



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
MAY 17, 2012 – 5:30 P.M.**

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

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

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. Minutes of the May 3, 2012 Regular City Council Meeting
 - B. Minutes of the May 3, 2012 City Council Workshop Meeting
 - C. List of Bills in the Amount of \$356,732.26
 - D. Approval of 2012-2013 Liquor License Renewals
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
 - A. **Resolution No. 2012-12** – Regarding the Administration of the Wetland Act of 1991
 - B. **Ordinance No. 2012-5** – Amending the City Code of Ordinances, Chapter 1300, Section 1371 Storm Water Management
 - C. Massage Therapy Licenses
 1. **Ordinance No. 2012-6** – Amending the City Code of Ordinances, Chapter 4 Licensing
 2. **Ordinance No. 2012-7** – Amending the Fee Schedule to Add Fees for Massage Therapy Businesses and Therapists
10. ATTORNEY'S REPORT
11. POLICE CHIEF'S REPORT

Agenda for 05-17-2012

A. April 2012 Activity Report

12. FIRE CHIEF'S REPORT

13. ENGINEER'S REPORT

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|-----------------------------------------------|---------------|-----------|
| 1. Parks Board Meeting | May 24, 2012 | 7:00 p.m. |
| 2. Memorial Day – City Offices will be closed | May 28, 2012 | |
| 3. City Council Meeting | June 7, 2012 | 5:30 p.m. |
| 4. Planning Commission Meeting | June 14, 2012 | 7:00 p.m. |
| 5. City Council Meeting | June 21, 2012 | 5:30 p.m. |



**City of Newport
City Council Minutes
May 3, 2012**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

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

Council Absent –

Staff Present – Brian Anderson, City Administrator; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Fritz Knaak, City Attorney; John Stewart, City Engineer

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

4. ADOPT AGENDA

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

5. ADOPT CONSENT AGENDA

Councilman Gallagher requested that Resolution No. 2012-11 be taken off of the Consent Agenda to discuss.

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

- A. Minutes of the April 19, 2012 Regular City Council Meeting
- B. List of Bills in the Amount of \$271,232.01

With 5 Ayes, 0 Nays, the motion carried.

C. Resolution No. 2012-11 – Nominating Mayor Tim Geraghty for the League of Minnesota Cities C.C. Ludwig Award

Councilman Gallagher – Could Brian explain the award?

Admin. Anderson – The League of Minnesota Cities has three awards that cities can submit projects or individuals for. Two of the awards were for projects; we submitted awards for the Water Meter Replacement Program and Building Inspections. The other award is for elected officials, which is the C.C. Ludwig Award. I asked Mayor Geraghty if he would mind if we nominated him since he does have 29 years of service on the City Council alone, as well as 38 years working for the State of Minnesota. I thought it would be good recognition if we were to get any of the three awards.

Councilman Gallagher – Why don't we have a resolution for the other ones?

Admin. Anderson – The C.C. Ludwig Award required a resolution for support from the Council, whereas the other two did not.

Mayor Geraghty – I had called Brian saying that we should put in a number of projects and later on he called

Councilman Rahm – I think anytime we can give people recognition is a good thing.

Motion by Ingemann, seconded by Sumner, to adopt Resolution No. 2012-11 Nominating Mayor Tim Geraghty for the League of Minnesota Cities C.C. Ludwig Award. With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Rick Diaz, 222 21st Street – I would like to thank all of you for everything you do for the City. I would like to let you know that the Newport Corner Store will close at the end of this week.

Councilman Gallagher – Thank her for giving us a very good shop.

7. MAYOR'S REPORT

A. Proclaiming May 2012 as Preservation Month

Mayor Geraghty – I have a proclamation recognizing May 2012 as National Preservation Month. I attended the Parks Board meeting last week and they talked about their goals and objectives, as well as park improvements. I think we'll be having a discussion on those issues coming up. The Parks Board is looking for volunteers to adopt the parks and overpasses. The City Council will have a workshop after the regular meeting tonight.

8. COUNCIL REPORTS

Councilman Gallagher – Do we know when the Buckthorn Removal Day is?

Mayor Geraghty – It's usually in October.

Councilman Gallagher – I had a meeting yesterday and it had to do with the deer hunting ordinance and how it will need to be changed since Backwoods Archery left Newport. The group of neighbors discussed the aerial survey and it was an eye opener on how much we need the deer hunt. They would like to work with the MN Bow Hunters Association to hunt in the parks as well. The group would like to bring some recommendations to the City Council. I also attended the NEWCO meeting. Brian did a good presentation on the strategic plan and workings of the City. I also attended a Met Council Tab committee.

Councilman Sumner – I also attended the NEWCO meeting. They had a presentation from a guy who was in charge of the development along the faylon corridor. It was interesting; he said they had grants totaling \$500 million to pull that off. I don't think we'll qualify for that kind of financial backing as we look at the Red Rock Corridor. I thought he made an important point that you cannot rely on retail to propel this kind of development. He talked about the importance of having opportunities for people to work such as manufacturing. I think in the past certain voices have been raised against manufacturing. I do believe that we need to be fully involved in allowing that type of work here.

Councilman Ingemann – Nothing to report

Councilman Rahm – Nothing to report

9. ADMINISTRATOR'S REPORT

Admin. Anderson – To piggy back on some of the items that were currently mentioned, specifically the Parks CIP. I have been working with the Parks Board and John Stewart to consolidate all of the CIP's. I also have a meeting with Ehler's next week to look at it and put it into our long-term financial modeling so that we can have it all for our 2013 budget sessions. The Planning Commission and City Council will be reviewing a joint powers agreement between the HRA and City for the Red Rock Corridor. The MX-3 ordinance will also come before the City Council in June. I had another meeting with Stantec, who is designing the transit station. They came back with some plans. We're going to have an open house in the next couple months for it.

10. ATTORNEY'S REPORT –

Attorney Knaak – You should have before you the monthly report. I would note that the overall dispositions is 40, that's twice than what would be considered the normal in the past. This seems to be the new normal.

Councilman Sumner – Are you dealing with residents or non-residents?

Attorney Knaak – Both. We've seen an uptick in code enforcement issues. A lot of this is our own officers doing enforcement in the City.

11. POLICE CHIEF'S REPORT –

Councilman Rahm – Have you ordered the new squad car yet?

Chief Montgomery – Yes, last week.

Councilman Gallagher – Is it all white?

Chief Montgomery – Yes

Councilman Gallagher – Has your new CSO started working?

Chief Montgomery – He started, he's still in training.

12. FIRE CHIEF'S REPORT – Chief Mailand reported on the number of calls in the past month, which include: grass fire, rec fire, and an apartment fire on April 28. We would like to thank Officer Joel Muellner for making sure everyone was evacuated. The fire was knocked down in about fifteen minutes. We called Woodbury, Cottage Grove and St. Paul Park for mutual aid. It looks like the fire started on a third floor balcony from a cigarette.

13. ENGINEER'S REPORT –

John Stewart – We are wrapping up the I/I project. The North Ravine Project is underway; they have done a lot of work at the top of the hill. The contractor's work helped with the storm earlier.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT – No Report

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Geraghty, seconded by Gallagher, to adjourn the regular Council Meeting at 5:55 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 3, 2012**

1. ROLL CALL -

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

Council Absent – None

Staff Present – Brian Anderson, City Administrator; Curt Montgomery, Police Chief; Fritz Knaak, City Attorney;

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

2. ADMINISTRATOR’S REPORT

A. Joel Williams, 2245 Larry Lane – Donation of property owned by Joel Williams located on Larry Lane

Admin. Anderson presented on this item as outlined in the May 3, 2012 City Council workshop packet. Mr. Williams, 2245 Larry Lane would like to donate his property located behind 2245 Larry Lane. The property would be used for the North Ravine project right now but there are several opportunities for this property in the future.

The City Council gave direction to Admin. Anderson to move forward with accepting the donation of the land.

B. Property Acquisition Proposal for 1605 Cedar Lane

Admin. Anderson presented on this item as outlined in the May 3, 2012 City Council workshop packet. The owners of 1605 Cedar Lane approached the City and informed it that they are interested in selling their property to the City.

Mayor Geraghty – I think there are a lot of other needs and in my mind, these properties aren’t worth it. Would they reduce the price or donate it to the City? My point is that if the levy ever goes, these properties are taken care of.

Councilman Gallagher – And we are taking \$1,000 off of the tax roll.

Mayor Geraghty – I’m open to the idea but I don’t think I would offer that much. I would like them to donate it to us.

Admin. Anderson – We could wait and see if we can get it through forfeiture.

Councilman Sumner – Is that property buildable?

Admin. Anderson – Yes. You can’t deny them a building permit; they have the right to build. It’s a straight access to the river.

Councilman Rahm – How does this fit into our strategic plan? I would probably pass on it now because it's not going anywhere.

Councilman Gallagher – Have you had conversations with any of the other property owners?

Admin. Anderson – No because I didn't want to give anyone false hope.

Mayor Geraghty – If, in five years, the levy breeched and the houses were damaged. Could they rebuild?

Attorney Knaak – I'm trying to remember because there are some restrictions that relate to the flood plain. My recollection is that, with FEMA's new rules, they discourage reconstruction.

Mayor Geraghty – Would the City have to buy the property from the resident then?

Councilman Gallagher – Yes. We're getting it below cost now. Are they going through a divorce right now based on the letter?

Attorney Knaak – Yes.

Councilman Gallagher – Why don't we offer them \$60,000 since we have to demolish the property?

Admin. Anderson – My next step would be to bring this back at a City Council meeting with an offer.

The City Council gave direction to Admin. Anderson to begin discussions with the property owners in regards to the cost.

C. Strategic Plan/Trend Analysis

Councilman Rahm – Last time we had our meeting, we decided that we wanted to discuss the strategic plan and trends among ourselves. At the last meeting, I gave a presentation about ideas about trends. I think we should establish something that shows our goal-strategy alignment. Whatever we did we would have how it aligned with our goals and our strategies.

Admin. Anderson – Do you want to go through and list some of the bigger goals?

Councilman Rahm – Yea, I'm looking for major themes.

Councilman Gallagher – I would like to see transportation be one of the goals or themes. I can see how some of these go hand in hand such as economic development and maintaining competitive tax rates.

Councilman Rahm – I think some of these principles and items is how we develop a goal statement, which would line up with trends, and then themes and initiatives would line up with it. I would like to get a discussion rolling.

Mayor Geraghty – I think the number one goal would be to have Newport be a place where businesses want to come and operate or where citizens want to come and raise their families. A real livable community.

Councilman Rahm – Right. Maybe Brian and I can go and come up with more examples to show you.

Councilman Gallagher – If you wanted to come up with seven priorities, we could talk about one at the next seven meetings. Or we could all take one priority and come back with something. I'll take transportation. Could you send an email with a framework?

Councilman Rahm – Yes, Brian and I will work on that.

Admin. Anderson – Anything else you would like to talk about?

Councilman Gallagher – I've had requests about cleaning up the City but I think the CSO will take care of that.

3. ADJOURNMENT

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst

Text25	Text26	Text27	Text28	Comments
Paid Chk# 000038E	DELTA DENTAL OF MN	41032	1,133.95	dental ins. May
Paid Chk# 000039E	FEDERAL TAXES	41032	8,287.26	withholding, fica, medicare
Paid Chk# 000040E	MN REVENUE	41032	1,874.98	state withholding
Paid Chk# 000041E	ING LIFE INSURANCE & ANNUITY	41032	416.98	hcsa
Paid Chk# 000043E	PSN	41039	69.76	april invoice online pay
Paid Chk# 013525	A-1 HYDRAULIC SALES & SERVICE	41032	778.77	plow/sander repairs
Paid Chk# 013526	ADVANCED SPORTSWEAR	41032	2,045.50	naa uniforms
Paid Chk# 013527	ATOMIC-COLO, LLC	41032	2,530.68	computer support
Paid Chk# 013528	BAUER BUILT, INC	41032	362.56	park tractors
Paid Chk# 013529	COMCAST	41032	123.28	
Paid Chk# 013530	COTTAGE GROVE, CITY OF	41032	120.00	building inspection
Paid Chk# 013531	DEPT. OF LABOR & INDUSTRY	41032	1,634.02	3rd,4th qtr '11, 1st - 2012
Paid Chk# 013532	E.H. RENNER & SONS	41032	220.00	pump inspection
Paid Chk# 013533	FAIR OFFICE WORLD	41032	199.08	office supplies
Paid Chk# 013534	FERRELLGAS	41032	241.88	propane - warming house
Paid Chk# 013535	GERLACH OUTDOOR POWER EQUI	41032	183.10	mower repair
Paid Chk# 013536	GOPHER STATE ONE-CALL	41032	26.20	
Paid Chk# 013537	GREYSTONE CONSTRUCTION	41032	300.00	salt shed maint.
Paid Chk# 013538	HAWKINS	41032	5.00	chlorine
Paid Chk# 013539	HIGHLAND SANITATION	41032	151.87	sanitation
Paid Chk# 013540	HSBC BUSINESS SOLUTIONS	41032	246.38	truck trpair
Paid Chk# 013541	ING LIFE INSURANCE & ANNUITY	41032	1,024.62	
Paid Chk# 013542	INVER GROVE FORD	41032	497.68	squad repair
Paid Chk# 013543	Knaak & Assoc. PA	41032	5,200.00	april retainer
Paid Chk# 013544	LIBERTY NAPA OF NEWPORT	41032	384.71	squad repair
Paid Chk# 013545	MICHAEL LAUGHTON	41032	68.55	wireless router
Paid Chk# 013546	MINNESOTA DEPARTMENT OF HEA	41032	46.00	joa, swear - h2o exam
Paid Chk# 013547	MINNESOTA NATIVE LANDSCAPES	41032	375.00	spring clean-up
Paid Chk# 013548	MMKR	41032	15,500.00	audit
Paid Chk# 013549	MN CHILD SUPPORT PAYMENT CN	41032	422.88	child support
Paid Chk# 013550	MOTOR PARTS SERVICE	41032	66.34	paint- drinking fountain
Paid Chk# 013551	NCPERS MINNESOTA	41032	112.00	life insurance
Paid Chk# 013552	ON SITE SANITATION	41032	819.69	sanitation
Paid Chk# 013553	PERA	41032	7,633.01	
Paid Chk# 013554	SELECTACCOUNT	41032	581.00	
Paid Chk# 013555	SW/WC SERVICES COOPERATIVES	41032	14,526.00	
Paid Chk# 013556	WINZER	41032	238.53	nuts and bolts
Paid Chk# 013557	XCEL ENERGY	41032	7.82	electricity
Paid Chk# 013558	NEWPORT POST OFFICE	41036	285.65	
Paid Chk# 013559	MINNESOTA DEPARTMENT OF HEA	41037	135.00	water school - hanson
Paid Chk# 013560	ARAMARK REFRESHMENT SERV.	41039	108.64	
Paid Chk# 013561	BDM Consulting Engineers	41039	37,008.34	engineering
Paid Chk# 013562	BLACKBURN MFG. CO.	41039	308.20	locating supplies
Paid Chk# 013563	BUFFLEHEAD WEB DESIGN	41039	107.70	web site hosting
Paid Chk# 013564	CENTURY LINK	41039	375.94	phone service
Paid Chk# 013565	CINTAS -754	41039	101.69	rugs
Paid Chk# 013566	COMCAST	41039	362.35	
Paid Chk# 013567	ENVENTIS TELECOM	41039	0.13	
Paid Chk# 013568	FLEET ONE LLC	41039	1,840.18	fuel
Paid Chk# 013569	G & K SERVICES	41039	293.41	uniforms

Paid Chk# 013570	INTERNATIONAL UNION OF OP. ENI	41039	160.00
Paid Chk# 013571	LEAGUE OF MN CITIES INS TRUST	41039	323.00 volunteer insurance
Paid Chk# 013572	MES	41039	251.49 calibration gas
Paid Chk# 013573	Metropolitan Council	41039	15,613.70
Paid Chk# 013574	OXYGEN SERVICE CO.	41039	38.53 cylinder maintenance
Paid Chk# 013575	QUALITY FLOW SYSTEMS, INC.	41039	1,179.39 pump repair
Paid Chk# 013576	RENEE HELM	41039	404.89 conference expenses
Paid Chk# 013577	RIVERTOWN NEWSPAPER GROUP	41039	166.11 notices
Paid Chk# 013578	UNIFORMS UNLIMITED, INC.	41039	456.77 police uniforms
Paid Chk# 013579	VERIZON	41039	78.06 cards
Paid Chk# 013580	XCEL ENERGY	41039	1,630.50 electricity
	wages		31,991.61
			161,676.36



CONSULTING ENGINEERS AND SURVEYORS, PLC

May 10, 2012

Mr. Brian Anderson
City Administrator
City of Newport
596 7th Avenue
Newport, MN 55055

Re: I/I Improvements - CIPP and MH Rehabilitation - Payment Request No. 2

Dear Mr. Anderson:

Installation of the Cured-In-Place-Pipe (CIPP) has progressed successfully to date and is generally complete. The outstanding work items include sealing of the remaining pre-cast manhole structures.

The total contract price for this project is \$543,058.00 (includes Change Order No. 1) and the contractor, Insituform Technologies USA, Inc., is requesting payment of \$205,322.00 for the completion of the contract items including 100% of the CIPP. We have retained 5 percent of the requested amount until final completion of the entire project and therefore the amount due the contractor at this time is \$195,055.90. Attached are three (3) copies of the Partial Payment Estimate No. 2 for your review and consideration.

We recommend the Council to approve this payment request in the next council meeting. If you have any questions, please feel free to contact us at (612) 548-3141. Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Stremel'. The signature is fluid and cursive.

Jim Stremel, P.E.
Project Engineer
BDM Consulting Engineers, PLC

Attachment: Partial Payment No. 2 Request (2 pgs)
CC: File

PARTIAL PAY ESTIMATE NO. 2

FROM: April 1, 2012
TO: May 9, 2012

COMPLETION DATE
ORIGINAL: 04/27/12
REVISED:
WORKING DAYS USED: N/A
WORKING DAYS REMAINING: N/A

AMOUNT OF CONTRACT
ORIGINAL: \$520,058.00
REVISED: \$543,058.00

PROJECT: 2011 I/I IMPROVEMENTS - CIPP AND MH REHABILITATION
CITY PROJECT NO. 2011-02

CONTRACTOR: INSITUFORM TECHNOLOGIES USA, INC.
ADDRESS: 17988 EDISON AVENUE, CHESTERFIELD, MO 63005
OFFICE: 636-530-8000
FAX: 636-530-8701

OWNER: CITY OF NEWPORT

ITEM NO	SPEC NO.	ITEM DESCRIPTION	UNIT	QTY		THIS PERIOD		TOTAL TO DATE	
				TOTAL	UNIT PRICE	QTY	TOTAL	QTY	TOTAL
SCHEDULE 1 - BASE BID									
1		CIPP Lining of 8-inch Dia Gravity Sanitary Sewer	LF	12,004	\$ 25.00	1771	\$ 44,275.00	11734	\$ 293,350.00
2		CIPP Lining of 18 (15) -inch Dia Gravity Sanitary Sewer	LF	180	\$ 77.00	0	\$ -	205	\$ 15,785.00
3		Sealing Pre-Cast Manhole Structures	EA	28	\$ 1,345.00	17	\$ 22,865.00	17	\$ 22,865.00
4		Protruding Tap Repair (VCP)	EA	25	\$ 310.00	23	\$ 7,130.00	23	\$ 7,130.00
5		Lateral Reinstatement	EA	131	\$ 100.00	15	\$ 1,500.00	145	\$ 14,500.00
6		Lateral/Mainline Connection Sealing	EA	25	\$ 870.00	23	\$ 20,010.00	23	\$ 20,010.00
7		Bypass Pumping	LS	1	\$ 1,240.00	0.25	\$ 310.00	1.00	\$ 1,240.00
T		TOTAL - SCHEDULE 1 - BASE BID					\$ 96,090.00		\$ 374,880.00
SCHEDULE 2 - ALTERNATE A									
1		CIPP Lining of 8-inch Dia Gravity Sanitary Sewer	LF	2,058	\$ 26.00	1033	\$ 26,858.00	2052	\$ 53,352.00
2		Protruding Tap Repair (VCP)	EA	3	\$ 310.00	1	\$ 310.00	1	\$ 310.00
3		Lateral Reinstatement	EA	23	\$ 100.00	14	\$ 1,400.00	25	\$ 2,500.00
4		Lateral/Mainline Connection Sealing	EA	3	\$ 870.00	1	\$ 870.00	1	\$ 870.00
T		TOTAL - SCHEDULE 2 - ALTERNATE A					\$ 29,438.00		\$ 57,032.00
SCHEDULE 3 - ALTERNATE B									
1		CIPP Lining of 8-inch Dia Gravity Sanitary Sewer	LF	1,226	\$ 30.00	1213	\$ 36,390.00	1213	\$ 36,390.00
2		CIPP Lining of 10-inch Dia Gravity Sanitary Sewer	LF	663	\$ 30.00	653	\$ 19,590.00	653	\$ 19,590.00
3		Protruding Tap Repair (VCP)	EA	6	\$ 310.00	4	\$ 1,240.00	4	\$ 1,240.00
4		Lateral Reinstatement	EA	15	\$ 100.00	29	\$ 2,900.00	29	\$ 2,900.00
5		Lateral/Mainline Connection Sealing	EA	6	\$ 870.00	4	\$ 3,480.00	4	\$ 3,480.00
T		TOTAL - SCHEDULE 3 - ALTERNATE B					\$ 63,600.00		\$ 63,600.00
SCHEDULE 4 - CHANGE ORDER NO. 1									
1		CIPP Lining of 8-inch Dia Gravity Sanitary Sewer	LF	550	\$ 26.00	544	\$ 14,144.00	544	\$ 14,144.00
2		Protruding Tap Repair (VCP)	EA	6	\$ 310.00	5	\$ 1,550.00	5	\$ 1,550.00
3		Lateral Reinstatement	EA	6	\$ 100.00	5	\$ 500.00	5	\$ 500.00
T		TOTAL - SCHEDULE 4 - CHANGE ORDER NO. 1					\$ 16,194.00		\$ 16,194.00

PROJECT SUMMARY

	THIS PERIOD	TOTAL TO DATE
AMOUNT EARNED	\$ 205,322.00	\$ 511,706.00
AMOUNT RETAINED - 5%	\$ 10,266.10	\$ 25,585.30
MATERIAL ON SITE	\$ -	\$ -
MATERIAL DEDUCT	\$ -	\$ -
PREVIOUS PAYMENTS		\$ 291,064.80
AMOUNT DUE	\$ 195,055.90	

CONTRACTOR'S CERTIFICATION

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

Contractor: **INSITUFORM TECHNOLOGIES USA, INC.**

By _____

Date _____

ENGINEER'S CERTIFICATION

The undersigned certifies that the work has been carefully observed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Engineer: **BDM CONSULTING ENGINEERS & SURVEYORS, PLC**

By _____

Date _____

APPROVED BY OWNER

Owner: **CITY OF NEWPORT**

By _____

Date _____



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: May 14, 2012

SUBJECT: 2012-2013 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:

- Newport Liquor Store:
 - Off-Sale: \$100
- Red Rock Saloon
 - Off-Sale: \$100
 - On-Sale: \$2,500
 - Sunday: \$200
- Tinucci's
 - On-Sale: \$2,500
 - Sunday: \$200

Please note that Cloverleaf Bar and Grill and Super America both changed information on their renewal forms and as such will need to fill out a new application for the 2012-2013 license. As of May 14, 2012, the City has not received the completed applications for either of these businesses. It is anticipated that the applications will be placed on a June City Council agenda.

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 OFSL License Period Ending 6/30/2012 ID# 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 \$ 100.00 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.

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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 9/7/1975 SS# 395-21-2678 Date 5/7/12
(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 [Signature] Date 5-10-12
(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.)

ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

PRODUCER

Jim Nesser Agency, Inc.
4175 Lovell Rd
Lexington, Minn 55014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED

JP Brothers, Inc.
Newport Liquor Store
1638 Hastings Avenue
Newport, Minn 55055

INSURER A: Safeco Ins Co
INSURER B: SFM Ins Co
INSURER C:
INSURER D:
INSURER E:

COVERAGES

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. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	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"/> PROJ. <input type="checkbox"/> LOC				EACH OCCURRENCE \$ FIRE DAMAGE (Any one fire) \$ 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"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GAARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	WC37220	7-1-12	6-30-13	WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	OTHER Liquor Liability	02BP354020	7-1-12	6-30-13	1,000,000/2,000,000 liability limit

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

City of Newport
Newport, Minn 55055
651-459-9883 - fax

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL ~~30~~ 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



NEWPORT, MN
596 7TH AVE
NEWPORT MN 55055

Transacti 243
07-May-12 02:38pm

Liquor License
\$100.00

Subtotal \$100.00
Check \$100.00 7876



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 6/30/2012 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 \$ 100.00 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.

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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 John J. Selvig DOB 10/5/1931 SS# 470-28-9738 Date 4/24/2012
(Signature certifies 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 [Signature] Date 5-10-12
(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)
04/18/12

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 Insurance Svcs 2091 County Road D, Suite C-100 Maplewood, MN 55109 Phone (651) 756-1483 Fax (651) 340-5721	CONTACT NAME: Josh P. Anderson PHONE (A/C, No. Ext): (612) 619-1457 E-MAIL ADDRESS: joshanderson@mneis.com	FAX (A/C, No): (651) 340-5721
	INSURER(S) AFFORDING COVERAGE	
INSURED Jon-Con, Inc. DBA: Red Rock Saloon 374 21st Street Newport, MN 55055	INSURER A: WILSON MUTUAL INSURANCE COMPANY	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			#BR230615	07/01/2012	07/01/2013	EACH OCCURRENCE \$ 1,000,000.00 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000.00 MED EXP (Any one person) \$ 5,000.00 PERSONAL & ADV INJURY \$ 1,000,000.00 GENERAL AGGREGATE \$ 2,000,000.00 PRODUCTS - COMP/OP AGG \$ 2,000,000.00
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			#BR230615	07/01/2012	07/01/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000.00 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> 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		N/A				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	LIQUOR LIABILITY COVERAGE			#BR230615	07/01/2012	07/01/2013	* See Limits Below

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

LIQUOR LIABILITY LIMITS: \$1,000,000 Common Cause/\$1,000,000 Annual Aggregate/\$500,000 BI Each Person/\$500,000 BI Each Common Cause, PD Each Common Cause, Loss of Means of Support Each Person \$500,000 and \$500,000 Loss of Means of Support Each Common Cause.

CERTIFICATE HOLDER City of Newport 596 7th Avenue Newport, Minnesota 55055	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Josh P. Anderson
--------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

NEWPORT, MN
596 7TH AVE
NEWPORT MN 55055

Transacti 250
10-May-12 09:03am

Liquor License
\$2,800.00

Subtotal \$2,800.00
Check \$2,800.00 63644



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 6/30/2012 ID# 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

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Licensee Signature [Signature] DOB _____ SS# 472-64-4057 Date 4-11-12
(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 [Signature] Date 5-10-12
(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.)

NEWPORT, MN
596 7TH AVE
NEWPORT MN 55055

Transacti 252
10-May-12 11:34am

Liquor License
\$2,700.00

Subtotal \$2,700.00
Check \$2,700.00 89111



March 27, 2012

Mr. Brian Anderson, Administrator
City of Newport
Newport City Hall
596 7th Avenue
Newport, MN 55055

RE: Wetland Conservation Act Local Unit of Government

Dear Mr. Anderson:

At the request of select Cities and Townships within the South Washington Watershed District (SWWD) is requesting consideration of the attached resolution. This resolution will designate the administrative responsibility as Local Government Unit (LGU) to South Washington Watershed District for the Wetland Conservation Act. The LGU status will apply to that area of the City or Township included within the boundary of the SWWD.

The SWWD is requesting designation from most Cities and Townships within the watershed boundary. If the council designates LGU status to the SWWD, please forward a copy of the resolution to the SWWD office. Upon receipt of all City and Township resolutions the SWWD Board will complete the process by passing a resolution accepting LGU status. The SWWD will then forward all resolutions to the Minnesota Board of Water and Soil Resources. A target date for implementation by the SWWD is May 15, 2012. The SWWD appreciates your consideration of this action at a regular meeting in April to allow action by the SWWD Board at their May 8, 2012 meeting.

If you have questions or need additional information please contact me at 651.714.3729 or mmoore@ci.woodbury.mn.us.

Sincerely,
South Washington Watershed District

A handwritten signature in black ink, appearing to read "Matt Moore".

Matt Moore
SWWD Administrator
L:\wetlands\WCA\LGU Request.docx

RESOLUTION NO. 2012-12

**A RESOLUTION REGARDING THE ADMINISTRATION
OF THE WETLAND ACT OF 1991**

WHEREAS, the Minnesota Wetland Conservation Act of 1991 (WCA) requires local governmental unit (LGU) to implement this law by adopting the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation; and

WHEREAS, the BWSR is requesting notification of an LGU’s decision adopting or excepting administrative responsibility for another LGU in accordance with Minn. Rules part 8420.0200, item B; which requires each local government unit of the State to acknowledge in writing to the BWSR that it is assuming its responsibilities under the Wetland Conservation Act; and

WHEREAS, the LGU is responsible for following the WCA rules as stated in 8420.0200, Determining Local Government Unit Duties;

NOW, THEREFORE, BE IT RESOLVED that the City of Newport does hereby designate the administrative responsibility as the LGU to South Washington Watershed District for the WCA for that area of Newport included within the boundary of the South Washington Watershed District within the guidelines as set forth by the WCA rules.

Adopted by the City Council this 17th day of May, 2012.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: May 14, 2012

SUBJECT: Banning of Coal Tar-Based Sealants

BACKGROUND

At the request of the Planning Commission, staff researched the possibility of banning coal tar-based sealants for asphalt driveways due to the negative impact it has on bodies of water, specifically stormwater ponds. Staff brought draft language before the Planning Commission at the April 12 meeting and a public hearing was held at the May 10, 2012 meeting, at which no comments were made.

DISCUSSION

Coal tar sealant products contain polycyclic aromatic hydrocarbons (PAHs), which are a group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Scientific studies have shown that these products are a primary source of contaminants in bodies of water. A study in Austin, Texas compared levels of PAHs in water coming off parking lots without sealcoat to water coming off parking lots coated with asphalt and coal-tar sealcoat. The study revealed that the asphalt-based sealcoat runoff contained 10 times more PAH than the uncoated parking lot and the coal-tar sealcoat runoff had concentrations of PAH that were 65 times higher than the uncoated lot. In addition to the negative environmental impact, it is more expensive to maintain stormwater ponds that have been affected by PAHs because they need to be disposed of at special facilities.

Minnesota legislation has banned state agencies from purchasing coal tar-based sealant products and several Minnesota cities such as Maplewood, White Bear Lake, and Inver Grove Heights, have banned the use of coal tar-based sealant products on driveways, parking lots, and any other surfaces. Additionally, Lowe's and Home Depot have taken coal tar-based sealants off of their shelves and instead provide sealants that produce lower concentrations of PAHs.

RECOMMENDATION

Attached is the approved Resolution No. P.C. 2012-3 recommending that the City Council approve a zoning amendment to Chapter 1300, Section 1371, Storm water Management. It is recommended that the City Council approve Ordinance No. 2012-5 approving a zoning amendment to Chapter 1300, Section 1371.

**PLANNING COMMISSION
RESOLUTION NO. P.C. 2012-3**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVE A ZONING AMENDMENT
TO CHAPTER 1300, SECTION 1371 STORM WATER MANAGEMENT OF THE CITY OF
NEWPORT CODE OF ORDINANCES.**

WHEREAS, Scientific studies have shown that coal tar-based sealant products are a primary source of contaminants in bodies of water; and

WHEREAS, the City of Newport has over 17 acres of stormwater ponds and the Mississippi River to protect from these contaminants; and

WHEREAS, the State passed legislature in 2009 banning State agencies from using coal tar-based sealants for driveways and parking lots; and

WHEREAS, The Planning Commission held a public hearing on this Zoning Amendment at its regularly scheduled meeting of Thursday, May 10, 2012; and

NOW, THEREFORE, BE IT RESOLVED, That the Newport Planning Commission recommends Newport City Council approval of a Zoning Amendment to amend the present language found in *Chapter 1300, Section 1371, Stormwater Management*, of the *Newport City Code of Ordinances*. They will read as follows:

1371.11 Regulating the Use of Coal Tar-Based Sealer Products

Subd. 1 Purpose. The City of Newport understands that rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns. The purpose of this ordinance is to regulate the use of sealer products within the City of Newport, in order to protect, restore, and preserve the quality of its waters.

Subd. 2 Definitions

- A. **Asphalt-Based Sealer.** A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.
- B. **Coal Tar.** A byproduct of the process used to refine coal.
- C. **Coal Tar-Based Sealer.** A sealer material containing coal tar that has not been mixed with asphalt and which is commonly used on driveways, parking lots and other surfaces.
- D. **MPCA.** The Minnesota Pollution Control Agency.
- E. **PAHs.** Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

Subd. 3 Prohibitions.

- A. No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.
- B. No person shall contract with any commercial sealer product applicator, residential or commercial developer, or any other person for the application of any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

- C. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal-tar-based sealer to any driveway, parking lot, or other surface within the City.

Subd. 4 Asphalt-Based Sealcoat Products. The provisions of this ordinance shall only apply to use of coal tar-based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.

Subd. 5 Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

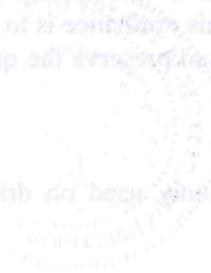
Subd. 6 Severability. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Adopted this 10th day of May 2012 by the Newport Planning Commission.

VOTE: Lindoo	<u>Aye</u>
Lund	<u>Aye</u>
Anderson	<u>Aye</u>
McElwee-Stevens	<u>Aye</u>
Prestegaard	<u>Aye</u>

Signed: Susan Lindoo
Susan Lindoo, Chairperson

ATTEST: [Signature]
Brian Anderson, City Administrator



**CITY OF NEWPORT
ORDINANCE 2012-5**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, APPROVING A ZONING
AMENDMENT TO CHAPTER 1300, SECTION 1371 STORM WATER MANAGEMENT, TO THE
CITY OF NEWPORT CODE OF ORDINANCES**

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

1371.11 Regulating the Use of Coal Tar-Based Sealer Products

Subd. 1 Purpose. The City of Newport understands that rivers, streams and other bodies of water are natural assets which enhance the environmental, recreational, cultural and economic resources and contribute to the general health and welfare of the community. The use of sealers on asphalt driveways is a common practice. However, scientific studies on the use of driveway sealers have demonstrated a relationship between stormwater runoff and certain health and environmental concerns. The purpose of this ordinance is to regulate the use of sealer products within the City of Newport, in order to protect, restore, and preserve the quality of its waters.

Subd. 2 Definitions

- A. **Asphalt-Based Sealer.** A petroleum-based sealer material that is commonly used on driveways, parking lots, and other surfaces and which does not contain coal tar.
- B. **Coal Tar.** A byproduct of the process used to refine coal.
- C. **Coal Tar-Based Sealer.** A sealer material containing coal tar that has not been mixed with asphalt and which is commonly used on driveways, parking lots and other surfaces.
- D. **MPCA.** The Minnesota Pollution Control Agency.
- E. **PAHs.** Polycyclic Aromatic Hydrocarbons. A group of organic chemicals formed during the incomplete burning of coal, oil, gas, or other organic substances. Present in coal tar and believed harmful to humans, fish, and other aquatic life.

Subd. 3 Prohibitions.

- A. No person shall apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.
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- C. No commercial sealer product applicator, residential or commercial developer, or other similar individual or organization shall direct any employee, independent contractor, volunteer, or other person to apply any coal tar-based sealer to any driveway, parking lot, or other surface within the City.

Subd. 4 Asphalt-Based Sealcoat Products. The provisions of this ordinance shall only apply to use of coal tar-based sealer in the City and shall not affect the use of asphalt-based sealer products within the City.

Subd. 5 Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor.

Subd. 6 Severability. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

The foregoing Ordinance was moved by Councilmember _____ and seconded by Councilmember _____.

The following Councilmembers voted in the affirmative:

The following Councilmembers voted in the negative:

Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 17th day of May 2012.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Brian Anderson, City Administrator



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: May 14, 2012

SUBJECT: Ordinance Regulating Massage Parlors within the City

BACKGROUND

At the April 19 NEDA meeting, City staff presented sample ordinances for regulating massage parlors within the City. NEDA requested that City staff establish an ordinance similar to Apple Valley's ordinance for regulating massage businesses within the City.

DISCUSSION

Attached for your review is Ordinance No. 2012-6 which adds a section to Chapter 4 of the City Code requiring massage businesses and therapists to be licensed. Additionally, Ordinance No. 2012-7 is attached for your review which amends the Fee Schedule to add fees for the license. Per the ordinance both massage businesses and therapists are required to be licensed annually with the City. Additionally, massage therapists are required to submit proof that they have received 500 credit hours of certified therapeutic massage course work from an accredited institution; a diploma or certificate for a massage therapy program; or proof of passing the National Certification Exam, in order to receive their license.

RECOMMENDATION

It is recommended that the City Council approve Ordinance No. 2012-6 amending the City Code of Ordinances, Chapter 4, Licensing, and Ordinance No. 2012-7 amending the Fee Schedule to add fees for Massage Therapy Businesses and Therapists.

**CITY OF NEWPORT
ORDINANCE 2012-6**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, ADDING SECTION 475
MASSAGE THERAPY BUSINESS AND MASSAGE THERAPIST LICENSES, TO THE CITY
OF NEWPORT CODE OF ORDINANCES**

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

Section 475 – Massage Therapy Business and Massage Therapist Licenses

475.01 PURPOSE. The City recognizes and accepts therapeutic massage, as distinguished from other forms of massage, as a scientific health care and/or maintenance technique or procedure for the human muscles, tendons, tissues, and the like. The City, however, equally recognizes the potential for illicit massage operations or establishments in the wake of legitimate, professional therapeutic massage establishments. Accordingly, in order to prevent or protect against the existence of illicit massage establishments or operations in the City and to protect the public's health, safety, and welfare, including the protection of the City's legitimate massage therapists' profession and reputation, the City deems it necessary to regulate therapeutic massage establishments and massage therapists through the licensing process.

475.02 DEFINITIONS. For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Subd. 1 Accredited Institution. An educational institution holding accredited status from the North Central Association of Colleges and Schools (NCA) or another regional accrediting agency approved by the United States Department of Education presently or at the time the applicant obtained his/her diploma or certificate of graduation.

Subd. 2 Accredited Program. A professional massage program presently or at the time the applicant obtained his/her diploma or certificate of graduation accredited by the Commission on Massage Therapy Accreditation (COMTA), or a comparable national or regional organization which is approved by the United States Department of Education for its accrediting program for compliance with quality and competency standards through a process of periodic review and self-study.

Subd. 3 Massage Therapy or Therapeutic Massage. A scientific health care or health maintenance techniques or procedures carried out by a massage therapist involving the rubbing, tapping, pounding or kneading of a person's skin, muscles, and tissues or the stretching of body limbs (e.g., Thai massage) for the purpose of easing mental and physical tension, the breaking up of fatty tissues, relaxing muscles, or alleviating muscle spasms, and the improvement of circulation through the body.

Subd. 4 Massage Therapy Business.

- A. Any enterprise, establishment, or operation, whether under control of an individual or legal entity, providing or offering to provide massage therapy services within the City for a fee or other consideration paid either directly or indirectly, that:
 - 1. Has one or more massage therapists, other than the owner, employed or contracted to provide massage therapy services for the massage therapy business; or

2. Is located in a fixed location in a non-residential district within the City wherein massage therapy services are provided.
- B. Any health or medical facility, office, or clinic operated by state licensed medical professional(s) or any health or medical-related business operated by state licensed medical professional(s) which provides therapeutic massage to its patients shall not be deemed as a massage therapy business.

Subd. 5 Massage Therapist. A person who practices or provides therapeutic massage to another for a fee or other consideration paid either directly or indirectly. A person licensed as a medical doctor, chiropractor, osteopath, podiatrist, licensed nurse, physical therapist, athletic director or trainer, or beautician (cosmetologist) or barber who confines his/her treatment to the scalp, face, and neck or the lower leg and feet in the case of a pedicure shall not be deemed as a massage therapist.

Subd. 6 Student of Massage Therapy. A person who is enrolled in and attends classes at a school, college, university, or other institution that is approved by the American Massage Therapists Association or other similar reputable massage association or accredited by a recognized educational accrediting association or agency or is licensed by the state or local government agency having jurisdiction over the school.

475.03 LICENSES REQUIRED.

Subd. 1 Massage therapist license required. It is unlawful for any person to practice therapeutic massage therapy or provide or offer to provide massage therapy within the City without a license therefor issued by the City.

Subd. 2 Massage therapy business license required. It is unlawful for any person or entity to operate a massage therapy business within the City without a license therefor issued by the City.

Subd. 3 Exception.

- A. This section shall not apply to and no massage therapy business license shall be required for:
1. A health care office, clinic, or facility:
 - a. Owned by a municipal corporation organized under the laws of the state, or
 - b. Owned by the state or any of its agencies, or
 - c. Licensed by the state; or
 2. Any business or entity owned and operated by state licensed medical professional(s) through whom therapeutic massage is provided to its patients as a secondary health care treatment provided by the business or entity.
- B. This section shall not apply to, and no massage therapy business license shall be required for, an accredited institution which provides an accredited program of study or course work in massage therapy or therapeutic massage provided:
1. The school, college, university, or institution meets the criteria set forth in the definition of student of massage therapy herein;

2. The massage therapy is provided during and as part of a course or clinical component of the school's program or course work; and
 3. The person is supervised by an instructor while providing or performing massage therapy.
- C. This section shall not apply to and no massage therapist license shall be required for:
1. A massage therapist who is working for, or an employee of, a medical professional licensed under M.S. Chapter 147 or Chapter 148 or an employee of a health care office, clinic, or facility:
 - a. Owned by a municipal corporation organized under the laws of the state, or
 - b. Owned by the state or any of its agencies, or
 - c. Licensed by the state; or
 2. Any student of massage therapy meeting the definition as set forth herein, provided:
 - a. The massage therapy is provided during and as part of a course or clinical component of an accredited program or course work; and
 - b. The massage therapy student is supervised by an instructor while providing or performing massage therapy services. A notice, which advises the public that the person who may provide massage therapy services is a student of massage therapy and is not licensed by the City, shall be posted in a conspicuous location in the room in which the massage therapy is provided.

Subd. 4 License period and renewal. A license issued under this chapter shall be an annual license, expiring on December 31 of each year. Any massage therapy business that is existing and operational within the City as of the effective date of this chapter, shall file all required license applications hereunder, along with the license and investigation fees, no later than six months after adoption of this ordinance. A license may be annually renewed, provided the licensee complies with the renewal application process as follows:

- A. The licensee shall complete the renewal application on a form provided by the City;
- B. The completed renewal application, along with the license fee, shall be filed with the City Clerk no later than November 15 each year;
- C. The massage therapy business licensee shall provide all information regarding ownership interest if different than the prior applications. If ownership interests have changed, an additional investigation fee is required.

Subd. 5 License and investigation fees. The license and investigation fees shall be determined by the City Council. All required license fees shall be paid on a prorated quarterly basis. In the case of a massage therapy business that is wholly owned and operated by the massage therapist licensed under this chapter and does not have any employee or contracted person other than the massage therapist licensed owner providing massage therapy services for or through the massage therapy business, the massage therapy business license fees shall not be required and only the massage therapist license fees shall be required. If it is found at any time during the term of the license period that the massage therapy business is not wholly owned and operated by the massage therapist licensed under this chapter or it has an employee(s) or contracted person(s) other than the massage therapist licensed owner providing massage therapy services for or through the massage therapy business, then the

massage therapy business license fees shall be required to be paid on a prorated basis for the remaining term of the massage therapy business license.

475.04 LICENSE APPLICATION.

Subd. 1 Massage therapy business license application. An application for a license to operate a massage therapy business shall be filed, along with all required fees, with the City Clerk. The investigation fee is applied to the City's costs of the background investigation of the massage therapy business and all persons or entities that have a 5% financial interest in the massage therapy business. An investigation by the building inspector shall be conducted of all premises proposed to be licensed before consideration by the City. The Police Department shall conduct the background investigation before consideration by the City. All applications shall thereafter be considered and approved or denied by the City Clerk. The application shall provide:

- A. All applicants:
 1. Whether the applicant/owner is an individual, corporation, partnership, or other form of organization;
 2. Full name, address, date and place of birth, and telephone number of the applicant, all owners and operators, including the designated on-site manager or agent of the applicant;
 3. The address of the premises where the massage therapy business is to be located if proposed to have a fixed location in which the services are provided and if the applicant does not own the premises, a copy of the lease agreement to occupy the premises;
 4. Statement of whether all taxes and special assessments due and owing on the premises on which the applicant proposes to operate the massage therapy business are current, and if taxes are delinquent, the years for which the taxes on the premises are delinquent (this information is required by the applicant only if the applicant or other entity in which the applicant has an interest has the legal duty to pay said property taxes or assessments due and owing);
 5. The name of the business if the business is to be operated under a name or designation other than the name of the applicant. This shall be accompanied by a certified copy of the certificate required by M.S. §§ 333.01 and 333.02;
 6. Proof of general liability insurance coverage in effect as required in this chapter;
 7. The applicant shall produce at time of filing application the applicant's proof of identification which may be established only by one of the following:
 - a. A valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;
 - b. A valid military identification card issued by the United States Department of Defense;
 - c. A valid passport issued by the United States; or
 - d. In the case of a foreign national, by a valid passport.

For purposes of proof of identification, the **APPLICANT** shall mean the on-site manager or agent for a massage therapy business filing application and the natural person signing

the application for a massage therapy business license;

8. The application shall identify the full name, address, date and place of birth, and telephone number of the natural person, designated by the applicant as the massage therapy business's on-site manager or agent, who shall be a resident as of the date of application of the State of Minnesota or the following Wisconsin counties: Pierce, St. Croix, Pepin, Dunn, Polk, along with the notarized written consent of such a person to:
 - a. Take full responsibility for the conduct of the licensed premises and operation; and
 - b. Serve as agent for service of notices and other process relating to the license;
9. With respect to the owner, operator, or any person who has a 5% financial interest in the proposed licensed massage therapy business and the appointed on-site manager or agent of the applicant, information as to any and all criminal conviction(s) of any state, county, or local law or regulation;
10. Proof of Workers' Compensation insurance as required by Minnesota law; and
11. Such other information as the City shall require.

B. Individuals:

1. The full name, address, date and place of birth, and telephone number of the applicant;
2. Whether the applicant and on-site manager or agent have ever used or have been known by a name other than his or her name on the application, and if so, the name or names used and information concerning dates and places where used;
3. Whether the applicant is a United States citizen or is legally permitted to be in the United States and providing proof thereof;
4. The street and City addresses at which the applicant and on-site manager or agent lived during the preceding ten years;
5. Names, addresses, and dates of the applicant's and on-site manager's or agent's employers for the preceding ten years;
6. Whether the applicant and on-site manager or agent have ever been engaged in the operation of massage services. If so, they shall furnish information as to the name, place, and length of time of the involvement in such an establishment; and
7. Such other information as the City shall require.

C. Partnerships:

1. The full name(s), address(s), date and place of birth, and financial interest of all general partners and all of the information concerning each general partner that is required of applicants in Subd. 1(2) of this section;
2. The full name(s), address, date and place of birth, and telephone number of the managing partner(s) and the interest of each managing partner in the business;
3. A copy of the partnership agreement shall be submitted with the application. The license shall be issued in the name of the partnership; and

4. Such other information as the City Council shall require.
- D. Corporations and other organizations:
1. The name of the corporation or business firm, and if incorporated, the state of incorporation;
 2. A copy of the certificate of incorporation, shall be attached to the application. If the applicant is a foreign corporation, a certificate of authority as required by M.S. § 303.06, shall be attached;
 3. The name of the manager(s), proprietor(s) or other agent(s) in charge of the business and all of the information concerning each manager, proprietor, or agent that is required of applicants in Subd. 1(2) of this section;
 4. A list of all persons who own or have a 5% or more interest in the corporation or organization or who are officers of said corporation or organization, together with their addresses and all the information regarding such persons as is required in Subd. 1(2) of this section; and
 5. Such other information as the City shall require.

Subd. 2 Massage therapist license application. An application for a massage therapist license shall be filed, along with all required fees, with the City Clerk. The Police Department shall conduct the background investigation before consideration by the City. All applications shall thereafter be considered and granted or denied by the City Clerk. The application for a license under this division shall be made on a form supplied by the City Clerk and shall request the following information:

- A. The applicant's full name, address, date and place of birth, telephone number, weight, height, eye color;
- B. The name, address, and telephone number of the applicant's current employer;
- C. The applicant's employers for the previous ten years, including the employer's name and address and dates of employment;
- D. The applicant's addresses for the previous ten years;
- E. Whether the applicant is a United States citizen or is legally permitted to be in the United States and providing proof thereof;
- F. Whether the applicant has ever used or has been known by a name other than his or her name, and if so, the name or names used and information concerning dates and the county and state where used;
- G. Proof of general liability insurance coverage in effect as required in this chapter (proof of insurance coverage may not be available to the applicant at time of application, but proof of insurance coverage shall be submitted to the City Clerk before a license is issued);
- H. The applicant shall produce at time of filing application the applicant's proof of identification which may be established only by one of the following:

1. A valid driver's license or identification card issued by Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person;
 2. A valid military identification card issued by the United States Department of Defense;
 3. A valid passport issued by the United States; or
 4. In the case of a foreign national, by a valid passport.
- I. Information as to any and all criminal conviction(s) of any state, county, or local law or regulation;
- J. One of the following:
1. Proof of successful completion of a minimum of 500 credit hours of certified therapeutic massage training/course work that includes subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited institution or program;
 2. A diploma or certificate of graduation for a comprehensive massage therapy program consisting of the course work stated above in Subd. 2(J)(1) issued to the applicant from an accredited institution or an accredited program; or
 3. Proof of passing the National Certification Exam offered by the National Certification Board for Therapeutic Massage & Bodywork and a minimum of seven years of full-time work experience as a massage therapist within the United States; and
 4. Such other information as the City shall require.

475.05 LICENSE ELIGIBILITY.

Subd. 1 A massage therapy business shall not be issued a massage therapy business license upon the following grounds:

- A. The proposed fixed location or premises in which the massage therapy business proposes to provide massage therapy services is not located in a commercial or industrial district in which medical or health care facilities or uses are permitted as established by the zoning chapter of this code;
- B. The owner, operator, or any person who has a 5% financial interest in the proposed licensed massage therapy business or the appointed on-site manager or agent of the applicant has a conviction for, or was charged with, but convicted of a lesser charge of, a crime involving a violation of any massage therapy-related regulation in any other jurisdiction, any prostitution-related offense, criminal sexual conduct, indecent exposure, surreptitious intrusion, disorderly house as defined by Minnesota Statutes, theft, felony drug offense, any crime of violence as defined by Minnesota Statutes, or any other similar crime or offense within ten years of the date of application;
- C. The owner, operator, or any person who has a 5% financial interest in the proposed licensed massage therapy business had a massage therapist- or massage therapy business-related license in another jurisdiction that was suspended or revoked within ten years preceding the date of application;
- D. The application failed to identify the full name, address, and date and place of birth of the natural person designated by the applicant as the massage therapy business's on-site manager or agent, along with the notarized written consent of such a person to:
 1. Take full responsibility for the conduct of the licensed premises and operation; and
 2. Serve as agent for service of notices and other process relating to the license;

- E. The on-site manager or agent designated by the applicant is not a resident as of the date of application of the State of Minnesota or the following Wisconsin counties: Pierce, St. Croix, Pepin, Dunn, Polk;
- F. The on-site manager or agent designated by the applicant is not a United States citizen and is not legally permitted to be in the United States;
- G. The applicant provided false or misrepresented information in the application;
- H. The massage therapy business is proposed to be operated on premises on which property taxes, assessments, or other financial claims by the state, county, or City are due, delinquent, and unpaid, provided the applicant or other entity in which the applicant has an interest has the legal duty to pay said taxes, assessments, or claims due and owing;
- I. The applicant does not have general liability insurance coverage in effect as required in this chapter; and
- J. The applicant has been denied a license under this chapter within the preceding 12 months.

Subd. 2 A massage therapist shall not be issued a massage therapist license upon the following grounds:

- A. The applicant has a conviction for or was charged with, but convicted of a lesser charge, a crime involving a violation of any massage therapy-related regulation in any other jurisdiction, any prostitution-related offense, criminal sexual conduct, indecent exposure, surreptitious intrusion, disorderly house as defined by Minnesota Statutes, theft, felony drug offense, any crime of violence as defined by Minnesota Statutes, or any other similar crime or offense within ten years of the date of application;
- B. The applicant had a massage therapist- or massage therapy business-related license in another jurisdiction that was suspended or revoked within ten years preceding the date of application;
- C. The applicant is not 18 years of age or older;
- D. The applicant is not a resident as of the date of application of the State of Minnesota or the following Wisconsin counties: Pierce, St. Croix, Pepin, Dunn, Polk;
- E. The applicant is not a United States citizen and is not legally permitted to be in the United States;
- F. The applicant has not earned or did not provide:
 - 1. Proof of successful completion of a minimum of 500 credit hours of certified therapeutic massage training/course work that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited institution or program; or
 - 2. Proof of a diploma or certificate of graduation in a comprehensive massage therapy program consisting of the course work stated above in Subd. 2(F)(1) issued to the applicant from an accredited institution or an accredited program for massage therapy; or
 - 3. Proof of passing the National Certification Exam offered by the National Certification Board for Therapeutic Massage & Bodywork and a minimum of seven years of full-time

work experience as a massage therapist within the United States. In the case of an applicant who provided proof of the minimum of 500 hours of training/course work as set forth herein, a license may be issued, but a license will not be renewed unless the applicant provides at the time of license renewal proof of a diploma or certificate of graduation from a full massage therapy program from an accredited institution or an accredited program for massage therapy;

- G. The applicant provided false or misrepresented information on the application;
- H. The applicant does not have general liability insurance coverage in effect as required in this chapter; or
- I. The applicant has been denied a license under this chapter within the preceding 12 months.

475.06 RESTRICTIONS AND REGULATIONS.

Subd. 1 Massage therapy business licenses granted for massage therapy services or operation at a fixed location or premises does not permit the business to provide massage therapy services at any location other than the premises identified on the license, except a licensed massage therapist employed or contracted by the massage therapy business licensee may provide massage therapy services

- A. To a client at the client's residence or place of care if in a long- or short-care facility, such as a hospital, nursing home, or convalescence facility; and
- B. In connection with a special event or function whereby the massage therapist provides massage therapy to attendees of the event or function.

Subd. 2 The act of any employee of the licensee is deemed to be the act of the licensee. The licensee shall be responsible for all acts and conduct attributable to and in connection with massage therapy services provided by the licensee or occurring on the premises of the massage therapy business.

Subd. 3 The person who is receiving a massage shall at all times have his/her anus, intergluteal cleft (buttocks crease), and genitals covered with clothing or properly draped with non-transparent material. The person who is receiving massage therapy of the breast or buttocks (gluteal) shall have the breast or buttock (gluteal muscle) that is not then immediately receiving massage therapy properly covered and draped with non-transparent material.

Subd. 4 The licensee and all employees of the licensee shall at all times be fully clothed and shall not expose his/her breast, buttocks, anus, or genitals.

Subd. 5 At no time shall the massage therapist touch or offer to touch or massage the penis, scrotum, mons veneris, vulva, or vaginal area of any customer or person inquiring of massage therapy services.

Subd. 6 No beer, liquor, narcotic drug, or controlled substances, as such terms are defined by state statutes or the City Code, shall be used or ingested or present during any massage therapy session.

Subd. 7 No doors of massage rooms, when occupied by one or more persons, shall be locked. All locks, if any, shall be keyed only from the exterior of the massage rooms.

Subd. 8 Only massage therapists who are licensed by the City shall practice or provide therapeutic massage services for a licensed massage therapy business or within the licensed massage therapy business premises as identified in its license.

Subd. 9 The licensee shall comply with any and all provisions of this chapter, all provisions of the City Code, and any state law or regulation.

Subd. 10 The licensee shall not provide any massage therapy services and the identified premises for a licensed massage therapy business shall not be open between the hours of 10:00 p.m. and 6:00 a.m. of any day.

Subd. 11 The licensed premises under a licensed massage therapy business, if any, shall, during all operating hours, be open to inspection by any building, zoning, code or police officer to determine whether this chapter and all other laws are being observed. All persons, as a condition to being issued such license, consent to such inspections by such officers. It is unlawful for any licensee or agent or employee of a licensee to hinder or prevent a City inspecting officer from making such inspection.

Subd. 12 If a licensed massage therapy business's on-site manager or agent ceases to be located at the licensed premises or ceases to act in such capacity for the licensee without appointment of a successor, the license issued pursuant to such appointment shall be subject to revocation or suspension.

Subd. 13 A massage therapist licensee shall have the valid license issued by the City in his/her possession while providing massage therapy within the City and a massage therapy business shall conspicuously post the valid license issued by the City in its premises identified in the massage therapy business license.

Subd. 14 No license issued under this chapter may be transferred. Massage therapy business licenses shall terminate upon any change in officers or ownership interests of the licensee, unless the change is approved by the Council in which case the license shall only continue in force until the end of the license term.

Subd. 15 The licensee shall have in effect during the license period general liability insurance providing minimum coverage of \$300,000 combined single limit per occurrence. This requirement shall not apply to a licensed massage therapist who is an employee of and covered under a massage therapy business liability insurance policy provided proof of such coverage is provided to the City. The licensee shall provide to the City a certificate of insurance evidencing the insurance coverage as required herein.

Subd. 16 The licensee shall comply with all laws of health and sanitation.

Subd. 17 Violation of any law or regulation relating to the license issued under this chapter, or any building, safety or health regulation shall be grounds for suspension or revocation of any license, as determined by the City Council.

475.07 PROHIBITED BUSINESS OR OPERATIONS.

No massage therapy business shall be used or operated as or in conjunction with an adult use business as defined in this code.

The foregoing Ordinance was moved by Councilmember _____ and seconded by Councilmember _____.

The following Councilmembers voted in the affirmative:

The following Councilmembers voted in the negative:

Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 17th day of May 2012.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Brian Anderson, City Administrator

**CITY OF NEWPORT
ORDINANCE 2012-7**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA,
AMENDING CITY FEES TO ADD MASSAGE THERAPY BUSINESS AND MASSAGE
THERAPIST LICENSE FEES**

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

SECTION 1. AMENDMENT. The official fee schedule for the City of Newport shall be amended by adding the following fees:

2. Business

Massage Therapy Business	
Application Fee	\$300
Investigation Fee	\$300
Additional Owner/New Officer	\$100
Change in on-site manager	\$100
Amendment to license	\$75
Massage Therapist	
New Application Fee	\$100
Renewal Application Fee	\$75

The foregoing Ordinance was moved by Councilmember _____ and seconded by Councilmember _____.

The following Councilmembers voted in the affirmative:

The following Councilmembers voted in the negative:

Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 17th day of May, 2012.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Brian Anderson, City Administrator

April 2012

Newport Police Department
Activity Report

		Monthly Total	Yearly Total
ACCIDENTS		5	19
ADMINISTRATIVE		84	310
ALARMS		5	29
ANIMAL CALLS		11	21
ARRESTS	Felony	1	6
	Misdemeanor	5	14
	Gross Misd.	1	6
ASSAULTS	Aggravated		
	Simple	3	8
ASSIST OTHER DEPT/OFFICER		41	231
ASSIST PUBLIC		143	573
AUTO THEFT			4
	Attempted		2
BURGLARY		1	4
	Attempted	1	1
CHILD ABUSE/NEGLECT		1	3
CIVIL DISPUTES		8	23
CRIMINAL SEXUAL CONDUCT			1
CURFEW			
DAMAGE TO PROPERTY		3	17
DEATH INV.		1	3
DISORDER CONDUCT		1	7
DOMESTICS		12	56
DRIVING COMPLAINT		8	31
DRUGS/PARAPHERNALIA			2
DRUNKS/DETOX		1	3
D.W.I.		1	6
FIRECALLS		7	23
FORGERY		1	2
FOUND PROPERTY		1	9
HAR/COMM			11
HANG UPS (911)		4	13
JUVENILE PETTY CITATIONS		1	12
JUVENILE PROBLEMS		8	17
LOCK-OUTS		3	18
MEDICAL CALLS		16	65
MISSING PERSONS			1
ORDINANCE VIOLATIONS		16	41
ORDINANCE WINTER PARK			27
PROWLERS			
ROBBERY			
	Attempted		
RUN-AWAY			1
STOLEN AUTOS RECOVERED		1	4
SUSPICIOUS ACTIVITY		29	93
THEFT		18	57
	Attempted		
CITATIONS		74	347
TRAFFIC WARNINGS		72	331
		Monthly Total	Yearly Total
Overall Grand Total All Events		588	2452