



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
JUNE 21, 2012 – 5:30 P.M.**

MAYOR:	Tim Geraghty	City Administrator:	Brian Anderson
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 June 7, 2012 Regular City Council Meeting
 - B. Minutes of the June 7, 2012 Public Hearing Meeting
 - C. List of Bills in the Amount of \$572,490.23
 - D. Resolution No. 2012-14 – Appointing Chief Montgomery as Responsible Authority for Data Practices
 - E. Temporary Liquor License for Newport Fire Department for Booya
 - F. Solicitor’s Permits – Under Separate Cover
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR’S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR’S REPORT
 - A. **Public Hearing** – To consider a resolution finding the existence of a public nuisance at 1057 7th Avenue in the City of Newport, Minnesota, ordering the immediate abatement thereof and authorizing the assessment of the cost of the abatement.
 1. Memo from Renee Helm
 2. Notice of Public Hearing
 3. Resolution No. 2012-15

Agenda for 06-21-2012

- B. Red Rock Gateway Area
 - 1. Memo from Barbara Dacy, Washington County HRA
 - 2. Resolution No. 2012-16
 - 3. Joint Powers Agreement Between the City and Washington County HRA
 - 4. Red Rock Corridor Redevelopment Plan
- C. **Ordinance No. 2012-8** – Approving a Zoning Amendment to Section 1300, Section 1330, and Section 1350, Adding Section 1370.09, and Amending the Zoning Map
- D. **Resolution No. 2012-17** – Authorizing the Mayor and City Administrator to Execute a Purchase Agreement for 1605 Cedar Lane and to Submit a Grant Application to the Department of Natural Resources for the Flood Damage Reduction Grant Assistance Program
- E. Discuss the Veteran’s Memorial in Pioneer Park
- F. Discuss Penalties for Liquor and Cigarette Licenses
- G. Complete Streets Policy

10. ATTORNEY’S REPORT

11. POLICE CHIEF’S REPORT

- A. May 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. Joint Workshop Session | June 28, 2012 | 5:30 p.m. |
| 2. Parks Board Meeting | June 28, 2012 | 7:00 p.m. |
| 3. Fourth of July – City Offices will be closed | July 4, 2012 | |



**City of Newport
City Council Minutes
June 7, 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 – Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Fritz Knaak, City Attorney; John Stewart, City Engineer

Staff Absent – Brian Anderson, City Administrator; Renee Helm, Executive Analyst;

4. ADOPT AGENDA

Mayor Geraghty – I have one correction on the Consent Agenda, the correct amount for the list of bills is \$253,493.97.

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

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the May 17, 2012 Regular City Council Meeting
- B. List of Bills in the Amount of \$253,493.97
- C. Approval of 2012-2013 Liquor License Renewals
- D. Farm Animal Permit for Kim Brown

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Ron Lischeid, St. Paul Park Resident – Mr. Lischeid is the Independence Party candidate for House District 54A and was present to introduce himself. Over the next several months, Mr. Lischeid will be contacting each Council member to discuss what they would like completed in Newport.

7. MAYOR'S REPORT –

Mayor Geraghty – I will be participating in the Relay for Life event tomorrow night. Four mayors from the area will be in the dunk tank. I will be in the dunk tank from 7:30 to 8:00.

8. COUNCIL REPORTS

Councilman Rahm – I attended a South Washington County Telecommunications meeting, they finalized their

budget. I asked them to look at their rates that they reimburse each City.

Councilman Ingemann – I was at the meat raffle that the Fire Department had and it was a good crowd.

Councilman Sumner – I'm sure most of you have seen the progress being made on the North Ravine project, it's going to benefit the City tremendously. I recently coordinated the blood drive for my work and we sent over 200 units. I urge anybody who can to consider donating.

Councilman Gallagher – Nothing to report

9. ADMINISTRATOR'S REPORT

A. Deer Hunting Ordinance Presentation

Tom Aguilar Downing, 1550 Wild Ridge Court – Mr. Aguilar-Downing was present to discuss this item as outlined in the June 7, 2012 City Council packet.

Councilman Rahm – Do you have a cost of the Metro Bow Hunters Resource?

Susan Lindoo, 1280 Wild Ridge Trail – They don't charge anything. If the City wants to be on their policy it would be a \$50 fee.

Mayor Geraghty – Do we have any information on what the deer reduction rate might be when we have controlled hunts?

Mr. Aguilar-Downing – Only time would tell. I can say that Lake Elmo has been doing this for a number of years and have been successful; it's not a single-year approach.

Councilman Rahm – I think the aerial surveys would help measure that.

Mr. Aguilar-Downing – I think it would help to do an annual aerial survey for the first couple years.

Councilman Sumner – Does anyone remember the cost of that survey?

Councilman Gallagher – I believe it was \$700.

Councilman Ingemann – Isn't it suggested to not feed the wild animals now?

Councilman Gallagher – It's not in the ordinance.

Mr. Aguilar-Downing – It's a good practice and part of our neighborhood meetings was about educating the neighbors about why it's not a good idea to feed the wildlife.

Mayor Geraghty – Obviously we need to do some changes to the ordinance.

Councilman Sumner – Have your neighbors agreed to stop feeding?

Mr. Aguilar-Downing – I don't think it's unanimous but a majority will stop feeding.

Councilman Sumner – What are other cities doing in order to enforce the no feeding ordinance?

Attorney Knaak – The strongest sanction you can offer is to call it a misdemeanor.

Mr. Aguilar-Downing – A resident did suggest a good neighbor policy in St. Paul where you can call into the

police and the city sends out a postcard to the resident reminding them about the ordinance.

Councilman Gallagher – That’s what we’ve been doing with the CSO.

Ms. Lindoo – I don’t think the feeding is the main problem here because we live on the edge of a forest where deer like to live but it won’t sustain them because we fragmented the forest.

Councilman Gallagher – I attended a couple of those meetings and was very impressed with the turnout and discussion. Kathy, will you look at the forest assessment?

Kathy Aguilar-Downing, 1550 Wild Ridge Court – I called a couple organizations looking for someone to look at assessing our forest for sustaining a healthy deer herd. The organizations were willing to come in but wanted money to do so.

Councilman Gallagher – Does the DNR have a program to help with that?

Laura Duffey, 1461 12th Avenue – I work at the DNR with foresters. DNR Foresters are available to check school forest areas for what they need. The forester will come out to assess the forest and let the City know how to manage the deer population.

Councilman Gallagher – Would you be able to facilitate that?

Ms. Duffey – Yes, there is a forester that will be coming in.

Mayor Geraghty – What will they come up with after they’ve done the assessment?

Ms. Duffey – They can do a stewardship plan or management plan.

Councilman Sumner – How long does that take?

Ms. Duffey – Probably a couple weeks after visiting the site.

Mayor Geraghty – Thank you for your work. I think the next step will be to draft an ordinance amendment.

Councilman Gallagher – Maybe we should have staff contact MBRB to see about controlled hunts since it starts in September.

Mayor Geraghty – Do we want staff to bring something back at the next meeting or the second July meeting?

Councilman Gallagher – I think the second July meeting. Maybe we can take a look at other ordinances about deer feeding.

B. Resolution No. 2012-13 – Accepting the Donation of a Parcel of Real Estate within the City from Joel Williams

Motion by Sumner, seconded by Gallagher to approve Resolution No. 2012-13 accepting the donation of a parcel of real estate within the City from Joel Williams. With 5 Ayes, 0 Nays, the motion carried.

10. ATTORNEY’S REPORT –

Attorney Knaak – You should have the monthly prosecution report before you. The volume stayed at what is considered the new normal.

Councilman Gallagher – Are a majority of these individuals Newport residents?

Attorney Knaak – A lot of the traffic violations is off the freeway and they are typically out of town, whereas the ordinance violations are Newport residents.

11. POLICE CHIEF’S REPORT –

Councilman Rahm – Have we gotten the new squad car yet?

Chief Montgomery – No, I’m hoping by the end of July.

12. FIRE CHIEF’S REPORT – Chief Mailand reported on the number of calls in the past month, which include: grass fire, dumpster fire, electrical problems, and car problems. On Monday, June 25 and Tuesday, June 26, we’ll be going door-to-door selling raffle tickets for Booya.

13. ENGINEER’S REPORT –

John Stewart – The I & I project is going well. As you are well aware we did have a heavy rainfall at the end of May that caused some sewer problems. We’re working with Bruce on a report for the next Council meeting on inflow. The North Ravine project is progressing very well. We are done with the ponds on the Bailey Site. They’ve moved off the hill now. We’re about 35% done with the project. We anticipate that Ford Road will be closed on Monday and Tuesday.

Councilman Sumner – Are they taking all of the blacktop?

John Stewart - Yes

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Councilman Sumner – I had asked about the trees that MnDot had put in earlier.

Superintendent Hanson – They are out surveying the trees.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Sumner, seconded by Ingemann, to adjourn the regular Council Meeting at 6:20 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst



**City of Newport
Public Hearing Minutes for MS4 (Storm Water Pollution Prevention Program)
June 7, 2012**

PUBLIC HEARING: MS4 (Storm Water Pollution Prevention Program)

Mayor Geraghty opened the Public Hearing at 6:23 PM.

Bruce Hanson, Supt. of Public Works, presented on the 2012 Annual Report of the Storm Water Pollution Prevention Program to the Council.

In 1972; Federal legislation developed the Clean Water Act which is designed to protect all surface water in the United States. This includes Rivers, Ponds and Streams. This public hearing is part of an annual report that provides the Minnesota Pollution Control Agency with a summary of the City's status of the Storm Water Pollution Prevention Program (SWPPP). The SWPPP is designed to minimize the discharge of pollutants out of the water. Most of Newport's Storm Water goes into the Mississippi River either directly or indirectly through a pond system. Water enters these ponds and the river through catch basins.

The Program is broken down into six categories:

1. Public education and outreach
The City publishes articles about this program in its newsletters and on its website to educate the residents.
2. Public participation
Public Works has begun applying stencils on storm drains that drain directly to the river.
3. Illicit discharge detection and elimination.
The City is always looking for things draining into the storm sewer that should not be there.
4. Construction site storm water runoff control
When construction is going on, Public Works staff makes sure that silt fences and control measures are in the proper place, and maintained
5. Post-construction storm water management in new development and redevelopment
Inspections are made to insure they are in compliance.
6. Pollution prevention/good housekeeping for municipal operations
Public Works staff documents the specific areas that they sweep and then record the amounts of material that is picked up. This is then compared to the loads of product that is used for ice control and winter maintenance to the loads of material that are swept in the spring.

Mayor Geraghty closed the Public Hearing at 6:28 PM.

Councilman Gallagher – What would be the biggest thing that every homeowner can do to help out?

Superintendent Hanson - Watching your grass as to when you fertilize and when you mow. When you mow, make sure that the grass or leaves do not go into the catch basin.

John Stewart – Unfortunately once it's in the system it's stuck in there.

Motion by Gallagher, seconded by Sumner, to accept the 2012 Annual Report. With 5 Ayes, 0 Nays, the motion carried.

Motion by Ingemann, seconded by Gallagher, to adjourn the Public Hearing meeting at 6:29 PM. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: June 14, 2012

SUBJECT: List of Bills for June 21, 2012

Please note that the list of bills includes the following:

Check Register	\$156,519.34
Loveland Parking Lot Repair	32,000.00
I & I Partial Payment #3	28,960.75
<u>North Ravine Partial Payment #2</u>	<u>355,010.14</u>
Total	\$572,490.23

Text25	Text26	Text27	Text28	Comments
Paid Chk# 000051E	PSN	41065	33.88	w&s online payment services
Paid Chk# 000053E	MN REVENUE	41073	1,864.61	state withholding
Paid Chk# 000054E	FEDERAL TAXES	41073	10,245.83	withholding, fica, medcare
Paid Chk# 000055E	ING LIFE INSURANCE & ANNUITY	41074	416.98	hcsp
Paid Chk# 013642	ARAMARK REFRESHMENT SERV.	41067	116.26	
Paid Chk# 013643	ATOMIC-COLO, LLC	41067	2,528.34	computer support
Paid Chk# 013644	BAUER BUILT, INC	41067	961.70	PD tires
Paid Chk# 013645	BRAUN INTERTEC CORP.	41067	2,684.50	materials testing - n ravine
Paid Chk# 013646	CENTURY LINK	41067	271.36	phone
Paid Chk# 013647	COMCAST	41067	362.35	
Paid Chk# 013648	COMMERCIAL ASPHALT CO.	41067	2,156.72	asphalt
Paid Chk# 013649	COTTAGE GROVE, CITY OF	41067	908.19	building inspection
Paid Chk# 013650	FAIR OFFICE WORLD	41067	321.84	office supplies
Paid Chk# 013651	G & K SERVICES	41067	79.49	uniforms
Paid Chk# 013652	GOPHER STATE ONE-CALL	41067	87.00	
Paid Chk# 013653	HAWKINS	41067	5.00	chlorine
Paid Chk# 013654	HIGHLAND SANITATION	41067	151.87	trash
Paid Chk# 013655	INTERNATIONAL UNION OF OP. EN	41067	160.00	
Paid Chk# 013656	JASON JOA	41067	79.20	safety glasses
Paid Chk# 013657	Knaak & Assoc. PA	41067	5,200.00	legal services
Paid Chk# 013658	LIBERTY NAPA OF NEWPORT	41067	173.69	supplies
Paid Chk# 013659	M-B TIRE CO. INC.	41067	1,630.32	FD tires
Paid Chk# 013660	MERIT CHEVROLET	41067	38.06	vehicle repairs
Paid Chk# 013661	Metropolitan Council	41067	15,613.70	
Paid Chk# 013662	ON SITE SANITATION	41067	518.35	portable restrooms
Paid Chk# 013663	PIPELINE INDUSTRIES INC.	41067	700.00	sewer cleaning and televising
Paid Chk# 013664	PITTNEY BOWES POSTAGE BY PHC	41067	99.62	
Paid Chk# 013665	RIVERTOWN NEWSPAPER GROUP	41067	403.41	publishing
Paid Chk# 013666	SCHELEN GRAY AUTO & ELECTRIC	41067	149.61	#15 repair
Paid Chk# 013667	SEAN MCADELL	41067	189.95	shoulder holster
Paid Chk# 013668	SOUTH SUBURBAN RENTAL, INC.	41067	39.54	
Paid Chk# 013669	STAR TRIBUNE	41067	72.80	newspaper
Paid Chk# 013670	STREICHERS	41067	186.96	uniforms
Paid Chk# 013671	SW/WC SERVICES COOPERATIVES	41067	14,526.00	
Paid Chk# 013672	TKDA	41067	5,084.17	planning
Paid Chk# 013705	BDM Consulting Engineers	41074	0.00	engineering - VOIDED
Paid Chk# 013706	Cardmember Services	41074	3,578.07	visa
Paid Chk# 013707	CARLSON MCCAIN, INC	41074	3,243.50	knaff hydrologist
Paid Chk# 013708	CENTURY LINK	41074	104.78	phone
Paid Chk# 013709	CINTAS -754	41074	101.69	rugs
Paid Chk# 013710	CUSTOM MANUFACTURING, INC.	41074	1,666.87	picnic table frames
Paid Chk# 013711	EHLERS	41074	1,218.75	financial management plan
Paid Chk# 013712	FLEET ONE LLC	41074	1,682.31	fuel
Paid Chk# 013713	FOX VALLEY SYSTEMS, INC.	41074	329.11	ball field striping supplies
Paid Chk# 013714	G & K SERVICES	41074	83.45	uniforms
Paid Chk# 013715	GOPHER STATE ONE-CALL	41074	81.50	
Paid Chk# 013716	ING LIFE INSURANCE & ANNUITY	41074	1,024.62	
Paid Chk# 013717	JOHN BARTL HARDWARE	41074	174.52	garden, cleaning supplies

Paid Chk# 013718	MN CHILD SUPPORT PAYMENT CN	41074	528.60	child support
Paid Chk# 013719	OXYGEN SERVICE CO.	41074	39.81	cylinder maintenance
Paid Chk# 013720	PERA	41074	7,367.49	
Paid Chk# 013721	RENEE HELM	41074	157.62	milage - edam conference
Paid Chk# 013722	SELECTACCOUNT	41074	34.77	
Paid Chk# 013723	SELECTACCOUNT	41074	581.00	
Paid Chk# 013724	STREICHERS	41074	65.12	uniforms
Paid Chk# 013725	TKDA	41074	2,731.50	planning - red rock, general
Paid Chk# 013726	TRI-STATE BOBCAT	41074	188.26	tool cat suspension repairs
Paid Chk# 013727	UNIFORMS UNLIMITED, INC.	41074	133.59	uniforms
Paid Chk# 013728	VERIZON	41074	78.10	air cards
Paid Chk# 013729	XCEL ENERGY	41074	5,170.73	electricity
Paid Chk# 013730	BDM Consulting Engineers	41074	12,214.33	engineering
	WAGES		45,877.95	
			156,519.34	

Arcade Asphalt, Inc.

6433 20th Ave. So. • Lino Lakes, MN 55038 • (651) 429-7005

MATT VESEL

Black Topping • Resurfacing • Patching • Bob Cat Grading
Crushed Rock • Snow Plowing & Removal

248 5709

Work to be performed at Love Land Park : Glen Rd. City Nayton

Name Bruce Hansen GSN 459 2475 Telephone FAX 459-2043

Address _____ City _____

We hereby propose to complete the job to the satisfaction of our customers. All material is guaranteed. Our price includes all excavating, grading, gravel and blacktop. It includes only the finest quality materials; Limerock (Dolomite) for base, and blacktop which meets Highway Specifications of 2341 or 2331 Wear. Hot AC 5%-6% oil with 1/2"-3/4" rock used in the blacktop. This product will be used unless stated above.

5 YEAR GUARANTEE ON WORKMANSHIP AND MATERIALS. DUE TO THE EXTREME TEMPERATURE CHANGES IN MINNESOTA, WE CAN NOT GUARANTEE AGAINST FROST CRACKS.

Area to be blacktopped, graveled, excavated-
Total square feet: _____

Inches of gravel: 2 3 4 5 6 or as needed

Inches of blacktop after compaction:

1 2 3

Complete price for above work:

\$ _____

Full payment to be made on completion of work, unless other arrangements have been made.

Prices are subject to change after 60 days.

Customer _____

Estimator Matt Vesel (signature)

Date 5/29/12

Special Instructions:
P.S. Sit on cur. Remove, patch and areas. 2.50 sq ft.
P.S. Track coat extra: Did not have cost this time!

TOP Area. State Rm, WATER TOWNS.
 APPROX 14,300 sq FT
 ROAD DOWN TO MAIN ROAD FIN:
 APPROX 18,400 sq FT
 32,700 sq FT 363 yd
 2" ASPHALT LAYED 400^{TOW} + 80^{PERCENT} BY PLACE
 1 1/8" " " 300^{TOW} + 80
 \$ 32,000
 \$ 24,000
 P.S. Based on mix at \$50 per ton.
 Ball park lot
 148 x 113 = 16,046 sq FT
 365 x 38 = 13,870
 29,916 sq FT
 1 1/2" ASPHALT
 300^{TOW} + 80
 \$ 24,000



CONSULTING ENGINEERS AND SURVEYORS, PLC

May 30, 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. 3

Dear Mr. Anderson:

Installation of the Cured-In-Place-Pipe (CIPP) and manhole sealing has progressed successfully to date and is substantially complete. We are working with the contractor to finalize the quantities and we expect one more payment beyond this one to finalize the project and return the retainage to the contractor.

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 \$30,485.00 for the completion of the contract items including 100% of the CIPP and manhole sealing. 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 \$28,960.75. Attached are three (3) copies of the Partial Payment Estimate No. 3 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,

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

Attachment: Partial Payment No. 3 Request (2 pgs)

CC: File

PARTIAL PAY ESTIMATE NO. 3

FROM: May 9, 2012
TO: May 25, 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	40	\$ 1,000.00	11,774	\$ 294,350.00
2		CIPP Lining of 48 (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	21	\$ 28,245.00	38	\$ 51,110.00
4		Protruding Tap Repair (VCP)	EA	25	\$ 310.00	0	\$ -	23	\$ 7,130.00
5		Lateral Reinstatement	EA	131	\$ 100.00	0	\$ -	145	\$ 14,500.00
6		Lateral/Mainline Connection Sealing	EA	25	\$ 870.00	0	\$ -	23	\$ 20,010.00
7		Bypass Pumping	LS	1.00	\$ 1,240.00	0.00	\$ -	1.00	\$ 1,240.00
T		TOTAL - SCHEDULE 1 - BASE BID					\$ 29,245.00		\$ 404,125.00
SCHEDULE 2 - ALTERNATE A									
1		CIPP Lining of 8-inch Dia Gravity Sanitary Sewer	LF	2,058	\$ 26.00	0	\$ -	2,052	\$ 53,352.00
2		Protruding Tap Repair (VCP)	EA	3	\$ 310.00	2	\$ 620.00	3	\$ 930.00
3		Lateral Reinstatement	EA	23	\$ 100.00	0	\$ -	25	\$ 2,500.00
4		Lateral/Mainline Connection Sealing	EA	3	\$ 870.00	0	\$ -	1	\$ 870.00
T		TOTAL - SCHEDULE 2 - ALTERNATE A					\$ 620.00		\$ 57,652.00
SCHEDULE 3 - ALTERNATE B									
1		CIPP Lining of 8-inch Dia Gravity Sanitary Sewer	LF	1,226	\$ 30.00	0	\$ -	1,213	\$ 36,390.00
2		CIPP Lining of 10-inch Dia Gravity Sanitary Sewer	LF	663	\$ 30.00	0	\$ -	653	\$ 19,590.00
3		Protruding Tap Repair (VCP)	EA	6	\$ 310.00	2	\$ 620.00	6	\$ 1,860.00
4		Lateral Reinstatement	EA	15	\$ 100.00	0	\$ -	29	\$ 2,900.00
5		Lateral/Mainline Connection Sealing	EA	6	\$ 870.00	0	\$ -	4	\$ 3,480.00
T		TOTAL - SCHEDULE 3 - ALTERNATE B					\$ 620.00		\$ 64,220.00
SCHEDULE 4 - CHANGE ORDER NO. 1									
1		CIPP Lining of 8-inch Dia Gravity Sanitary Sewer	LF	550	\$ 26.00	0	\$ -	544	\$ 14,144.00
2		Protruding Tap Repair (VCP)	EA	6	\$ 310.00	0	\$ -	5	\$ 1,550.00
3		Lateral Reinstatement	EA	6	\$ 100.00	0	\$ -	5	\$ 500.00
T		TOTAL - SCHEDULE 4 - CHANGE ORDER NO. 1					\$ -		\$ 16,194.00

PROJECT SUMMARY

	THIS PERIOD	TOTAL TO DATE
AMOUNT EARNED	\$ 30,485.00	\$ 542,191.00
AMOUNT RETAINED - 5%	\$ 1,524.25	\$ 27,109.55
MATERIAL ON SITE	\$ -	\$ -
MATERIAL DEDUCT	\$ -	\$ -
PREVIOUS PAYMENTS		\$ 195,055.90
AMOUNT DUE	\$ 28,960.75	

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 _____



CONSULTING ENGINEERS AND SURVEYORS, PLC

May 30, 2012

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

Re: Newport North Ravine Area Drainage Improvements - Payment Request No. 2

Dear Mr. Anderson:

The construction of the north ravine area drainage improvement project is continuing successfully. The grading and storm sewer installations on the Bailey property are complete and the contractor is continuing with the grading operations on the Swanlund property.

The total contract price for this project is \$1,533,317.58 and the contractor, Park Construction Company, is requesting payment of \$373,694.88 for the completion of the contract items including approximately 50% of the common excavation and 35% of the stormsewer piping and structures. 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 \$355,010.14. Attached are four (4) 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,

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

Attachment: Partial Payment No. 2 Request (4 pgs)
CC: File

PARTIAL PAY ESTIMATE NO. 2

FROM: April 21, 2012
TO: May 25, 2012

COMPLETION DATE
ORIGINAL: 09/14/12
REVISED:
WORKING DAYS USED: N/A
WORKING DAYS REMAINING: N/A

AMOUNT OF CONTRACT
ORIGINAL: \$1,533,317.58
REVISED:

PROJECT: NORTH RAVINE AREA DRAINAGE IMPROVEMENTS
CITY PROJECT NO. 2011-01

CONTRACTOR: PARK CONSTRUCTION COMPANY
ADDRESS: 1481 81ST AVE NE, MINNEAPOLIS, MN 55432
OFFICE: 763-717-6208
FAX: 763-786-2952

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 1.0 - STREET & GRADING									
1	2021.501	MOBILIZATION	LS	1.00	\$ 64,411.92	0.25	\$ 16,102.98	0.75	\$ 48,308.94
2	2051.501	MAINT & RESTORATION OF HAUL ROADS	LS	1.00	\$ 4,830.00		\$ -	0	\$ -
3	2101.501	CLEARING	AC	11.35	\$ 2,300.00	1.13	\$ 2,599.00	11.35	\$ 26,105.00
4	2101.502	CLEARING	TREE	15	\$ 100.00	19	\$ 1,900.00	34	\$ 3,400.00
5	2101.506	GRUBBING	AC	11.35	\$ 1,000.00	1.13	\$ 1,130.00	11.35	\$ 11,350.00
6	2101.507	GRUBBING	TREE	15	\$ 15.00	19	\$ 285.00	34	\$ 510.00
7	2103.501	BUILDING REMOVAL	LS	1.00	\$ 7,340.00	1.00	\$ 7,340.00	1.00	\$ 7,340.00
8	2104.501	REMOVE CURB AND GUTTER	LF	228	\$ 2.70	110	\$ 297.00	110	\$ 297.00
9	2104.505	REMOVE CONCRETE PAVEMENT	SY	312	\$ 5.90	190	\$ 1,121.00	190	\$ 1,121.00
10	2104.505	REMOVE BITUMINOUS PAVEMENT	SY	4,096	\$ 2.25	737	\$ 1,658.25	737	\$ 1,658.25
11	2104.509	REMOVE MAILBOX SUPPORT	EACH	6	\$ 25.00		\$ -	0	\$ -
12	2104.525	ABANDON AND SEAL WELL SHAFT	EACH	2	\$ 1,500.00		\$ -	0	\$ -
13	2104.521	SALVAGE CHAIN LINK FENCE	LF	524	\$ 2.00	645	\$ 1,290.00	645	\$ 1,290.00
14	2104.523	SALVAGE SIGN	EACH	3	\$ 20.00		\$ -	0	\$ -
15	2105.501	COMMON EXCAVATION (STREET) (EV) (P)	CY	1,306	\$ 10.70		\$ -	0	\$ -
16	2105.501	COMMON EXCAVATION (POND & RAVINE) (EV)	CY	69,438	\$ 3.75	32,387	\$ 121,451.25	42,387	\$ 158,951.25
17	2105.522	SELECT GRANULAR BORROW (CV)	CY	161	\$ 19.70		\$ -	0	\$ -
18	2105.525	TOPSOIL BORROW (LV)	CY	3,507	\$ 14.10		\$ -	0	\$ -
19	2105.607	TOPSOIL BORROW MOD (LV)	CY	616	\$ 15.90		\$ -	0	\$ -
20	2105.607	HAUL & STOCKPILE EXCESS MATERIAL (EV)	CY	4,000	\$ 3.25		\$ -	4,000	\$ 13,000.00
21	2105.604	COMPOSITE LINER (P)	SY	2,112	\$ 5.10	2,112	\$ 10,771.20	2,112	\$ 10,771.20
22	2211.501	AGGREGATE BASE CLASS 5	TON	1,587	\$ 14.80	175	\$ 2,590.00	175	\$ 2,590.00
23	2118.501	AGGREGATE SURFACING CLASS 5	TON	246	\$ 14.80	67	\$ 991.60	67	\$ 991.60
24	2232.501	MILL BITUMINOUS SURFACE (1.5")	SY	167	\$ 7.20		\$ -	0	\$ -
25	2301.501	CONCRETE PAVEMENT (6" THICK)	SY	125	\$ 52.20		\$ -	0	\$ -
26	2350.501	TYPE SP 12.5 WEAR COURSE MIXTURE 2B (HASTINGS)	TON	45	\$ 81.56		\$ -	0	\$ -
27	2350.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (STREET)	TON	331	\$ 77.69		\$ -	0	\$ -
28	2350.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (TRAIL)	TON	11	\$ 83.51		\$ -	0	\$ -
29	2350.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (D/W)	TON	15	\$ 131.86		\$ -	0	\$ -
30	2350.502	TYPE SP 12.5 NON-WEARING COURSE MIXTURE 2B (STRE	TON	463	\$ 70.11		\$ -	0	\$ -
31	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GAL	113	\$ 10.31		\$ -	0	\$ -
32	2506.522	ADJUST FAME & RING CASTING	EACH	3	\$ 223.00		\$ -	0	\$ -
33	2531.501	CONCRETE CURB & GUTTER DESIGN B618	LF	1,699	\$ 10.20		\$ -	0	\$ -
34	2531.501	CONCRETE CURB & GUTTER DESIGN B624	LF	139	\$ 22.00		\$ -	0	\$ -
35	2531.501	BITUMINOUS CURB	LF	27	\$ 30.90		\$ -	0	\$ -
36	2540.602	INSTALL MAIL BOX SUPPORT	EACH	6	\$ 135.00		\$ -	0	\$ -
37	2557.603	INSTALL CHAIN LINK FENCE (SALVAGED)	LF	463	\$ 7.30		\$ -	0	\$ -
38	2557.603	INSTALL CHAIN LINK FENCE	LF	1,580	\$ 13.40		\$ -	0	\$ -
39	2563.601	TRAFFIC CONTROL	LS	1.00	\$ 3,150.00	0.75	\$ 2,362.50	0.75	\$ 2,362.50
40	2564.603	4" DOUBLE SOLID LINE YELLOW-EPOXY	LF	50	\$ 39.80		\$ -	0	\$ -
41	2564.602	INSTALL SIGN (SALVAGED)	EACH	3	\$ 95.00		\$ -	0	\$ -
42	2564.602	F&I SIGN PANEL TYPE C	EACH	10	\$ 110.00		\$ -	0	\$ -
43	2573.502	SILT FENCE, TYPE MACHINE SLICED	LF	3,034	\$ 1.90	2,347	\$ 4,459.30	4,310	\$ 8,189.00
44	2573.540	FILTER LOG, TYPE WOOD FIBER BIOROLL (6")	LF	4,115	\$ 2.20		\$ -	0	\$ -
45	2573.540	FILTER LOG, TYPE WOOD FIBER BIOROLL (12")	LF	2,069	\$ 3.75	173	\$ 648.75	575	\$ 2,156.25
46	2573.602	INLET PROTECTION	EACH	15	\$ 223.00	6	\$ 1,338.00	12	\$ 2,676.00
47	2573.602	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EACH	4	\$ 1,390.00	1	\$ 1,390.00	1	\$ 1,390.00

48	2573.513	TEMPORARY DITCH CHECK TYPE 7	CY	81	\$	62.10	3	\$	186.30	3	\$	186.30	
49	2573.602	ROCK DITCH CHECK	EACH	9	\$	1,050.00		\$	-	0	\$	-	
50	2575.505	SODDING	SY	1,845	\$	2.40		\$	-	0	\$	-	
51	2575.523	EROSION CONTROL BLANKETS CATEGORY 2	SY	55,942	\$	1.10	3,890	\$	4,279.00	3,890	\$	4,279.00	
52	2575.523	EROSION CONTROL BLANKETS CATEGORY 4	SY	7,447	\$	1.15		\$	-	0	\$	-	
53	2575.525	EROSION STABILIZATION MAT CLASS 2	SY	1,912	\$	5.75		\$	-	0	\$	-	
54	2575.525	EROSION STABILIZATION MAT CLASS 4	SY	7,437	\$	8.00		\$	-	0	\$	-	
55	2575.532	FERTILIZER TYPE 4	LB	2,494	\$	0.65	400	\$	260.00	400	\$	260.00	
56	2575.550	COMPOST GRADE 2	CY	206	\$	53.20		\$	-	0	\$	-	
57	2575.555	TURF ESTABLISHMENT	LS	1.00	\$	6,550.00	0.10	\$	655.00	0.10	\$	655.00	
58	2575.608	SEED MIXTURE 330	LB	1,115	\$	4.60	250	\$	1,150.00	250	\$	1,150.00	
59	2575.608	SEED MIXTURE 328	LB	57	\$	4.50	10	\$	45.00	10	\$	45.00	
60	2575.608	SEED MIXTURE SPECIAL 1	LB	79	\$	1.70		\$	-	0	\$	-	
61	2575.608	HYDRAULIC SOIL STABILIZER TYPE 6	LB	109,534	\$	0.65	1,524	\$	990.60	1,524	\$	990.60	
T SCHEDULE 1.0 - STREET & GRADING - TOTAL								\$	187,291.73		\$	312,023.89	
SCHEDULE 2.0 - SANITARY													
62	2104.501	REMOVE PIPE (SEWER SERVICE)	LF	297	\$	2.70		\$	-	0	\$	-	
63	2503.602	CONNECT TO EXISTING SEWER (SERVICE)	EACH	9	\$	275.00		\$	-	0	\$	-	
64	2503.603	INSTALL PIPE SEWER (SERVICES)	LF	297	\$	23.60		\$	-	0	\$	-	
65	2506.602	ADJUST FAME & RING CASTING (SPECIAL)	EACH	1	\$	223.00		\$	-	0	\$	-	
T SCHEDULE 2.0 - SANITARY- TOTAL								\$	-		\$	-	
SCHEDULE 3.0 - WATERMAIN													
66	2104.501	REMOVE PIPE (WATERMAIN)	LF	72	\$	5.40		\$	-	0	\$	-	
67	2504.602	ADJUST VALVE BOX	EACH	4	\$	318.00		\$	-	0	\$	-	
68	2504.602	CONNECT TO EXISTING WATERMAIN	EACH	6	\$	691.00		\$	-	0	\$	-	
69	2504.603	18" CP PIPE CASING	LF	35	\$	101.00		\$	-	0	\$	-	
70	2504.603	6" WATERMAIN DUCTILE IRON CL 52	LF	80	\$	78.60		\$	-	0	\$	-	
71	2504.604	4" POLYSTYRENE INSULATION	SY	194	\$	62.60		\$	-	0	\$	-	
T SCHEDULE 3.0 - WATERMAIN - TOTAL								\$	-		\$	-	
SCHEDULE 4.0 - STORM													
72	2104.501	REMOVE SEWER PIPE (STORM)	LF	1,865	\$	3.50	1,075	\$	3,762.50	1,315	\$	4,602.50	
73	2104.509	REMOVE MANHOLE OR CATCH BASIN	EACH	7	\$	307.00	4	\$	1,228.00	4	\$	1,228.00	
74	2104.607	SALVAGE RANDOM RIP RAP	CY	209	\$	9.25	209	\$	1,933.25	209	\$	1,933.25	
75	2451.507	GRANULAR BEDDING (CV)	CY	2,703	\$	2.85		\$	-	0	\$	-	
76	2501.515	24" GS PIPE APRON	EACH	5	\$	517.00	4	\$	2,068.00	4	\$	2,068.00	
77	2501.515	30" GS PIPE APRON	EACH	1	\$	1,170.00	1	\$	1,170.00	1	\$	1,170.00	
78	2501.515	36" GS PIPE APRON	EACH	3	\$	2,060.00	1	\$	2,060.00	1	\$	2,060.00	
79	2501.515	48" GS PIPE APRON	EACH	1	\$	2,530.00	1	\$	2,530.00	1	\$	2,530.00	
80	2501.515	60" GS PIPE APRON	EACH	1	\$	5,100.00		\$	-	0	\$	-	
81	2501.573	INSTALL FLAP GATE (36" ELASTOMERIC CHECK VALVE)	EACH	1	\$	8,270.00		\$	-	0	\$	-	
82	2502.521	8" TP PIPE DRAIN	LF	73	\$	21.50	8	\$	172.00	8	\$	172.00	
83	2502.602	8" TP PIPE DRAIN CLEAN OUT	EACH	2	\$	302.00		\$	-	0	\$	-	
84	2503.511	15" RC PIPE SEWER DES 3006 CL III	LF	59	\$	27.20	17	\$	462.40	17	\$	462.40	
85	2503.511	18" RC PIPE SEWER DES 3006 CL III	LF	60	\$	29.40		\$	-	0	\$	-	
86	2503.511	24" RC PIPE SEWER DES 3006 CL III	LF	376	\$	34.10	85	\$	2,898.50	85	\$	2,898.50	
87	2503.511	30" RC PIPE SEWER DES 3006 CL III	LF	240	\$	45.90		\$	-	0	\$	-	
88	2503.511	36" RC PIPE SEWER DES 3006 CL III	LF	233	\$	60.40		\$	-	0	\$	-	
89	2503.511	48" RC PIPE SEWER DES 3006 CL III	LF	146	\$	105.00		\$	-	0	\$	-	
90	2503.603	18" CP PIPE SEWER	LF	160	\$	26.20		\$	-	0	\$	-	
91	2503.603	24" CP PIPE SEWER	LF	740	\$	28.70	472	\$	13,546.40	472	\$	13,546.40	
92	2503.603	30" CP PIPE SEWER	LF	400	\$	37.80	359	\$	13,570.20	359	\$	13,570.20	
93	2503.603	36" CP PIPE SEWER	LF	1,906	\$	43.40	1,186	\$	51,472.40	1,186	\$	51,472.40	
94	2503.603	48" CP PIPE SEWER	LF	613	\$	65.70	97	\$	6,372.90	97	\$	6,372.90	
95	2503.603	60" CP PIPE SEWER	LF	240	\$	110.00		\$	-	0	\$	-	
96	2503.603	PLUG FILL & ABANDON PIPE SEWER	LF	147	\$	26.80	122	\$	3,269.60	122	\$	3,269.60	
97	2506.502	CONST DRAINAGE STRUCTURE DESIGN 27-4020	EACH	3	\$	1,050.00		\$	-	0	\$	-	
98	2506.502	CONST DRAINAGE STRUCTURE DESIGN 48-4020	EACH	6	\$	1,880.00	1	\$	1,880.00	1	\$	1,880.00	

99	2506.502	CONST DRAINAGE STRUCTURE DESIGN 60-4020	EACH	10	\$	3,020.00	4	\$	12,080.00	4	\$	12,080.00
100	2506.502	CONST DRAINAGE STRUCTURE DESIGN 66-4020	EACH	1	\$	3,110.00	1	\$	3,110.00	1	\$	3,110.00
101	2506.502	CONST DRAINAGE STRUCTURE DESIGN 72-4020	EACH	4	\$	3,680.00	2	\$	7,360.00	2	\$	7,360.00
102	2506.502	CONST DRAINAGE STRUCTURE DESIGN 78-4020	EACH	2	\$	4,710.00		\$	-	0	\$	-
103	2506.502	CONST DRAINAGE STRUCTURE DESIGN 84-4020	EACH	3	\$	5,350.00		\$	-	0	\$	-
104	2506.502	CONST DRAINAGE STRUCTURE DESIGN 96-4020	EACH	2	\$	8,350.00		\$	-	0	\$	-
105	2506.502	CONST DRAINAGE STRUCTURE DESIGN SPECIAL 24"X36"	EACH	4	\$	1,480.00	1	\$	1,480.00	1	\$	1,480.00
106	2506.502	CONST DRAINAGE STRUCTURE DESIGN SPECIAL 32"X48"	EACH	2	\$	2,130.00	1	\$	2,130.00	1	\$	2,130.00
107	2506.502	CONST DRAINAGE STRUCTURE DESIGN SPECIAL 60	EACH	4	\$	5,250.00	3	\$	15,750.00	3	\$	15,750.00
108	2506.502	CONST DRAINAGE STRUCTURE DESIGN SPECIAL 78	EACH	1	\$	7,530.00	1	\$	7,530.00	1	\$	7,530.00
109	2506.502	CONST DRAINAGE STRUCTURE DESIGN SPECIAL 5'X6'	EACH	3	\$	9,000.00		\$	-	0	\$	-
110	2506.502	CONST DRAINAGE STRUCTURE DESIGN SPECIAL 6'X18'	EACH	1	\$	25,000.00	1	\$	25,000.00	1	\$	25,000.00
111	2506.602	CONNECT TO EXISTING DRAINAGE STRUCTURE	EACH	3	\$	893.00	3	\$	2,679.00	3	\$	2,679.00
112	2511.501	RANDOM RIPRAP CLASS III	CY	990	\$	47.10		\$	-	0	\$	-
113	2511.501	RANDOM RIPRAP CLASS IV	CY	131	\$	52.20		\$	-	0	\$	-
114	2511.501	RANDOM RIPRAP CLASS V	CY	56	\$	52.10		\$	-	0	\$	-
115	2511.511	GRANULAR FILTER (CV)	CY	850	\$	2.60		\$	-	0	\$	-
116	2511.515	GEOTEXTILE FILTER TYPE IV	SY	2,316	\$	2.90		\$	-	0	\$	-
117	2511.515	GEOTEXTILE FILTER TYPE VI	SY	56	\$	2.45		\$	-	0	\$	-
118	2511.607	INSTALL RANDOM RIPRAP (SALVAGED)	CY	96	\$	9.25	96	\$	888.00	96	\$	888.00
119	2554.509	GUIDE POST TYPE B (STRUCTURE MARKERS)	EACH	3	\$	83.20	0	\$	-	0	\$	-
T SCHEDULE 4.0 - STORM - TOTAL								\$	186,403.15	\$	187,243.15	

PROJECT SUMMARY

		THIS PERIOD	TOTAL TO DATE
T	SCHEDULE 1.0 - STREET & GRADING - TOTAL	\$ 187,291.73	\$ 312,023.89
T	SCHEDULE 2.0 - SANITARY- TOTAL	\$ -	\$ -
T	SCHEDULE 3.0 - WATERMAIN - TOTAL	\$ -	\$ -
T	SCHEDULE 4.0 - STORM - TOTAL	\$ 186,403.15	\$ 187,243.15

AMOUNT EARNED	\$ 373,694.88	\$ 499,267.04
AMOUNT RETAINED - 5%	\$ 18,684.74	\$ 24,963.35
MATERIAL ON SITE		\$ 38,808.25
MATERIAL DEDUCT		\$ -
PREVIOUS PAYMENTS		\$ 158,101.80
AMOUNT DUE	\$ 355,010.14	

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: **PARK CONSTRUCTION COMPANY**

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 _____

RESOLUTION NO. 2012-14

A RESOLUTION FOR THE APPOINTMENT OF RESPONSIBLE AUTHORITY

WHEREAS, Minnesota Statutes, Section 13.02, Subdivision 16, as amended, requires that the City of Newport appoint an employee as the Responsible Authority to administer the requirements for collection, storage, use and dissemination of data on individuals, within the City; and

WHEREAS, the City of Newport City Council shares concern expressed by the legislature on the responsible use of all City data and wishes to satisfy this concern by immediately appointing an administratively qualified Responsible Authority as required under the statute.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Newport appoints Curt Montgomery, Chief of Police, or his designee as the Responsible Authority for the purposes of meeting all requirements of Minnesota Statutes, Chapter 13, as amended, and with rules as lawfully promulgated by the Commissioner of Administration as published in the State Register on August 31, 1981.

Adopted by this council this 21st day of June, 2012.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator



Minnesota Department of Public Safety
 Alcohol and Gambling Enforcement Division
 444 Cedar Street, Suite 222, St. Paul, MN 55101
 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
**APPLICATION AND PERMIT FOR A 1 DAY
 TO 4 DAY TEMPORARY ON-SALE LIQUOR LICENSE**

Name of organization		Date organized	Tax exempt number	
Newport Fire Dept. Relief Association		Jan 1, 1953	802429292	
Address	City	State	Zip Code	
155 20th. Street	Newport	Minnesota	55055	
Name of person making application		Business phone	Home phone	
Mark Mailand		651-459-9390	651-485-5585	
Date set ups will be sold	Type of organization			
7/8/2012	<input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit			
Organization officer's name		City	State	Zip
<input checked="" type="checkbox"/> Tom Ingemann	Newport	Minnesota	55055	
<input type="button" value="Add New Officer"/>				

Location where permit will be used. If an outdoor area, describe.
 Newport Fire Station #1 155 20th. St. Newport Mn.

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO ALCOHOL AND GAMBLING ENFORCEMENT

City/County	Date Approved
City Fee Amount	Permit Date
Date Fee Paid	

 Signature City Clerk or County Official

 Approved Director Alcohol and Gambling Enforcement

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the permit for the event.



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: June 12, 2012

SUBJECT: Abatement of 1057 7th Avenue

BACKGROUND

Over the past year, the City has sent numerous letters to Donald Waldbillig of 1057 7th Avenue regarding several ordinance violations, with the most recent being sent April 30, 2012. The ordinance violations include holes in the property, overgrown weeds and vegetations, storage of an inoperable vehicle, and lack of repair to the siding of the property and sheds. The City gave Mr. Waldbillig two weeks to correct the ordinance violations. To date, the violations have not been corrected. The City sent an additional letter to Mr. Waldbillig on May 23 stating that the property has been posted as condemned due to its non-habitable status.

DISCUSSION

Attached for the City Council's review is Resolution No. 2012-15 which finds 1057 7th Avenue to be a public nuisance and orders the immediate abatement of the property.

RECOMMENDATION

It is recommended that the City Council approve Resolution No. 2012-15.

**South Washington County Bulletin/Woodbury Bulletin
AFFIDAVIT OF PUBLICATION**

STATE OF MINNESOTA)

)SS.

COUNTY OF WASHINGTON)

Julie M. Klecker being duly sworn, on oath says that he/she is an authorized agent and employee of the publisher of the newspaper, known as *The South Washington County Bulletin and/or The Woodbury Bulletin*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statutes 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed **CITY OF NEWPORT -- NUISANCE PUBLIC HEARING**

which is attached was cut from the columns of said newspaper, and was printed and published once each week for **1** successive weeks; it was first published on Wednesday, the **6th** day of **June**, 2012 and was thereafter printed and published on every Wednesday, to and including Wednesday, the **6th** day of **June**, 2012.

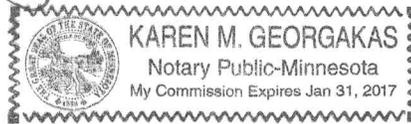
SOUTH WASHINGTON COUNTY BULLETIN
AND/OR WOODBURY BULLETIN

BY: *Julie Klecker*

TITLE: **Legal Notice Clerk**

Subscribed and sworn to before me on this **6th** DAY OF **June** 2012

Karen M. Georgakas
Notary Public



	Client #	255364
FEES:	Order #	1473509
File #		
Publication Fee	\$	71.19

CITY OF NEWPORT
NOTICE OF HEARING

Notice is hereby given that the City Council of the City of Newport will conduct a Public Hearing on Thursday, June 21st, 2012, at 5:30 p.m. or as soon thereafter, in the Newport City Council Chambers, 596 7th Avenue; Newport, MN 55055. The purpose of the Public Hearing is to consider a resolution finding the existence of a public nuisance at 1057 7th Avenue in the City of Newport, Minnesota, ordering the immediate abatement thereof and authorizing the assessment of the cost of the abatement.

Said property is legally described as: PT OF 001 BEING THE SOUTH 50 FT OF THE N1/2 BROWNS ADD SubdivisionName BROWN'S ADD TO NEWPORT Block 1 SubdivisionCd 54175.

Pertinent information is on file at Newport City Hall. Interested parties are encouraged to submit oral or written comments any time prior to the hearing, or at the Public Hearing.

Dated this 23rd day of May, 2012.
Brian J. Anderson
City Administrator

(Published in the South Washington County Bulletin Wednesday, June 6, 2012).

Please remit payment to: RiverTown Multimedia, PO Box 15, Red Wing, MN 55066

RESOLUTION NO. 2012-15

A RESOLUTION FINDING THE EXISTENCE OF A PUBLIC NUISANCE AT 1057 SEVENTH AVENUE IN THE CITY OF NEWPORT, MINNESOTA, ORDERING THE IMMEDIATE ABATEMENT THEREOF AND AUTHORIZING THE ASSESSMENT OF THE COST OF ABATEMENT

WHEREAS, the City of Newport, Minnesota, is charged with the responsibility of protecting the Health, Safety and Welfare of its citizens; and

WHEREAS, in exercising its responsibility to protect its citizenry, the City is required to prevent, eliminate or abate public nuisances within the City and is expressly permitted, under the provisions of §800.05 of the City Code, to assess the cost of such an abatement against the property in the City where the nuisance occurred if certain procedural requirements are followed; and

WHEREAS, §800.05 specifically provides for the City’s staff to determine the presence of illegal public nuisances within the City and to notify the property owner to provide a reasonable time to correct the nuisance; and

WHEREAS, Mr. Donald Waldbillig is the owner of a residence located at 1057 Seventh Avenue within the City of Newport as determined by public property records; and

WHEREAS, the Newport City staff has, over the past year, observed numerous nuisance on the property at 1057 Seventh Avenue and has repeatedly advised Mr. Waldbillig of this fact, demanded that the nuisances be removed, and given Mr. Waldbillig at least thirty days to remove the nuisances, which Mr. Waldbillig failed to do; and

WHEREAS, Mr. Waldbillig has failed to abate the remaining nuisances on his property in accordance with the notice and schedule provided him by City staff; and

WHEREAS, the Newport Building Official charged with the responsibility of enforcing the City’s zoning and building codes has concluded that the property has been and continues to be in violation of City ordinances and constitute and nuisance and a threat to the health, safety and well-being of the citizens of the City of Newport; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newport, after noticed public hearing and the matters set before it therein, as follows:

1. That the property is found to be a public nuisance within the meaning of Newport City Code Chapter 8 section 800.3 (R), due to the structures being left in a hazardous condition in a place and manner prohibited by the Newport City Code;
2. The City Attorney and City staff are authorized to take all necessary legal steps to secure compliance with the Order for Abatement and to obtain authority to abate the hazardous condition on the Property by court order or consent and assess the costs thereof against the Property

Adopted by this council this 21st day of June, 2012.

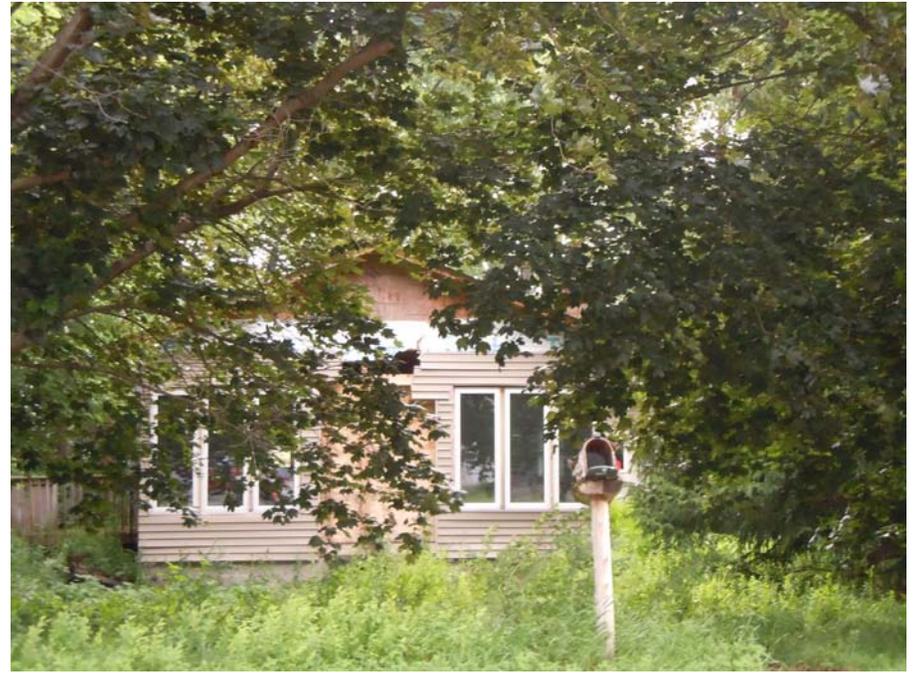
Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator







TO: City of Newport
Mayor Timothy Geraghty
Councilmember Tom Ingemann
Councilmember Bill Sumner
Councilmember Steve Gallagher
Councilmember Tracy Rahm
City Administrator Brain Anderson

FROM: Barbara Dacy, Executive Director

DATE: June 13, 2012

SUBJECT: Resolution Approving Planning Guidance and a Joint Powers Agreement with the Washington County HRA

Request

The purpose of the proposed request is to adopt a resolution approving the planning guidance contained in the attached Redevelopment Plan and the proposed joint powers agreement with the Washington County HRA for the Red Rock Gateway Area.

Agreement Summary

The Joint Powers Agreement sets the context for the partnership between the City and HRA, and signals a commitment by both parties toward accomplishing the redevelopment goals for the term of the agreement. It spells out the general roles and responsibilities of the City and the HRA.

The HRA will take the lead redevelopment role for the project including land acquisition, finding a developer(s), securing other grant resources and providing gap financing, (in cooperation with the city), and issuing housing revenue bonds when needed. The project will require financial resources from several funding sources. The Agreement will assist in obtaining other grant funds as it demonstrates a level of commitment toward completing a project. A county administered tax increment financing district will be required to assist in completing the redevelopment. The HRA will initiate this process.

Keep in mind however that the intent of the agreement is not to dictate a specific action but to establish a minimum expectation as to who is providing the requisite activities for redevelopment. Both parties must comply with state and local requirements on the activities undertaken to accomplish redevelopment.

It has been well discussed that redevelopment activities will take several years. The term of the agreement is structured to provide the City and the HRA ample time to explore development opportunities and financial resources. Paragraph 8 of the agreement provides that the Agreement will expire on the later of December 31, 2017, or the date on which no "Project Documents" remains in force or effect (this includes development contracts or other approvals adopted by the City and HRA and is further defined in the Agreement).

Redevelopment Plan

The purpose of this plan is to provide initial planning guidance for coordinated redevelopment that will foster a transit oriented development pattern around the new transit station and provide an area for residents to live, shop, work, and play. Over the course of the last two years, the City obtained critical research from its land use, market, and development consultants, as well as from private sector developers, local citizens and business representatives, to provide input about the redevelopment of the area.

The Planning Commission, at its May 10, 2012, meeting, recommended approval of the plan to the City Council.

Recommendation

The HRA respectfully recommends the City Council adopt the attached resolution.

RESOLUTION NO. 2012-16

A RESOLUTION APPROVING PLANNING GUIDANCE AND A JOINT POWERS AGREEMENT FOR THE RED ROCK GATEWAY REDEVELOPMENT

WHEREAS, the City of Newport (the “City”) has determined that it is necessary and appropriate to redevelop the area known as the “Red Rock Gateway” or the “Gateway Area,” located in the City and generally bounded by Highway I-494, 21st Avenue, Highway 61 and the Mississippi River, and consisting of approximately 40 acres; and

WHEREAS, the City has proposed that the Gateway Area be redeveloped in cooperation with the Washington County Housing and Redevelopment authority (the “WCHRA”) to create a transit-oriented neighborhood where people will want to live, work and patronize enhanced retail and recreational opportunities; and

WHEREAS, in 2011 the City and the WCHRA received a Livable Communities Demonstration Account Pre-Development Grant from the Metropolitan Council to conduct studies and complete a plan for redevelopment; and

WHEREAS, pursuant to the studies and activities carried out pursuant to such grant, there has been presented to this Council a planning guidance document entitled “Red Rock Corridor Redevelopment Plan,” which is intended to set out goals and strategies for the proposed redevelopment of the Gateway Area by the City in cooperation with the WCHRA; and

WHEREAS, the City hereby finds and determines that (1) conditions in the Gateway Area warrant public intervention, and that governmental action is imperative to redevelop the Gateway Area, because the combined factors of underutilized land, vacant and/or obsolete buildings, a mixture of land uses organized by old plats, and the lack of a cohesive plan for development create significant barriers to private redevelopment, (2) the public purposes for redeveloping the Gateway Area include, but are not limited to, creating opportunities for increased tax base, job growth, new housing stock, replacement and upgrading of infrastructure service, (3) creating pedestrian and bicycle connections to the Mississippi River, regional trails, and nearby City parks will support new housing and commercial development, and (4) the redevelopment of the Gateway Area will ameliorate the impacts from the recent regional highway construction, help connect this portion of Newport with the remainder of the City, and foster new growth and a stronger, more diverse tax base; and

WHEREAS, to effect such change in the Gateway Area, the City and WCHRA propose to enter into a Joint Powers Agreement, a form of which has been presented to this Council (the “Joint Powers Agreement”), to initially define the relationship of the City and the WCHRA regarding the future redevelopment of the Gateway Area; and

WHEREAS, under the Joint Powers Agreement, it is contemplated that the WCHRA will apply to the City for approval of, among other things, a formal redevelopment plan and the establishment of a redevelopment project by the WCHRA under Minnesota Statutes, Chapter 469.

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

1. The “Red Rock Corridor Redevelopment Plan,” in the form presented to this Council, is hereby approved. The “Red Rock Corridor Redevelopment Plan is intended to serve as a planning guide for the proposed redevelopment of the Gateway Area, subject, however, to approval by the City of a formal redevelopment plan which may be submitted by the WCHRA to the City and establishment by the WCHRA of a redevelopment project pursuant to such approved redevelopment plan.

2. The Joint Powers Agreement, in substantially the form presented to this Council, is hereby approved. The Mayor and City Administrator (the “Authorized Officials”) are hereby authorized and directed to execute and deliver the Joint Powers Agreement on behalf of the City, with such changes as they deem necessary or

appropriate. Execution of the Joint Powers Agreement by the Authorized Officials, with any such changes, shall be conclusive and binding as to the necessity or appropriateness of all such changes and the Joint Powers Agreement when so executed by the Authorized Officials shall be binding upon this Council] and the City.

3. The Authorized Officials or either of them are authorized and directed to seek approval of the “Red Rock Corridor Redevelopment Plan” and the Joint Powers Agreement by the City.

4. The Authorized Officials, and other officers and staff of the City staff, are hereby authorized and directed to do all further acts and things as may be necessary or appropriate to carry out the “Red Rock Corridor Redevelopment Plan” and exercise the rights and perform the responsibilities of the City under the Joint Powers Agreement.

Adopted this 21st day of June, 2012, by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator

JOINT POWERS AGREEMENT

This Joint Powers Agreement (the “Agreement”) has been entered into as of _____, 2012, by and between the City of Newport, Minnesota, a Minnesota municipal corporation (the “City”), and the Washington County Housing and Redevelopment Authority, a public body corporate and politic under the laws of Minnesota (the “HRA”) (the City and the HRA are sometimes together referred to as the “Parties” and individually as a “Party”), pursuant to Minnesota Statutes, Section 471.59, and Minnesota Statutes, Chapters 429, 462C and 469 (collectively, the “Act”).

1. Statement of Purpose and Powers to be Exercised. The City has determined that it is necessary and appropriate to redevelop the area known as the “Red Rock Gateway” (the “Gateway Area”) to create a transit oriented neighborhood where people will want to live, work and patronize enhanced retail and recreational opportunities. The City has proposed that the Gateway Area be redeveloped according to the goals and strategies contained in a planning guidance document entitled “Red Rock Corridor Redevelopment Plan,” developed pursuant to a Metropolitan Council Livable Communities Demonstration Account Pre-Development Grant. The “Red Rock Corridor Redevelopment Plan” was approved by the City in June 2012.

In order to effect change in the area, the City and WCHRA have identified their roles as the guiding entities for the future transformation of the Red Rock Gateway.

The City and the HRA have concluded that conditions in the Gateway Area warrant public intervention, and that governmental action is imperative to redevelop the Gateway Area. The combined factors of underutilized land, vacant and/or obsolete buildings, a mixture of land uses organized by old plats, and the lack of a cohesive plan for development are barriers to economic redevelopment. The public purposes for redeveloping the area include, but are not limited to, creating opportunities for increased tax base, job growth, new housing stock, and replacement and upgrading of infrastructure services. Creating pedestrian and bicycle connections to the Mississippi River, regional trails, and nearby City parks will support new housing and commercial development. Redevelopment of the Gateway Area will ameliorate the impacts from the recent regional highway construction, help connect this portion of Newport with the remainder of the City, and foster new growth and a stronger, more diverse tax base.

The Parties contemplate that the Redevelopment (defined below) in the Gateway Area may be carried out by the HRA, or the HRA may convey properties to a private developer. It is also contemplated that the City may carry out redevelopment activities. Matters such as the proposed type, configuration and density of development, ownership, management and maintenance of the projects, and public improvements will be addressed in agreements and understandings to be entered into between the Parties (and one or more private developers, if any).

It is anticipated that funding for the Redevelopment may be obtained from a number of potential sources, as to which the HRA and the City each may have responsibilities, as more fully described below.

The powers to be exercised jointly under this Agreement are the powers necessary and appropriate to undertake and finance the Redevelopment in the Gateway Area, including the

powers to create and carry out a development district and a redevelopment project, to acquire and convey property for redevelopment, to finance and construct public infrastructure and improvements, to issue bonds in respect of multifamily housing projects and other properties used or useful in connection with a revenue-producing enterprise, to establish tax increment financing districts and expend tax increments for authorized purposes, and to develop affordable housing, pursuant to Minnesota Statutes, Chapters 429, 462C and 469.

2. Method of Achieving Purpose; Manner of Exercising Powers. Each of the Parties has adopted resolutions evidencing its intent to undertake the activities described above. Pursuant to the approval and consent of the Parties provided by their respective resolutions and evidenced by their execution of this Agreement, the Redevelopment shall be undertaken by the Parties in the manner provided herein and the Parties shall exercise, in accordance with the provisions of Section 10 hereof, the powers described above jointly by the Parties adopting, approving and executing such parallel resolutions and such documents and agreements (including but not limited to execution by the Parties of the Project Documents) as shall be necessary or convenient to properly undertake the Redevelopment.

The terms contained in the Project Documents shall comply with the applicable requirements contained in the Act.

3. Definitions. In this Agreement, unless a different meaning clearly appears from the context, the following terms shall have the following respective meanings:

Act: As defined in the preamble of this Agreement;

Authorized Representative: For the City, the City Administrator (or the Mayor); for the HRA, the Executive Director (or the Chair);

City: The City of Newport, Minnesota;

Development Agreement: Any one or more of a development agreement, conveyance or ground lease, covenants and restrictions, environmental indemnity and other undertakings and agreements entered into between the City and HRA (or any private developer) in connection with the Redevelopment and the financing thereof;

Gateway Area or Red Rock Gateway: The area in the City generally bounded by Highway I-494, 21st Avenue, Highway 61 and the Mississippi River, consisting of approximately 40 acres;

HRA: The Washington County Housing and Redevelopment Authority;

Project Documents: (i) This Agreement, (ii) the “Red Rock Corridor Redevelopment Plan” approved by the City in June 2012, (iii) the redevelopment plan, resolutions, agreements and other documents to be approved or entered into by the City and the HRA in connection with the creation and carrying out of the Redevelopment Project, and (iv) Development Agreements with private

developers and/or any other agreements entered into in connection with the Redevelopment;

Redevelopment: The carrying out by the City and the HRA of any and all of the activities contemplated by this Agreement for redevelopment of the Gateway Area, as contemplated by the “Red Rock Corridor Redevelopment Plan” and the Redevelopment Project, including land acquisition and conveyance, financing activities, and construction of apartments, office and retail uses, small assembly uses, employment centers, parking facilities (surface and parking ramps), and other public infrastructure and improvements;

Redevelopment Project: The activities and documents related to the creation and carrying out by the HRA of a “redevelopment project,” as defined in the Act, in all or portions of the Gateway Area, including but not limited to submission to and approval by the City of a redevelopment plan and any work or undertaking on the part of the HRA described in the Act as a “redevelopment project.”

4. Budget. A summary of potential sources of funds and anticipated uses of those funds is set forth in Exhibit A attached to this Agreement. Funding sources may include:

(a) Land acquisition in the Gateway Area may be funded in part by a Livable Communities Demonstration Account grant to the City (the “LCDA Grant”), or under a Metropolitan Livable Communities Act Grant Agreement (the “LCDA Grant Agreement”), or funded in part by federal funds under various programs.

(b) Funds for environmental remediation of the Gateway Area may be applied for by the HRA from the Department of Employment and Economic Development (“DEED”) and other sources.

(c) The HRA may issue revenue bonds to finance multifamily housing elements or other project elements of the proposed Redevelopment.

(d) In connection with multifamily housing revenue bonds for which a private activity volume cap allocation has been received, 4 percent low income housing tax credits may be available.

(e) The HRA intends to establish a tax increment financing (“TIF”) district to provide funding for the Redevelopment.

(f) The HRA may provide gap financing loans.

(g) The HRA may obtain and contribute HOME/Community Development Block Grant (“CDBG”) funding.

(h) The HRA may apply for and receive a redevelopment grant from DEED.

(i) The HRA may obtain loans and/or grants from the Minnesota Housing Finance Agency.

(j) Other financing may be obtained by the HRA (or a private developer), other grant funds may be obtained by the City or the HRA, and other funds may be provided by the HRA (or a private developer).

(k) Any other revenues, receipts or other monies derived from the Redevelopment may be applied to capital costs.

(l) The City may contribute resources, through its Economic Development Authority or other resources and methods as it deems appropriate.

By setting out the potential sources of funding for the Redevelopment above, neither the City nor the HRA intends to make any representation or warranty to the other as to the actual availability of any of such potential sources for the Redevelopment nor the possible amount, timing of receipt, or terms or conditions related to any of such sources. Such matters are intended to be addressed in the Project Documents.

5. Disbursements. Monies and funds shall be held, applied, disbursed and accounted for in such manner as is provided for in the Project Documents or as the Parties may otherwise determine by written agreement. Prior to the termination of this Agreement, to the extent that any surplus funds are on hand, they shall be returned to each Party in the manner provided in the Project Documents.

6. Certain Responsibilities of the Parties. It is the intent of this Agreement to identify a list of potential responsibilities necessary to accomplish the Redevelopment. However, the listing of any responsibilities in Section 4 above or in this Section 6 below does not presuppose suspension or waiver of legally required or customary governmental approvals, nor mandate any specific action by either Party.

(a) The responsibilities of the HRA under this Agreement in respect of the Redevelopment are expected to include:

(i) negotiate acquisition of parcels within the Gateway Area, and acquire and own parcels until sold to a private developer, if at all;

(ii) conduct relocation activities in compliance with state and federal requirements;

(iii) investigate contamination issues, apply for and secure funds to remediate to a condition acceptable for redevelopment;

(iv) obtain funding, or secure arrangements for funding, for redevelopment activities, including but not limited to acquisition, relocation, demolition, site clearance, infrastructure planning, financing, and construction, place making activities including trailhead, bike trail and pedestrian connections;

(v) comply with grant requirements;

(vi) secure private developer(s).

(b) The responsibilities of the City under this Agreement in respect of the Redevelopment are expected to include:

- (i) provide feedback to private developer selection, if any, through involvement as the City may determine;
- (ii) conduct acquisition activities when deemed appropriate;
- (iii) reasonably cooperate in sharing expenses for grant applications, due diligence reports and other costs when deemed appropriate;
- (iv) reasonably cooperate regarding required municipal approvals, permits, and the like.

7. Liability for Obligations. Neither of the Parties shall do any act or thing the effect of which is to create a charge or a lien against the property or revenues of the Parties, the State of Minnesota or any other political subdivision thereof, other than such obligations as may be created pursuant to the Project Documents.

8. Term of Agreement; Termination. This Agreement shall terminate on the later of December 31, 2019, or the date on which no Project Document remains in force or effect.

9. Distribution of Assets Upon Termination. Should any property or funds remain or be available at the time of termination of this Agreement, the disposition of which is not governed or addressed by the Project Documents, the Parties shall negotiate in good faith to determine the appropriate disposition thereof.

10. Procedures for Exercise of Joint Powers. In all matters requiring action by the Parties (other than as may be expressly provided for in the Project Documents), such action shall require and may only be undertaken upon the written agreement of the Parties. Whichever of the Parties is proposing any such action will provide or cause to be provided to the other Party written or telephonic notice of any such action including a date (which shall be not less than thirty (30) days following the date of such notice) by which such Party is requested to agree to such action. If the Party receiving such notice declines to agree with such proposed action, the Parties will negotiate in good faith to resolve the matter in a timely manner. If the Parties are unable to resolve the matter through negotiations in good faith, either of the Parties may apply to the Washington County District Court for judicial determination of the matter. In such case the Party prevailing, if any, in such judicial proceedings shall be entitled to reimbursement of its reasonable attorneys' fees and costs. Written actions shall be taken by the Authorized Representatives of the Parties except that, if an Authorized Representative of either of the Parties notifies the Authorized Representative of the other Party that any action may not be taken, due to lack of authority or for other good cause, by such Authorized Representative, then such action shall be taken (if at all) by resolution of the governing body of the City or the HRA, as the case may be.

11. Amendments. This Agreement may be amended only by a written instrument duly authorized by the governing body of each of the Parties and duly executed by both of the Parties.

[Signature page follows]

IN WITNESS WHEREOF, the City of Newport, Minnesota and the Washington County Housing and Redevelopment Authority have each caused this Agreement to be executed on its behalf by their duly authorized officers as of the day and year first above written.

CITY OF NEWPORT, MINNESOTA

By _____
Its Mayor

By _____
Its City Administrator

WASHINGTON COUNTY HOUSING AND
REDEVELOPMENT AUTHORITY

By _____
Its Chair

By _____
Its Executive Director

(Signature Page to Joint Powers Agreement)

EXHIBIT A

POTENTIAL SOURCES AND USES OF FUNDS

Sources	Amount
* Land Sale Proceeds	\$ 6,289,444
* TIF	\$ 6,292,615
Grants	\$ 2,503,705
TOTAL	\$ 15,085,764

Uses	Amount
Land Acquisition	\$ 9,308,250
Relocation	\$ 990,000
Demolition/Remediation	\$ 570,000
Taxes/Soft Costs	\$ 462,554
Roads/Public Improvements	\$ 3,754,960
TOTAL	\$ 15,085,764

Red Rock Corridor Redevelopment Plan

DRAFT



Executive Summary

The City of Newport, in cooperation with the Washington County Housing and Redevelopment Authority (WCHRA), recently commissioned a redevelopment plan for the commercial, industrial and residential properties located in the area commonly referred to as the “Red Rock Gateway.” The Red Rock Gateway is located at the northern tip of the City at the intersection of I-494 and Highway 61. The area includes a variety of uses and vacant sites, and for many years has been an aging, isolated industrial and commercial area. The purpose of this plan is to provide initial planning guidance for coordinated redevelopment that will foster a transit oriented development pattern around the new transit station and provide an area for residents to live, shop, work, and play.

What has happened?

Aging Area. Industrial development in the Red Rock Gateway area began in the late nineteenth century, utilizing the Mississippi River and new rail lines for transportation. A small residential community and commercial uses (including Tinnucci’s Restaurant) developed in the 1920’s and 1930’s, when the area was known as “Little Chicago.” After World War II, auto-oriented uses dominated the sites along Highway 61. The existing buildings in the area today date from the early and mid-twentieth century. The current land uses include a trucking business, industrial businesses with significant outdoor storage areas, a variety of local businesses, and single-family detached homes. A cold storage facility, above ground fuel tank storage facilities, Lion’s Park, and residential neighborhoods are also in or nearby the Red Rock Gateway area. Overall, the Red Rock Gateway area is in decline, with significant underutilized land areas and buildings. Many of the structures are outdated and in need of significant repair. Reinvestment has been limited.

Highway 61 Reconstruction. Highway 61 was rebuilt beginning in 2000 in conjunction with the construction of the new Wacota Bridge and Highway 61 interchange. While these improvements benefitted traffic operations in the region, the impact of the reconstruction in Newport was devastating. The new roadway design divided the City of Newport, and blocked visibility and easy access for the highway-oriented businesses to the Highway 61 corridor. The new design restricted the access in and out of the City to two entry points at Maxwell Avenue and Glen Road. Two pedestrian bridges were added to the project as a result of City involvement, but Highway 61 is a significant barrier dividing the “Old Town” area of Newport from the Hastings Avenue commercial area and newer neighborhoods to the east of Highway 61. As a result of changes to Highway 61 and the Wacota Bridge, a significant portion of the City’s tax base that relied on highway visibility and easy access was lost and many businesses declined or closed along the Highway 61 corridor.

New Opportunities

Transportation Services. New transportation facilities will provide a significant opportunity for transformative change in the Red Rock Gateway. In 2007, the Red Rock Corridor Commission completed an alternatives analysis study that identified a commuter rail line running from Hastings through downtown Saint Paul and on to Minneapolis as the best long-term transit solution for the Red Rock Corridor. A strategic stop or “Station” in the City of Newport was identified as well as a phased approach to transit service, starting with expanded bus service and construction of a new park and ride. In 2009, the Washington County Regional Railroad Authority (WCRRA) acquired the former Knox Lumber site in the immediate southwest corner of the Highway 61 interchange with I-494 for the transit station and formed a partnership with the City to look at broader redevelopment opportunities around the station. A Station Area Planning study was commissioned that established a long-term vision for the station area based on input from the community and a market analysis. The WCRRA will perform engineering and design work in 2012 and construction in 2013. Once open, the transit facility will initially be served by Metro Transit express bus service to downtown St. Paul. An initial surface

parking lot would eventually be transformed to a structured facility with capacity to handle future demand from transit users and the surrounding development.

Redevelopment Plan. In 2011, the City and the WCHRA received a “Livable Communities Demonstration Account” (LCDA) Pre-Development grant from the Metropolitan Council in order to complete the redevelopment plan and to fund two other supporting studies. The goal of the first study was to create a new land use plan and vision for the area and to amend the zoning map and ordinance to guide development around the transit site. The goal of the second study was to identify the potential commercial and residential market opportunities that not only supported transit but also would recover tax base and create new housing stock for the City. The goal of the third study was to create a redevelopment plan that incorporated the findings from the previous two studies and to provide overall planning guidance, including suggested goals and implementation strategies. As a result of these studies, the City obtained critical research from its land use, market, and development consultants, as well as from private sector developers, local citizens and business representatives, to guide the redevelopment of the area.

Why Redevelop?

Based on the input and findings of these studies, a market exists to transform the Red Rock Gateway into a transit-oriented mixed-use area that provides new homes and jobs. The City and WCHRA have concluded that conditions in the area warrant public intervention, and that it is imperative to proactively promote and to redevelop the area. The combined factors of underutilized land, vacant and/or obsolete buildings, a mixture of land uses organized by old plats, and the lack of a cohesive plan for development are barriers to economic redevelopment. The public purposes for redeveloping the area are several and include, but are not limited to, creating opportunities for increased tax base, job growth, new housing stock, replacement and upgrading of infrastructure services. Creating connections to the Mississippi River, regional trails, and nearby City parks will support new housing and commercial development. In the long term, the redevelopment of the Red Rock Gateway area will ameliorate the impacts from the recent regional highway construction, help connect this portion of Newport with the remainder of the City, and foster new growth and a stronger, more diverse tax base.

In order to effect change in the area, the City and WCHRA have identified their roles as the guiding entities for the future transformation of the Red Rock Gateway. Change is likely to be incremental in nature, but the City and the WCHRA realize that a vision is needed for the area, complimented by a redevelopment framework that guides redevelopment for the long-term. The redevelopment framework for the Red Rock Gateway includes the following five goals:

1. Create new mixed-use transit oriented development that provides places to live, shop, work, and play;
2. Support the development of a variety of high density multi-family units including senior and market rate apartments, owner-occupied town homes and senior cooperative;
3. Provide opportunities for development of employment opportunities including office, small assembly business and retail uses around the transit center;
4. Create significant river park amenity and create pedestrian trails to establish strong links between the River, Newport Island, Lion’s Park, regional trails and the community; and
5. Upgrade streets and public utilities in concert with the timing and financing of redevelopment.

The redevelopment of Red Rock Gateway presents the City with the unique opportunity to achieve its objective of creating a transit oriented neighborhood where people will want to live, work and patronize the retail and recreational opportunities. The City will build on the area's assets, including its location on the regional transit, roadway and rail networks, visibility of key sites, close proximity to St. Paul and regional employment centers, and proximity to the Mississippi River, parks and trails. This Plan is designed to provide initial guidance to the City and the WCHRA.

Introduction

The Red Rock Gateway is located at the northern tip of the City at the intersection of I-494 and Highway 61. The area includes a variety of uses and vacant sites, and for many years has been an aging, isolated, industrial and commercial area. Industrial development in the Red Rock Gateway area began in the late nineteenth century, utilizing the Mississippi River and new rail lines for transportation. A small residential community and commercial uses (including Tinucci's Restaurant) developed in the 1920's and 1930's, when the area was known as "Little Chicago." After World War II, auto-oriented uses dominated the sites along Highway 61. The existing buildings in the area today date from the early and mid-twentieth century. The current land uses vary greatly from a trucking business to industrial businesses with significant outdoor storage areas, a variety of local businesses, and single-family detached homes. A cold storage facility, above ground fuel tank storage facilities, Lion's Park, and residential neighborhoods are also in or nearby the Red Rock Gateway area. Overall the Red Rock Gateway area is in decline and underutilized. Significant areas are vacant and underutilized land, and reinvestment is limited. Many of the structures are outdated, at or near the end of their life cycle, and in need of significant repair.

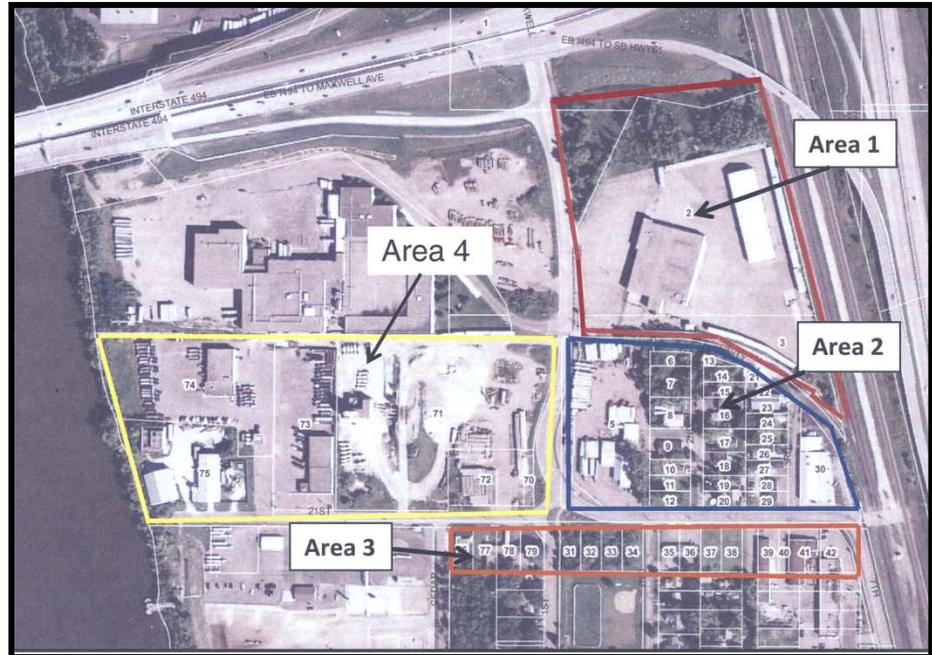
In 2007, the Red Rock Corridor Commission completed an alternatives analysis study that identified commuter rail line running from Hastings through downtown Saint Paul and on to Minneapolis as the best long-term transit solution for the Corridor. A strategic stop or "Station" in the City of Newport was identified as well as a phased approach to transit service, starting with expanded bus service and construction of a new park and ride. In 2009, the Washington County Regional Railroad Authority (WCRRA) acquired the former Knox Lumber Site in the immediate southwest corner of the Highway 61 interchange with I-494 for the transit station and formed a partnership with the City to look at broader redevelopment opportunities around the station. A Station Area Planning study was commissioned that established a long-term vision for the station area based on input from the community and a market analysis.

The study was completed in 2011 and suggested reconnecting the Station and the Red Rock Gateway area to the Mississippi riverfront with mixed-use developments and a new 450-stall parking deck. The City and WCHRA, as a result of a 2011 Pre-Development "Livable Communities Demonstration Account" (LCDA) Grant, commissioned a land use and zoning analysis for the Red Rock Gateway, complimented by a market analysis of the City. The grant also included completion of this study to incorporate the findings from the previous two studies to provide overall planning guidance, including suggested goals and implementation strategies.

As a result of these studies, the City obtained critical research from its planning, market, and development consultants, as well as from private sector developers, local citizens and business representatives, to prepare realistic redevelopment scenarios for the area. Based upon their input, the goal of this Plan is to provide initial planning guidance for coordinated redevelopment that will foster a transit oriented development pattern around the new transit station and provide an area for residents to live, shop, work, and play. The Red Rock Gateway affords the City its largest opportunity for transformative change due to its location, visibility and access to a multi-modal transportation system.

Study Area Defined

The Red Rock Gateway is roughly defined by the geographical boundaries of I-494 on the north, 21st Avenue on south, Highway 61 on the east and the Mississippi River on the west. This study more closely examines four areas, which are noted on the map. Areas 1-4 total about 41.45 acres. The financial projections include only the parcels in Areas 1- 4.



Site Analysis

The Red Rock Gateway is an example of post-World War II highway-oriented development. Planning and development in that era focused on maximizing the development potential of new freeway and highway corridors. Little attention was given to pedestrian facilities or other forms of transportation. Land-uses were segregated, with single-family and multifamily housing developed in neighborhoods that were separated from commercial uses and employment.

New transportation trends and community values are making highway-oriented strip malls and Euclidean zoning obsolete. With increasing gas prices, an aging population, strains on local and regional infrastructure, and a new interest in healthier lifestyles, the Metro Region and its communities are redefining how they develop and redevelop. Cities are redeveloping with multi-modal transportation options, higher densities, new amenities and place making elements.

The Market Study completed in August 2011 stated that the largest barrier to redevelopment is the strong industrial character of the area. Additional challenges include the lack of connection to nearby shops, public open spaces or connection to the Mississippi River. Nevertheless, the size and location of the Red Rock Gateway area, near a major regional interchange and the Mississippi River, provides ample opportunity for higher intensity developments with place making opportunities.

Physical Characteristics:

As can be seen on the map on the previous page, the Red Rock Gateway area is comprised of a variety of land uses as illustrated in the following table:

End Use	Redevelopment Area	# of Parcels	# of Acres	Total Acres By area
Big Box - Single User	1	2	11.64	11.64
Single-Family	2	8	1.60	8.69
Single- Family Rental		3	0.47	
Strip Mall/Multi-Tenant		2	1.26	
Trucking		2	3.20	
Car Repair		2	0.46	
Vacant Land		7	1.46	
Commercial Business		1	0.23	
Restaurant & Bowling		3	2	
Commercial Business	4		0.88	
Vacant Land	10		2.06	
Industrial	4	6	17.56	17.56
TOTAL	N/A	49	41.45	41.45

Note: As a supplement to the information presented in the above table, the Appendix includes additional tables which indicate property name and address, owner, building square footage, acreage, land use and valuation.

Predominate uses include a vacant big box user and industrial and commercial businesses. The industrial users are the largest component for the area (Area 4), with the big box user being the second largest user located in Area 1. Area 4 contains a majority of the industrial uses, and approximately half of the area is needed for outdoor storage of materials. Area 2 contains a mixture of residential and commercial uses (car repair and small strip mall), and a trucking business. The street layout, lot design, land use arrangement and building improvements are organized by obsolete older plats with small lot sizes and street alignments that reflect outdated subdivision and site planning requirements.



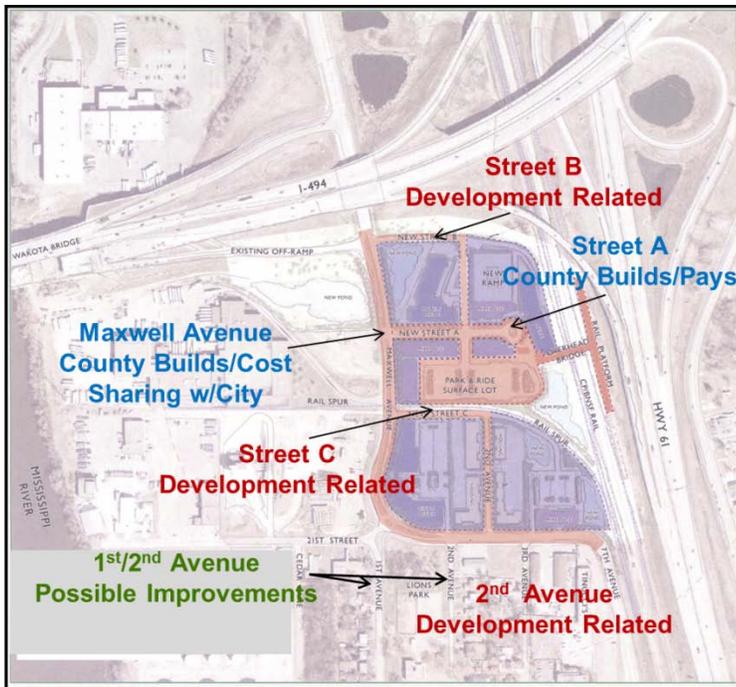
A majority of the buildings in the Red Rock Gateway were built over forty years ago. In Areas 1, 2, and 3, approximately 524,000 square feet is vacant out of the 812,860 square feet of commercial land. The mixture of land uses in Area 2 is inappropriate for the long term. The multi-tenant commercial building however, along 21st Avenue, has a number of tenants (including the Post Office) and can remain viable. About half of the land area in Area 3 is vacant, some of which is adjacent to Lion’s Park. Tinucci’s Restaurant, the bowling alley, a retail building, and a block building containing a woodworking and masonry business are located in this area as well. With the exception of Tinucci’s, the remaining structures have dated construction.

The homes in the Red Rock area have lower value than most of the homes in the community. Most of the single family homes located within the Red Rock Gateway are valued around \$100,000, ranging from \$80,000 to \$136,000. The average home value in 2012 was \$106,220. Of the ten (10) homes, three (3) are rental and the remaining seven (7) are owner occupied. One of the residential properties recently went through the foreclosure process and is currently vacant. The median home value in Newport for the timeframe between October 1, 2010 and September 30, 2011 was \$143,800 and \$195,200 in Washington County.



The Mississippi River is less than one-half mile from the Red Rock Gateway area, but it is currently invisible, and not utilized as an amenity. The river is hidden by major industrial developments and is not accessible for public enjoyment. However, the City recognizes that there is potential for redevelopment along the river, and is working to create new parks, access points, and trail connections that would serve new residents and businesses in the Red Rock area. In the near term, the City is discussing the acquisition of Newport Island and adjacent properties with the current owners, the Minnesota DNR and the U.S. Army Corps of Engineers. Homes in the area have been impacted by flooding issues and will continue to be impacted in the future. Purchasing the seven homes from willing sellers as funds become available and creating a new park may be a better investment than repairing the aging levy along the river. In the long-term, redevelopment adjacent to the new transit station may encourage redevelopment of the areas west of Maxwell Avenue with residential, employment and commercial uses that will take advantage of the proximity to the river.

Traffic/Transit Consideration:



Both I-494 and Highway 61 are important elements of the regional and local traffic network. Daily traffic volume along these routes is 87,000 and 59,000 vehicles/day respectively.

Another important roadway is Maxwell Avenue which is classified as a County A Minor Arterial which are defined as, "streets that connect important locations within the City with access points on the metropolitan highway system and with important locations outside the City." Traffic volume along Maxwell Avenue is currently 7,000 vehicles/day. This street is a vital access road to the Red Rock Gateway and the City. It is expected to carry additional traffic when redevelopment is complete. An existing pedestrian and

bicycle trail parallels Maxwell Avenue from the Wacota Bridge to City Hall, with links to the pedestrian bridges over Highway 61.

Maxwell Avenue, which merges with 21st Avenue and 7th Street south of the Red Rock Gateway area, is the major thoroughfare for the area. Maxwell Avenue should be strengthened as a gateway to the City

and the Red Rock Gateway. Feedback from private developers supports reconstructing Maxwell Avenue as a 4-lane divided roadway with a planted median, streetscape improvements and sidewalks on each side. The City’s Comprehensive Plan encourages a significant buffer on the west side of Maxwell Avenue, to separate the redevelopment in Red Rock Gateway area from the industrial uses to the west.

Other existing streets within the area will need to be redeveloped and some new roadways will need to be constructed to assist in providing an effective roadway network to serve redevelopment. 2nd Avenue will connect the area with Lion’s Park and parks and neighborhoods to the south, and will require reconstruction to replace utilities and provide curb and gutter. The layout of new roadways will depend upon the proposed end developments and will be cited at the time of platting of the area (Streets B and C).

AREAS 1-3							Timing
Street	Type	Responsible Entity	Cost	30% Contingency	30% Professional Fees	Total Cost	
Street B	2 Lane	County	\$120,858	\$36,257	\$47,135	\$204,250	2020
Maxwell Avenue	4 Lane w/median and 6' sidewalks on both sides	City/County	\$ 1,423,701	\$427,110	\$555,243	\$2,406,055	
Street C	2 Lane w/parking on both sides	City	\$ 224,092	\$67,228	\$87,396	\$378,715	
2nd Avenue	2 Lane w/parking on both sides	City	\$ 453,219	\$135,966	\$176,755	\$765,940	
TOTAL	N/A	N/A	\$2,221,870	\$666,561	\$866,529	\$3,754,960	N/A

Rail Spur

An existing rail spur dissects the redevelopment area and is located just south of the vacant Knox Lumber site. This spur services the large cold storage facility that is located west of Maxwell Avenue and South of I-494. The rail spur currently accommodates 1-2 trains per week and crosses over Maxwell Avenue at grade. This at grade crossing is the only access point for cars and pedestrians to cross over the rail spur and will likely be the only place that this can happen in the future.



As redevelopment commences, the City will need to work with the railroad to try to integrate the rail spur into the development. One option may include designing a buffer that provides green space for adjacent development. Long-term plans may consider potential use of the rail corridor if it is abandoned in the future.

Redevelopment:

In 2003, Tinucci’s relocated within the area as part of the Highway 61 reconstruction. This has been the only significant private reinvestment in the area.

In 2009, the WCRRA purchased the vacant Knox Lumber site in preparation of its plans to construct the first phase of the commuter rail stop in the City. It is anticipated that the building will be demolished in 2012 and that the WCRRA will begin construction in 2013 of its transit facility for buses. Once open, the transit facility will initially be served by Metro Transit express bus service to downtown St. Paul. An initial surface parking lot would eventually be transformed to a structured facility with capacity to

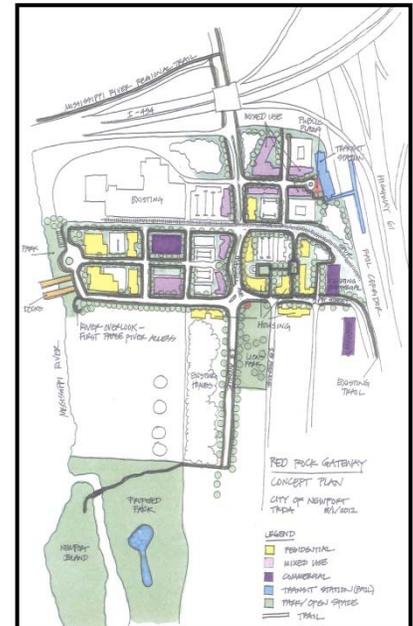
handle future demand from transit users and the surrounding development.

Parks and Trails

Lion's Park is a neighborhood park in close proximity to the Red Rock Gateway. The Park is located at the intersection of Maxwell and 21st Avenues, and bordered by 1st and 2nd Avenues. The Park offers the recreation and green space for the surrounding neighborhoods, and provides an opportunity to highlight the Red Rock Gateway at this intersection with a monument, signage or other feature. The City recently completed concept master plans for Lion's Park that include the option to add the vacant parcels along 21st Avenue to the Park. The plans also indicate the need to create a pedestrian connection from the Red Rock Gateway to the Park. The Park offers a variety of facilities for year round recreation, including a multi-use shelter and picnic areas, lawn for open play in the summer and skating in the winter; a hockey rink that may be used for rollerblading and basketball in the summer, and play equipment.

The area is well connected with existing trails along Maxwell Avenue that extend south to Glen Road and north to the Mississippi River Regional Trail. Future trail connections will need to be incorporated from this area to the west to provide the necessary linkages to the Mississippi River.

The design of the redevelopment area will incorporate new parks or plaza areas to serve new residents, and will include new trails and sidewalks to link the area with the community's trail system.



Summary

Overall the Red Rock Gateway area is in decline, with significant underutilized land areas and buildings. Many of the structures are outdated and in need of significant repair. Reinvestment has been limited. The City and WCHRA realizes that left to the private market, redevelopment will only occur in a piecemeal fashion, if at all. Scattered site redevelopment only provides a partial solution to the issues the Red Rock Corridor area faces. Piecemeal redevelopment will not take advantage of the significant public investment that is being made in new transit facilities in the area. These new facilities offer a significant opportunity for transformative change, with a new vision and new plan to take advantage of the area's location, connections, and nearby amenities.

The City and the WCHRA have determined that public intervention is required to assemble the area for redevelopment and to provide the funding mechanisms for the required public infrastructure. The Red Rock Gateway Redevelopment Plan establishes a vision for a comprehensive redevelopment effort as appropriate funding and reinvestment become available. This Plan serves as a strategic framework to address comprehensive revitalization efforts such as environmental issues, land use, infrastructure, public safety, new housing niches and public improvements as the long-term community solution.

RATIONALE FOR REDEVELOPMENT

The City and WCHRA have determined that the Red Rock Gateway has several characteristics of a blighted area, as defined by State Law, and therefore examination of public intervention is needed. The combined factors of underutilized land, vacant and/or obsolete buildings, a mixture of land uses organized by old plats, and the lack of a cohesive plan for development are barriers to economic redevelopment. The public purposes for redeveloping the area are several and include, but are not limited to, creating opportunities for increased tax base, job growth, new housing stock, replacement and upgrading of infrastructure services. Creating connections to the Mississippi River, regional trails, and nearby City parks will support new housing and commercial development. In the long term, the redevelopment of the Red Rock Gateway area will ameliorate the impacts from the recent regional highway construction, help connect this portion of Newport with the remainder of the City, and foster new growth and a stronger, more diverse tax base.

The City and WCHRA have created the Red Rock Gateway Plan to address the major conditions which contributed to the deterioration of the area, and create a new landscape that looks to the future. The Plan, when implemented, will create a transit-oriented neighborhood that will serve as a place to live, shop, work, and play. It will bring new residents and new jobs to the City, add life and value, and increase and diversify the local tax base.

Relevant City and WCHRA Goals and Policies:

The City and WCHRA have taken a holistic approach to revitalization of the Red Rock Gateway.

The principle objectives of the Plan is to redefine this area of the community and redevelop it in a more efficient and economically-sustainable manner, recognize and assume a proactive stance to the market and transportation system changes, and to increase the tax base of the community.

Further, the City and WCHRA realize that a major proponent of creating a stable neighborhood is to diversify its economic base. The City and WCHRA would like to provide housing opportunities that are not currently being offered in the City, in an effort to enhance diversity in the local economy and housing stock. The introduction of high density rental, senior cooperatives and owner-occupied townhomes will allow the City to fill new niches and attract residents that would not otherwise look at renting or purchasing in the City. In addition, development of some service oriented retail in the area will support and enhance the new transit facility as well as serve new residential units. The addition of office or light assembly uses within the area will strengthen the retail component and assist the City in reaching its objective of ensuring neighborhood stability through economic diversity.

Public Improvement/Redevelopment Goals and Strategies

The success of the redevelopment of the Red Rock Gateway will be realized with the implementation of the following goals and strategies. These goals and strategies were derived from the City Council, staff and residents, and were created to guide the decision making process for redevelopment of the Red Rock Gateway area.

Redevelopment and Land Use Goals and Strategies

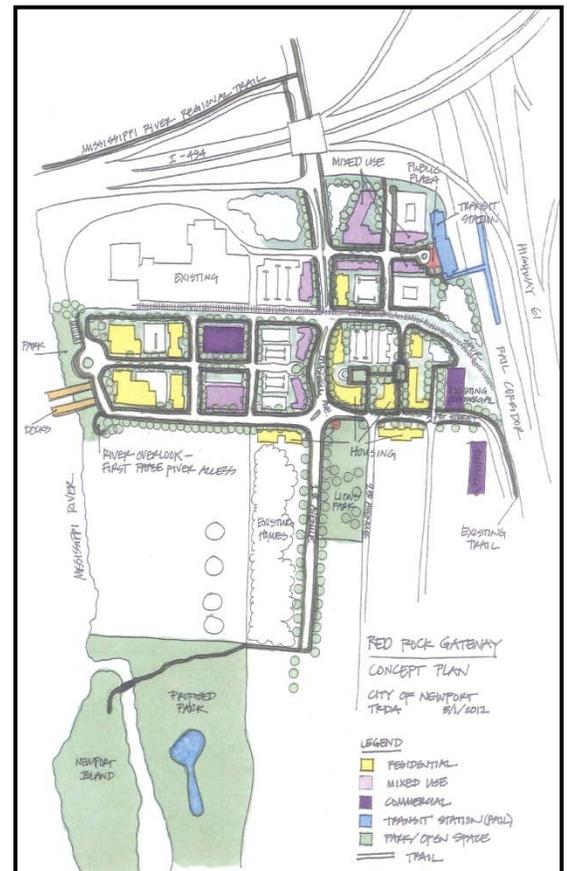
Goal #1: Create new mixed-use, transit oriented development that provides places to live, shop, work, and play.

Strategy #1: The City will coordinate its efforts with WCRRA and Washington County to coordinate redevelopment of the area with the new transit facility.

Strategy #2: The City and its partners will improve overall site access and visibility through reconfiguration of streets and block patterns. Infrastructure improvements will be timed to support redevelopment.

Strategy #3: The redevelopment plan will create clear, safe circulation routes for pedestrians, bicycles and vehicles. The plan will connect the area with park and river amenities by developing key streets as parkways and developing new trails and sidewalks.

Strategy #4: Redevelopment will be phased and flexible to meet the changing needs of users and markets.



Goal #2: Support the development of a variety of high-density multi-family units including senior and market rate apartments, owner-occupied town homes and senior cooperatives.

Strategy #1: Facilitate the necessary infrastructure and amenity improvements that will support and encourage new housing.

Strategy #2: Encourage the development of Class A higher density housing that will provide a housing niche not currently available in the City.

Strategy #3: Impart a residential character to Maxwell and 21st Avenues, create pedestrian elements/amenities, and buffer the industrial areas to the west.

Strategy #4: Link the housing developments to the Mississippi River, and local and regional park and trail amenities.

Goal #3: Provide opportunities for development of employment opportunities including office, small assembly business and retail uses around the transit center

Strategy #1: Locate retail development adjacent to transit facility for ease of access by transit riders.

Strategy #2: Encourage mixed-use buildings and developments that incorporate housing, commercial and office uses in close proximity.

Strategy #3: Provide amenities and services that attract new jobs and new residents.

Goal #4: Create a significant river park amenity and create pedestrian trails to establish strong links between the Mississippi River, Newport Island, Lion's Park, regional trails and the community.

Strategy #1: Develop pedestrian trails and walkways along the River and introduce pedestrian and bicycles facilities throughout the redevelopment area that are linked to the local trail network.

Strategy #2: Bury power lines along 21st Avenue and provide screening to the east of the existing industrial businesses to soften the edges and enhance the view corridor to the River.

Strategy #3: Construct way finding signage and streetscape improvements to enhance the connections to Lion's Park and the River.

Strategy #4: Evaluate acquisition of Newport Island and adjacent homes affected by flooding to develop the area into a passive park area and to provide access to the River.

Goal #5: Develop Lion's Park into a community park that can act as a focal point for the area

Strategy #1: Acquire four vacant parcels along 21st Avenue to provide direct access to the park and an extended area for recreational amenities.

Strategy #2: Create substantial visual element at Lion's Park to create terminus to sightlines from I-494 and Maxwell Avenue.

Strategy #3: Upgrade the Park to a community park by adding additional facilities and new play areas.



Strategy #4: Enhance landscaping along 1st and 2nd Avenues and create trail linkages along both edges and to the future Newport Island Park.

Goal #6: Upgrade streets and utilities in concert with the timing and financing of improvements.

Strategy #1: Work with Washington County on plan and timing of redevelopment of Maxwell Avenue and financing of City's portion of the reconstruction.

Strategy #2: Bury overhead power lines within the Red Rock Gateway when roads are being reconstructed.

Strategy #3: Reconstruct 2nd Avenue to upgrade utilities and add curb and gutter.

Goal #7: Build upon and strengthen the Civic presence in the area.

Strategy #1: Review options to construct City Hall within the area.

Strategy #2: Integrate the existing Fire Station into the redevelopment by making façade and signage improvements, as a demonstration of the Design Guidelines.

Goal #8: Distribute a range of parking options throughout the Red Rock Gateway.

Strategy #1: Act to encourage development which reduces expanses of hard-surface parking to accommodate a more compact development.

Strategy #2: Residential parking needs should be met by developing underground parking, when possible.

Strategy #3: Provide on-street parking along 1st and 2nd Avenues adjacent to Lion's Park to provide ease of access for Park users.

Strategy #4: Short and long-term parking areas shall be located to the rear of commercial buildings.

Design and Regulatory Goals and Strategies

Goal #1: Assure the Red Rock Gateway redevelopment implements the City's Design Guidelines and serves as a basis for creative techniques for achieving functional as well as aesthetic excellence in design (see detailed Design Guidelines in Appendix B).

Strategy #1: Develop design guidelines which encourage connectivity and circulation, public spaces, integrates transit facilities and promotes high quality and visually significant building designs.

Strategy #2: Encourage the use of a variety of high quality building materials to break up building facades. Encourage interruptions in building massing to create interest

through shadow, texture and site lines.

Goal #2: Promote and support building and development plans, programs and ordinances which encourage the mixing of uses in order to generate and maintain interest and diversity within the Red Rock Gateway.

Strategy #1: The City will create and adopt a new Zoning Map and Ordinance to encourage mixed use development, appropriate land uses, and performance standards for redevelopment of the Red Rock Gateway.

Goal #3: Integrate facilities which enable and/or enhance pedestrian circulation in order to simplify access to local services and to lend an atmosphere of activity to the Red Rock Gateway.

Strategy #1: The City will ensure that site designs accommodate pedestrian movements, both within the site and to adjoining properties.

Strategy #2: The City will create techniques for the identification of street crossing locations.

Strategy #3: The City will work with railroad and businesses to minimize the impact of the rail spur on redevelopment, and identify options for redesign of the rail spur area if the spur is abandoned in the future.

Economic Development Goals and Strategies

Goal #1: Encourage private investment in the Red Rock Gateway through public/private partnerships.

Strategy #1: The City shall encourage property owners to invest/reinvest in their properties and businesses to enhance the values with the Red Rock Gateway.

Strategy #2: The WCHRA shall create a Tax Increment Redevelopment District for the Red Rock Gateway. The WCHRA shall use Tax Increment Financing (TIF) as a means of leveraging private investment.

Strategy #3: The WCHRA shall use TIF for land acquisition, remediation, demolition, relocation, infrastructure and any other qualified costs within the Redevelopment District.

Strategy #4: The City and WCHRA will actively seek additional public and private funding sources/grants for redevelopment of the Red Rock Gateway.

Goal #2: Create a healthy environment for commerce.

Strategy #1: The City and WCHRA will work with the developer(s) to market and promote the Red Rock Gateway as a primary location for commerce within the City.

Strategy #2: The City will actively recruit businesses which would serve to enhance and diversify the business climate of the Red Rock Gateway.

Property Acquisition Goals and Strategies

Goal #1: Develop a land acquisition plan for Areas 2 and 3 within the Red Rock Gateway to coordinate land acquisition.

Strategy #1: Acquisition priority will be for Area 2, primarily along 2nd Avenue and second priority will be for Area 3.

Strategy #2: The WCHRA will act as the lead in land acquisition, relocation and demolition of the properties. The City will assist in acquiring key parcels depending on funding availability or other conditions arise as determined by the City or WCHRA.

Strategy #3: The acquisition and relocation activities will conform with the Uniform Relocation Act.

Strategy #4: First priority for acquisition will be vacant and foreclosed properties within these areas. After acquisition of these parcels, if any, the WCHRA will contact known willing sellers for the next phase of land acquisition.

Strategy #5: The City and WCHRA will meet and work with property owners that own more than one property within the area to coordinate acquisition.

Strategy #6: The first priority is to relocate businesses within the City, and second priority is to relocate businesses within the County. The City shall identify areas within the City for relocated businesses.

Goal #2: Identify acquisitions necessary to assure redevelopment happens in a timely fashion.

Strategy #1: The City and WCHRA will review the purchase of other key parcels on a case-by-case basis.

Strategy #2: The City and WCHRA will work with the WCRRA to deed to the City or WCHRA any excess land not needed for the transit facility in Area 1.

Strategy #3: The City shall work with the current owners of property along the Mississippi River to acquire needed property for public space and trail improvements.

Transit/Traffic Goals and Strategies

Goal #1: Create pedestrian friendly and transit oriented development standards to transform this area into an area more attractive for pedestrians and transit riders.

Strategy #1: Create design standards that encourage or allow for transit oriented developments in the Red Rock Gateway.

Strategy #2: Whenever possible, construct building fronts near the sidewalk.

Strategy #3: Improve pedestrian access and circulation within the Red Rock Gateway. It is anticipated that some of the existing roads will be redesigned to increase pedestrian linkages and to promote a more urban village environment.

Goal #2: Enhance existing transit services.

Strategy #1: Build upon the ongoing cooperative efforts of the City and the WCRRA to improve bus service in the area. Look at feasibility to create new east/west routes to boost transit ridership.

Strategy #2: Work with WCRRA and Metropolitan Council to promote existing bus transit service.

Strategy #3: Provide safe and convenient pedestrian connections to transit routes from all areas of the Red Rock Gateway.

Strategy #4: Work with the Metropolitan Council and the WCRRA to define locations for transit amenities such as bus staging areas, passenger shelters and signage.

Rehabilitation Goals and Strategies

Goal #1: Encourage private reinvestment of existing homes and businesses surrounding the Red Rock Gateway.

Strategy #1: Promote housing rehabilitation programs available through the County and State to surrounding property owners.

Strategy #2: Review feasibility of providing financial incentives and/or programs to owners of existing commercial buildings/facilities within the area.

Strategy #3: Work with property owners immediately adjacent to the Red Rock Gateway to provide mechanisms to enhance the quality of their property, or provide appropriate buffers from the new development and uses.

Sources and Uses of Funds

The Red Rock Gateway Plan calls for an aggressive capital outlay of funds to assist in the stabilization of the area. The overall strategy is to leverage public funds with private resources, earmark capital outlays for specific public improvements and actively seek and identify other sources of funds. None of the funding sources are available in total at one time but are available over multiple years, which would require project phasing. Below is a table outlining the Sources and Uses for Areas 1-3. Area 4 is not included at this time as further study and refinement is needed to determine what end uses could be supported.

Sources	Amount
* Land Sale Proceeds	\$ 6,289,444
* TIF	\$ 6,292,615
Grants	\$ 2,503,705
TOTAL	\$ 15,085,764

Uses	Amount
Land Acquisition	\$ 9,308,250
Relocation	\$ 990,000
Demolition/Remediation	\$ 570,000
Taxes/Soft Costs	\$ 462,554
Roads/Public Improvements	\$ 3,754,960
TOTAL	\$ 15,085,764

Private Development Costs

Use	Sq/Ft or # of Units	Total Development Costs Per Sq. Ft. or Unit	Total Development Cost (Including Land)
Retail	5,000	\$ 175	\$ 875,000
Office	50,000	\$ 200	\$ 10,000,000
Town Homes	19	\$ 215,356	\$ 4,169,018
Apartments	442	\$ 161,613	\$ 71,432,838
TOTAL	N/A	N/A	\$ 86,476,856

Conclusion and Recommendation

The City and WCHRA play important and complimentary roles in an ongoing effort to improve and to stabilize existing city neighborhoods and to enhance the overall image of the City. Since private investment alone cannot correct the issues the Red Rock Gateway faces, it is critical that the City and WCHRA continue to guide the revitalization of this area.

The public purpose of revitalization is to create a place that is economically strong, healthy, safe and attractive. The Red Rock Gateway will be an area where community and neighborhood residents will want to live, work and socialize. Many of the attributes necessary to assure that this happens are present in the Red Rock Gateway, although they have been neglected, unrecognized and underutilized in the past. The challenge of undertaking this redevelopment has been to define the area's assets and link them into a framework or pattern of connections in order to make the Red Rock Gateway a successful transit oriented development.

The main objective in revitalizing the area is to reconfigure the area for transit-oriented development, recognize the area's locational advantages, and incorporate the Mississippi River, local parks and trails as value-added amenities and utilize them as a catalyst to introduce housing options that are currently not available in the City. The City and WCHRA also seek to stabilize the surrounding neighborhoods that are declining due to the substandard conditions that exist in the Red Rock Gateway. By acquiring land within the area, developing the river and park and trail amenities and working with developers to privately finance new developments, it is anticipated that the area can be stabilized and its path to realizing its future expedited.

A significant underlying assumption to the revitalization of the Red Rock Gateway is that there will be a need for a strong relationship between the City, WCHRA, WCRRA and developers, to assure that the Plan is implemented as presented. It assumes a partnership that will encompass design, financing and implementation components and that the City and WCHRA will utilize Tax Increment Financing (TIF) and other supplemental redevelopment funds, to assist in relieving the high costs associated with redevelopment. It also assumes a financial commitment and a commitment to the vision from the developers, so they bring forth building designs and site plans that are consistent with the policies, goals and objectives set by the City within the Plan.

The City and WCHRA realizes that a comprehensive approach to addressing the factors which originally caused the Red Rock Gateway to decline is crucial to the Plan's success. This Plan defines the factors which precipitated the area's decline and contains detailed steps necessary to revitalize and stabilize this area of the City. The City and WCHRA are committed to seeing the Red Rock Gateway become an attractive area/center for the City as well as becoming a well-functioning transit oriented development through implementation of this Plan. The recommendation for adoption of the "the Red Rock Gateway Plan" is brought forward with the belief that it will truly transform this area and provide a long-term community solution.

PROCESS FOR REDEVELOPMENT OF THE RED ROCK GATEWAY

- June 9, 2011: Joint meeting with City Council, Planning Commission and developers to discuss redevelopment issues and opportunities
- August 18, 2011: Stantec Presentation of Draft Market Study to City Council and Planning Commission
- October 11, 2011: Joint meeting with City Council and Planning Commission to discuss financial feasibility of project
- November 10, 2011: Planning Commission begins discussion of Draft Zoning Map and potential uses in new Transit-Oriented District
- February 7, 2012 Meeting with City, WCRRA and WCHRA staff to discuss planning efforts to date
- February 9, 2012: Planning Commission completes Draft Zoning Map and continues development of Draft Ordinance
- February 21, 2012: Present preliminary redevelopment findings/options to WCHRA
- March 1, 2012: Joint meeting with City Council and Planning Commission to present preliminary redevelopment options
- March 8, 2012: Planning Commission completes Draft Ordinance and reviews Draft Design Manual
- April, 2012: Draft Ordinance reviewed by potential developers and by the City Attorney
- May 10, 2012: Planning Commission public hearing on Draft Zoning Map, Ordinance and Design Guidelines and review of preliminary Redevelopment Plan
- May 15, 2012: WCHRA review of Preliminary Redevelopment Plan
- June 7, 2012: City Council approval of Zoning and review of Preliminary Redevelopment Plan
- June 19, 2012: WCHRA approval of Redevelopment Plan and Joint Powers Agreement
- June 21, 2012: City Council approval of Zoning Map, Ordinance, Design Guidelines, Redevelopment Plan and Joint Powers Agreement
- July, 2012: City submits Comprehensive Plan Amendment to the Metropolitan Council for proposed zoning changes

Appendix A

Parcel Information

Map ID	Parcel ID	Use	Owner	Pay 2012 MV Land	Pay 2012 MV Building	Total Pay 2012 MV	Square Footage	Acres
AREA 1								
1	2602822140002	MNDOT ROW	MNDOT	\$ -	\$ -	\$ -	N/A	N/A
2	2602822410001	Knox	WCRAA	\$ 856,400	\$ 2,264,100	\$ -	428,220	9.83
3	2602822410003	Knox	WCRAA	\$ 158,000	\$ -	\$ -	78,992	1.81
AREA 1 TOTAL				\$ 1,014,400	\$ 2,264,100	\$ -	507,212	11.64
AREA 2								
4	2602822410004	Vacant Land	Newport Cold Storage	\$ 59,400	\$ -	\$ 59,400	33,954	0.78
5	2602822410042	Wilson Lines of MN	Wilson Lines of MN	\$ 347,900	\$ 275,400	\$ 623,300	126,521	2.90
6	2602822410006	Single Family	Gerald Stengeland	\$ 52,000	\$ 53,300	\$ 105,300	5,955	0.14
7	2602822410007	Single Family	James & Jennifer McCrory	\$ 55,000	\$ 40,000	\$ 95,000	13,050	0.30
8	2602822410010	Lamott's and Sons Auto	Duane & Sandra Beto	\$ 52,200	\$ 42,300	\$ 94,500	13,050	0.30
9	2602822410012	Wilson Lines of MN	Wilson Lines of MN	\$ 52,200	\$ 155,900	\$ 208,100	13,050	0.30
10	2602822410013	Single Family	Shirly Castillo	\$ 52,000	\$ 54,500	\$ 106,500	6,525	0.15
11	2602822410014	Vacant Land	Shirly Castillo	\$ 5,000	\$ -	\$ 5,000	6,525	0.15
12	2602822410015	Vacant Land	Shirly Castillo	\$ 5,000	\$ -	\$ 5,000	6,630	0.15
13	2602822410024	Vacant Land	Robert & Emily Hintz	\$ 1,000	\$ -	\$ 1,000	2,297	0.05
14	2602822410023	Rental	Robert & Emily Hintz	\$ 48,000	\$ 31,100	\$ 79,100	6,729	0.15
15	2602822410022	Single Family	Michael Ball	\$ 52,000	\$ 50,900	\$ 102,900	6,800	0.16
16	2602822410020	Single Family	Duane Beto & Jeff Hendrickson	\$ 60,100	\$ 32,500	\$ 92,600	13,600	0.31
17	2602822410019	Single Family	Dan Loiselle	\$ 50,000	\$ 60,500	\$ 110,500	10,200	0.23
18	2602822410018	Red Rock Heating	Wayne Bower	\$ 40,800	\$ 83,600	\$ 124,400	10,200	0.23
19	2602822410017	SF Rental	Tinucci Brothers	\$ 7,000	\$ 10,000	\$ 17,000	6,800	0.16
20	2602822410016	SF Rental	Tinucci Brothers	\$ 48,000	\$ 57,000	\$ 105,000	6,910	0.16
21	2602822410025	Vacant Land	Blue River Properties	\$ 7,100	\$ -	\$ 7,100	1,769	0.04
22	2602822410026	Vacant Land	Blue River Properties	\$ 22,800	\$ -	\$ 22,800	5,708	0.13
23	2602822410027	Automotive	Blue River Properties	\$ 27,200	\$ 114,000	\$ 141,200	6,800	0.16
24	2602822410028	Single Family	Robert Lanz	\$ 50,000	\$ 50,700	\$ 100,700	6,800	0.16
25	2602822410029	Vacant Land	Christopher Vieman	\$ 5,000	\$ -	\$ 5,000	6,800	0.16
26	2602822410030	Single Family	Christopher Vieman	\$ 52,000	\$ 79,600	\$ 131,600	6,800	0.16
27	2602822410031	Multi Tenant	M & D Peterson Properties	\$ 40,800	\$ 69,300	\$ 110,100	6,800	0.16
28	2602822410032	Multi Tenant		\$ 40,800	\$ 81,600	\$ 122,400	6,800	0.16
29	2602822410033	Multi Tenant		\$ 41,500	\$ -	\$ 41,500	6,909	0.16
30	2602822410034	Post Office	KRI Investmests Limited Ptnshp	\$ 155,100	\$ 209,100	\$ 364,200	34,461	0.79
		Shafer Signs						
		Ryan Roofing						
		Hid Lighting						
		RockBiz						
		TC Rod and Custom Inspection Services						
AREA 2 TOTAL				\$ 1,429,900	\$ 1,551,300	\$ 2,981,200	378,444	8.69
AREA 3								
31	2602822440046	Vacant Land	James & Pamela Kaiser	\$ 36,800	\$ -	\$ 36,800	9,198	0.21
32	2602822440045	Vacant Land	James & Pamela Kaiser	\$ 36,800	\$ -	\$ 36,800	9,198	0.21
33	2602822440044	Vacant Land	Thomas Fedorowski	\$ 36,800	\$ -	\$ 36,800	9,198	0.21
34	2602822440043	Vacant Land	Thomas Fedorowski	\$ 36,800	\$ -	\$ 36,800	9,198	0.21
35	2602822440026	Newport Car Wash	Newport Car Wash	\$ 36,800	\$ 147,600	\$ 184,400	9,198	0.21
36	2602822440025			\$ 36,800	\$ -	\$ 36,800	9,198	0.21
37	2602822440024			\$ 36,800	\$ -	\$ 36,800	9,198	0.21
38	2602822440023			\$ 36,800	\$ -	\$ 36,800	9,198	0.21
39	2602822440004			Masonry/ Doug Krath	John Seliga	\$ 32,200	\$ 146,200	\$ 178,400
40	2602822440003	Vacant	John Seliga	\$ 16,100	\$ -	\$ 16,100	4,602	0.11
41	2602822440002	Vacant Bowling	John Seliga	\$ 48,300	\$ 187,200	\$ 235,500	13,793	0.32
42	2602822440001	Tinucci's	Tinucci Brothers	\$ 37,800	\$ 806,100	\$ 843,900	9,198	0.29
76	2602822440051	Commercial	Paul Abbott	\$ 34,600.00	\$ 75,600.00	\$ 110,200	10,463	0.24
77	2602822440050	Vacant	Paul Abbott	\$ 41,900.00	\$ -	\$ 41,900	10,463	0.24
78	2602822440049	Vacant	James & Pamela Kaiser	\$ 41,900.00	\$ -	\$ 41,900	10,463	0.24
79	2602822440048	Commercial	James & Pamela Kaiser	\$ 38,600.00	\$ 219,800.00	\$ 258,400	9,661	0.22
AREA 3 TOTAL				\$ 585,800	\$ 1,582,500	\$ 2,168,300	151,423	3.55
AREA 4								
70	2602822410038	Parking	Aggregate Industries	\$ 10,900	\$ -	\$ 10,900	5,663	0.13
71	2602822420003	Industrial	Aggregate Industries	\$ 626,700	\$ 214,800	\$ 841,500	313,196	7.19
72	2602822410039	Parking	Aggregate Industries	\$ 87,700	\$ -	\$ 87,700	43,996	1.01
73	2602822420004	Industrial	Metro Gravel Exchange	\$ 281,400	\$ 745,700	\$ 1,027,100	112,385	2.58
74	2602822420005	Industrial	Houle Newport	\$ 365,400	\$ 615,200	\$ 980,600	162,479	3.73
75	2602822420002	Industrial	Virginia & Charlene Roise	\$ 286,600	\$ 100,400	\$ 387,000	127,195	2.92
AREA 4 TOTAL				\$ 1,658,700	\$ 1,676,100	\$ 3,334,800	764,914	17.56
GRAND TOTAL				\$ 4,688,800	\$ 7,074,000	\$ 8,484,300	1,801,992	41.45

Appendix B
Design Guidelines

To be included after City of Newport approval.

Appendix C Development Valuation and Assumptions

Area 1 - High Density			
Cost of Land (2 Parcels)	End Use	# of Units or Sq/Ft	TOTAL Development Valuation
\$3,556,150	Parking Ramp	N/A	\$0
	Apartments	180	\$17,100,000
	Apartments	120	\$11,400,000
	Office	30,000	\$3,750,000
	Retail	10,000	\$1,250,000
\$3,556,150	N/A	N/A	\$33,500,000
Area 2 - Medium Density			
Cost of Land (26 of 27 Parcels)	End Use	# of Units or Sq/Ft	TOTAL Development Valuation
\$5,234,453	Ponding	N/A	\$0
	St. Apartments	62	\$5,890,000
	Apartments/City Hall	80	\$7,600,000
	Existing Commercial	N/A	\$364,200
	Office	20,000	\$2,500,000
\$5,234,453	N/A	N/A	\$16,354,200
Area 3 - Medium Density			
Cost of Land (11 of the 12 Parcels)	End Use	# of Units or Sq/Ft	TOTAL Development Valuation
\$2,540,200	Town Home	19	\$3,871,745.02
	Park	N/A	\$0
	Existing Tunucci	7,000	\$875,000
\$2,540,200	N/A	N/A	\$4,746,745
\$11,330,804	N/A	N/A	\$54,600,945



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: June 12, 2012

SUBJECT: Ordinance No. 2012-8

BACKGROUND

Over the last couple months, the Planning Commission has been discussing a draft zoning ordinance for the Red Rock Gateway area. Through the discussion, staff has established language for the Zoning Code to be included in Sections 1330, 1350, and 1370.09 for approval. The Planning Commission held a public hearing for the ordinance additions at its May 10, 2012 meeting. No public comments were heard and the Planning Commission approved the resolution recommending that the City Council approve the ordinance additions unanimously.

DISCUSSION

Attached for the City Council's review is Ordinance No. 2012-8 approving the changes. The proposed language adds regulations for the MX-3 Transit-Oriented Mixed Use District and the River Redevelopment Overlay District. Additionally, it cleans up the two sections.

RECOMMENDATION

It is recommended that the City Council approve Ordinance No. 2012-8 approving a zoning amendment to Section 1300, Section 1330 General District Regulations, and Section 1350 Nonresidential Districts, adding Section 1370.09 River Redevelopment Overlay District and amending the zoning map

**CITY OF NEWPORT
ORDINANCE 2012-8**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, APPROVING A ZONING
AMENDMENT TO SECTION 1300, SECTION 1330 GENERAL DISTRICT REGULATIONS, AND
SECTION 1350 NONRESIDENTIAL DISTRICTS, ADDING SECTION 1370.09 RIVER
REDEVELOPMENT OVERLAY DISTRICT OF THE CITY OF NEWPORT CODE OF ORDINANCES
AND AMENDING THE ZONING MAP.**

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

Section 1300 – General

1300.01 Definitions.

Subd. 36 Fence. “Fence” shall mean a partition, structure, wall or gate erected as a diving marker, visual or physical barrier, or enclosure.

Section 1330 – General District Regulations

1330.01 District Classification

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

1330.01.3 Mixed Use Districts

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

1330.01.5 Special Overlay Districts

- **Shoreland Management District**
- **Critical Area Overlay District**
- **Flood Plain Management District**
 - **Floodway**
 - **Floodfringe**
- **Bluffland Area Overlay District**
- **Historic Neighborhood Conservation Overlay District**
- **Conservation Residential Overlay District**
- **River Redevelopment Overlay District**

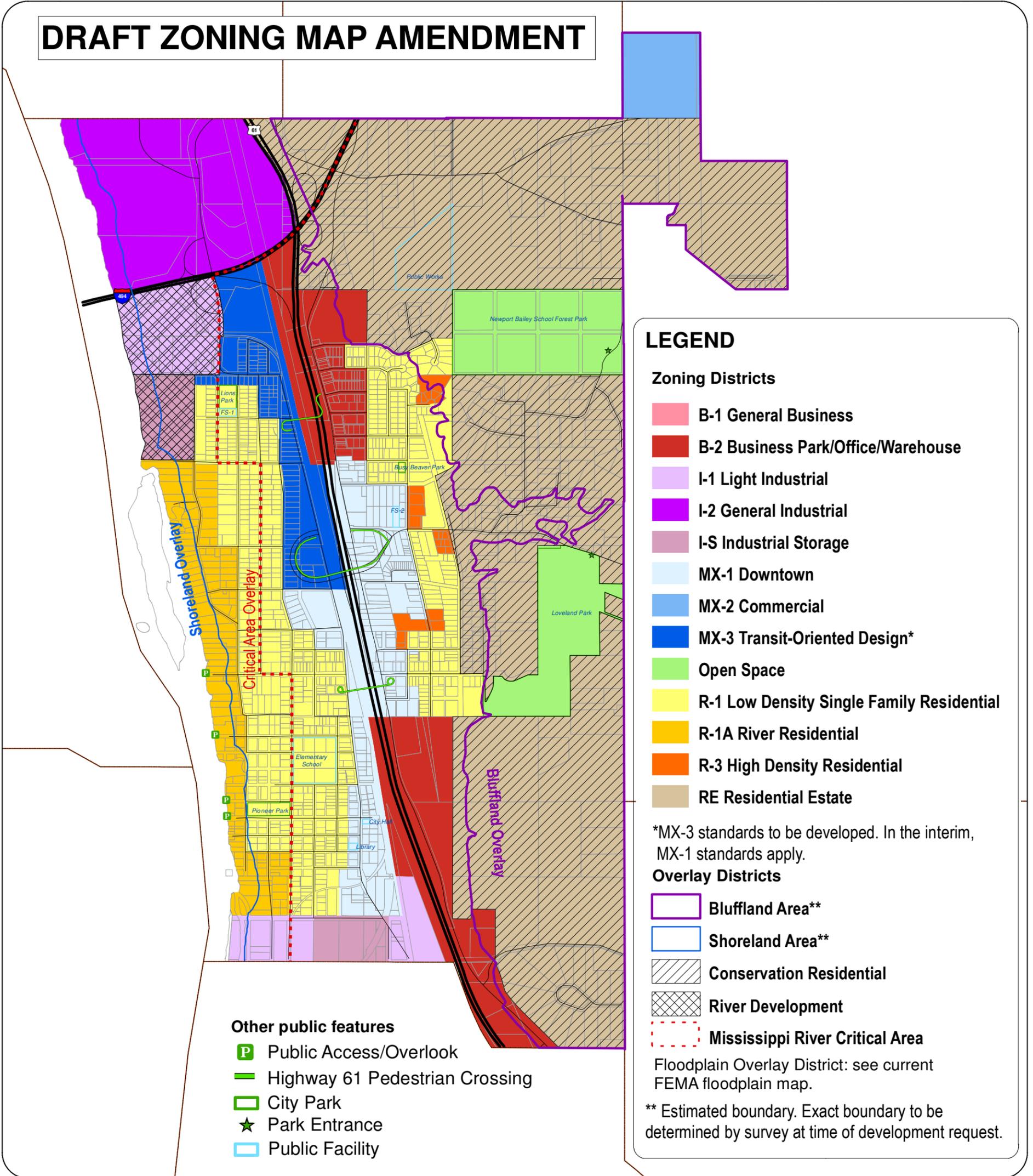
1330.02 Zoning Map

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



City of Newport Zoning Map

DRAFT ZONING MAP AMENDMENT



LEGEND

Zoning Districts

- B-1 General Business
- B-2 Business Park/Office/Warehouse
- I-1 Light Industrial
- I-2 General Industrial
- I-S Industrial Storage
- MX-1 Downtown
- MX-2 Commercial
- MX-3 Transit-Oriented Design*
- Open Space
- R-1 Low Density Single Family Residential
- R-1A River Residential
- R-3 High Density Residential
- RE Residential Estate

*MX-3 standards to be developed. In the interim, MX-1 standards apply.

Overlay Districts

- Bluffland Area**
- Shoreland Area**
- Conservation Residential
- River Development
- Mississippi River Critical Area

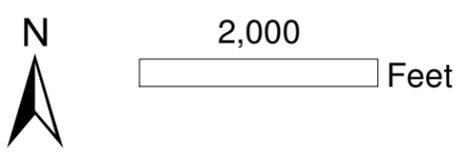
Floodplain Overlay District: see current FEMA floodplain map.

** Estimated boundary. Exact boundary to be determined by survey at time of development request.

Other public features

- Public Access/Overlook
- Highway 61 Pedestrian Crossing
- City Park
- Park Entrance
- Public Facility

Data sources: City of Newport, Washington County, Metropolitan Council
 Zoning Map Adopted TBD
 Map printed March 20, 2012



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Section 1330.04 Uses

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Residential															
Single Family Detached, one dwelling per lot	P	P	P	P	P							P	P	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Single Family Detached, more than one dwelling unit per lot	PUD	PUD	PUD	PUD	PUD							PUD	PUD		
Two Family residences				P	P							P	P		Includes townhomes
Multi-family (eight units or fewer per building)				C	P							P	P		Includes townhomes

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Multi-family (eight or more units per building)				C	P							C	C	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	Includes townhomes
Homes for handicapped or infirm including group homes or halfway houses but not containing more than 6 unrelated persons	C	C	C	C	C							C	C		
Planned residential developments	PUD	PUD	PUD	PUD	PUD							PUD	PUD		
Manufactured Single-Family Dwelling	P	P	P	P	P							P	P		

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance			
Land Use	Zoning District													Additional Use Regulations (See footnotes)			
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use		
Mobile Homes	C																
Public and Semi-Public Services																	
Airport	C								C	C					Please see Section 1350.12 (B) for allowed uses in the MX-3 District		
Cemetery						C	C										
Churches, synagogues, temples and associated facilities except schools	C	P	P	P	P	P						C	C				In Residential Districts and Mixed Use Districts building footprints shall not exceed 10,000 sq. ft.
Crematorium						C	C										
Funeral Home						P	P					C	C				

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Hospitals						P	P							Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Medical Clinics					C	P	P					P	P		In the MX district, facilities must not exceed a 10,000 square foot footprint
Military Reserve, National Guard Centers						C			C	C					
Nursery School/Day care services	C	C	C	P	P							P	P		
Parking Garage (as principal use)						P	P					C	C		
Parking Lots--Surface (as principal use)						P	P		P	P		C	C		

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance		
Land Use	Zoning District													Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	
Penal/correctional facilities									C	C				Please see Section 1350.12 (B) for allowed uses in the MX-3 District		
Post Office						P	P					P	P			
Pubic Facilities including government offices, emergency facilities, public works facilities, Schools, libraries, museums, art galleries, and other municipally owned or operated facilities.	C	C	C	C	C	P	P		P	P	P	C	C			Public Facilities located in Residential Districts must not exceed 10,000 square foot footprint except if located in the RE District.
Public utility	C	C	C	C	C	P	P		P	P	P	C	C			

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance			
Land Use	Zoning District													Additional Use Regulations (See footnotes)			
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use		
Schools--Trade, College, Vocational and associated facilities						P	P		C			C	C	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	In the MX district, school facilities must not exceed a 10,000 square foot footprint.		
Social, fraternal clubs and lodges, union halls						P	P					C	C				
Sanitary Landfill									C	C							
Towers and antennas																	See Ordinance 97-4
Transit Station						C	C					P	P				
Park-and-ride Lot						C	C					C	C				
Commercial																	
Bed and Breakfast	C	C	C	C	C	P	P					P	P				

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Hotels						P	P					C	C	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Motels						P	P					C	C		
Adult Uses (bookstore, theater, nightclub, nude or partially nude dancing)										C	C				
Animal boarding						P	P								
Animal grooming						P	P					C	C		
Animal hospitals						P	P					C	C		
Animal retail sales						P	P					C	C		
Antique Shops						P	P					P	P		
Artist studios												P	P		

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Auto sales, rental and services						C								Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Auto services only						C						C	C		No more than 4 bays in the MX districts
Auto storage									C	P	C				
Auto washing						C,A			P,A	P, A					
Bakeries (Retail sales)						P	P					P	P		
Bakeries (Wholesale)						P	P					C	C		
Restaurant--Liquor Served--Bar Grill						C	C					C	C		
Restaurant--Fast food						P	P					C			

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance		
Land Use	Zoning District													Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	
Restaurant-- Traditional (no liquor, sit down restaurant)						P	P					P	P	Please see Section 1350.12 (B) for allowed uses in the MX-3 District		
Building materials and services						C	C									
Catering services						P	P		P			P	P			
Professional Offices						P	P					P	P			
Convenience Stores						P	P					P	P			

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance		
Land Use	Zoning District													Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	
Bicycle Sales Dry Cleaner Laundromat Drug Store/Pharmacy Floral/Flower shop Hobby Shop						P	P					P	P	Please see Section 1350.12 (B) for allowed uses in the MX-3 District	In the MX district, drive up windows require a conditional use permit (CUP)	
Wholesale sales						P	P		P							
Produce sales: vegetables, fruit, flowers, etc...						P	P					P	P			
Drive up Banks						P	P					C	C			
Entertainment/amusement halls Bowling Alley Skating Rink, Indoor						P	P					P	P		If alcohol is part of the use a (CUP) is required.	

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Movie Theater						P	P					C		Please see Section 1350.12 (B) for allowed uses in the MX-3 District	300 or less capacity
Movie Theater						P	P								300 or greater capacity
Coliseums, stadiums						P	P								
Country Club and Golf Course	C	C	C	C	C	C	C								
Private athletic fields or courts	C	C	C	C	C										
Golf Driving Range						C									
Horseback Riding, Stables	C														
Auto and motorcycle racing tracks						C			C	C					
Drive-in movie theater						C									

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Mobile Home Sales						P								Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Manufactured Home Sales						P									
Automobile Parts/accessories retail sales and installation						P	C					C	C		
Automobile painting and body work									C						
Gas, diesel or other motor fuel retail sales						P	P					C	C		
Storage Mini-storage/cold storage											P				
Salvage yard (auto or scrap iron)										C					

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance	
Land Use	Zoning District													Additional Use Regulations (See footnotes)	
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use
Animal Kennel for more than 6 animals	C					C	C							Please see Section 1350.12 (B) for allowed uses in the MX-3 District	
Agricultural operations, row cropping, tree farming (excluding livestock)	P														No on-premises sales
Commercial Greenhouse operations	C					C			P						Outside storage or sales requires a CUP. No on-premise sales permitted in RE district.
Veterinarian Clinic, animal hospital						C	C		P			C	C		
Industrial															

Land Use Classification														NP Not Permitted P Permitted PUD Planned Unit Developments C Conditional Use Permit (CUP) required A Permitted Accessory Use CC Certificate of Compliance		
Land Use	Zoning District													Additional Use Regulations (See footnotes)		
	RE—Rural Estate	R-1A—River Residential	R-1—Low Density Single Family	R-2—Medium Density Residential	R-3—High Density Residential	B-1-General Business	B-2-Business Park/Office Wareh		I-1—Light Industrial	I-2—General Industrial	I-S—Industrial Storage	MX-1—Downtown Mixed Use	MX-2—Commercial Mixed Use		MX-3 – Transit-Oriented Mixed Use	
Manufacturing						C	C		P	P				Please see Section 1350.12 (B) for allowed uses in the MX-3 District		
Warehousing							C		P	P						
Storage and Distribution of Bulk Petroleum Products, Oil and Gasoline											C					
Storage and distribution of bulk liquid fertilizer, chemicals or similar materials										C	C					
Retail Sale, Installation and remanufacturing of vehicle parts and accessories.									P							

1330.05 Performance Standards

Subd. 15 Fences. Except in the RE, R-1, R-1A, MX-1, MX-2, and MX-3 districts, fences shall comply with the following standards:

- A. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- B. That side of the fence considered the face (the finished side as opposed to the structural supports) shall face the abutting property.
- C. A fence shall be of one color or pattern, may not contain or support pictures, signage or lettering, and must be maintained in good condition and appearance.
- D. A fence shall only be constructed of the following materials:
 - 1. Treated wood, cedar, or redwood
 - 2. Simulated wood
 - 3. Decorative brick or stone
 - 4. Wrought iron or aluminum designed to simulate wrought iron
 - 5. Coated or non-coated chain link
 - 6. Split rail
- E. A fence may be no more than twelve (12) feet in height.
- F. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic.
- G. In the I-S district, a fence at least six (6) feet in height shall be required around all storage tanks. No fence shall be constructed on public rights-of-way.

Subd. 21 Fences in the RE, R-1, R-1A, MX-1, MX-2, and MX-3 districts.

- A. A fence may be placed along a property line provided no physical damage of any kind results to the abutting property.
- B. That side of the fence considered being the face (the finished side as opposed to the structural supports) shall face the abutting property.
- C. A fence in the front yard shall be of one color or pattern, and may not contain or support pictures, signage or lettering visible to a public street or to adjacent properties.
- D. A fence may be no more than four (4) feet in height in the front yard.
- E. A fence may be no more than six (6) feet in height in a side or rear yard, unless the side or rear lot line is common with the front yard of an abutting lot, in which case the portion of the side or rear lot line equal to the required front yard of the abutting lot may have a fence no more than four (4) feet in height.
- F. Except in the RE district, barbed wire may not be used for fences.
- G. A fence shall not visually screen or interfere with streets, sidewalks, or vehicular traffic.
- H. All fences shall be maintained in good condition and appearance.
- I. A fence shall only be constructed of the following materials:
 - 1. Treated wood, cedar, or redwood
 - 2. Simulated wood
 - 3. Decorative brick or stone
 - 4. Wrought iron or aluminum designed to simulate wrought iron
 - 5. Coated or non-coated chain link
 - 6. Split rail
- J. Except in the RE District, welded wire may not be used for fences on property boundaries.
- K. Welded wire may be used in the RE District for fences on property boundaries of rear yards.
- L. Welded wire may only be used for small enclosures in all districts to protect vegetation such as trees, gardens, plants, and bushes.
- M. Except in the RE District, snow fences may not be used for fences.
- N. Snow fences may be erected in the RE District for controlling snow between November 1 and April 15. All snow fences must be removed by April 16.
- O. No fence shall be constructed on public rights-of-way.

1330.06 Off-Street Parking

Subd. 2 Number of Off-street Parking Spaces. The number of off-street parking spaces required for uses in the Residential, Non-Residential, and MX-1 and MX-2 Districts shall be as follows. Section 1350.12 prescribes the number of off street parking spaces required for uses in the MX-3 District.

Subd. 4 Shared Parking in Non-residential Districts. The standards for shared parking spaces for uses in all-non-residential districts are as follows:

- A. Required parking facilities serving two or more uses may be located on the same lot or in the same structure, provided that the total number of parking spaces furnished shall not be less than the sum of the separate requirements for each use.
- B. A shared parking plan for two or more uses involving fewer than the total number of parking spaces required in paragraph (1) above may be approved by Conditional Use Permit, if at least the following conditions shall be met:
 1. No more than fifty (50) percent of the required parking spaces for a given use may be shared with another use.
 2. The applicant shall show that there is no substantial conflict between the principal operating hours of the uses, which will share parking spaces.
 3. A properly drawn legal instrument covering access easements, cross parking arrangements, maintenance, or other pertinent issues, executed by the parties involved, and approved by the City Attorney, shall be filed with the City Clerk-Administrator.
 4. Proof of available parking can be made available should a more intensive use be proposed for the site at a later time.

Section 1350 – Non-residential Districts

1350.04 Purpose of the Industrial Districts

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

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

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

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

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

The specific intent of the IS Industrial Storage District shall be to provide areas that are adequately buffered and separated from residential, commercial, and business uses to permit storage of petroleum products and other similar storage uses.

1350.08 Purpose of the Mixed-Use Districts.

The mixed-use districts shall be established to accomplish the general purposes outlined in the Comprehensive Plan. Each of the districts as a unique purpose, as follows:

- A. MX-1 Downtown Mixed Use District. The specific intent of the MX-1 Downtown District is to foster a dense, focused, downtown business district with a mix of residential, office, commercial, retail and service uses. “Big box” uses are not allowed. The area should be pedestrian and bicycle-friendly in scale and in design.

- B. MX-2 Commercial Mixed Use District. The specific intent of the MX-2 Commercial District is to include a mix of land uses including residential, commercial, and other compatible uses. Commercial uses should serve the Newport community, and may serve the immediate region as well.
- C. MX-3 Transit-Oriented Mixed Use District. The specific intent of the MX-3 Transit-Oriented District is to encourage a mixture of residential, commercial, office and civic uses in proximity to transit facilities at densities and intensities that support and increase transit use. Development should encourage a safe and pleasant pedestrian environment, maximize access to transit, provide parking in an efficient and unobtrusive manner, and encourage a sense of activity and liveliness on local streets.

1350.09 Dimensional provisions for lots and structures.

The following lot dimension, lot coverage, building dimensions and setback provisions shall apply in nonresidential and mixed-use districts:

Provision	Districts								
	MX-1	MX-2	MX-3	B-1 & B-2	I-1	I-2	IS		
<i>Lot dimension and coverage provisions</i>									
Minimum lot area in square feet	2,400	4,000	None	15,000	30,000	30,000	30,000		
Minimum lot depth in feet	80	100	None	150	200	200	200		
Minimum lot width in feet	30	40	None	100	100	100	100		
Maximum lot coverage by all buildings (%)	80%	50%	None	30%	40%	50%	50%		
<i>Structure setback standards***</i>									
Minimum front yard setback in feet	0	10**	10	20	20	20	50		
Minimum front yard if across collector or minor street from any residential district in feet	10	10**	10	50	50	50	100		
Maximum front yard setback in feet			15						
Minimum side yard if adjacent to mixed-use or non-residential uses in feet	0	5	5	10	20	20	50		
Minimum side yard if adjacent to any residential district in feet	10	10	10	50	50	50	100		
Minimum rear yard in feet	20	20	20	20	20	20	50		
Minimum rear yard if adjacent to any residential district in feet	20	20	20	50	50	50	100		
<i>Parking and driving aisle setback in feet:</i>									

Provision	Districts								
	MX-1	MX-2	MX-3	B-1 & B-2	I-1	I-2	IS		
Minimum front yard in feet	Not allowed	Not allowed	Not allowed	20	20	20	20		
Minimum front yard if across collector or minor street from any R district in feet	Not allowed	Not allowed	Not allowed	50	50	50	50		
Minimum side yard in feet	5	5	5	5	5	5	5		
Minimum side yard if adjacent to any R district in feet	5	5	5	30	30	30	30		
Minimum rear yard in feet	5	5	5	5	5	5	5		
Minimum rear yard if adjacent to any R district in feet	10	10	10	50	50	50	50		
<i>Other Provisions</i>									
Maximum building height in feet*	40 3-sty	28 2-sty	See table in Section 1350.12(D)	40	40	40	40		
Maximum height of storage tank in I-S district in feet							55		
Public utilities required, including sewer	Yes	Yes	Yes	Yes	Yes	Yes	Yes		

* Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements in Section F(2)e apply for increases in height adjacent to single-family residential uses.

** See Section 1300.09 Exceptions to Front Yard Setbacks.

*** Structure setbacks for the MX-1 and MX-2 are as noted by the dimensional provisions unless otherwise specifically approved in a development plan as outlined in the Planned Development District process in Section 1360 of the Zoning Code.

1350.10 Parking standards.

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

- A. In the MX-1 District parking requirements shall be 1 space for every 350 square feet of office or retail gross floor area. On-street parking spaces that are adjacent to the parcel in which the parking is being calculated for may be included in the calculation. The maximum number of off street parking spaces permitted shall not exceed 1 space per 250 square feet of office or retail uses except in the case of restaurants which shall be allowed one space per 200 square feet if shared parking facilities are unavailable.
- B. Parking standards for the MX-3 District are included in Section 1350.12(I)
- C. Additional reductions in parking requirements in the MX-1 and MX-2 Districts shall be permitted with demonstration of proof of parking or a parking management strategy acceptable to the Zoning Administrator. Allowances for reductions in parking requirements in the MX-3 District are included in Section 1350.12(I).
- D. Surface Parking Lots in the MX-1 or MX-2 District shall be located at the side or rear of buildings and not in the front yard area. Surface parking lot or driveway access may not make up more than 25% of lot frontage.

1350.11 Additional Performance Standards for the MX-1 and MX-2 Districts.

Additional performance standards for the MX-1 and MX-2 Districts:

1350.12 Additional Standards for the MX-3 Transit-Oriented Mixed Use District

A. The specific intent of the MX-3 Transit-Oriented Mixed Use District is to:

1. Encourage a mixture of residential, commercial, office, and civic uses in proximity to the commuter rail station at densities and intensities that support and increase transit use.
2. Encourage a safe and pleasant pedestrian environment near the rail station, and limit conflicts between pedestrians and vehicles.
3. Maximize access to transit.
4. Encourage use of transit infrastructure.
5. Provide parking in an efficient and unobtrusive manner
6. Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
7. Encourage a sense of activity and liveliness along the street level of building facades.

B. Allowed Uses:

USE	PERMITTED	CONDITIONAL USE	NOT PERMITTED
Residential Uses			
Multifamily Residential— townhomes, condos, cooperatives	P (eight units or less per building)	C (more than 8 units per building)	
Mixed-Use (dwelling units above ground floor)	P		
Planned Unit Development		PUD	
Live-work building		C	
Congregate housing for senior populations	P		
Residential care facility (7-16 persons)		C	
Public and Semi-Public Uses			
Churches, synagogues and associated facilities, except schools		C—10,000 square feet or less	N—more than 10,000 square feet
Day care centers in a mixed-use building	P		
Government Offices		C	N—more than 50,000 square feet
Public parks and outdoor recreation facilities	P		
Parking garage (as a principle use), park-and-ride lot		C	
Public Utilities		C	
Schools – trade, vocational, dancing, music, arts, or fitness	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Transit stations, related parking, park-and-ride facilities		C	
Commercial Uses			

Auto services (not including body repair or major repair)		C—maximum of 4 bays	
Club or lodge, private	P—10,000 square feet or less		
Conference center	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Convenience retail, including gas, diesel and motor fuel retail sales		C	
Financial services	P		
Fitness and recreation centers, in a mixed-use building		C	
Grocery and produce sales	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Hotel		C	
Learning studio (martial arts, visual/performing arts, fitness)	P		
Medical, dental, and veterinary clinics and laboratories		C—10,000 square feet or less	N—more than 10,000 square feet
Offices— general, medical, professional, free-standing or mixed-use building	P—10,000 square feet or less	C—more than 10,000 square feet	
Printing, publishing, bookbinding, blueprinting		C	
Research, development and testing facilities		C	
Restaurants, including sidewalk cafes, freestanding or mixed-use buildings, bakeries, delicatessens, coffee shops, catering services	P--no liquor served	C—liquor served	
Retail businesses, free-standing or mixed-use building	P—10,000 square feet or less	C—more than 10,000 square feet and less than 50,000 square feet	N—more than 50,000 square feet
Service businesses--such as beauty shops, barbershops, dry-cleaning (drop-off/pickup only, no on-site processing)		C—10,000 square feet or less	N—more than 10,000 square feet
Small scale manufacturing, assembly, and artisans	P--5,000 square feet or less	C—more than 5,000 square feet and less than 10,000 square feet	N—more than 10,000 square feet
Structured parking facilities	P		
Accessory Uses			
Drive up facilities		C	
Gazebo, arbor, play equipment in	P		

public or private open space area			
Renewable energy system	P		
Parking lot	P		
Swimming pool	P		
Uses that are not permitted in MX-3			
Auto body painting, repair and body work, towing services			N
Single-family dwellings			N
Manufactured single-family dwellings			N
Mobile Homes			N
Outdoor sales in conjunction with a permitted use			N
Parking lots as a principle use			N
Storage, mini-storage, cold storage			N
Manufacturing			N
Warehousing and Industrial uses			N

C. Administrative Procedure for Development

1. Preliminary Review. Anyone planning to develop or redevelop property in an MX-3 District shall meet with the City Administrator (1) during the conceptual design process in order that the staff may offer input into meeting the ordinance requirements and design standards and (2) during the design development stage to ensure that the plans meet the minimum MX-3 District Standards.
2. Station Area Plan Procedure. No new development or redevelopment on the Station Area Site (“Old Knox Site”) may occur, and no building permit will be issued, without approval of a Station Area Plan conforming to the requirements of this section. Approval of individual site plans must conform to the Station Area Plan. Upon the submission of the Station Area Plan, the Planning Commission will conduct a public hearing and make a recommendation to the City Council, which shall approve, modify, or deny the Station Area Plan. The Station Area Plan shall include the following:
 - a. A drawing showing existing conditions such as property boundaries, generalized contours, site features such as wetlands and wooded areas, and surrounding land uses and development.
 - b. A conceptual development plan showing public and private open space, and general site data such as potential parcel boundaries and building locations, density, setbacks, ponding areas, parking areas and generalized screening, buffering, and landscape concepts.
 - c. Generalized traffic information including proposed new streets and alley connections, proposed improvements to existing roads, and an analysis of expected traffic generation and the adequacy of the proposed transportation infrastructure.
 - d. An elements plan that includes, but is not limited to, lighting, public art, planters, fountains, litter receptacles, benches or seating areas.
 - e. The findings necessary for approval of the Station Area Plan include, but are not limited to, the following:
 - i. The Station Area Plan is consistent with the intent of the MX-3 District.
 - ii. The Station Area Plan reflects development that:
 - A. Is not detrimental to the public health, safety, or general welfare
 - B. Is not hazardous, detrimental or disturbing to surrounding land uses, or that creates pollution, vibration, general unsightliness, electrical interference, or other nuisances
 - C. Does not create traffic congestion, unsafe access, or parking needs that will cause inconvenience to adjoining properties
 - D. Is served adequately by essential public services such as streets, police, fire protection, utilities, and parks
 - E. Does not create excessive additional requirements at public cost for public facilities and services, and is not detrimental to the economic welfare of the City

F. Causes minimal adverse environmental effects

G. Each phase or stage of the Station Area Plan can exist as an independent unit.

3. Site Plan Approval Required. A site plan approval is required for all new construction in the MX-3 District. Application for a site plan review shall be made to the City on forms provided by the City, and shall be accompanied by the following:
 - a. A survey or plat of the property
 - b. Evidence of ownership or interest in the property
 - c. The fee specified in the City's fee schedule
 - d. Information regarding project phasing and timing
 - e. Complete development plans as specified under Section 1360.08 of the Zoning Code, signed by a registered architect, civil engineer, landscape architect, or other appropriate design professional, as required by the State Building Code
 - f. Architectural plans showing the following:
 - i. Colored elevations of all sides of the building
 - ii. Type, color, and samples of exterior building materials
 - iii. Typical floor plans
 - iv. Dimensions of all structures
 - v. The location of exterior trash storage areas and of exterior electrical, heating, ventilation, and air conditioning equipment
 - vi. Utility plans including water, sanitary sewer, and storm sewer
 - vii. A plan showing landscaping, lighting, and signs that meet code requirements
 - viii. Illustrations that show adjacent building elevations to show the scale of adjacent buildings and landscaping
 - ix. Such other information as may be required by the City to process the application
 4. Public hearing and approvals. Upon receipt of a completed site plan application, a date shall be set for a public hearing before the Planning Commission. The hearing will be held no less than 10 days after mailed notice is sent to the owners of property located wholly or partially within 350 feet of the site. The Planning Commission shall submit its recommendation to the City Council. Following appropriate review, the Council shall make a decision regarding the application.
 5. Administrative Approval. To offer some degree of flexibility, the City Administrator has the authority to administratively increase any of the development and urban design standards by five percent (5%) in an MX-3 District. If administrative approval is required for parking or an item normally approved by the Planning Commission and City Council, the City Administrator shall only grant approval after consultation with other City staff (public works, building inspections, fire chief, etc.).
 - a. On matters that do not involve quantitative measurements, the City Administrator may also make minor alterations if he/she determines that such changes would be an acceptable design approach to development and would be in keeping with the general intent of the MX-3 District. Any such approval shall meet the following criteria:
 - i. Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the intent of the MX-3 District; and
 - ii. Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the MX-3 District.
- D. Dimensional standards and densities.
1. The following requirements apply to all buildings or uses in an MX-3 District:

Height and Setbacks	Residential Townhouse	Residential Apt., Condo, Cooperative	Mixed-Use Building	Commercial, Civic, not in mixed-use building
Height	3 stories or 36 feet maximum, whichever is less	2 stories (24') minimum; 4 stories or 48' maximum*, whichever dimension is less	2 stories (24') minimum; 4 stories or 48' maximum*, whichever dimension is less	No minimum; 4 stories (48') maximum

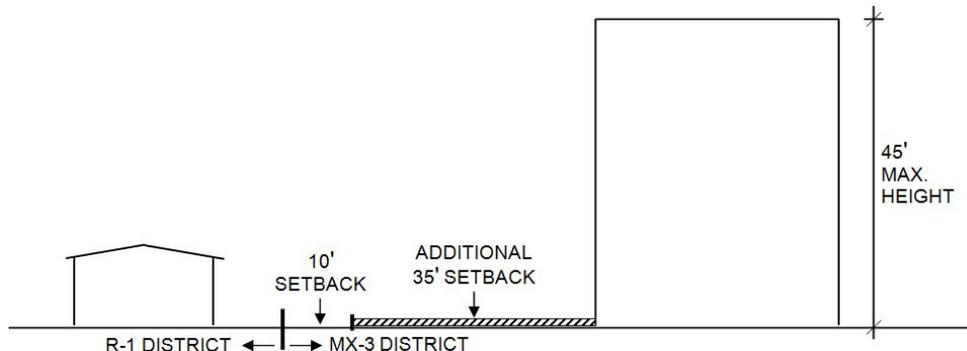
*Maximum height may be increased upon issuance of a Conditional Use Permit. The setback requirements in Section 1350.5 F (2) e apply for increases in height adjacent to single-family residential uses.

E. Densities

1. The maximum residential density in the MX-3 District shall be 50 units/acre
2. The minimum residential density in the MX-3 District shall be 30 units/acre
3. The minimum net FAR (Floor Area Ratio) for residential and non-residential uses shall be 0.5 FAR

F. Height and Setback Standards

1. General setback standards for the MX-3 District are indicated on the table in Section 1350.11.
2. Additional setback and building height standards for the MX-3 District include the following:
 - a. If new construction incorporates an existing structure located within a minimum setback, the City Administrator may allow the setback for the building addition to be reduced to the established setback.
 - b. All above-ground utility structures associated with electric, natural gas, telecommunications, cable television distribution lines, pipes, conduits, or other public utilities shall be located behind the minimum setback unless otherwise approved as part of the site plan approval. This applies to air vents, utility boxes, and back-flow preventers.
 - c. Driveways may cross the front setback, but shall be as near as perpendicular to the street for pedestrian safety and to minimize the intrusion into any landscaped area.
 - d. Balconies may project up to two feet (2') over the right-of-way, subject to an approved sidewalk encroachment agreement. Balconies shall have a minimum clearance of ten feet (10') from grade.
 - e. The permitted maximum height of structures adjacent to single-family residential uses shall be determined by the distance of the structure to the boundary line of the nearest single-family residential district. In the MX-3 District, applicable side and/or rear yard setbacks adjacent to single-family residential areas shall be increased by one foot (1') for each additional foot (1:1 ratio) of building height greater than the setback distance.



G. Open Storage Prohibited. Outside storage shall be prohibited in the MX-3 District.

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

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

1. The required/permitted number of parking spaces of any building within the MX-3 District, including mixed-use buildings, shall be the sum total of the requirements for each use in the building.
2. Parking maximums may be exceeded, if one or more of the following is provided:
 - a. If structured or underground parking is provided on site, parking maximum may be exceeded by 25%.
 - b. If a shared parking agreement is executed, parking maximum may be exceeded by 20%.
 - c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking maximum may be exceeded by 10%.
 - d. If driveways and access points are shared by at least two adjacent properties, parking maximum may be exceeded by 10%.
 - e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking maximum may be exceeded by 10%.
 - f. In no case shall the cumulative increase in parking exceed the maximum by more than 25%.
 - g. A 25% parking reduction in the minimum number of parking spaces required is allowed if the principle use is located within 800 feet of a parking facility with public spaces available to the general public or within 800 feet of a public transit park-and-ride facility with an approved joint use agreement.
3. No surface parking or maneuvering space shall be permitted within a required setback or between the primary structure and the front yard, except that driveways providing access to the parking area may be

installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible for pedestrian safety and to minimize intrusion into the landscaped areas.

4. Parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the City.
5. Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking that is located to the side of the primary structure shall not cover more than thirty-five percent (35%) of the total lot width.
6. Shared parking shall be permitted and encouraged.
7. Bicycle parking shall be provided as a component of all parking facilities at a ratio of one bicycle space per 20 automobile spaces, or a minimum of two bicycle parking spaces, whichever is greater. Bicycle parking must be provided within view of each business front entrance. Adjoining businesses may share common bicycle parking areas.
8. All surface parking areas for more than ten (10) motorized vehicles shall provide screening. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. The screening may be eliminated if abutting parking lots are combined or interconnected with vehicular and pedestrian access. Walls shall meet the performance standards for structures and screening included in Section 1330.05 and in this Section, Item L(2) f.
9. Structured parking shall meet the following additional requirements:
 - a. At least fifty percent (50%) of the linear street level frontage of structured non-municipal parking facilities shall be devoted to retail, office, civic, institutional, or residential uses. If seventy-five percent (75%) or more of the linear street frontage is devoted to such uses, then the total square footage of these uses shall be credited one hundred percent (100%) toward the required FAR minimums.
 - b. If retail, office, civic, institutional, or residential uses are constructed on the rear or side of the facility or above the ground floor on the street frontage of the facility, then the total square footage of these areas shall be credited one hundred percent (100%) toward the required FAR minimums.
 - c. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted with an eight foot (8') clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement. No ventilation shall be permitted in the setback.
 - d. A minimum nine foot (9') clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum seven-foot (7') clearance shall be maintained throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles.

J. Loading Standards.

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

Non-residential uses with gross floor area:

Less than 50,000 square feet	None required
50,000-150,000 square feet	One (1) space
Each additional 100,000 square feet	One (1) space

Existing buildings are exempt from these standards.

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

K. MX-3 District Design Standards

1. Connectivity and Circulation. Transit-oriented development uses shall be integrated with the surrounding area, easily accessible, and have a good internal circulation system for a variety of travel modes.
 - a. A pedestrian sidewalk system shall meet the following standards:
 - i. Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, open space, etc.). All internal sidewalks shall be finished with a hard surface as required by the City Public Works Department.
 - ii. External sidewalk connections are required to provide direct connections from all buildings on-site to the existing and/or required sidewalk system and to adjacent multi-use trails, parks, and greenways. Sidewalks shall be constructed with a hard surface and of a width as required by the City Public Works Department.
2. Street Design
 - a. Street walls
 - i. No blank walls are permitted to face public streets, walkways, or public open space.
 - ii. All non-residential buildings fronting directly on a street shall be designed so that the first floor street façade of the building(s) along all streets include clear glass window and doors to create pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least fifty percent (50%) of the length and at least forty percent (40%) of the area of the first floor street level frontage. At least fifty percent (50%) of the windows shall have the lower sill within three feet of the grade.
 - iii. For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five percent (25%) of the length of the first floor street frontage.
 - iv. Expanses of blank walls shall not exceed twenty (20) continuous feet in length. A blank wall is a façade that does not contain clear glass windows or doors or sufficient ornamentation, decoration, or articulation.
 - v. No reflective surfaces shall be permitted on street level exterior façades.
 - b. Corner Building Placement
 - i. At intersections, buildings shall have front and side facades aligned at or near the front property line.
 - c. Top of buildings
 - i. All rooftop mechanical equipment on buildings shall be screened from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible. Such equipment shall be screened with parapets or other materials similar to and compatible with exterior materials and architectural treatment on the structure being served. Horizontal or vertical slats of wood material shall not be utilized for this purpose. Solar and wind energy equipment is exempt from this provision if screening would interfere with system operations.
 - d. Building entrances and orientation.
 - i. Entrances shall be clearly visible and identifiable from the street and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features.
 - ii. At least one or more operable pedestrian entrances per building shall be provided. In a building where all three (3) of the circumstances below exist, only two (2) entrances shall be required:
 - A. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building façade(s) fronting all public rights-of-way.
 - B. When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to the public open space, multi-use trail, or greenway.
 - C. When abutting a sidewalk in the rail station area, an entrance(s) shall be provided on the building façade closest to the station area sidewalk.

- e. Exterior Materials
 - i. The primary exterior opaque materials on each elevation of a building, except for the service side, must be brick, stone, decorative masonry, or similar materials, or a combination thereof.
 - ii. The following materials are not allowed as exterior materials: painted or unpainted concrete block, aluminum, vinyl or fiberglass siding or roofing materials, precast concrete materials, unless specifically approved by the City Council for a new commercial building, painting of previously unpainted brick, wooden exteriors.
 - iii. Sustainability Standards. The City encourages the use of sustainable building materials and construction techniques through programs such as US Green Building Council's LEED (Leadership in Energy and Environmental Design), Minnesota Sustainable Building Guidelines, and similar programs.
 - iv. Alternative Designs or Materials. To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may recommend modifications of the requirements of this Section and the City Council may approve such modifications upon determining that the proposed architectural design or exterior façade materials meet all of the following conditions:
 - A. The proposed design or material is consistent with the purposes of this section.
 - B. The proposed design or material would enhance the architectural appearance of the building and would be equal or superior to designs or materials permitted by this section.
 - C. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.
- f. Screening Standards
 - i. All service entrances, utility structures associated with a building, and loading docks and/or spaces, shall be screened from the abutting property and from public view from a public street.
 - ii. Any fences or walls used for screening or other purposes shall be constructed in a durable fashion of brick, stone, and other masonry materials specifically designed as fencing materials. The finished side of the fence shall face the abutting property. Chain link, wood, vinyl, or barbed wire fences are not permitted.
 - iii. The composition of the screening material and the placement on the lot shall be left to the discretion of the property owners as long as the intent of this Section is met. A wall cannot be substituted for a planting strip along any public street unless supplemented by landscaping.
 - iv. Landscaping used for screening shall be evergreen and at least four feet (4') tall with a minimum spread of two feet (2') when planted and no further apart than five feet (5'). Shrubs shall be adequately maintained as that an average height of five (5') to six feet (6') can be expected as normal growth within four years of planting. The average expected height may be reduced to four feet (4') for screening along public streets.
 - v. The maximum height for walls and fences shall be six feet (6') or whatever is sufficient to visually screen the use but not less than four feet (4').
 - vi. Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a six-foot (6') high solid and finished masonry wall with closeable gates. In no instance shall a chain link fence, wood, vinyl, or barbed wire fence be permitted.
- g. Buffer Standards
 - i. All uses, other than single-family detached dwelling units, shall provide landscaping along all property lines abutting residentially used property located adjacent to the MX-3 District. This requirement also applies in situations where an alley with a right-of-way width of twenty-five feet (25') or less separates uses in the MX-3 District from a non-MX-3 District residential property. Landscaping shall be provided along all property lines abutting the alley when adjacent to residential uses. Multi-family developments in an MX-3 District are exempt from this landscaping requirement when they abut other multi-family uses.
 - ii. In no instance shall a chain link, wood, vinyl, or barbed wire fence be permitted.
- h. Exterior Lighting Standards

- i. Exterior lighting shall be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on adjacent properties and shall comply with the following standards:
 - A. Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
 - B. Security lighting shall be adequate for visibility, but not overly bright.
 - C. Metal halide lighting shall be used with a concealed light source of the “cut-off” variety to prevent glare and “light trespass” onto adjacent buildings and sites.
 - D. Poles within landscaped areas and plazas shall have a maximum height of twenty feet (20’), measured from grade, and shall be coordinated with City standards.
 - E. Poles in parking lots shall have a maximum height of twenty-four feet (24’) measured from finished grade.
 - F. Lighting fixtures mounted directly on structures shall be permitted when utilized to enhance specific architectural elements or to help establish scale or provide visual interest.
 - G. “Wall paks” shall be permitted only in loading and service areas and shall be down-lit and shielded from view.
 - H. Shielded illumination or fixtures shall be permitted to light building mounted signage, building façades, or pedestrian arcades if they are integrated into a building’s architectural design.
 - I. Lighting should highlight entrances, art, terraces, and special landscape features.
 - J. Separate pedestrian scale lighting or other low-level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
 - K. All primary walkways, steps, or ramps along pedestrian routes shall be illuminated.
- i. Light Intensity
 - i. A photometric lighting plan is required for all proposed commercial developments to ensure that adequate and appropriate light levels are provided for each site condition.
 - ii. Lighting shall not exceed 0.1 foot candle at residential property lines or 0.5 foot candle on non-residential property lines measured on a vertical plane.
 - iii. The following minimum levels of illumination must be maintained for each of the specific locations:

Building entrances	5.0 foot candles
Sidewalks	2.0 foot candles
Bikeways	1.0 foot candles
Courts/plazas/terraces	1.5 foot candles
Ramps	5.0 foot candles
Stairways	5.0 foot candles
Underpasses	5.0 foot candles
Waiting areas	1.0 foot candles
Parking lots	1.0 foot candles
- j. Signs, banners, flags, and pennants
 - i. where signs, banners, flags, and pennants for identification or decoration are provided, they shall conform to the following:
 - ii. Wall signs shall have a maximum of one-hundred fifty (150) total square feet or five percent (5%) of the building wall area occupied by the user, whichever is less. Wall signs may be increased by twenty (20) square feet per sign in lieu of a ground mounted or monument sign.
 - iii. Signs are permitted to project up to two feet (2’) into the minimum setback as measured from the building. Under no circumstances shall a sign project more than four feet (4’) from the back of the curb. A minimum overhead clearance of eight feet (8’) from the sidewalk shall be maintained.
 - iv. Marquee signs are permitted.

- v. Ground mounted or monument signs are permitted as follows:
 - A. Signs shall not exceed ten feet (10') in height and forty (40) square feet in area.
 - B. Signs shall be located behind the right-of way and out of any sight distance triangle.
 - C. Signs shall be setback five feet (5') from any property line.
 - D. No freestanding pole signs shall be permitted.
 - E. No off-premise signs shall be permitted.
- vi. Signs shall also conform to Section 1380.02 and 1380.03 of this code.
- k. Landscaping Standards
 - i. The plan for landscaping must include ground cover, bushes, trees, foundation plantings, sculpture, fountains, decorative walks, or other similar site design features or materials. Landscaping must conform to the requirements of the City Code, Section 1330.05, Subd. 14.
 - ii. Landscaping shall support the purpose and intent of the District, and be consistent with the Station Area Plan or adopted master plans for the District.
- L. Design Manual
 - 1. All design guidelines included in the City's Red Rock Transit District Design Guidelines shall apply. The Design Guidelines have been adopted as part of the City's Comprehensive Plan.

1330.13 Commercial, Industrial, and Mixed Use Districts

1370.09 River Redevelopment Overlay District.

Subd. 1 Findings. The City finds that the development of new transit facilities in the MX-3 Transit-Oriented Mixed Use District and redevelopment of the MX-3 District will benefit the general health and welfare of the residents of Newport by fulfilling needs for housing, transportation, and employment. Redevelopment in the MX-3 District may encourage redevelopment of adjacent industrial zoning districts in the long-term. Redevelopment in adjacent areas should be coordinated with the City's long-range plans for the MX-3 District to benefit the community and make the best use of public and private investment in the area.

Subd. 2 Purpose and Intent. The River Redevelopment Overlay District is created to coordinate future redevelopment in the overlay district with redevelopment in the adjacent MX-3 Transit-Oriented Mixed Use District.

Subd. 3 Objectives. The objectives of this district are to:

- A. Provide for City review of proposed new uses and redevelopment of parcels in within the River Redevelopment Overlay District.
- B. Coordinate redevelopment within the Overlay District with redevelopment plans and activities in the adjacent MX-3 Transit-Oriented Mixed Use District.
- C. Implement the City's concept plans for redevelopment in and around the MX-3 District by creating connections to the Mississippi River.

Subd. 4 Establishment of the River Redevelopment Overlay District. A River Redevelopment Overlay District with its attendant regulations shall be hereby established as part of the Zoning regulations of Newport, Minnesota. This district shall overlay the existing I-1 and I-2 Zoning Districts so that any parcel of land lying in the overlay district shall also lie in the underlying established zoning district. Territory within the overlay district shall be subject to the requirements established in this Section, as well as restrictions and requirements established by other applicable Code Sections, the Subdivision Ordinance, and other ordinances and regulations of the City. Within the overlay district, all existing uses shall be permitted in accordance with the regulations for the underlying zoning district provided, however, parcels within the overlay district shall not be entitled to add new uses or redevelop their sites until they have first satisfied the additional requirements established in this Subsection.

Subd. 5 District Boundaries. This Subsection shall apply to the River Redevelopment Residential Overlay District which shall be delineated on the official zoning map of the City for purposes of determining the

application of this Subsection to any particular parcel of land. The above-referenced map shall be on file in the office of the Zoning Administrator and shall be available for inspection and copying.

Subd. 6 Definitions.

- A. Redevelopment. "Redevelopment" is the construction of new buildings, facilities or uses on a site that has existing uses.

Subd. 7 New Uses Permitted. Permitted uses in the River Redevelopment Overlay District are those uses which are acceptable to any overall redevelopment plan adopted by the City and specific redevelopment plans approved by the City. Uses permitted in the MX-3 District are permitted within the River Redevelopment Overlay District. Upon approval of the specific redevelopment plans, the City shall determine the specific uses that are permitted within the development.

Sub. 8 New Uses Excluded. The following types of uses are not permitted in the River Redevelopment Overlay District:

- A. Uses which may be dangerous, create annoying odors, noise disturbances or be otherwise detrimental to the general welfare of persons residing or working in the vicinity thereof or may impair the use, enjoyment or value of any property.
- B. Trucking terminals.
- C. Uses whose operation requires the outdoor storage of materials or equipment, including the outdoor manipulation of said materials or equipment.
- D. Uses whose principal operation requires the outdoor storage of motor vehicles, including the outdoor manipulation of said motor vehicles.

Subd. 8 Process for Approval of Redevelopment Plans. Plans for each new use or redevelopment project or combination of projects in the River Redevelopment Overlay District must be submitted to the City Administrator for concept plan review. Site plan approval is required for all new construction in the River Redevelopment Overlay District. Applications and process for site plan approval shall follow the requirements for site plan approval identified in Section 1350.14, Section C.

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 21st day of June 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: April 26, 2012

SUBJECT: Property Acquisition Proposal for 1605 Cedar Lane

BACKGROUND

At the May 3, 2012 workshop meeting, the City Council directed staff to begin negotiations with the property owner of 1605 Cedar Lane to purchase the property. The property owners were originally offering the property at a cost of \$85,000; the City Administrator was able to bring the cost down to \$75,000, which is \$138,000 below market value.

City staff have also completed the attached grant application for submittal to the Department of Natural Resources 50% of the total cost.

DISCUSSION

Attached for the City Council's review is Resolution No. 2012-17 authorizing the Mayor and City Administrator to execute and enter into a purchase agreement for 1605 Cedar Lane and to submit a grant to the Department of Natural Resources for 50% of the total cost. Also attached is Resolution No. 2004-14 which established a City policy with respect to future floods. The policy states what the City will and will not do with respect to future floods.

The total cost for the acquisition and demolition will be approximately \$89,600, with the City paying \$42,800. Funds for this acquisition would be split between the North Ravine Fund and the EDA Fund. The South Washington Watershed District will administer the legal and closing aspects of the process.

RECOMMENDATION

It is recommended that the City Council approve Resolution No. 2012-17.

RESOLUTION NO. 2012-17

A RESOLUTION AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE A PURCHASE AGREEMENT ON BEHALF OF THE CITY FOR PROPERTY LOCATED AT 1605 CEDAR LANE AND TO SUBMIT A GRANT APPLICATION TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE FLOOD DAMAGE REDUCTION GRANT ASSISTANCE PROGRAM

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

WHEREAS, City staff has been in discussions with the property owner of 1605 Cedar Lane; and

WHEREAS, the property owner of 1605 Cedar Lane is willing to sell the property to the City at a cost of \$75,000; and

WHEREAS, the total cost of the acquisition and demolition will be approximately \$89,600; and

WHEREAS, the City will submit a grant to the Department of Natural Resources for 50% of the total costs to help with the cost of acquiring the property; and

NOW, THEREFORE, BE IT RESOLVED That the Newport City Council Hereby authorizes the Mayor and City Administrator to execute a Purchase Agreement on behalf of the City for property located at 1605 Cedar Lane at a cost of \$75,000 and to submit a grant application for 50% of the total cost, which is \$89,600, to the Department of Natural Resources.

Adopted this 21st day of June, 2012, by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator

JOHN M. GEARIN P.A.

Attorney at Law, MBA

JOHN M. GEARIN*

Paralegal:

JOANNE C. VANGUILDER

8657 Eagle Pointe Boulevard, Suite 200
Lake Elmo, Minnesota 55042

651-209-0888 Fax 651-209-0889
gearinlaw.com john@gearinlaw.com
*also licensed in Wisconsin

May 24, 2012

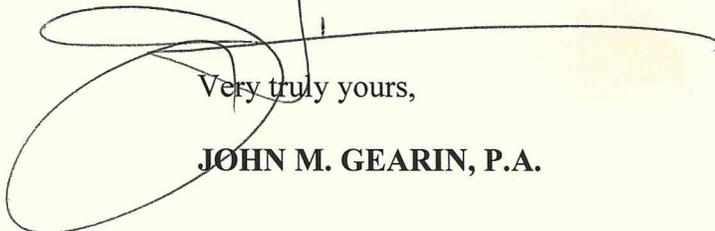
Brian Anderson
City Administrator
City of Newport
596 7th Avenue
Newport, MN 55055

Re: The Marriage of Susan Mary Smith and Warren Thomas Smith
Court File No.: 82-FA-11-4358
My File No.: 11-974

Dear Mr. Anderson:

This letter will memorialize our recent agreement wherein Susan Smith and Warren Smith, owners of 1605 Cedar Lane, Newport, Minnesota will sell their property to the City of Newport for \$75,000.00. The city of Newport will pay all property taxes due up to the date of sale. I understand you will be obtaining approval from the City Council of the City of Newport.

I look forward to working with you on this transaction.



Very truly yours,

JOHN M. GEARIN, P.A.

John M. Gearin
Attorney at Law

JMG:jv

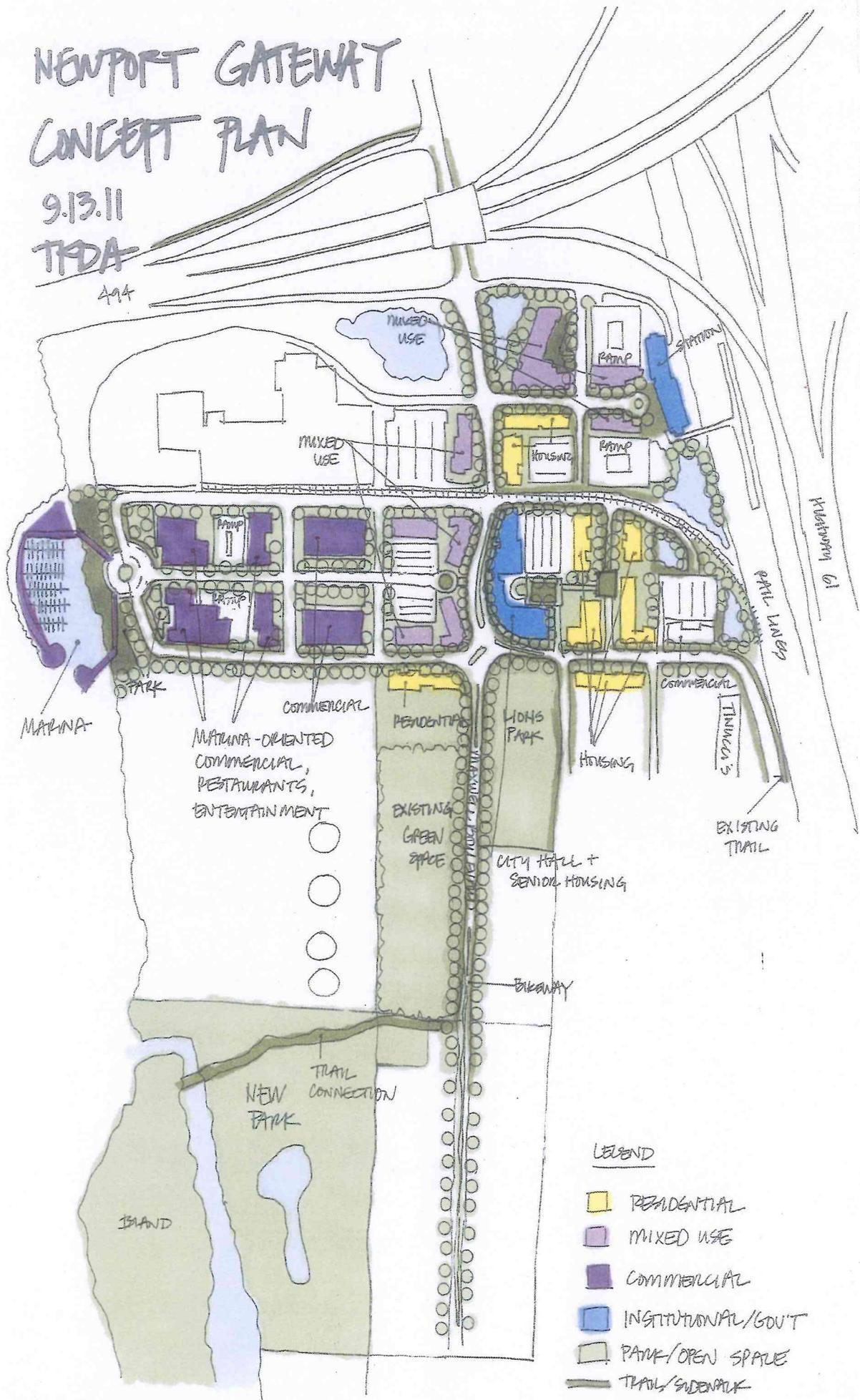
cc: Susan Smith
Patricia A. O'Gorman, Esq.

NEWPORT GATEWAY CONCEPT PLAN

9.13.11

TIDA

494



Washington County, MN



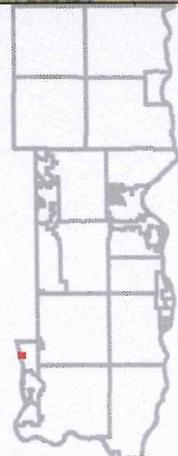
Property Information

Property ID 3502822120013
Location 1605 CEDAR LN



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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



14949 62nd Street North PO Box 200
 Stillwater, MN 55082-0200
 (651) 430-6175
 www.co.washington.mn.us

Property Tax Statement for Taxes Payable in 2012

Save for future reference



REFUNDS?

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

Property ID: 35.028.22.12.0013 Bill#: 26961

Taxpayer: W THOMAS & SUSAN M SMITH
 1605 CEDAR LN
 NEWPORT MN 55055-1047



Desc: RIVERWOOD ACRES NO.3 Lot 46

Taxes Payable Year:	2011	2012
Estimated Market Value:	191,700	189,000
Improvements Excluded:	11,100	11,100
Homestead Exclusion:		21,200
Taxable Market Value:	180,600	156,700
New Improvements/ Expired Exclusions:		
Property Classification:	Res Hstd	Res Hstd

Property Address: 1605 CEDAR LN
 NEWPORT MN 55055

1. Use this amount on Form M1PR to see if you are eligible for a property tax refund. File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.	<input type="checkbox"/>	\$2,546.34	
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		\$2,517.38	
Property Tax and Credits			
3. Property taxes before credits		\$2,517.38	\$2,546.34
4. Credits that reduce property taxes			
A. Agricultural market value credit		0.00	0.00
B. Other Credits		0.00	0.00
5. Property taxes after credits		\$2,517.38	\$2,546.34
Property Tax by Jurisdiction			
6. County	A. WASHINGTON COUNTY	489.30	500.80
	B. COUNTY REGIONAL RAIL AUTHORITY	3.22	3.31
7. City or Town	CITY OF NEWPORT	991.01	1,013.25
8. State General Tax		0.00	0.00
9. School District	ISD 833 SOUTH WASHINGTON	744.95	731.15
10. Special Taxing Districts	A. Voter approved levies	210.46	217.41
	B. Other Local Levies	44.23	46.74
	A. Metro Special Tax Dists	30.08	30.47
	B. Other Special Tax Dists	0.00	0.00
	C. Fiscal Disparities	0.00	0.00
	D. Tax Increment Financing Dists	0.00	0.00
11. Non-school voter approved referenda levies		4.13	3.21
12. Total property tax before special assessments		\$2,517.38	\$2,546.34
Special Assessments on Your Property			
13. Special assessments	Interest: Principal: 39.66	38.62	39.66
	SWWS STORMWATER UTILITY-PAY 2012 38.65 COUNTY ENVIRONMENTAL CHARGE PHE DEPT 3.00		
14. YOUR TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS		\$2,556.00	\$2,586.00

40%

FIRST HALF DUE
SECOND HALF DUE

May 15
October 15

\$1,293.00
\$1,293.00

PAYABLE 2012 2nd HALF PAYMENT STUB

Detach at perforation & mail this stub with your 2nd half payment in the enclosed green envelope
Res Hstd

TO AVOID PENALTY PAY ON OR BEFORE: October 15

Property ID: 35.028.22.12.0013

SECOND HALF TAX AMT
1,293.00

Bill #: 26961

Taxpayer:
 W THOMAS & SUSAN M SMITH
 1605 CEDAR LN
 NEWPORT MN 55055-1047

MAKE CHECKS PAYABLE TO:
 Washington County
 P.O. Box 200
 Stillwater MN 55082-0200

CHECK
 CASH

No Receipt sent. Your cancelled check is proof of payment. Do not send postdated checks.

3502822120013 2 00000000129300 5

PAYABLE 2012 1st HALF PAYMENT STUB

Detach at perforation & mail this stub with your 1st half payment in the enclosed green envelope
Res Hstd

TO AVOID PENALTY PAY ON OR BEFORE: May 15

Property ID: 35.028.22.12.0013

FIRST HALF TAX AMT
1,293.00

Bill #: 26961

Taxpayer:
 W THOMAS & SUSAN M SMITH
 1605 CEDAR LN
 NEWPORT MN 55055-1047

MAKE CHECKS PAYABLE TO:
 Washington County
 P.O. Box 200
 Stillwater MN 55082-0200

CHECK
 CASH

No Receipt sent. Your cancelled check is proof of payment. Do not send postdated checks.

3502822120013 1 00000000129300 7

Washington County Assessor

General Information

Pin: 35.028.22.12.0013
Address: 1605 CEDAR LN
 NEWPORT MN 55055
Class: Residential
 SubdivisionName
Legal: RIVERWOOD ACRES NO.3
 Lot 46 SubdivisionCd 55347

Prior Year Value Information

Year	Land Value	Dwelling Value	Improvement Value	Total Value
2012	105,000	88,300	0	193,300
2011	107,000	82,000	0	189,000
2010	111,700	80,000	0	191,700
2009	114,100	104,600	0	218,700
2008	117,000	120,800	0	237,800
2007	106,300	118,800	0	225,100
2006	106,300	118,800	0	225,100
2005	83,700	123,000	0	206,700
2004	83,700	112,000	0	195,700
2003	62,000	109,000	0	171,000

Residential Building Information

Occupancy	Style	Year Built	Total Living Area
Single-Family / Owner Occupied	1 Story Frame	1935	1,914

Land Information

Lot Basis	Square Feet	Acres
Sq. Ft. x Rate	29,292	0.67

Sale Information

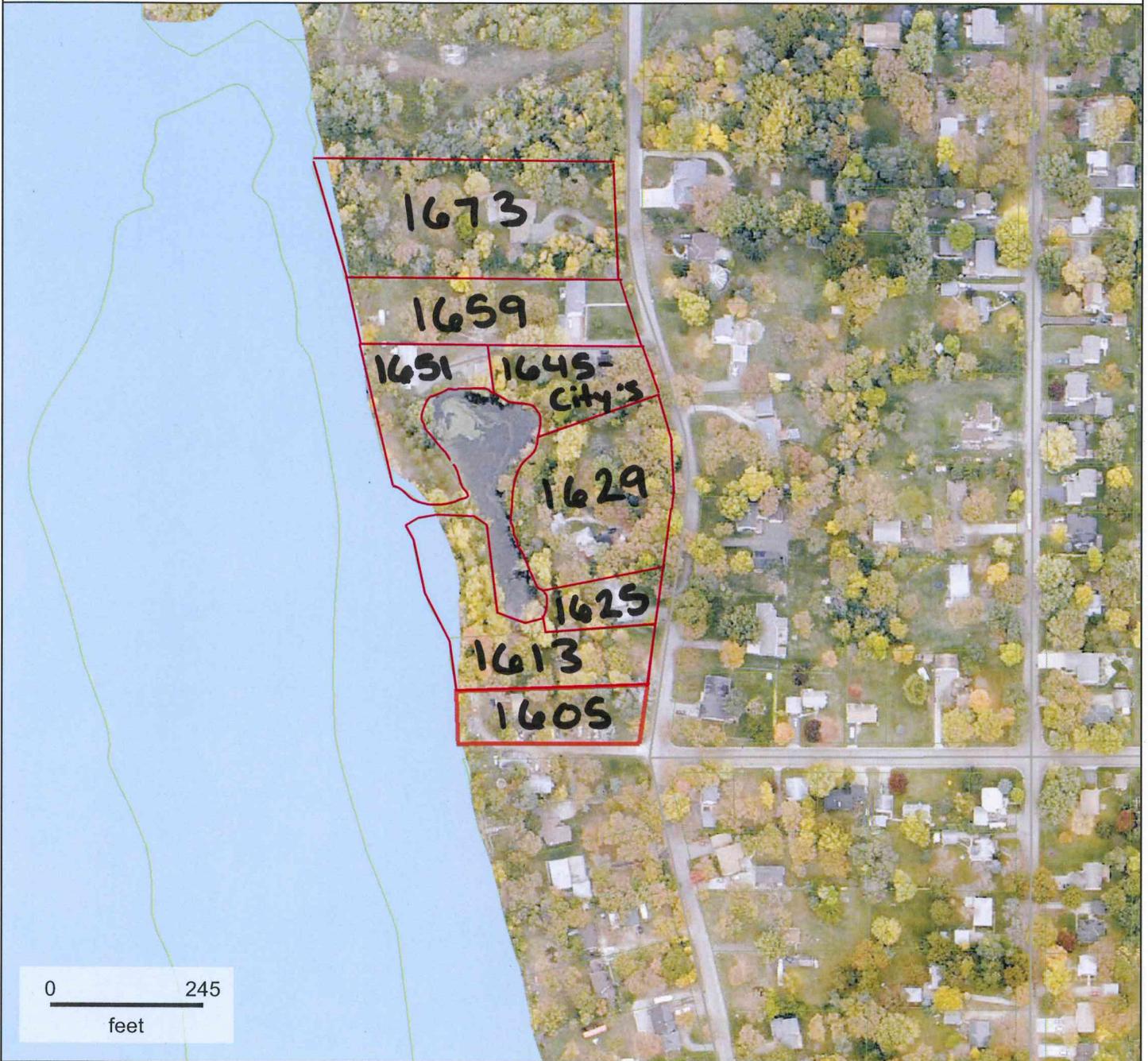
Sale Date	Amount	Recording
5/29/1998	103,000	

7/12/1995 85,000

Building Permit Information

Date	Number	Amount	Reason
8/24/1999	9-88	62,000	Addition
1/1/2004	Imported	0	Do Not Use

Washington County, MN



Property Information

Property ID 3502822120013
Location 1605 CEDAR LN



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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City of Newport
HSEM Hazard Mitigation Grant Program Assessment

Priority	Resident's Name	Address	1st Floor Elevation	Preflood Market-value	Costs					Total
					Demolition	Legal	Closing	Permits	Mgmt	
1	Thomas Donovan	1613 Cedar Ln	697.40	\$ 204,000	\$ 10,200	\$ 2,000	\$ 10,200	\$ 500	\$ -	\$ 226,900
				19,000	-	-	950	-	-	19,950
2	John Rose	1673 Cedar Ln	700.58	290,000	14,500	2,000	14,500	500	-	321,500
2	Thomas Smith	1605 Cedar Ln	702.30	192,000	9,600	2,000	9,600	500	-	213,700
2	Todd Girard	1629 Cedar Ln	703.40	175,000	8,750	2,000	8,750	500	-	195,000
				82,000	-	-	4,100	-	-	86,100
2	Bruce Bilderback	1659 Cedar Ln	704.20	213,000	10,650	2,000	10,650	500	-	236,800
2	Steven Svoboda	1651 Cedar Ln	704.40	196,000	9,800	2,000	9,800	500	-	218,100
2	Rebecca Potter	1625 Cedar Ln	705.40	222,000	11,100	2,000	11,100	500	-	246,700
Total				\$ 1,593,000	\$ 74,600	\$ 14,000	\$ 79,650	\$ 3,500	\$ -	\$ 1,764,750
				\$ 1,593,000	\$ 74,600			\$ 3,500		\$ 1,671,100
										\$ 835,550
										\$ 93,650

RESOLUTION 2004-13

A RESOLUTION OF THE CITY OF NEWPORT ESTABLISHING A CITY OF NEWPORT POLICY WITH RESPECT TO FUTURE FLOODS OF THE MISSISSIPPI RIVER AFFECTING PRIVATE PROPERTY AND LEVEES WITHIN THE CITY

CITY ACTIONS AS THEY RELATE TO A PREDICTED FLOOD OF THE MISSISSIPPI RIVER

WHEREAS, The City of Newport recognizes the existence of private levees as identified as Levee Reach #1 and Levee Reach #2, as noted in the Initial Appraisal, Mississippi River at City of Newport, Minnesota, Section 205 of the Flood Control Act of 1948 prepared by the US Army Corps of Engineers, St. Paul District, Final report April 2002. In light of their deteriorating condition, the City of Newport has decided to establish and publish a policy by resolution that will clearly delineate the City's position with respect to those private levees in the event of another major flood event.

WHEREAS, The City of Newport has ascertained that, in establishing a public policy with respect to flood response, it must achieve the following:

OBJECTIVES:

- Protect the health, welfare, and safety of the public.
- Encourage the Corps of Engineers to include a public purpose cost/benefit analysis as 5.1.3 Alternate 3 in accordance with the Section 205 of the Flood Control Act of 1948, Final 2002 for the Mississippi River at City of Newport, Minnesota, that would be applied to the above-referenced private levees.
- Support the fair market purchase and removal, by a governmental supported authority, of homes endangered by the removal or breaching of the private levees, Reach #1, and Reach #2.
- Support the creation of a passive use river park.
- Support the creation of a natural habitat island south of the extension of 17th Street, and a channel navigable to small craft on the easterly side of the island.

NOW, THEREFORE, BE IT RESOLVED, That the City of Newport City Council states and adopts, as a matter of City Policy of the City of Newport, that City Staff, assigned City Consultants and others affiliated on behalf of the City, herein-after referred to as "the City", would be expected to adhere to the following policies in the event of a predicted flood of the Mississippi River that would affect the City of Newport:

The City May, and Without Obligation, attempt to:

- Encourage homeowners to purchase National Flood Insurance.
- Provide a limited quantity of sand and sand bags for the use of homeowners and residents.
- Monitor flood predictions and river elevations as issued by the National Oceanic Atmospheric Administration (NOAA).
- Protect all City infrastructures, including but not limited to:
 - Locate sanitary sewer and water shut-offs.
 - Inspect homes, as permitted by private property owners, for infiltration into the sanitary sewer and/or contamination of the municipal water system and discontinue those services if necessary.
 - Disconnect sanitary and water services.
 - Block or barricade city streets as required for public safety.
 - Block or plug storm sewers located at the west outlets of 16th, 17th and 21st Streets when the river reaches a flood stage of 698'.
- Provide collection of empty sand bags.
- Provide a site for disposal of sand bag fill.

The City WILL NOT:

- Place or conduct any flood protection measures on private property.
- Provide labor or volunteers for implementing any flood protections measures on private property.
- Fill sand bags for use on private property.
- Provide temporary utility service for private property.
- Pump the pond located at or near 1651 and 1645 Cedar Lane (otherwise identified along Skiles Lane).
- Collect filled sand bags.
- Restore damaged private property.

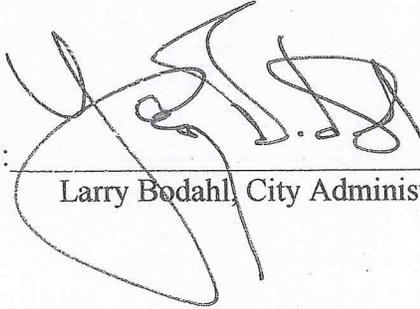
BE IT FURTHER RESOLVED THAT this policy and the City Council directives may be amended or superceded by subsequent policy, ordinance or the Mayor acting under the emergency powers granted by Minnesota statutes.

Adopted this 4th day of March 2004 by the Newport City Council.

The following Council members voted Aye:

Chapdelaine
Wileziok
Gerahity
Schettmiller
White (Absent)

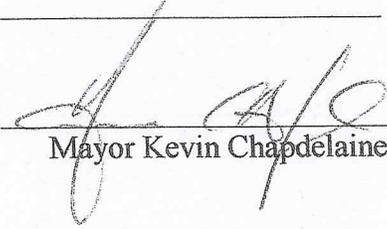
The following Council members voted Nay:



ATTEST:

Larry Bodahl, City Administrator

Signed:



Mayor Kevin Chappelaine



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: June 12, 2012

SUBJECT: Veteran's Memorial in Pioneer Park

BACKGROUND

In 2011, the City celebrated the Civil War Sesquicentennial. During this celebration, the City dedicated the Newport Veterans' Memorial in Pioneer Park. The Veterans' Memorial, which was approved in 2010 as part of the Master Park Plan and 2010 Comprehensive Plan, will consist of two elements. First, the twenty-five foot flagpole, which has already been installed. The flagpole forms the focal point for the second element: a circular plaza made of brick pavers inscribed with the names of Newport residents, living and deceased, who served honorably in the United States Army, Navy, Marine Corps, Air Force, National Guard and Coast Guard. The City will be installing the first set of bricks recognizing those men from Newport who served in the Civil War.

The Heritage Preservation Commission has reviewed and approved a concept site plan for the Veteran's Memorial, which is attached for your review.

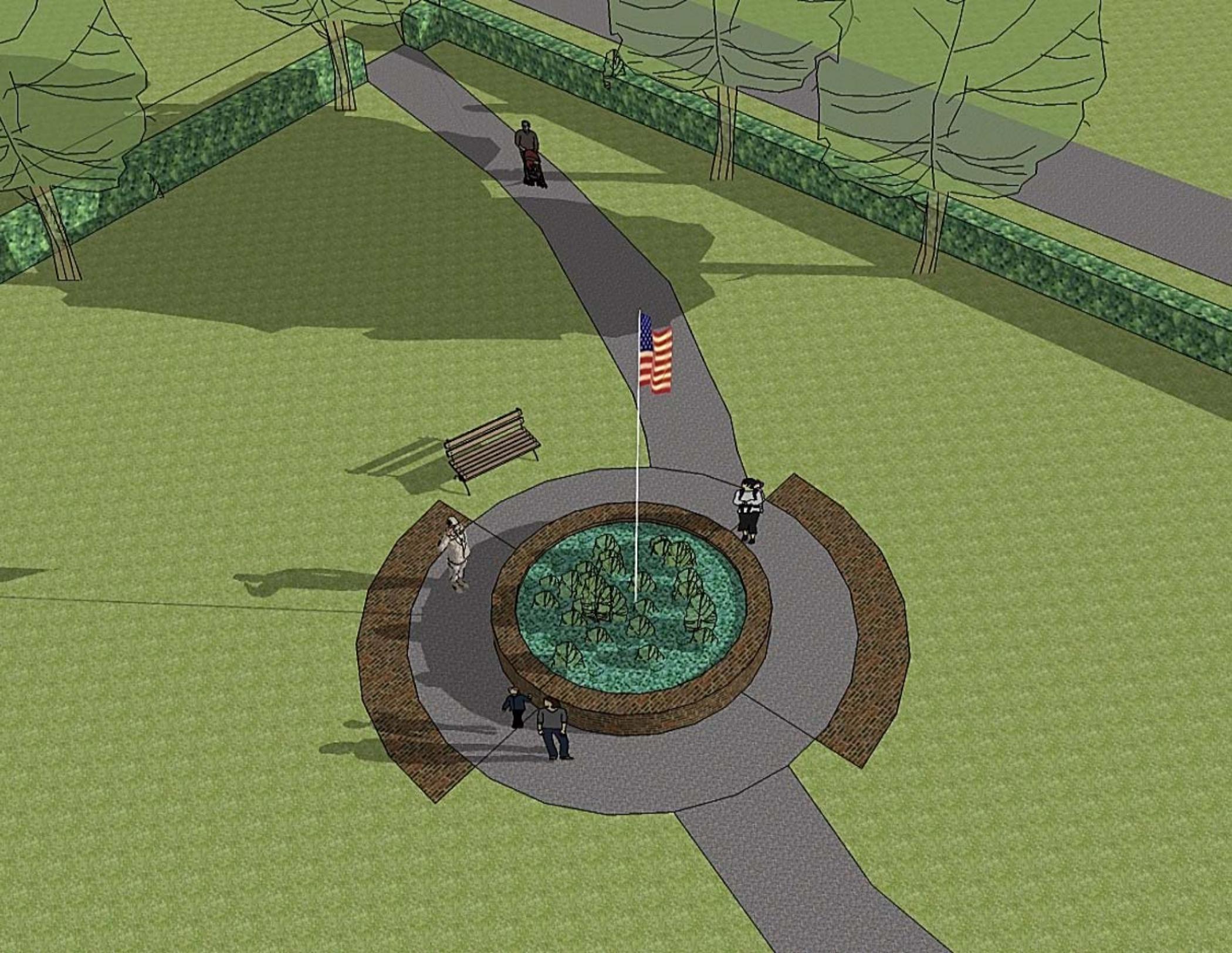
DISCUSSION

As you can see from the rendering, a circular flower bed surrounds the flagpole and brick pavers are installed on two sides of the sidewalk. The brick pavers along the sidewalk will be inscribed with the names of Newport residents who have/are serving.

City staff is currently seeking quotes for the flower bed, pavers, and sidewalk. It is anticipated that the flower bed will be 16 feet in diameter and will have the pavers around the flower bed. The sidewalk will then be five to eight feet in width. Although the details are still being worked on, City staff would like to begin selling the brick pavers. City staff researched various memorials in other municipalities and found that pavers are being sold for an average of \$100. It is recommended that the City sell the pavers for \$100 as well.

RECOMMENDATION

It is recommended that the City Council approve the concept site plan and provide direction on the cost of the pavers.





MEMO

TO: Mayor and City Council
 Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: June 12, 2012

SUBJECT: Penalties for Liquor and Tobacco Violations

BACKGROUND

At the May 17, 2012 City Council meeting, it was requested that staff research the City’s current policies on disciplining businesses if they violate any liquor laws such as selling to a minor. City staff reviewed its code for both liquor and cigarette license and found that there are no specific penalties listed. Instead, the ordinance states that the City Council can suspend a liquor license for up to 60 days or revoke any license for violation of the ordinance or State Law. There is no section for revocation or suspension for cigarette licenses.

DISCUSSION

Staff researched penalties for both liquor and cigarette licenses in the surrounding municipalities. Below are penalties from 9 surrounding municipalities.

City	Liquor	Cigarette
Newport	None	None
Cottage Grove	<p>Violations need to be within 3 years of each other</p> <p>1st Violation – At least 1 day suspension in addition to any criminal or civil penalties</p> <p>2nd Violation – At least 3 day suspension in addition to any criminal or civil penalties</p> <p>3rd Violation - At least 7 day suspension in addition to any criminal or civil penalties</p> <p>4th Violation – License will be revoked</p>	<p>Will be issued an administrative ordinance citation and fined. After the 3rd violation, the license will be suspended at least 7 days</p>
Forest Lake	No specific penalties	<p>Violations need to be within 1 year of each other</p> <p>1st Violation – \$100 penalty</p> <p>2nd Violation – 5 day suspension and \$250 penalty</p> <p>3rd Violation – License will be revoked</p>
Hastings	<p>Violations need to be within 2 years of each other</p> <p>1st Violation – 3 days suspension and \$1,000 civil penalty</p> <p>2nd Violation – 6 day suspension and \$1,500 civil penalty</p> <p>3rd Violation – 9 day suspension and \$2,000</p>	<p>The City Council has the authority to identify a penalty</p>

	civil penalty 4th Violation – License will be revoked	
Inver Grove Heights	Violations need to be within 5 years of each other 1st Violation – \$750 penalty 2nd Violation – 1 day suspension and \$1,000 penalty 3rd Violation – 3 day suspension and \$2,000 penalty 4th Violation – At least 3 day suspension or revocation and a \$2,000 penalty	None
Oakdale	Violations need to be within 4 years of each other City Council may also impose a fine 1st Violation – 3 days suspension 2nd Violation – 6 day suspension 3rd Violation – 18 day suspension 4th Violation – License will be revoked	Violations need to be within 2 years of each other 1st Violation – \$75 penalty 2nd Violation – \$200 penalty 3rd Violation – 7 day suspension and \$250 penalty 4th Violation – License will be revoked
Stillwater	No specific penalties	No specific penalties
South St. Paul	No specific penalties	Violations need to be within 2 years of each other 1st Violation – \$100 penalty 2nd Violation – Maximum of 3 day suspension and \$200 penalty 3rd Violation – 10 day suspension and \$300 penalty 4th Violation – License will be revoked
West St. Paul	No specific penalties	No specific penalties
Woodbury	No specific penalties	No specific penalties

RECOMMENDATION

It is recommended that the City Council provide City staff with direction on how to proceed in regards to the penalties for liquor and cigarette licenses.



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: June 12, 2012

SUBJECT: Complete Streets Policy

BACKGROUND

In April 2012, the City became a member of the Minnesota GreenStep Cities program. The program is a voluntary challenge, assistance and recognition program to help local governments achieve their sustainability goals through implementation of 28 best practices. Each best practice can be implemented by completing one or more specific actions from a list of four to eight actions. Since then the City has completed nine (9) best practices and will be recognized as a Step 2 City at the June League of Minnesota Cities Annual Conference. The City is also in the process of completing several other best practices.

DISCUSSION

One of the Best Practices consists of creating a Complete Streets Policy for the City. The Minnesota Complete Streets Coalition began in July 2009 and is intended to improve and ensure access to safe travel choices for all Minnesotans. The coalition works with Minnesota cities to help create a Complete Streets Policy. A Complete Streets Policy enhances safety, mobility, accessibility and convenience for all users including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities. Since 2009, over 25 Minnesota cities have established a Complete Streets policy.

Please find attached a draft Complete Streets Policy for the City. The Policy outlines how the City will work to create complete streets throughout the City and defines Complete Streets as:

“A complete street is designed to be a transportation corridor for all users: pedestrians, cyclists, transit users, and motorists. Complete streets are designed and operated to enable safe continuous travel networks for all users. Pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to safely move from destination to destination along and across a network of complete streets. Transportation improvements, facilities and amenities that may contribute to complete streets and that are considered as elements of a "complete street" include: street and sidewalk lighting; pedestrian and bicycle safety improvements; access improvements, including compliance with the Americans with Disabilities Act; public transit facilities accommodation including, but not limited, to pedestrian access improvement to transit stops and stations; street trees and landscaping; drainage; and street amenities.”

As of May 2012, the City has completed the following efforts in regards to implementing Complete Streets throughout the City:

- Development of an existing trail and sidewalk system and trail maps
- Development of a comprehensive city-wide trail system, included in its Comprehensive Plan
- Development of pedestrian crossings over Highway 61 to link the east and west areas of the City

- Identification of the proposed Red Rock Transit station area, and development of land use policies, ordinances and design guidelines to support transit and mixed-use development.

RECOMMENDATION

It is recommended that the City Council approve the Complete Streets Policy.

City of Newport Complete Streets Policy

The City of Newport is committed to developing and maintaining a safe, efficient, balanced and environmentally sound transportation system for all users. Additionally, the City supports integrating physical activity into daily routines through actions such as biking, walking, or taking transit.

The City understands that not all people get from place to place in the same manner. The Complete Streets Policy will work to enhance safety, mobility, accessibility and convenience for all users including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles, and for people of all ages and abilities.

In order to work to accommodate all modes, purposes, and users, a Complete Streets network must be created in the City. Through this policy, the City will work to create an interconnected transportation system in which users can easily and safely reach many destinations.

This policy only applies to transportation systems under the jurisdiction of the City of Newport; however the City will work with other transportation agencies to incorporate a complete streets philosophy and encourages the State of Minnesota, neighboring cities, Washington County, and regional organizations to adopt similar policies.

Given the limited number of new streets constructed in Newport, constructing a Complete Streets Network will not be easily accomplished. The existing transportation and land use framework from which the City exists, will, in some instances, limit the extent to which Complete Streets can be implemented. However, this policy requires that the City consider incorporating complete street elements into projects such as new construction, reconstruction and rehabilitation. These elements include, but are not limited to:

- Sidewalks and trails
- Medians and crossings
- Speed limits
- Stormwater drainage
- Trees, boulevards and other landscaping options
- Lane widths
- Bicycle facilities
- Lighting
- Public transit
- On-street parking

While Complete Streets intends to make accommodations for all modes and users of the transportation network, the City understands that it is not always possible to make sure accommodations in every instance. As such, the following exceptions are allowed:

- The corridor has severe topographic, environmental, historic or natural resource constraints
- There are safety risks that cannot be overcome
- There is a well documented absence of current and future need
- The cost of establishing Complete Street elements is excessive in relation to the total project cost
- Other exceptions are allowed when recommended by the Public Works, City Engineer, Police and Fire Departments, advisory boards, and the City Council.

When designing Complete Streets projects in Newport, it is important for the City to utilize the wide variety of design resources available. This includes but is not limited to:

- National Complete Streets Coalition
- Safe Routes to Schools

- American Association of State Highway Officials (AASHTO)
- Minnesota Department of Transportation
- Institute of Transportation Engineers
- Americans with Disabilities Act
- Public Right-of-Way Accessibility Guidelines

There are a number of design options and tools available to the city to implement Complete Streets, each with a unique set of benefits and disadvantages. A Complete Street may include:

- Sidewalks
- Bike lanes (or wide paved shoulders)
- Special bus lanes
- Comfortable and accessible public transportation stops
- Frequent and safe crossing opportunities
- Median islands
- Accessible pedestrian signals
- Curb extensions/bump outs
- Narrower travel lanes/road diets
- Roundabouts
- Traffic calming improvements
- Improvements to create safer and more comfortable pedestrian spaces including buffer space, pedestrian-scaled lighting, street furniture, refuge islands, landscaping and public art
- Wayfinding signage
- And, when possible, the City should consider including environmental improvements (storm water, pervious space, green space) into Complete Streets projects.

The City will generally follow accepted or adopted design standards from the resources listed above when implementing improvements to fulfill this policy but will consider innovative or non-traditional design options where a comparable level of safety for users is present. Considering innovative or new ideas is especially important when working within the context of a fully developed city.

The Minnesota Complete Streets legislation states Complete Streets should be designed “in a manner that is sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural settings.” This policy agrees with that statement. Complete Streets may be designed differently in residential, commercial, industrial and mixed use neighborhoods. It is important to note that context sensitivity is to be considered alongside network connectivity, flexibility, innovation and the unique needs of various users.

For the purposes of this policy, “Complete Streets” are defined as:

“A complete street is designed to be a transportation corridor for all users: pedestrians, cyclists, transit users, and motorists. Complete streets are designed and operated to enable safe continuous travel networks for all users. Pedestrians, bicyclists, motorists and bus riders of all ages and abilities are able to safely move from destination to destination along and across a network of complete streets. Transportation improvements, facilities and amenities that may contribute to complete streets and that are considered as elements of a "complete street" include: street and sidewalk lighting; pedestrian and bicycle safety improvements; access improvements, including compliance with the Americans with Disabilities Act; public transit facilities accommodation including, but not limited, to pedestrian access improvement to transit stops and stations; street trees and landscaping; drainage; and street amenities.”

As of May 2012, the City has completed the following efforts in regards to implementing Complete Streets:

- Development of an existing trail and sidewalk system and trail maps
- Development of a comprehensive city-wide trail system, included in its Comprehensive Plan
- Development of pedestrian crossings over Highway 61 to link the east and west areas of the City
- Identification of the proposed Red Rock Transit station area, and development of land use policies, ordinances and design guidelines to support transit and mixed-use development.

The City will use this Complete Streets policy to build on its efforts to include all transit modes and serve all users in the City.

May 2012

Newport Police Department
Activity Report

		Monthly Total	Yearly Total
ACCIDENTS		9	28
ADMINISTRATIVE		98	408
ALARMS		4	33
ANIMAL CALLS		15	36
ARRESTS	Felony	1	7
	Misdemeanor	7	21
	Gross Misd.	2	8
ASSAULTS	Aggravated		
	Simple	3	11
ASSIST OTHER DEPT/OFFICER		71	302
ASSIST PUBLIC		150	723
AUTO THEFT			4
	Attempted		2
BURGLARY		6	10
	Attempted		1
CHILD ABUSE/NEGLECT		1	4
CIVIL DISPUTES		5	28
CRIMINAL SEXUAL CONDUCT			1
CURFEW			
DAMAGE TO PROPERTY		6	23
DEATH INV.			3
DISORDER CONDUCT		4	11
DOMESTICS		5	61
DRIVING COMPLAINT		12	43
DRUGS/PARAPHERNALIA			2
DRUNKS/DETOX		2	5
D.W.I.		3	9
FIRECALLS		8	31
FORGERY			2
FOUND PROPERTY		1	10
HAR/COMM		2	13
HANG UPS (911)		2	15
JUVENILE PETTY CITATIONS			12
JUVENILE PROBLEMS		3	20
LOCK-OUTS		4	22
MEDICAL CALLS		25	90
MISSING PERSONS			1
ORDINANCE VIOLATIONS		23	64
ORDINANCE WINTER PARK			27
PROWLERS			
ROBBERY			
	Attempted		
RUN-AWAY			1
STOLEN AUTOS RECOVERED			4
SUSPICIOUS ACTIVITY		39	132
THEFT		12	69
	Attempted		
CITATIONS		168	515
TRAFFIC WARNINGS		65	396
		Monthly Total	Yearly Total
Overall Grand Total All Events		756	3208