



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
JULY 7, 2016 – 5:30 P.M.**

MAYOR: Tim Geraghty
COUNCIL: Tom Ingemann
Bill Sumner
Tracy Rahm
Dan Lund

City Administrator: Deb Hill
Supt. of Public Works: Bruce Hanson
Fire Chief: Steven Wiley
Asst. to the City Admin: Renee Eisenbeisz

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. Minutes of the June 16, 2016 Regular City Council Meeting
 - B. List of Bills in the Amount of \$145,616.37
 - C. **Resolution No. 2016-25** – Accepting Donations for Pioneer Day for the Period of May 1 - June 30, 2016
 - D. **Resolution No. 2016-26** - Appointing Election Judges
 - E. Summary of Resolution No. 2016-22
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
 - A. **Resolution No. 2016-27** - Declaring 578 12th Street a Hazardous Building and Ordering its Removal
 - B. Discussion Regarding Liquor Licenses for Opinion Brewing
10. ATTORNEY'S REPORT
11. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT
12. FIRE CHIEF'S REPORT
13. ENGINEER'S REPORT
 - A. Fishing Pier

Agenda for 07-07-16

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

A. Pay Study

B. **Resolution No. 2016-17** - Establishing the Policy for the City in the Use of Surveillance Cameras on City Property

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|-------------------------------------|---------------|------------|
| 1. Booya Parade | July 9, 2016 | 6:30 p.m. |
| 2. Booya - Lions Park | July 10, 2016 | 11:00 a.m. |
| 3. Heritage Preservation Commission | July 13, 2016 | 5:00 p.m. |
| 4. Planning Commission Workshop | July 14, 2016 | 6:00 p.m. |
| 5. City Council Meeting | July 21, 2016 | 5:30 p.m. |



**City of Newport
City Council Minutes
June 16, 2016**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Council Present – Tim Geraghty; Tom Ingemann; Bill Sumner; Tracy Rahm; Dan Lund

Council Absent –

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Steve Wiley, Fire Chief; Fritz Knaak, City Attorney; Larry Osterman, Sergeant; Jon Herdegen, City Engineer; Sherri Buss, TKDA Planner

4. ADOPT AGENDA

Mayor Geraghty - I'd like to move the Engineer's Report to after the Council Reports.

Councilman Lund - I suggest we move the pay study to the end so we can let everyone else go.

Mayor Geraghty - Under New/Old Business?

Councilman Lund - Sure.

Admin Hill - There will be an addition to my report, a bench handout on a condemnation resolution.

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

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the June 2, 2016 Regular City Council Meeting
- B. **Resolution No. 2016-20** – Accepting donations for the Period of March 29 – May 31
- C. List of Bills in the Amount of \$92,722.50

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Ed Petry, President of the Newport Railroad Club - We were approached for a possibility of getting a Soo Line Caboose in Cottage Grove. We've been in contact with Vick's Railroad Service to move it. The City of Cottage Grove has also given written permission to use an easement to move it. Our proposal is to bring it here to the tower, which we think would be a good addition to it. The ends of the caboose need to be repaired which we would take care of. The interior is in very good condition. We think it should go in the front of the tower. We would provide steps to the caboose with approval from the City. We've talked to Vick's quite a bit and they're

willing to work with us. We're a non-profit organization. The only thing we'd like the City to do is take the top soil out and put some crushed rock down so we can place the caboose on that. That would be the only commitment the City would have. The Club is very excited about it. This is something we've pursued for a while. We're just looking for City approval.

Mayor Geraghty - Who owns it now?

Mr. Petry - The son of someone who passed away. Cottage Grove won't allow them to have a caboose on private property. The caboose is free to us so the only cost would be to move it.

Mayor Geraghty - So it would be gifted to the City?

Mr. Petry - Yes.

Mayor Geraghty - What type of agreement would we need?

Attorney Knaak - You would need to accept the gift with some conditions if you'd like.

Mr. Petry - We would maintain it.

Mayor Geraghty - I don't have an issue with it.

Councilman Sumner - It's been suggested to me that there might be a maintenance issue and would it benefit to have a roof placed over it?

Mr. Petry - It would probably prolong the maintenance thing but the sides are steel.

Councilman Sumner - Keeping it painted may be an issue.

Mr. Petry - We have a caboose in White Bear that's wood so that has more upkeep but this one is metal.

Admin. Hill - When I was up in Cloquet we had a train in town and we were looking at putting a shelter over it because of the expense of painting.

Councilman Rahm - I assume this is the same box car that was going to be a man cave?

Admin. Hill - Yes.

Councilman Rahm - And this is to the historic district of the City.

Councilman Lund - Were you going to sandblast it?

Mr. Petry - Yes.

Councilman Rahm - Did this go to the Parks Board or us first?

Admin. Hill - Us.

Councilman Lund - Bruce, do you have any issues?

Supt. Hanson - I have no issues. I'll work with them on placing it. My only concern would be maintenance around it and mowing.

Councilman Sumner - I think it would be a nice addition to the City.

Mayor Geraghty - We'll have to work on the donation language.

Mr. Petry - We were looking for approval.

Councilman Rahm - So there's no cost to us?

Mayor Geraghty - Just the crushed rock.

Councilman Rahm - I'd like to see a complete proposal on what it's going to cost before accepting the donation.

Motion by Ingemann, seconded by Geraghty to direct the Railroad Club to continue working on the donation of a caboose to the City of Newport. With 4 Ayes, Rahm voting Nay, the motion carried.

7. MAYOR'S REPORT

Mayor Geraghty - Booya is July 10th and starts at 11:00.

Councilman Ingemann - The parade is July 9th at 6:30

8. COUNCIL REPORTS

Councilman Rahm - I attended a South Washington County Telecommunications meeting last month. They are still deciding on the joint powers agreement between the cities. As soon as they pass something, I'll inform the Council.

Councilman Ingemann - I was at the Planning Commission meeting last Thursday where they discussed the apartment complex. They had a good discussion. Some of them didn't know the history.

Councilman Lund - I've been working with Bruce and Jon on a design proposal for the fishing pier. Maybe Jon can give us a quick update.

Engineer Herdegen - I think we'll have a proposal for the next meeting.

Councilman Sumner - We'll be trimming and pruning trees again this weekend.

13. ENGINEER'S REPORT

A. Public Hearing – To receive public opinion on the adequacy and effectiveness of the Storm Water Pollution Prevention Program (SWPPP)

The public hearing opened at 5:45 p.m.

Engineer Herdegen presented on this item as outlined in the June 16, 2016 City Council packet.

Councilman Sumner - I saw that there's a program to stencil all drains that go to the Mississippi River but all drains either go to a catch basin or the River. We're responsible for the ones that go to the catch basin correct?

Engineer Herdegen - Yes and the stencils are just a way to remind people of where those drains go so that they may stop and think about what they're doing.

Councilman Sumner - What about washing cars on driveways. Is that a concern?

Engineer Herdegen - It is depending on what chemicals they are using. We'd encourage them to get that runoff to go towards the grass or impervious surface.

Councilman Rahm - Do we have this on our website?

Admin. Hill - We can get it there.

The public hearing closed at 5:50 p.m.

B. Feasibility Study - 2017 Street Improvement and Utility Projects

Engineer Herdegen presented on this item as outlined in the June 16, 2016 City Council packet. Engineer Herdegen is recommending 2 separate public hearings. Following the public hearing, the City Council will order the project.

Councilman Rahm - So we have good ways to measure them if we line them?

Engineer Herdegen - Yes, last year we implemented a new SCADA system so we can track it in real time.

Councilman Rahm - We've had some rain recently, have we tracked that data?

Engineer Herdegen - Yes.

Councilman Sumner - These linings will be all the way to the home correct?

Engineer Herdegen - No, it's the first 5-10 feet. That's about \$2,500. If you go further than 10 feet, you're required to install a cleanout which doubles that cost and the service lines are owned by the property owner. In our own experience, the roots are almost exclusively right at the connection or within the first 3-4 feet. To line these to the home or property line would significantly increase that cost without a good benefit, in my opinion.

Councilman Sumner - What is the manufacturer's benefit?

Engineer Herdegen - They're concerned that something will get slightly off without the ability to put their camera behind the liner the longer they go. They'll come back and televise all of these to make sure it doesn't happen but if it cures, you can't just take it out. It's really site specific in regards to the effectiveness. If our main problems are really close to the main, we have to look at that.

Councilman Sumner - We see the most connections in that first 5 feet?

Engineer Herdegen - Yes.

Councilman Lund - What type of confidence do we have between the liners and the cast iron pipe with the pressure?

Engineer Herdegen - The lines have to be cleaned, that's critical. The manufacturer performs that work because they'll stand by that liner. The liner itself is as strong as the pipe. Structurally, we're very confident in that liner. If water gets behind the liner, they put in an o-ring between the liner and pipe so when it's cured, it expands to plug the space between the liner and pipe. Once we line them and put the seals in, any water that's behind the liner won't be able to get into the system.

Councilman Lund - What type of warranty do we get?

Engineer Herdegen - I don't know.

Councilman Rahm - The problem we had before is that if we didn't seal the entire pipe, we still had leakage. Are we really solving the problem with only going so far up?

Councilman Sumner - Is this test area isolated?

Supt. Hanson - Yes.

Councilman Lund - Is this the same manufacturer of the original?

Engineer Herdegen - No, it's a different manufacturer.

Mayor Geraghty - Do we need to put dates on the resolution?

Engineer Herdegen - I think it would be appropriate.

Mayor Geraghty - Do we want August 4th and August 18th?

Engineer Herdegen - That'll work. I know in the past, we've done the hearings on a Tuesday.

Mayor Geraghty - Ok.

Motion by Sumner, seconded by Ingemann to approve Resolution No. 2016-23 receiving the feasibility report and ordering improvement and road construction hearings. With 5 Ayes, 0 Nays, the motion carried.

9. ADMINISTRATOR'S REPORT

A. Pay Study

This item was moved to New/Old Business.

B. MWF Properties – 150 Red Rock Crossing

Sherri Buss, TKDA Planner, presented on this item as outlined in the June 16, 2016 City Council packet.

Councilman Lund - Is there a graphic of the design we can see?

Admin. Hill - It should be up there.

Heidi Tweeten, 211 Park Place - Today, I did a Google search for handicapped housing in Newport and nothing came up. I missed the public hearing but there was nothing. We have an opportunity here, if we could include some tiny conditions that could make the building more accessible for people with mobility issues, I think it could benefit our community greatly. I talked with Christine Davis, the lead for group residential housing in Washington County, and Sara Triple, community services planning and program manager for Washington Community Services. They were very excited to learn about this project. If you're not familiar, disability housing is in serious demand. If we designated a few units as disability friendly, they would be snapped up like that. This building is already ADA accessible, we have the bones for this. Sara had a wish list, oblong door knobs, taller toilets, grab bars, roll-in showers, and service dog friendly. We have a transit hub that's not used but this community would put that to good use. I apologize, I'm not very prepared but I'm willing to work on this. I'm willing to be a liaison and do what it takes if there's any interest in this. I think a condition like this could help counter negative connotations with workforce or subsidized housing coming to the neighborhood. It's food for thought.

Chris Stokka and Peter Worthington, MWF Properties presented on this item as outlined in the attached PowerPoint.

Councilman Ingemann - You're close to the railroad spur which doesn't have a lot of traffic but I would feel more comfortable if a fence was put up along your property to keep the kids from getting on the railroad tracks.

Mr. Stokka - Absolutely and in my letter I said that one would be added.

Mayor Geraghty - Tom, was everything from the Planning Commission covered in these conditions?

Councilman Ingemann - Yes.

Councilman Lund - Sherri, what are the standards that they can't meet? Should we revisit them?

Ms. Buss - I think we need to revisit the design guidelines. They were based on a commuter rail station. It's standards like no mixed use, an entrance facing the street.

Councilman Lund - I want to make sure we've covered it because this will apply beyond this project.

Ms. Buss - I think that's the hard part. As you get into your comp plan, it'll be appropriate for you to look at the area and think about the uses and design guidelines and how that's changed by the mode of transit. The County's original plan was based on commuter rail so we based it off of that. You'll want to reconsider the design guidelines and what you want for that area.

Councilman Ingemann - Originally when this thing was thought over, they had commercial in front and wanted apartments against the rails and we said no. There is a lot of area to the north for commercial development.

Councilman Lund - Are we giving up the ability to enforce?

Ms. Buss - I wouldn't say it's against, I think the conditions try to get close enough to it to allow approval and that's why you see the conditions about design and open space. The Commission thinks that with those conditions, they'll be close enough to meeting them to allow approval.

Councilman Lund - What does our attorney say about ignoring our design guidelines?

Attorney Knaak - Don't. If you're going to ignore them or not use them, modify them?

Councilman Sumner - Can we approve it with the condition that we'll look at it?

Attorney Knaak - That's essentially what you're doing.

Councilman Ingemann - That's what the Planning Commission needs to do.

Councilman Lund - I want the Planning Commission to look at them and approve them together.

Ms. Buss - I think a workshop between the City Council and Planning Commission would be appropriate to discuss this area.

Councilman Sumner - If approved, when would you begin?

Mr. Worthington - By the end of the year.

Mrs. Tweeten - The density of the apartment complex now is 2 to 3 bedrooms but the demand for this income level are studios and 1 bedrooms so if the density could be taken into consideration that would be great.

Mr. Worthington - There's significant demand for families and that's what we're targeting.

Motion by Geraghty, seconded by Ingemann to approve Resolution No. 2016-21 approving a conditional use permit for property located at 150 Red Rock Crossing. With 5 Ayes, 0 Nays, the motion carried.

C. Bicycle Race

Admin. Hill presented on this item as outlined in the June 16, 2016 City Council packet.

Motion by Lund, seconded by Ingemann, to permit the Ragnar Relay to go through the City of Newport. With 5 Ayes, 0 Nays, the motion carried.

D. Liquor Entertainment License – Opinion Brewing

Admin. Hill presented on this item. The City has not approved a liquor entertainment license in the past. Opinion Brewing will be hosting a music event on Sunday, June 26th with 10 bands. They'll have an indoor and outdoor stage. Staff is recommending a 7:30 p.m. end time because this is a Sunday. The City has had some complaints of noise from other residents in that area that have been woken up from businesses in the area. Mr. Lehrke presented as outlined in his email attached and is requesting a change to the end time and the police requirement.

Councilman Lund - The outdoor stage is in your patio area which is between your building and Tinucci's?

Mr. Lehrke - Yes, our intention is to stay within our rectangular fenced area. We'll put out a letter to all of the people in the area. The people in the area are supportive. We want to see what the implications are if we do this once a month. We've had presale tickets available for a couple months and haven't sold any. I'd be happy if we hit 100 people which is lower than our indoor events.

Councilman Rahm - Was there any issue for the compensation for the police department?

Sgt. Osterman - How off-duty is run, venues will call in to say how many deputies they need, it's \$45 per hour, once the deputy signs up they'll contact the business and will be there the entire time.

Councilman Lund - Did you recommend two officers?

Sgt. Osterman - I met with the Sgt. Conducting the off-duty scheduling and he recommended that. I agree with that.

Councilman Lund - Is there a number of people that we could cap the event at that would reduce it to one officer?

Sgt. Osterman - You may say it's capped but then 300 people show up and you have to deal with that. I understand that you have to find a medium there and it being a first time event, it's hard to say. If you don't have people there and they have to call in more resources, that'll be a direct cost to the City.

Councilman Ingemann - On something like this, you handle more drunks in the evening, if they were to come from 5 to 10, most of the crowd will have dispersed maybe.

Sgt. Osterman - Maybe. Generally, the deputies are there the entire time. We'll do whatever the Council decides.

Mr. Lehrke - To respond to that, this isn't a first event for us, we've done events every weekend since October. The only thing that's different is that half the bands will be outside. The square footage for the outdoor area, I don't think 200 people would be out there. I bet some money that we don't have 100 people. Even at one officer, at \$45 per hour, we have plenty of events where there are few people there. This isn't like a Friday night, it's a Sunday afternoon and is supposed to end by 10:00 p.m. If we haven't needed officers when we've had 100 people inside we shouldn't need them just because we'll be outside. The officers would be the most expensive thing for this event.

Mayor Geraghty - Where is everyone at with the time issue?

Councilman Ingemann - He's saying that the bands will be done by sunset so if the end time would be 8:30 that'd be good.

Councilman Sumner - Does the ordinance state a time?

Admin. Hill - No.

Councilman Sumner - When do you typically end inside on a weeknight?

Mr. Lehrke - Usually about 11:30 during the week.

Councilman Sumner - So the time is one issue and the officer coverage is another.

Admin. Hill - The City does not get billed for the officers.

Councilman Rahm - On a side note, what about Booya?

Admin. Hill - For City events, that's gratis.

Councilman Rahm - If we don't think it'll generate any more issues, why would we require staffing?

Admin. Hill - That's how Washington County handles these events by businesses.

Mayor Geraghty - Do we have a choice on requiring extra patrol?

Sgt. Osterman - Yes, it's your choice. If there was a big event, all of the on-duty deputies would respond to it and it'd be billed to the City.

Councilman Ingemann - You have an idea of how big of a crowd there will be. This is new so the total of the crowd is unknown and according to the presale tickets, it's not a big splash right now.

Sgt. Osterman - We walked through it and the area outside is not very big so I don't think you could get 200 people out there. Autumn was working on the fence, she said they'd be getting rid of the stuff between the two buildings. I was promised it'd be taken care of before the event.

Councilman Sumner - Do you have a bouncer onsite?

Mr. Lehrke - Yes, always on the weekend. We'll have two people outside, one at the entrance and one at the back. He's also watching the back gate. We also have someone at the door checking id's and one or two on the floor. I expect to have at least four plus myself.

Councilman Lund - This is kind of a test case and they're asking for the minimum. It sounds like it's within the bounds of what they normally do.

Mayor Geraghty - Can we approve it with a stipulation that if there are extra costs you would pay for them?

Mr. Lehrke - I'm fine with that.

Councilman Rahm - I would approve that.

Motion by Geraghty, seconded by Rahm to approve the Liquor Entertainment License for June 26, 2016 from 2:00 p.m. to 8:30 p.m. with the condition that if there are extraordinary charges to the City of Newport for this event that Opinion Bar be assessed those charges. With 5 Ayes, 0 Nays, the motion carried.

E. Pioneer Day Liquor License, St. Paul Park – Newport Lions Club

Motion by Lund, seconded by Sumner, to approve the liquor license for August 14, 2016 for the St. Paul Park - Newport Lions Club. With 5 Ayes, 0 Nays, the motion carried.

F. MRCCA Comments

Sherry Buss, TKDA Planner, presented on this item as outlined in the June 16, 2016 City Council packet.

Motion by Lund, seconded by Rahm, to approve the letter to the MN DNR regarding the MRCCA Proposed Rules. With 5 Ayes, 0 Nays, the motion carried.

G. Lot Coverage

Sherry Buss, TKDA Planner, presented on this item as outlined in the June 16, 2016 City Council packet.

Motion by Lund, seconded by Ingemann, to approve Resolution No. 2016-22 Approving an Ordinance Amendment to the Lot Coverage Standards, Section 1350. With 5 Ayes, 0 Nays, the motion carried.

H. Resolution No. 2016-24 - Declaring 1057 7th Avenue a Hazardous Building or Property and Ordering its Removal by the Owner or City

Admin. Hill presented on this item as outlined in the attached memo.

Councilman Sumner - How many times have they been notified?

Admin. Hill - We've sent numerous letters. The owner is selling it under a contract for deed and the new owners will pull permits but then it goes back to the current owner and everything stops. The house is unsecured so we're assuming there's vermin in there. We've had some complaints on smell.

Councilman Sumner - Will the building have to come down?

Admin. Hill - That's possible.

Supt. Hanson - I'm not sure, we'll have to see once it's cleaned up.

Councilman Lund - Are we boarding it up with plywood? That's not within the code? How long will it be in that condition?

Admin. Hill - We did that on Century Avenue and it's still in litigation.

Attorney Knaak - I expect that house to be demolished within two months. In the meantime, the idea is to protect the public from entry and boarding it up is the usual practice.

Councilman Lund - I recommend we go full speed ahead and knock it down or get doors and windows.

Attorney Knaak - Once the owner has been served, they have 20 days to do something. If the owner doesn't do something, you set up a default hearing and once you get the order to do so, you can demolish the property and assess the costs to the property.

Councilman Lund - This doesn't start the process?

Attorney Knaak - It does but it has to go through the process. Typically, it takes a couple months.

Motion by Ingemann, seconded by Rahm, to approve Resolution No. 2016-24. With 5 Ayes, 0 Nays, the motion carried.

10. ATTORNEY'S REPORT - Nothing to report.

11. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT – Nothing to report.

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

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Councilman Ingemann - On 10th Avenue, there's a cross drain where it's really steep, is the road sinking in that area? Can you bring that up?

Supt. Hanson - I don't know about that. We could take down the road, not raise the drain.

Councilman Rahm - It's always been that way. When does the pond need to be cleaned?

Supt. Hanson - That pond is in pretty good shape.

15. NEW / OLD BUSINESS

A. Pay Study

Admin. Hill presented on this item as outlined in the June 16, 2016 City Council packet.

Councilman Lund - The chart from Springsted allows someone three grades higher to be paid less than someone three grades below based on experience. That's not direct evidence that someone is being underpaid. I didn't appreciate our attorney's letter to us and I didn't appreciate that it was in the public domain. I think we could have had those discussions more privately. The math is just wrong though on the chart. For a first year, level 18, they can make \$86,669 but for a ninth year, level 15, they can make \$90,407. It's not direct evidence of a pay inequity just because someone below is making more money if they have the experience to be on the higher end of the chart. The chart allows for that sort of a thing to be going on. Where did you get your numbers?

Attorney Knaak - I used the numbers and what I saw were categories of people that appeared to be on a lower level than other categories and the only distinction could be made was sex based.

Councilman Lund - The levels of experience is not sex based.

Attorney Knaak - You're right, it's not. But if you're looking at something based on category classification, what they have in common or don't, that is the distinction.

Councilman Lund - You're supposed to be our advocate here.

Attorney Knaak - I am but I'm also your Counselor and when I get asked a question with that type of data, that's what I look at.

Councilman Lund - The study took into account experience and your letter ignores that.

Attorney Knaak - I don't believe it did.

Councilman Ingemann - I have a hard time deciding that an accountant, bookkeeper, whatever you want to call it, should be at a higher pay grade than public works. If public works screws up, that's a health safety issue. If an accountant screws up the bills don't get paid, who cares.

Admin. Hill - The grades are based on a number of factors such as education required...

Councilman Ingemann - Do they all have college degrees.

Admin. Hill - Both Renee and Deb have Master's Degrees.

Mayor Geraghty - Education was a part of it.

Councilman Rahm - My question is "upon further review," who did the review. We already did a review and I thought we didn't have any inequities. Who determined that further review.

Admin. Hill - When Springsted first did the numbers, they asked us for our 2016 salaries. I went on the pay program and my mistake was that the pay for the union, because in the beginning of the year, salaried are in the new pay study. The union contract has a lag time, I looked at the pay when the new union salaries weren't in. I did send out a corrected form to the Council after that and looking at that, I asked Fritz for his opinion.

Councilman Rahm - I don't understand the sex based thing because we have all same class in the same positions.

Mayor Geraghty - Tom, I don't appreciate you downgrading the importance of an accountant for the City. Her job is important, people don't get paid, you'll hear about that instantly. That job is important.

Councilman Ingemann - I think health and safety is a little more important.

Mayor Geraghty - Well Public Works cuts grass too.

Councilman Rahm - Every job has ranges based on their experience.

Mayor Geraghty - I don't think it does anyone any good to belittle anyone's job and their duties.

Councilman Lund - My point isn't to disagree with the rankings that Springsted came up with, they do that for a lot of other cities but when our attorney interprets that in the worst possible light for the City, it's not helpful. They told us we didn't have a pay inequity so where does that come from. You're saying you're better at it than them.

Attorney Knaak - The question was whether or not in reviewing that data, there could be a basis for a claim made against the City and what I'm giving you is conservative legal advice. When I looked at the disparity that appeared to exist on that data, I said yes, there's a basis for a claim there potentially. You can calculate whether or not someone would sue you or not and take that risk. The point you made earlier about why we should do this study to begin with was well taken because this is what happens. Some type of disparity is likely to be found and it's going to have to be adjusted for. I look at that, that's what I see, I'm supposed to be giving you conservative

advice in terms of the risks and that was my reason for the letter. Based on conservative legal advice, you may have a small problem here.

Councilman Rahm - Your recommendation would be different than Springsted's?

Attorney Knaak - Yes.

Councilman Sumner - There's a perception that a gender inequity exists?

Attorney Knaak - I wouldn't call it a perception, I'm saying there's a basis for a possible claim.

Councilman Lund - I don't think our attorney should be producing documents when there's no anticipation of litigation telling us that...

Attorney Knaak - If I get asked a question to render an opinion

Councilman Lund - Then you need to keep it private.

Attorney Knaak - I don't disagree with you there.

Councilman Rahm - Well now it's up and we have to deal with it.

Mayor Geraghty - Do we want to go to the grade system and adopt it. We paid to have the grades.

Councilman Lund - I have a proposal that isn't this grid. I've said all along that we're paying people fairly. They used different cities in their comparison. We don't know what cities exactly, they said 16 but no number was based on 16 so we're just guessing. We also have higher benefits. I suggest we discount the entire grade the same percentage and we do that by taking Bruce, this is not an indication that we don't like you, we pay Bruce exactly the same for the level 16, in the level 9 category, and adjust the whole grid accordingly. This will cost the City about \$50,000 in a few short years. If we adjust the grid now, it will take care of these issues where we apparently have discrepancy, we may have union people on the high end of the grid but there's nothing we can do about that. What's proposed with this grid is a huge jump out compared to where we are now and that's an agreement that we're underpaying people and I don't agree with that.

Admin. Hill - What we're talking about tonight is an internal inequity, it doesn't have anything to do with benefits.

Mayor Geraghty - It's with a public works position, they're getting the same benefits as everyone else.

Councilman Lund - If we did that, I don't know what it would do this year for putting people on the next level. My concern isn't about the five or ten thousand dollars this year, it's starting in autopilot that will cost us \$50,000.

Mayor Geraghty - How do you get \$50,000?

Councilman Lund - Because everyone is way down on the grid and every year they'll get bumped up.

Mayor Geraghty - Every year, we bump up people with union contracts and the non-union people get a raise.

Councilman Lund - We'll still do a cost of living to the grid.

Mayor Geraghty - Yes but you don't have to do that every year. If someone caps out and we don't increase the grid, their capped.

Councilman Lund - In my view, we've been paying Bruce appropriately now and if we take this grid, we'll owe him another 6% immediately.

Admin. Hill - No, it's like \$500.

Mayor Geraghty - Every year, we do an adjustment to the non-union salaries. The increase between the steps is 2.75%.

Councilman Lund - No, the difference between the steps is based on experience. We adjust the steps every year for cost of living. If we peg it to Bruce's salary, we can do cost of living for everyone. My proposal is to knock every step 6.1%.

Councilman Rahm - Do we need to answer this now?

Attorney Knaak - The only thing that's on risk is that if someone is disgruntled with this, they'll bring a claim and there would be a reasonable basis to expect that they would be successful.

Mayor Geraghty - I want to get this done to but fairly. We've taken care of the police, fire, and public works.

Councilman Lund - The only person who wouldn't go up is Bruce but he's been around a long time. Everyone would continue to go up steps.

Mayor Geraghty - I'd like to see the new grid and how that affects the salaries.

Councilman Lund - In general, the grid adjusts with cost of living. I'd like to have a grid with cost of living increases.

Mayor Geraghty - The union contracts are three years, they don't move up every year.

Councilman Lund - Yes they do.

Mayor Geraghty - Bring it back to our next meeting.

Attorney Knaak - Mayor, if I may talk about the correspondence. I think it was probably a mistake on being public. I would have expected it to be private.

Councilman Lund - Next time you tell us we're liable for something have it be closed and don't write it down.

Admin. Hill - We discussed about it being public or closed and it wasn't very clear.

Attorney Knaak - There was obviously a miscommunication.

Councilman Rahm - This came out of nowhere to me.

Attorney Knaak - I got asked a question and needed to respond. That conclusion shouldn't have been in the packet but it was.

Mayor Geraghty - Are people available for a July 7th meeting?

Councilman Ingemann - I can come.

Councilman Sumner - I can.

Page **14** of **14**
City Council Minutes of 06-16-16
Councilman Lund - I can.

Councilman Rahm - I can't.

Mayor Geraghty - I'd like the camera policy on there as well.

16. ADJOURNMENT

Motion by Geraghty, seconded by Rahm to adjourn the regular City Council meeting at 7:52 p.m. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Assistant to the City Administrator

City Council Hearing
Red Rock Square



June 16th, 2016

Outline

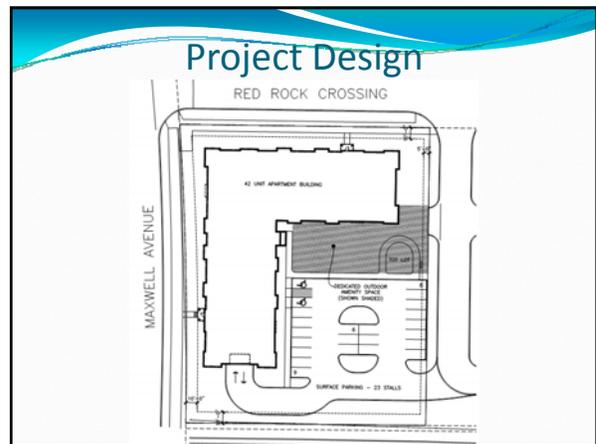
- Housing Experience
 - MWF Properties (Developer)
- Red Rock Square- Development Summary
 - Location
 - Development characteristics
 - Design Characteristics
- Q & A

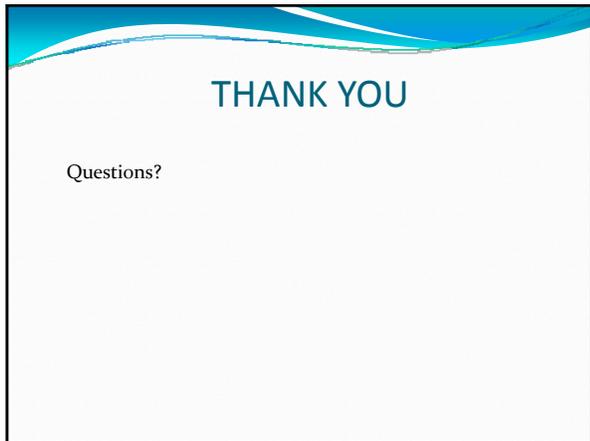
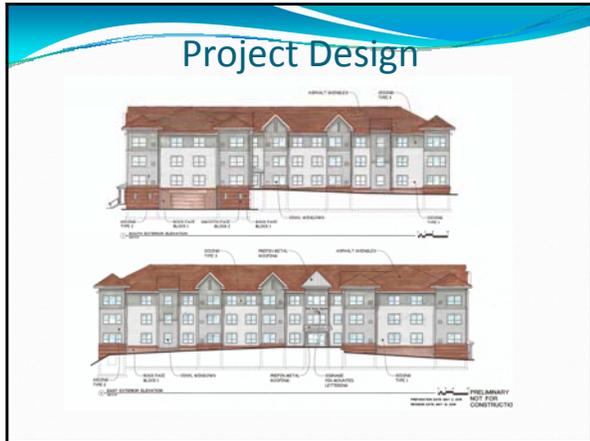
MWF Properties Workforce Housing Experience

- Mission Statement: *Our mission is to provide quality housing that is aesthetically pleasing, environmentally conscious, and built to last.*
- 17 years of housing development experience.
- Developed 21 properties in MN, IA, and IL representing over 1,000 units.
- Have in house management company -Velair Property Management.
- Long term owners: Have not sold a property in company history.

Red Rock Square Development Characteristics

- Forty two units of comprised of a mixture of two and three bedroom units. Three units will be handicap accessible.
- Housing will be for middle income families in the Newport area.
- Staffing will consist of on site manager, on site maintenance personnel, on site caretaker.
- Property will have 24 hour security camera surveillance.





Renee Eisenbeisz

From: Deb Hill
Sent: Wednesday, June 22, 2016 2:25 PM
To: Renee Eisenbeisz
Subject: FW: Event Permit for Opinion Brewing

From: Derrick Lehrke [REDACTED]
Sent: Thursday, June 16, 2016 4:55 PM
To: Deb Hill
Cc: Tim Geraghty; Councilman Rahm; Dan Lund; tingemann@comcast.net; Bill Sumner
Subject: Event Permit for Opinion Brewing

Dear Deb Hill and Others,

As I write this email my mother has left an appointment and is being brought to WoodWinds for a MRI and may need a ride home. Autumn already that a meeting out of this City and I may not be able to come either. If I am not able to make the meeting I respectfully ask that you provide a copy to the Council so they may have our position.

Dear Honorable Councilmembers I am writing in response to our need for a entertainment permit. We learned of this need by a Email from your City Administrator sent 6/6 7:54pm. She said a permit was required and we would need to apply the following day. Which Autumn did. We also met with Sheriffs representatives as requested.

We have two concerns. 1)7:30pm end time 2)requirement that we hire two officers for the entire event. \$550

1)We put 7:30 on the application because we were told that is was was required. When asking why there is a 7:30 cutoff we were told it was because it was a weeknight and residents had complained about other businesses. No details at all give so I have no idea where, or what time she is talking about.

If you were to ask me I would think 10pm or 11pm is reasonable. That is why we planned the event for 9:30 end. 9:45 for a cushion. Our location for 100% of this event is within out fenced in area. This is not a block party or anything like that. I asked your staff what other cities do, but was not answered. My understanding that all cities that have a time would be later.

Also know that we are setting up our system on the south end and pointed inside the box created by buildings. Beyond that is the Train tracks where the horn was being blown well past 7:30.... Speaking of the train, At our property line the Train is as loud as we run our system. So we may not even be heard over the train.

We haven't run this before, but I really think it will not be a issue. We want happy neighbors too. We are all friendly and I am not trying to change that. The system outside will be more than 1/2 what we have inside. And when the sound coming from the speakers will less than then a Train or loud semi.

The second issue is requiring two officers \$550, \$90hr (And if event ends early, and they leave, they still get paid in full) When asked we were told it's their County Policy and had nothing to do with us specifically. Respectfully we are not able to follow that policy and don't foresee ever being able too. If this is required we will never have an outdoor event. Even if I maxed it out at 200 people some times paying \$5 each (\$1,000.00) I

would be giving you 1/2. And what if there isn't 200? This event could easily be less than 50 and I wouldn't even cover the costs.. This event has had tickets available for sale for 2 months maybe and has ZERO sales. Our last event with no presales had about 20-30 people come. So hopefully you can see this isn't needed.

And if we dont have a cover? Everything I have a guy or gal with an acoustic guitar or band I am looking at \$90hr? Or compromise at \$45? Just can't do it. How about if someone is needed to come then we will pay them the \$45 x #of officers? That would be a compromise. Then we are paying 100% of their time, even though we are part of the City. I have asked for historical information and all records and issues with out business, but received none and told this was singling us out..... So I ask that as long as we show we don't have a need, that you continue to not require one.

Again, respectfully I asked that you allow us past 7:30 and do not require officers. Otherwise we can not conduct business, and will not be able to in the future. Just wouldn't make sense.

Derrick

--

Derrick



To: Deb Hill, Newport City Administrator
From: Bob LaBrosse, Building Official
Date: June 16, 2016
Subject: 1057 – 7th Avenue

Due to numerous community complaints, the City was notified of this vacant, unsecured property not being maintained compliant with City Standards.

On June 2, 2016, the City posted this property as unsafe and notified the homeowner (Mr. Donald Waldbillig) that all non-compliant conditions shall be addressed by June 17, 2016.

On June 16, 2016, I met with SERVEPRO Property Restorations and noted the following violations on site:

1. Inoperable/unlicensed vehicle MN Plate # 855-DTA
2. Overgrown grass and weeds
3. Exterior storage items of construction equipment and materials, furniture, and numerous piles of debris
4. The unsecured nature of the primary structure and two accessory structures
5. Non-compliant exterior cladding materials on the primary structure

The cost for exterior cleanup, disposal, mowing, and securing of the property was estimated at \$5,000 - \$6,000.

Should the Council elect to hire SERVEPRO Property Restorations to provide clean up of this property, please contact me at 651-458-2828.

RESOLUTION 2016-24

A RESOLUTION OF THE CITY OF NEWPORT, MINNESOTA, DECLARING CERTAIN PROPERTY LOCATED AT 1057 7TH AVENUE WITHIN THAT CITY TO BE A "HAZARDOUS BUILDING OR PROPERTY" WITHIN THE MEANING OF MINNESOTA STATUTES 463.15, SUBDIVISION 3, AND ORDERING ITS REMOVAL BY ITS OWNER OR, IN THE ALTERNATIVE, DECLARING THE SAME CITY'S INTENTION TO ABATE THE HAZARDOUS STRUCTURE BY ITS REMOVAL AND ASSESSING THE COSTS OF THAT REMOVAL THEREON AS ALLOWED UNDER MINNESOTA STATUTES 463.161.

The City of Newport, Minnesota, acting through its City Council, hereby finds:

1. That a certain structure, specifically a residential house, located at 1057 7th Avenue within the City of Newport, Minnesota (hereinafter, "the Structure") has remained vacant and uninhabited for an extensive period of time.
2. That the Structure has been inspected by the City and been declared to be unsafe for habitation.
3. That the Structure appears to have been abandoned.
4. That the Structure has been subjected to multiple break-ins and burglaries and these incidents appear to be an ongoing pattern caused by the obvious abandoned appearance and character of the structure.
5. That the condition of the structure has a negative impact on property values in the City, in particular those properties immediately adjacent to the Structure.
6. That the abandonment of the structure has made mitigation of its condition by such means as repairs or remodeling more difficult to the point of being fruitless.
7. Because of its inadequate maintenance and condition, said Structure represents an ongoing fire hazard and hazard to public safety and health within the meaning of Minn. Stat. §463.15, subdivision 3.

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

- 1. THE OWNER OF THE AFORESAID STRUCTURE IS HEREBY ORDERED TO IMMEDIATELY REMOVE THE STRUCTURE AT HIS OWN COST.**
2. Alternatively, you are required to secure the structure and all accessory buildings from unwanted entry, remove all materials stored within public view, remove all interior unauthorized accumulation, maintain the lawn in a compliant manner, and install the necessary exterior cladding to assure this structure is weather resistant. Further, you will be required to pay the outstanding water bill in full and file a vacant property application by June 17, 2016.
3. That this Order be served personally upon the Owner of the Structure and this Resolution, with proof of that personal service, be filed with the District Court in Washington County, Minnesota.
4. That in the absence of compliance by the owner, or the filing of a response by the owner to this Resolution and Order in the manner provided and within the 20 days provided by law, the City shall seek an Order from the Court allowing it to remove the structure and to assess any cost of that removal to the property as provided pursuant to Minn. Stat. § 463.161.

Adopted by this council this 16th day of June, 2016.

Motion by: _____, Seconded by: _____

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

Signed: _____
 Tim Geraghty, Mayor

ATTEST: _____
 Deb Hill, City Administrator

Recurring

Paid Chk# 000650E	FEDERAL TAXES	6/23/2016	\$6,730.21	SS, Federal and Medicare
Paid Chk# 000651E	MN REVENUE	6/23/2016	\$1,070.27	State taxes
Paid Chk# 000652E	MSRS	6/23/2016	\$2,378.65	HCSP & Voluntary retirement
Paid Chk# 000653E	SELECTACCOUNT	6/23/2016	\$21.10	Monthly fee
Paid Chk# 000654E	SELECTACCOUNT	6/23/2016	\$692.07	HSPA
Paid Chk# 018695	MARCO INC.	6/16/2016	\$293.37	Copier and printer
Paid Chk# 018696	DEB SCHULZ	6/16/2016	\$125.43	Sum. Rec. & Library purchases
Paid Chk# 018697	JAMIE SMITH	6/16/2016	\$15.18	Book & toy purchases and maili
Paid Chk# 018698	UNUM	6/16/2016	\$266.68	Long-term and life insurance
Paid Chk# 018699	XCEL ENERGY	6/16/2016	\$5,871.15	Natural gas & electricity
Paid Chk# 018700	COMCAST	6/23/2016	\$1,380.78	Phones 2 Months of billing
Paid Chk# 018701	MINNESOTA BENEFIT ASSOC.	6/23/2016	\$148.97	Yokiel insuranc payroll deduct
Paid Chk# 018702	MN POLLUTION CONTROL AGENCY	6/23/2016	\$23.00	MPCA License
Paid Chk# 018703	ON SITE SANITATION	6/23/2016	\$423.00	Port o Potty
Paid Chk# 018704	PERA	6/23/2016	\$3,723.32	Reitirement
Paid Chk# 018705	SAMS CLUB DIRECT	6/23/2016	\$61.91	Cleaning supplies
Paid Chk# 018706	VERIZON	6/23/2016	\$233.87	Cell phones and hot spots
	Staff		\$17,607.40	

Non-recurring

Paid Chk# 018707	ASTLEFORD INTERNATIONAL TRUCKS	7/7/2016	\$38.34	FD repairs
Paid Chk# 018708	ATOMIC DATA, LLC	7/7/2016	\$50.00	Additional IT support
Paid Chk# 018709	BOND TRUST SERVICES CORP.	7/7/2016	\$64,578.75	2013 & 2014 GO Bond interest a
Paid Chk# 018710	CANADIAN PACIFIC RAILWAY CO.	7/7/2016	\$150.00	Utility occupations fee-every
Paid Chk# 018711	CRYSTEEL TRUCK EQUIPMENT	7/7/2016	\$316.42	Manhole lift
Paid Chk# 018712	EHLERS	7/7/2016	\$752.50	Ria Lake Consulting
Paid Chk# 018713	FITGERALD EXCAVATING INC.	7/7/2016	\$23,713.20	Storm ponds clean up
Paid Chk# 018714	GERLACH OUTDOOR POWER EQUIP.	7/7/2016	\$228.00	Equipment repairs
Paid Chk# 018715	GRAINGER PARTS	7/7/2016	\$213.12	Marking paint
Paid Chk# 018716	KENNEDY & GRAVEN, CHARTERED	7/7/2016	\$3,206.01	Legal fees on McArdell matter
Paid Chk# 018717	L&D AG SERVICE INC.	7/7/2016	\$2,388.00	Parks sprayer
Paid Chk# 018718	MCFOA	7/7/2016	\$35.00	Membership fees
Paid Chk# 018719	MCMA	7/7/2016	\$220.00	Membership dues
Paid Chk# 018720	MMKR	7/7/2016	\$8,000.00	Audit
Paid Chk# 018721	MN OFFICE OF ADMIN. HEARINGS	7/7/2016	\$60.00	Filings & motion on McArdell m
Paid Chk# 018722	RUMPCA COMPANIES INC.	7/7/2016	\$107.12	Mulch
Paid Chk# 018723	SAFE-FAST, INC.	7/7/2016	\$205.55	Uniforms
Paid Chk# 018724	THUMB THINGS/BUTTON WORKS	7/7/2016	\$288.00	Pioneer Day Buttons

\$145,616.37

RESOLUTION NO. 2016-25

A RESOLUTION ACCEPTING DONATIONS FOR PIONEER DAY FOR THE PERIOD OF MAY 1 – JUNE 30, 2016

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

WHEREAS, The following persons and entities have offered to contribute the items set forth below to the City for Pioneer Day 2016:

Individual/Business	Donated Item	Donated Amount	Donated Date
RSI Agency	Monetary - Pioneer Day	\$50	5/5/2016
North Pole Restaurant	4 \$20 Gift Cards for North Pole - Pioneer Day Raffle	\$80	5/12/2016
Amerect, Inc.	Monetary - Pioneer Day	\$250	5/31/2016
GRE Newport Services, LLC	Monetary - Pioneer Day	\$500	5/31/2016
Roscher Dental	Monetary - Pioneer Day	\$50	6/2/2016
Xcel Energy	Monetary - Pioneer Day	\$250	6/6/2016
Marlon Naysmith	Gift Cards to the St. Paul Hotel and Taco Johns - Pioneer Day Raffle		6/14/2016
Kiss' Auto Body	2 T-Shirts and 2 Hats - Pioneer Day Raffle		6/14/2016
MN Renaissance Festival	Tickets to the Renaissance Festival - Pioneer Day Raffle		6/20/2016
Red's Savoy Pizza	Monetary - Pioneer Day	\$100	6/20/2016
St. Paul Park Newport Lions	Monetary - Pioneer Day	\$1,000	6/20/2016
Cottage Grove Area Chamber of Commerce	Monetary - Pioneer Day	\$500	6/20/2016
John Bartl Hardware	2 \$50 Gift Cards - Pioneer Day Raffle	\$100	6/23/2016
Aggregate Industries	Monetary - Pioneer Day	\$250	6/27/2016

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

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

Adopted this 7th day of July, 2016, by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
 Tim Geraghty, Mayor

ATTEST: _____
 Deb Hill, City Administrator

RESOLUTION NUMBER 2016-26

A RESOLUTION APPROVING STATUTORY APPOINTMENTS OF ELECTION JUDGES IN THE CITY OF NEWPORT

WHEREAS, the City of Newport City Council appoints its Election Judges to serve in the City’s Primary and General Elections; and

WHEREAS, the City of Newport is required under Minnesota State Statutes 204B.21, subd. 2 to make various annual appointments and designations; and

WHEREAS, the City of Newport City Council values the commitment and allegiance of its Election Judges.

NOW, THEREFORE BE IT RESOLVED, that the Newport City Council hereby makes the following appointments for Election Judges to serve in the State Primary Election on Tuesday, August 9, 2016, and the State General Election on Tuesday, November 8, 2016:

- Caroline Clausen
- Sonia Cordero Caban
- Penny Duff
- Gerald Ehlers
- Sandra Grochow
- Paul Hansen
- Janice Kobe
- Beverly LaClair
- Donna Mahmood
- Paski Paskaradevan
- Carol Petersen
- Eric Short
- Angela Terry
- Laura VerBout
- Barbara Wilcziek

Adopted this 7th day of July, 2016, by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

**CITY OF NEWPORT
SUMMARY OF AMENDMENTS TO ZONING ORDINANCE**

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

TITLE

A RESOLUTION AMENDING THE ZONING CODE, SECTION 1350 NON-RESIDENTIAL DISTRICTS

SUMMARY

This resolution amends Section 1350 (Non-Residential Districts) as adopted by Ordinance on June 6, 2002 and subsequently amended, which contain the following sections:

1350.01	SCOPE
1350.02	PURPOSE OF BUSINESS DISTRICTS
1350.03	SPECIFIC INTENT OF THE BUSINESS PARK/OFFICE/WAREHOUSE DISTRICT
1350.04	SPECIFIC INTENT OF THE GENERAL BUSINESS DISTRICT
1350.05	PURPOSE OF THE INDUSTRIAL DISTRICTS
1350.06	SPECIFIC INTENT OF THE I-1 LIGHT INDUSTRIAL DISTRICT
1350.07	SPECIFIC INTENT OF THE I-2 GENERAL INDUSTRIAL DISTRICT
1350.08	SPECIFIC INTENT OF THE I-S INDUSTRIAL STORAGE DISTRICT
1350.09	PURPOSE OF THE MIXED-USE DISTRICTS
1350.10	SPECIFIC INTENT OF THE MX-1 DOWNTOWN DISTRICT
1350.11	SPECIFIC INTENT OF THE MX-2 COMMERCIAL DISTRICT
1350.12	SPECIFIC INTENT OF THE MX-3 TRANSIT-ORIENTED MIXED USE DISTRICT
1350.13	SPECIFIC INTENT OF THE MX-4 GENERAL MIXED-USE DISTRICT
1350.14	DIMENSIONAL REQUIREMENTS FOR LOTS AND STRUCTURES IN NON-RESIDENTIAL DISTRICTS
1350.15	USES IN THE NON-RESIDENTIAL DISTRICTS
1350.16	ADMINISTRATIVE PROCEDURE FOR RE-ZONING IN THE NON-RESIDENTIAL DISTRICTS
1350.17	ADMINISTRATIVE PROCEDURES FOR SITE PLAN REVIEW IN THE NON-RESIDENTIAL DISTRICTS AND ADDITIONAL PROCEDURES FOR DEVELOPMENT IN THE MX-3 DISTRICT
1350.18	PERFORMANCE STANDARDS FOR NON-RESIDENTIAL DISTRICTS
1350.19	ADDITIONAL PERFORMANCE STANDARDS FOR THE MX-3 DISTRICT

PURPOSE AND INTENT

The resolution is adopted for the following purposes:

1. To update Section 1350.14 to have lot coverage requirements instead of building coverage requirements for the non-residential districts.

COMPLIANCE AND ENFORCEMENT

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

AVAILABILITY OF FULL TEXT

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

Resolution adopted by the City Council of the City of Newport, this 21st day of June, 2016.

Tim Geraghty, Mayor

ATTEST:

Deb Hill, Administrator/Clerk

RESOLUTION NO. 2016-27

A RESOLUTION OF THE CITY OF NEWPORT, MINNESOTA, DECLARING CERTAIN PROPERTY LOCATED AT 578 12TH STREET WITHIN THAT CITY TO BE A "HAZARDOUS BUILDING OR PROPERTY" WITHIN THE MEANING OF MINNESOTA STATUTES 463.15, SUBDIVISION 3, AND ORDERING ITS REMOVAL BY ITS OWNER OR, IN THE ALTERNATIVE, DECLARING THE SAME CITY'S INTENTION TO ABATE THE HAZARDOUS STRUCTURE BY ITS REMOVAL AND ASSESSING THE COSTS OF THAT REMOVAL THEREON AS ALLOWED UNDER MINNESOTA STATUTES 463.161.

The City of Newport, Minnesota, acting through its City Council, hereby finds:

1. That a certain structure, specifically a residential house, located at 578 12th Street within the City of Newport, Minnesota (hereinafter, "the Structure") has been deemed uninhabitable.
2. That the Structure has been inspected by the City and been declared to be unsafe for habitation.
3. That the condition of the structure has a negative impact on property values in the City, in particular those properties immediately adjacent to the Structure.
4. Because of its inadequate maintenance and condition, said Structure represents an ongoing fire hazard and hazard to public safety and health within the meaning of Minn. Stat. §463.15, subdivision 3.

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

1. **THE OWNER OF THE AFORESAID STRUCTURE IS HEREBY ORDERED TO IMMEDIATELY REMOVE THE STRUCTURE AT HIS OWN COST.**
2. Alternatively, the owner shall secure the structure and all accessory buildings from unwanted entry, remove all materials stored within public view, remove all interior unauthorized accumulation, maintain the lawn in a compliant manner, and install the necessary exterior cladding to assure this structure is weather resistant. Further, the owner shall pay the outstanding water bill in full and file a vacant building application by July 27, 2016.
3. That this Order be served personally upon the Owner of the Structure and this Resolution, with proof of that personal service, be filed with the District Court in Washington County, Minnesota.
4. That in the absence of compliance by the owner, or the filing of a response by the owner to this Resolution and Order in the manner provided and within the 20 days provided by law, the City shall seek an Order from the Court allowing it to remove the structure and to assess any cost of that removal to the property as provided pursuant to Minn. Stat. § 463.161.

Adopted by this council this 7th day of July, 2016.

Motion by: _____, Seconded by: _____

VOTE: Geraghty _____

 Ingemann _____

 Sumner _____

 Lund _____

 Rahm _____

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

City of Newport, Minnesota

CONDEMNATION NOTICE UNSAFE CONDITIONS

ADDRESS: 578 12th Street, Newport, MN 55055

City Code Title 811.07(B).

Your premises have been found to be unsafe due to unsanitary living conditions which pose as a safety hazard to persons on the premises. The City of Newport is posting the residence as unsafe on this day. All contaminated material should be removed and disposed of in a compliant manner. All affected surfaces shall be cleaned, sanitized, and disinfected prior to any allowable occupancy. No occupancy or use of the residential structure will be allowed until brought into compliance with correspondence dated June 7, 2016.


Chief Building Official

June 7, 2016
Date Posted



MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Assistant to the City Administrator

DATE: June 27, 2016

SUBJECT: Liquor License at Opinion Brewing

BACKGROUND

In May, the City Council approved On-Sale, Sunday On-Sale, and Off-Sale liquor licenses for Opinion Brewing for July 1, 2016 - June 30, 2017. The On-Sale and Sunday On-Sale licenses were issued to them with the understanding that they were operating a bowling alley. However, staff were recently informed that they demolished all of their bowling lanes to put up a stage and dance floor. Sgt. Osterman confirmed this with an inspection on Tuesday, June 21, 2016.

Per Section 500.04, Subd. 2 and 3 of the City Code On-Sale licenses may only be issued to hotels, clubs, restaurants, bowling centers, or exclusive liquor stores and Sunday On-Sale licenses can only be issued to hotels, restaurants, or bowling centers with facilities for serving at least 30 guests at a time. These are State Statutes as well. Please note that a club is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization.

Given that Opinion Brewing is no longer a bowling alley, both the On-Sale and Sunday On-Sale liquor licenses needs to be re-issued to them as a restaurant. Per MN Statutes 340A.101, Subd. 25, a restaurant is an establishment, other than a hotel, under the control of a single proprietor or manager, where meals are regularly prepared on the premises and served at tables to the general public, and having a minimum seating capacity for guests as prescribed by the appropriate license issuing authority.

Opinion Brewing has a food license from the County (see attached) for the following foods:

1. Prepackaged food that receives heat treatment and is served in the package
2. Frozen pizza that is heated and served
3. A continental breakfast such as rolls, coffee, juice, milk, and cold cereal
4. Any beverage

The license also states that they need to have cleaning for eating, drinking, or cooking utensils when the only food served is prepared off-site.

DISCUSSION

The City Council will need to hold a review hearing at their July 21, 2016 regarding the On-Sale and Sunday On-Sale licenses for Opinion Brewing. Attorney Knaak recommended that staff place this on the July 7, 2016 agenda as well for the Council to discuss.

The Council will need to discuss a couple items. The first is whether or not Opinion Brewing meets the definition of a restaurant. Based on staff's review, they do not since they do not prepare the food on the premises. The second is whether or not to re-issue the liquor licenses as a restaurant if the City Council believes they meet the State definition of a restaurant or to suspend or revoke them if they don't meet the definition.

Staff informed the owners of Opinion Brewing, Derrick and Autumn Lehrke, that they have two options. The first is to reinstall at least one bowling lane so that it is operational. If they do this, they can be considered a bowling alley and the licenses can stay as is. The second is to expand their business so that they meet the State definition of a restaurant.

Please note that eventually, Opinion Brewing will need to become a restaurant because a brew pub license can only be issued to restaurants per State Statutes. Staff will be bring forward an amendment to Chapter 5 to reflect this.

RECOMMENDATION

This memo is for your information only. The City Council will need to hold a review hearing on July 21, 2016 to determine the status of Opinion Brewing's On-Sale and Sunday On-Sale liquor licenses.



License To Operate

Department of Public Health and Environment
14949 62nd Street North PO Box 6
Stillwater MN 55082-0006
Office: 651-430-6655 Facsimile: 651-430-6730

Establishment: **Opinion Brewing Company**
License Number: **4330**

License Type	Units	Valid Period
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Additional Facility-Bar	1	1/1/2016 - 12/31/2016
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Deli/Fast Food/Coffee Shop < 18 Employees	1	1/1/2016 - 12/31/2016
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Site Address: **374 21st Street**
Newport MN 55055

Phone: **651-459-7511**

Owner: **Opinion Brewing Company LLC**

Address **11640 Lockridge Ave**
Cottage Grove MN 55033

Opinion Brewing Company is hereby licensed and authorized to operate in Washington County, is subject to all provisions and conditions of the applicable Ordinances, and said license is revocable for violations thereof.

This License is conditional by attached General and Specific Conditions and the conditions must be posted with the License.

Dated: **June 21, 2016**

Kristofer Keller
Program Manager

THIS LICENSE MUST BE POSTED and is NON-TRANSFERABLE



License Conditions

Department of Public Health and Environment
14949 62nd Street North PO Box 6
Stillwater MN 55082-0006
Office: 651-430-6655 Facsimile: 651-430-6730

Establishment: **Opinion Brewing Company**
License Number: **4330**

This license is not transferable as to person or place. The Department requires notification for change of ownership.

Plans and specifications must be submitted to this Department for review and approval thirty (30) days prior to new construction, expansion, remodeling and/or alterations

Inspections shall be made by this Department as frequently as it may deem necessary to ensure compliance.

Application for a license renewal must be made to this Department prior to expiration of the existing license.

License is subject to all the requirements in the change of ownership letter dated 3/10/2014.

This establishment is authorized to serve only the following foods: 1. Prepackaged food that receives heat treatment and is served in the package; 2. Frozen pizza that is heated and served; 3. A continental breakfast such as rolls, coffee, juice, milk and cold cereal; 4. Any beverage such as soft drinks, coffee, alcoholic or nonalcoholic drinks; 5. Cleaning for eating, drinking, or cooking utensils, when the only food served is prepared off-site. Any deviation from the above allowed foods would require the facilities to be upgraded and approval by this Department is required.

THIS LICENSE MUST BE POSTED and is NON-TRANSFERABLE



June 30, 2016

Honorable Mayor Geraghty and Newport City Council
City of Newport
596 7th Avenue
Newport, MN 55055

Re: Newport Pier Project – Proposal for Existing Fishing Pier Redesign and Permitting

Dear Mayor and City Council:

It is our pleasure to provide you a proposal of work to assist in your floating fishing pier project on the Mississippi River. We have extensive experience in working with fishing piers, varying river applications and water elevations, ADA design, and waterfront projects. Although the City of Newport is well versed in our capabilities as a municipal engineering firm, the City of Newport has not worked with our Parks and Recreation group on a project to date. For your reference, we have provided links below to get the City better acquainted with the service we can provide:

- [Statement of Qualifications \(SOQ\) – Parks and Recreation](#)
- [Mini SOQ Focused on Waterfront Project](#)
- [Recent Fishing Pier Project Plans](#)

It is our understanding that this pier is to be located off the end of 6th St. on the river. We have reviewed the City owned existing pier and it overall appears to be in good shape to be able to be rehabilitated and installed. With fishing pier projects like this, there are several items to consider during design and permitting. Ensuring the pier and adjacent facilities are ADA compliant is extremely important. Understanding and working through the process of the final design of the pier from level of maintenance, operation elevation range, sustainability, etc are all important to consider when implementing a pier with these site conditions. In addition, several steps may have to be completed in order to get an approved pier permit as well. Per a short review of potential permits for this project, the pier may not need a MN DNR permit depending on the final shape and size the pier is rehabilitated to. Nonetheless, we did include a cost below for a MN DNR pier permit as it may be needed depending on the final plans developed for this project. With that, MSA will provide the following scope of services for this project:

- One topographic survey to include: a boundary and site survey, a river bottom survey and associated existing site photos. A river bottom survey will need to be establish at the proposed pier location to understand the water depths and grades.
- Develop construction pier and site construction documents (plans and specifications) and a project cost estimate.
- Submit a MN DNR pier permit application for the floating fishing pier at the indicated above listed location.

Total Fee = \$17,700 (Estimate fee based on time and materials anticipated to complete the tasks referenced above)

Offices in Illinois, Iowa, Minnesota, and Wisconsin

1230 SOUTH BOULEVARD • BARABOO, WI 53913
(608) 356-2771 • (800) 362-4505 • FAX: (608) 356-2770
www.msa-ps.com

Page 2

Proposal for Engineering Design and Survey Service – Newport Fishing Pier
June 30, 2016

The approximate project schedule would be:

Start Project – Immediately upon contract approval	Approx. July 18, 2016
Complete Survey Work and Basemapping	July 18-22, 2016
Pier Rehabilitation Design and Plans, apply for Permit, and Cost Estimate	July 18 – October 15, 2016

Please note the project completion date could be sooner than noted above if no permit and processing is needed.

Items not included in this scope that can be added on for additional fees are:

- Wetland Delineation, Natural Heritage Study, Archeological Study/Investigation, and Ecological Study/Investigation
- Soil Borings
- Project Bidding
- Construction Administration/Observation

If you have any questions regarding this proposal, please do not hesitate to contact me at (612) 548-3124. Thank you for your consideration of this project, and we look forward to making this pier project a reality and great amenity to the City of Newport.

Sincerely,

MSA Professional Services, Inc.



Jon Herdegen, P.E.
Team Leader

Cc. Ms. Deb Hill, City Administrator

Effective Rates for Non Union Full Time First Full Pay Period of January 2017

	1	2	3	4	5	6	7	8	9
A1	\$31,008	\$31,861	\$32,737	\$33,637	\$34,562	\$35,513	\$36,489	\$37,493	\$38,524
A1	\$14.91	\$15.32	\$15.74	\$16.17	\$16.62	\$17.07	\$17.54	\$18.03	\$18.52
B2	\$32,868	\$33,772	\$34,701	\$35,655	\$36,635	\$37,643	\$38,678	\$39,742	\$40,834
B2	\$15.80	\$16.24	\$16.68	\$17.14	\$17.61	\$18.10	\$18.60	\$19.11	\$19.63
C3	\$34,840	\$35,798	\$36,783	\$37,794	\$38,834	\$39,902	\$40,999	\$42,126	\$43,285
C3	\$16.75	\$17.21	\$17.68	\$18.17	\$18.67	\$19.18	\$19.71	\$20.25	\$20.81
D4	\$36,931	\$37,947	\$38,990	\$40,063	\$41,164	\$42,296	\$43,460	\$44,655	\$45,883
D4	\$17.76	\$18.24	\$18.75	\$19.26	\$19.79	\$20.33	\$20.89	\$21.47	\$22.06
E5	\$39,147	\$40,224	\$41,330	\$42,466	\$43,634	\$44,834	\$46,067	\$47,334	\$48,636
E5	\$18.82	\$19.34	\$19.87	\$20.42	\$20.98	\$21.55	\$22.15	\$22.76	\$23.38
F6	\$41,496	\$42,637	\$43,809	\$45,014	\$46,252	\$47,524	\$48,831	\$50,174	\$51,553
F6	\$19.95	\$20.50	\$21.06	\$21.64	\$22.24	\$22.85	\$23.48	\$24.12	\$24.79
G7	\$43,985	\$45,195	\$46,438	\$47,715	\$49,027	\$50,375	\$51,761	\$53,184	\$54,647
G7	\$21.15	\$21.73	\$22.33	\$22.94	\$23.57	\$24.22	\$24.88	\$25.57	\$26.27
H8	\$46,625	\$47,907	\$49,224	\$50,578	\$51,969	\$53,398	\$54,866	\$56,375	\$57,925
H8	\$22.42	\$23.03	\$23.67	\$24.32	\$24.98	\$25.67	\$26.38	\$27.10	\$27.85
I9	\$49,421	\$50,780	\$52,177	\$53,611	\$55,086	\$56,601	\$58,157	\$59,756	\$61,400
I9	\$23.76	\$24.41	\$25.08	\$25.77	\$26.48	\$27.21	\$27.96	\$28.73	\$29.52
J10	\$52,387	\$53,828	\$55,308	\$56,829	\$58,392	\$59,998	\$61,648	\$63,343	\$65,085
J10	\$25.19	\$25.88	\$26.59	\$27.32	\$28.07	\$28.85	\$29.64	\$30.45	\$31.29
K11	\$55,530	\$57,057	\$58,627	\$60,239	\$61,895	\$63,597	\$65,346	\$67,143	\$68,990
K11	\$26.70	\$27.43	\$28.19	\$28.96	\$29.76	\$30.58	\$31.42	\$32.28	\$33.17
L12	\$58,862	\$60,480	\$62,144	\$63,853	\$65,608	\$67,413	\$69,267	\$71,171	\$73,129
L12	\$28.30	\$29.08	\$29.88	\$30.70	\$31.54	\$32.41	\$33.30	\$34.22	\$35.16
M13	\$62,393	\$64,109	\$65,872	\$67,684	\$69,545	\$71,457	\$73,423	\$75,442	\$77,516
M13	\$30.00	\$30.82	\$31.67	\$32.54	\$33.44	\$34.35	\$35.30	\$36.27	\$37.27
N14	\$66,138	\$67,956	\$69,825	\$71,745	\$73,718	\$75,746	\$77,829	\$79,969	\$82,168
N14	\$31.80	\$32.67	\$33.57	\$34.49	\$35.44	\$36.42	\$37.42	\$38.45	\$39.50
O15	\$70,106	\$72,034	\$74,015	\$76,050	\$78,142	\$80,291	\$82,499	\$84,767	\$87,098
O15	\$33.70	\$34.63	\$35.58	\$36.56	\$37.57	\$38.60	\$39.66	\$40.75	\$41.87
P16	\$74,313	\$76,356	\$78,456	\$80,613	\$82,830	\$85,108	\$87,449	\$89,853	\$92,324
P16	\$35.73	\$36.71	\$37.72	\$38.76	\$39.82	\$40.92	\$42.04	\$43.20	\$44.39
Q17	\$78,771	\$80,937	\$83,163	\$85,449	\$87,799	\$90,214	\$92,695	\$95,244	\$97,863
Q17	\$37.87	\$38.91	\$39.98	\$41.08	\$42.21	\$43.37	\$44.56	\$45.79	\$47.05
R18	\$83,497	\$85,793	\$88,152	\$90,576	\$93,067	\$95,626	\$98,256	\$100,958	\$103,734
R18	\$40.14	\$41.25	\$42.38	\$43.55	\$44.74	\$45.97	\$47.24	\$48.54	\$49.87
S19	\$88,507	\$90,941	\$93,442	\$96,011	\$98,651	\$101,364	\$104,152	\$107,016	\$109,959
S19	\$42.55	\$43.72	\$44.92	\$46.16	\$47.43	\$48.73	\$50.07	\$51.45	\$52.86
T20	\$91,753	\$94,276	\$96,869	\$99,533	\$102,270	\$105,082	\$107,972	\$110,941	\$113,992
T20	\$44.11	\$45.33	\$46.57	\$47.85	\$49.17	\$50.52	\$51.91	\$53.34	\$54.80

- Renee & Deb S
- Deb H
- Bruce
- Matt

Renee & Deb S, would go to \$28.35 an hour 7-1-2016.
 Jamie would go to \$13.82 an hour 7-1-2016.

Performance Step Increases would occur with satisfactory performance the first full pay period in July of each year. Must be employed minimum of six months to receive performance step increase.

RESOLUTION 2016-17

A RESOLUTION OF THE CITY OF NEWPORT, MINNESOTA, ESTABLISHING THE POLICY FOR THE CITY IN THE USE OF SURVEILLANCE CAMERAS ON CITY PROPERTY

WHEREAS, the City of Newport has, through its City Council, determined that advances in electronics have greatly facilitated the use of digital cameras and similar technology in observing and recording video images and sounds electronically; and

WHEREAS, the City of Newport has determined that the use of digital cameras and similar technology may be beneficial to the citizens of the City of Newport inasmuch as it would allow for greater surveillance of City property and making the protection of employees easier to accomplish and far more effective than was previously the case; and

WHEREAS, the City of Newport further finds that it is in the interest of the public to have a clearly enunciated policy on the use of surveillance technology by the City in order to protect the public from unreasonable or unexpected observation or intrusion on the privacy of individuals on or using City property.

NOW, THEREFORE, the City of Newport hereby resolves to adopt the following policy regarding the use by the City of surveillance technology, and expressly incorporates the following policy language as part of this Resolution:

USE OF SURVEILLANCE TECHNOLOGY BY THE CITY OF NEWPORT

1. The City of Newport, to protect public property and safety, expressly reserves the right to use the latest available surveillance technologies in order observe, by electronic means, any and all public property owned by the City, to the extent that is constitutionally permitted under Minnesota and Federal law.
2. Wherever the City is conducting surveillance, the City shall prominently post in a clearly visible place a sign indicating that the particular place is or may be under surveillance. Examples of likely places for surveillance to occur would be City Hall, the Public Works garage, the fire halls and actively used outdoor park or parking areas.
3. If the place under surveillance is also being audio recorded by the City, notice of that fact shall also be given and posted in the same manner.
4. Recordings of surveillance footage, if stored electronically, are public data unless an express exception to that classification exists as a matter of law.

Adopted by this council this 7th day of July, 2016.

Motion by: _____, Seconded by: _____

VOTE:

Geraghty	_____
Ingemann	_____
Sumner	_____
Lund	_____
Rahm	_____

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator