTY CITATIONS			9
JUVENILE PROBLEMS		2	14
LOCK-OUTS		4	15
MEDICAL CALLS		20	88
MISSING PERSONS			1
ORDINANCE VIOLATIONS		20	74
ORDINANCE WINTER PARK		7	87
PROWLERS			
ROBBERY			
	Attempted		1
RUN-AWAY			7
STOLEN AUTOS RECOVERED		1	8
SUSPICIOUS ACTIVITY		15	57
THEFT		9	45
	Attempted		
CITATIONS		102	415
TRAFFIC WARNINGS		55	326
		Monthly Total	Yearly Total
Overall Grand Total All Events		672	2836



PROFESSIONAL SERVICES

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MEMO

To: Deb Hill - City Administrator & City Council of Newport
From: Jim Stremel, P.E. - Assistant City Engineer
Subject: 2013-14 Street Improvement Project – Pubic Hearing for 18th St, Receive Plans/Specs, LIP Updates, Geotechnical/Televising Proposals.
Date: May 13, 2013

INTRODUCTION:

The 2013 Street Improvement Project is moving along and in full swing. We have prepared plans/specifications and have solicited bids for both the televising and geotechnical evaluations. In addition, we have prepared another draft of the Local Improvement Guide for Council consideration at the planned work session. This memorandum will summarize the pertinent information and provide the “next steps” in the following format.

1. Improvement Hearing for 18th Street
2. Approve Plans & Authorize Bidding
3. Televising Proposals
4. Geotechnical Evaluation Proposals

1. IMPROVEMENT HEARING FOR 18TH STREET

Prior to the latest amendments to the feasibility study City staff determined that portions of 18th Street needed to be added to the project scope. The project costs associated with 18th Street were included with prior improvement hearings as well as the amended feasibility report received by Council on May 2nd.

With that said, the changes occurred after the hearing advertising was posted and letters were sent to adjacent property owners for the original project scope. The notification requirements for 18th Street improvements would not have been met. Conducting the Improvement Hearing and considering the draft resolution to order the project are intended to meet the Chapter 429 special assessment process requirements for 18th Street.

2. APPROVE PLANS AND AUTHORIZE BIDDING

In order to stay within our proposed schedule, the Council may want to consider approving plans/specifications and authorize the bidding for the 2013 Street Improvement Project portion. The advertisement copy would need to be submitted to the local paper by May 29th, advertising would then start on June 5th, and last until the bid opening on June 27th.

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60 Plato Blvd. East, Suite 140, St. Paul, MN 55107

(612) 548-3132 (866) 452-9454

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3. TELEVISIONING PROPOSALS

City staff asked that we solicit proposals from companies that provide televising services. The scope of the proposed work includes flushing/cleaning and televising 18,500 feet of mainline pipe, as well as televising 235 service lateral lines. Televising of the service laterals would be completed from the City's main, not from inside the homes. Written reports and DVD's will be provided for the mainline, and separate reports and video files are to be provided for each service lateral.

The proposals also requested single unit prices for flushing/cleaning/root removal within the service lines in case that work is needed in order to complete the televising. It is expected that many service lines will require some level of cleaning and root removal, but may not be necessary in all cases.

Quotes were obtained from three companies, Professional Drain Services, Visu-Sewer, and Infratech. The following prices were provided by each company.

Costs of Televising Services						
Company	Mainline Televising (18,500 ft)	Mainline Cleaning (18,500 ft)	Service Televising (Total of 235)	Total Base Bid Cost	Service Televising (Each)	Service Cleaning (Each)
Professional Drain Services	\$11,470	\$13,690	\$32,665	\$57,825	\$139	\$144-\$370
Visu-Sewer	\$9,805	\$12,025	\$48,175	\$70,005	\$205	\$240-\$480
Infratech	\$10,730	\$15,725	\$53,815	\$80,270	\$229	\$900-\$1,400

Based on our review of the proposals, each of the solicited companies are providing the same level of service. With that said, we recommend that the low bid by Professional Drain Service is considered by City staff for approval.

4. TELEVISIONING PROPOSALS

City staff also asked that we solicit proposals from companies that provide geotechnical services. The scope of the proposed work includes providing borings varying from 5 to 15 feet in depth (depending on utility depths and street improvement type), evaluation of the subsurface conditions, and recommendations on construction operations and pavement thicknesses.

Quotes were obtained from three companies, Northern Technologies, American Engineering Testing, and Braun Intertec. The following prices were provided by each company.

Costs of Geotechnical Evaluation	
Company	Total Cost
Northern Technologies	\$5,650
American Engineering Testing	\$10,500
Braun Intertec	\$11,460

MEMO

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May 16, 2013 Council Meeting

Based on our review of the proposals, each of the solicited companies are providing the same level of service. With that said, we recommend that the low bid by Northern Technologies is considered by City staff for approval.

ATTACHMENT(S):

- ❖ Draft resolution ordering improvement and preparation of plans for 18th Street
- ❖ Draft resolution approving plans and authorizing bidding on 2013 street project
- ❖ Low bid proposed for televising
- ❖ Low bid proposed for geotechnical evaluation

ACTION(S) RECOMMENDED:

- ❖ Consider draft resolution ordering improvement and preparation of plans for 18th Street
- ❖ Consider draft resolution approving plans and authorizing bidding on 2013 street project
- ❖ Consider directing staff to contract with Professional Drain Services for televising services in the amount of **\$57,825** for the 2013-14 street project
- ❖ Consider directing staff to contract with Northern Technologies for geotechnical evaluation and design services in the amount of **\$5,650** for the 2013-14 street project

RESOLUTION NO. 2013-21

A RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS

WHEREAS, a motion passed by the City Council on 18th day of April, 2013, fixed a date for a council hearing on Improvement No. 2013-01, the improvement of 18th Street from Hastings Avenue to 8th Avenue and from 10th Avenue to Harvard Place by regrading and improving the road surfaces, and stormwater conveyance system, as described in the Engineer’s original feasibility report entitled “Feasibility Study for 2013-15 Street Improvement Project“ dated February 28, 2013 and as amended by the Council Memorandum entitled the “2013-15 Street Improvement Project – Scope Updates & Ordering the Project” and “Exhibit 1 – Revised 4/2013” dated April 15, 2013 and

WHEREAS, ten days’ mailed notice and two weeks’ published notice of the hearing was given, and the hearing was held thereon the 16th day of May, 2013, at which all persons desiring to be heard were given an opportunity to be heard thereon, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEWPORT MINNESOTA:

1. Such an improvement is necessary, cost-effective, and feasible as detailed in the amended feasibility report.
2. Such an improvement is hereby ordered as proposed in the council resolution adopted 2nd day of May, 2013 and as amended herein.
3. The City’s Planning Commission has reviewed the proposed capital improvement and reported in writing to the Council its findings as to the compliance of the proposed improvement with the comprehensive municipal plan.
4. MSA Professional Services, Inc. is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for making of such improvements to be constructed in 2013 as described in the Engineer’s memo dated 4/29/2013.
5. The City Council declares its official intent to reimburse itself for the costs of the improvement from the proceeds of tax exempt bonds.

Adopted this 16th day of May, 2013 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

RESOLUTION NO. 2013-22

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING
ADVERTISEMENT FOR BIDS**

WHEREAS, pursuant to a resolution passed by the City Council April 18, 2013, the City Engineer has prepared plans and specifications for Improvement No. 2013-01, the improvement of the streets included with the City’s Capital Improvement Plan for the years 2013 as shown in the amended “Exhibit 1” dated April 29, 2013 by regrading and improving the road surfaces, watermain, sanitary sewer, and stormwater conveyance system, as described in the Engineer’s amended feasibility report entitled “Feasibility Study for 2013-15 Street Improvement Project“ dated February 28, 2013 and as revised by the amended feasibility report dated April 29, 2013 as received by Council May 2, 2013, and has presented such plans and specifications for the 2013 Street Improvement Project to the council for approval, and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEWPORT MINNESOTA:

1. Such plans and specifications, a copy of which is attached hereto and made a part thereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper and in Finance and Commerce an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state that bids will be received by the Administrator until a date specified by the City Administrator, at which time they will be publicly opened in the council chambers of the City Hall by the City Administrator and Engineer, will then be tabulated, and will be considered by the council at a date specified by the City Administrator, in the council chambers of the City Hall. Any bidder whose responsibility is questioned during the consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable the City Administrator for 5% of the amount of such bid.

Adopted this 16th day of May, 2013 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

Professional Drain Services

7500 Hudson Blvd N, Suite 380, Oakdale, MN 55128
651-578-8444

City of Newport - 2013 Project - Sewer Televising & Cleaning Bid			
Breakdown	Quantity	Unit Price	Total Price
Televising of Main Sewer (feet)	18,500	\$0.62 per foot	\$11,470.00
Televising of Lateral Lines	235	\$139.00 each	\$32,665.00
Cleaning of Main Sewer (feet)	18,500	\$0.74 per foot	\$13,690.00
The bid provides for DVD's of the mainline televising (separate files available for each service line) with a station counter (between manholes), as well as written report with PACP codes, and defect still photos.			TOTAL BID \$57,825.00

Sewer Lateral Cleaning - If Needed	
Breakdown	Unit Price
Sewer Cleaning of Lateral using Lateral Launch Jetter (up to 150 ft) After 150 ft - Additional \$2.50 per foot	\$370.00 each
Sewer Cleaning of Lateral using Traditional Cable Method (up to 100 ft) After 100 ft - Additional \$1.50 per foot (minimum of 50 ft)	\$144.00 each
For the Laterals that can not be Latteral Launched, we have an option of Lateral launch Jetter / Camera Combo (up to 150 ft) After 150 ft - Additional \$2.50 per foot	\$370.00 each



May 9, 2013

MSA Professional Services
Attention: Jim Stremel
60 Plato Boulevard East
St. Paul, MN 55107

RE: Proposal for Geotechnical Services
2013-2014 Street Improvement Projects
Newport, Minnesota
NTI Proposal P3231

We are pleased to submit our proposal to perform Geotechnical Services for the above referenced project. The purpose of this study is to collect representative soil samples, analyze the subsurface soil and groundwater conditions and to furnish a detailed geotechnical engineering report with appropriate design and construction recommendations.

The proposed project consists of improvements to a number of existing roadways within the City of Newport, Minnesota. The improvements will include complete reconstruction or mill and overlay projects.

SCOPE OF WORK

The following is our proposed work scope based on the request for proposal provided by MSA Professional Services.

NTI assumes that MSA or a representative of the City will mark the proposed boring locations.

NTI will contact the Minnesota "One-Call" system for clearance of public utilities within the area of the soil borings. NTI will provide a private locator should it be necessary. We will make you aware of these field activities before proceeding to the site to allow you the option notify any pertinent parties prior to NTI's field work.

NTI will then mobilize a truck mounted drill to the site to drill 24 standard penetration soil borings ranging from 5 to 15 feet in depth. The borings will be advanced in the locations to the depths specified within the Exhibit 1 document of the request for proposal.

**Proposal for Geotechnical Services
2013/2014 Street Improvement Projects
Newport, MN**

The total lineal feet of drilling proposed at this time is 275 feet. Borings may be terminated early if soil/bedrock conditions resulting in practical auger refusal are encountered prior to the proposed termination depths. If soft soils, fill or organic soils are encountered near termination we will continue drilling a reasonable depth until a minimum of five (5) feet of suitable foundation soils are observed. This drilling program will take approximately 2 days to complete.

Soil sampling in the borings will be performed at 2-1/2 foot intervals to a depth of 15 feet with additional samples obtained at 5-foot intervals thereafter. Soil sampling will be performed in general accordance with ASTM D 1586. A geotechnical engineer will visually classify field-collected samples in accordance with ASTM D 2488. Each soil sample's color, relative moisture, SPT N-value, relative density, consistency and estimated compressive strength will be documented on soil boring logs.

We will measure for the presence of groundwater or lack thereof when we complete each soil boring. We will backfill the soil borings with soil cuttings or high solids bentonite grout to comply with current Minnesota Department of Health Regulations.

We will perform laboratory tests on selected soil samples, this may include:

1. Plastic/liquid limit tests on cohesive soils
2. Moisture tests
3. Gradations

Upon completion of the field and laboratory work, a geotechnical engineering report will be prepared. The report will include the logs of the borings, location drawing and the results of the field and laboratory tests. In addition, the report will include our engineering opinions and recommendations regarding:

1. Site preparation and excavation recommendations.
2. Engineered fill and compaction recommendations.
3. Estimated depths of unsuitable soils to be removed at each boring location.
4. Anticipation and management of ground water for design and construction.
5. Potential construction difficulties regarding excavation and backfill.
6. Estimated R-Value for use in bituminous pavement design.
7. Recommended pavement design thickness

NTI's engineers are also available to provide geotechnical guidance to the design team, evaluate value engineered alternatives, review earthwork, groundwater control, and other civil plans and specifications as an additional service. NTI's engineers, special inspectors and technicians are available to provide construction and materials testing services once the project construction begins. This provides professional continuity of services throughout the design and construction of the project.



**Proposal for Geotechnical Services
2013/2014 Street Improvement Projects
Newport, MN**

DELIVERABLES

NTI will provide two (2) paper copies and a PDF of the final report to the client.

COST

We will perform the base geotechnical exploration and report described above for a fixed fee of **\$5,650**. If additional drilling footage is required to reach competent non-organic native soils on a started boring we will invoice at a rate of \$18/foot.

SCHEDULE

Upon receiving authorization to proceed, the field work will typically begin in approximately 5 to 7 business days and will take approximately 2 days to complete. The report will be issued to you within 5 to 10 business days of completion of the field work. Boring logs and verbal information regarding our findings can be provided within 1 to 2 days after the field work has been completed.

ACCEPTANCE

Please indicate your acceptance of this proposal by signing on the signature block below, and returning a copy to us. The attached General Conditions are an integral part of this proposal. This proposal is effective until July 1, 2013.

We thank you for the opportunity of submitting this proposal and look forward to working with you through both the design and construction phase of this project. If you have any questions regarding this proposal please contact the undersigned at 763-433-9175.

NORTHERN TECHNOLOGIES, INC.



Ryan M. Benson, P.E.
Senior Engineer



Stephen Johnston, P.E.
Regional Manager/Vice President

Attachment: General Conditions

MSA PROFESSIONAL SERVICES

By: _____

Printed Name: _____

Title: _____

Date _____



GENERAL CONDITIONS OF THE CONTRACT

SECTION 1: PROJECT INFORMATION

- 1.1 Client will make available to NTI all known information regarding existing and proposed requirements which affects the work, including but not limited to: specifications, contracts, recommendations, plans and change orders.
- 1.2 Client will immediately transmit to NTI any new information that becomes available to it or its subcontractors, so that recommended actions can be reviewed.
- 1.3 Client will provide a representative to answer questions about the project when required by NTI upon 24-hour notice.
- 1.4 NTI will not be liable for any incorrect advice, judgment, or decision based on any inaccurate information furnished by Client, and Client will indemnify NTI against liability arising out of or contributed to by such information.

SECTION 2: SAMPLES

- 2.1 NTI will retain representative samples for 30 days after submission of NTI report. Upon request by Client, samples can be shipped, charges collect, to destination selected by Client; or NTI can store them for an agreed upon storage charge.

SECTION 3: FEE PAYMENT

- 3.1 NTI will submit invoices to client monthly, and a final invoice upon completion of services. Invoices will show charges based on current NTI Fee Schedule or other agreed upon basis. A detailed separation of charges and backup data will be at Client's request.
- 3.2 The Client will pay the balance stated on the invoices unless Client notifies NTI in writing of the particular item that is alleged to be incorrect within fifteen (15) days from the invoice date.
- 3.3 Payment is due upon receipt of invoice and is past due thirty (30) days from invoice date. On past due accounts, Client will pay a late charge of 1.5(%) per month, or the maximum allowed by law. In the event of litigation, resulting from Client's refusal to make payment, without just cause, then all warranties and representations, expressed or implied, by NTI shall be void.
- 3.4 In the event Client fails to pay NTI within sixty (60) days following invoice date, NTI may consider the default a total breach of this agreement and all duties of NTI under this agreement will be terminated.

SECTION 4: OWNERSHIP OF DOCUMENTS

- 4.1 All documents prepared by NTI as instruments of service will remain the property of NTI.
- 4.2 Client agrees that all reports and other work furnished to the Client or his agents, which are not paid for, will be returned upon demand and will not be used by the Client for any purpose.
- 4.3 NTI will retain all pertinent records concerning services performed for a period of two (2) years after the report is sent; during that time the records will be made available to the Client during NTI's normal business hours.

SECTION 5: DISPUTES

- 5.1 If NTI institutes suit against the Client to enforce any part of this agreement, then all litigation expenses or collection expenses, including attorney's fees, will be paid to the prevailing party.

- 5.2 If the Client institutes a suit against NTI, which is dismissed, or a verdict rendered for NTI, client agrees to pay NTI for all cost of defense, including attorney's fees, expert witness fees and court costs.

SECTION 6: STANDARD OF CARE

- 6.1 NTI will perform consistent with the level of care and skill ordinarily exercised by members of the geotechnical and materials testing profession currently practicing under similar conditions. No other warranty, expressed or implied, is made.
- 6.2 NTI will be responsible for its data, interpretation and recommendations, but will not be responsible for interpretation by others.

SECTION 7: LIMITATION OF LIABILITY

- 7.1 NTI's liability to the Client and all contractors and subcontractors on the project, for damages due to professional negligence, negligence or breach of any other obligation to Client or others, will be limited to an amount not to exceed \$20,000 or the NTI fee, whichever is less.
- 7.2 Client will notify any contractor or subcontractor who performs work in connection with any work done by NTI of the limitation of liability for design defects, errors, omissions, or professional negligence, and to require as a condition precedent to their performing their work, a like indemnity and limitations of liability on their part as against NTI. In the event the Client fails to obtain a like limitation and indemnity, Client agrees to indemnify NTI for any liability to any third party.

SECTION 8: INSURANCE

- 8.1 NTI will carry worker's compensation insurance and public liability, property damage, and errors and omissions insurance policies, which NTI considers adequate. NTI will not be responsible for liability beyond the limits and conditions of the insurance. NTI will not be responsible for any loss or liability arising from negligence by Client or by other consultants employed by Client.

SECTION 9: TERMINATION

- 9.1 This agreement may be terminated by either party upon seven (7) days written notice if there is substantial failure by the other part to perform. Termination will not be effective if substantial failure is remedied before expiration of the seven days. Upon termination, NTI will be paid for services rendered plus reasonable termination expenses.
- 9.2 If the contract is terminated prior to completion of all reports contemplated by the agreement, or suspended for more than three (3) months, NTI may complete analysis and records as are necessary to complete its files and may complete a report on the services performed. Termination or suspension expenses will include direct costs of completing analysis, records and report.

SECTION 10: ASSIGNS

- 10.1 Neither party may assign duties or interest in the agreement without the written consent of the other party.

