



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
SEPTEMBER 4, 2014 – 5:30 P.M.**

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

City Administrator: Deb Hill
Supt. of Public Works: Bruce Hanson
Chief of Police: Curt Montgomery
Fire Chief: Mark Mailand
Executive Analyst: Renee Eisenbeisz

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. Minutes of the August 21, 2014 Regular City Council Meeting
 - B. List of Bills in the Amount of \$533,001.01
 - C. Employee Personnel Policy
 - D. Publication of Ordinance No. 2014-11
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
 - A. Wellhead Protection Plan Part 1
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
 - A. Draft Response for the Mississippi River Corridor Critical Area Rules
 - B. **Ordinance No. 2014-13** - Amending Chapter 6, Animals
10. ATTORNEY'S REPORT
11. POLICE CHIEF'S REPORT
12. FIRE CHIEF'S REPORT

Agenda for 09-04-14

13. ENGINEER'S REPORT

- A. Partial Payment #3

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

- A. **Public Hearing** - To Receive Public Opinion on the Adequacy and Effectiveness of the Storm Water Pollution Prevention Program

- 1. Open Public Hearing
- 2. Presentation
- 3. Receive Public Opinion
- 4. Close Public Hearing
- 5. Accept Annual Report for 2013

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|---------------------------------------|--------------------|-----------|
| 1. Planning Commission Meeting | September 11, 2014 | 6:00 p.m. |
| 2. City Council Meeting | September 18, 2014 | 5:30 p.m. |
| 3. Library Advisory Committee Meeting | September 24, 2014 | 5:30 p.m. |
| 4. Park Board Meeting | September 25, 2014 | 7:00 p.m. |



**City of Newport
City Council Minutes
August 21, 2014**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

Council Present – Tim Geraghty; Tom Ingemann; Bill Sumner; Tracy Rahm; Steven Gallagher (called in)

Council Absent –

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

Staff Absent – Curt Montgomery, Police Chief; Mark Mailand, Fire Chief;

4. ADOPT AGENDA

Mayor Geraghty - We'll move the Engineer's Report to right after the Consent Agenda. We'll also pull Ordinance 2014-10 from the Consent Agenda and review it right after the Consent Agenda.

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

5. ADOPT CONSENT AGENDA

Item 5.D was pulled from the Consent Agenda.

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

- A. Minutes of the August 7, 2014 Regular City Council Meeting
- B. Minutes of the August 7, 2014 City Council Workshop Meeting
- C. List of Bills in the Amount of \$131,742.63
- E. **Resolution No. 2014-39** - Accepting Donations for the Period of August 5 - August 18, 2014
- F. Gambling Permit for the Capital City Strutters

With 5 Ayes, 0 Nays, the motion carried.

D. Ordinance No. 2014-10 - Amending Chapter 11, Housing and Buildings, of the City Code

Councilman Gallagher - Was there a previous ordinance on mobile homes or was it because of the bedrock and basement that prohibited mobile homes anyways from coming in to Newport?

Councilman Rahm - I thought it was the basement and bedrock issue.

Executive Analyst Eisenbeisz - This ordinance is before you because it would be difficult to develop some lots in Newport with the high bedrock if a basement is required. We're recommending that that requirement be removed.

Councilman Sumner - We have houses without basements?

Councilman Ingemann - Yes. The discussion at the Planning Commission was how do you know if it's a mobile or manufactured home. We have a lot of manufactured housing. In order for some of the houses to be built, they'll need to go on a slab because the bedrock is really high. We want to be able to put a manufactured home on a slab.

Admin. Hill - It'll help with infill.

Councilman Rahm - Did someone request this?

Admin. Hill - It came up when we were discussing some of the lots on 2nd Avenue during the street project. Some of them are undevelopable because of the high bedrock and the requirement for a basement. You do have homes that are on a slab and that would work well for smaller lots.

Mayor Geraghty - So we're just inserting this in?

Executive Analyst Eisenbeisz - No, the ordinance is to remove Section 1140.01 which requires a basement and the ordinance regarding mobile homes is currently in the City Code as Section 1140.02 so we're just moving it up.

Councilman Rahm - Was it originally put in to keep mobile homes out?

Councilman Ingemann - Yes.

Attorney Knaak - The only suggestion I would make would be in respect to the language of the ordinance. It should state that the current Section 1140.01 is repealed.

Dan Lund, Planning Commission Chair - Before you approve this, the issue we had was that our definitions for mobile homes and manufactured homes are the same. We were going to bring the definitions before us at the next meeting to make a distinction. If you do this now, someone could come in with a mobile home without a basement because we haven't cleaned up the code yet.

Executive Analyst Eisenbeisz - Mobile homes are only allowed in the RE District with a CUP and I don't believe they could get a CUP before you amend the definitions.

Mr. Lund - But the definitions don't distinguish between the two.

Mayor Geraghty - Does this have to be done now?

Executive Analyst Eisenbeisz - No.

Councilman Ingemann - We need to incorporate what the Planning Commission does.

Individual from Audience - I think I heard someone say that you couldn't dig here because of the bedrock.

Executive Analyst Eisenbeisz - There are areas in Newport that have bedrock so a basement would be difficult to dig.

Individual from Audience - One of those is where we built our house and we did dig a basement, it just cost more. I think you should take that into consideration before you think of putting in units that are of less value.

Motion by Ingemann, seconded by Rahm to table this Ordinance until the September 18, 2014 City Council meeting. With 5 Ayes, 0 Nays, the motion carried.

13. ENGINEER'S REPORT –

A. 2014 Street Improvement Update

Jon Herdegen, City Engineer, presented on this item as outlined in the August 21, 2014 City Council packet. McNamara and their subcontractor will be laying sod in the beginning of September. It is currently scheduled for the week of September 15.

Councilman Ingemann - When will Xcel come in to move those power poles?

Engineer Herdegen - We were told mid-August, I would expect them to be there in the next couple weeks to move them. We do have a number of sanitary sewer repairs that need to be done and we can work around most of the poles right now.

Councilman Sumner - We had some people stop in at the next meeting regarding his father's home. How is that looking?

Engineer Herdegen - It has been graded. His driveway has not been finished. During the meeting, the inspector was speaking with the father. We'll be taking more of his driveway out to make a smooth transition.

Individual from Audience - Where are we on 18th Street?

Engineer Herdegen - The milling is scheduled for early next week and then they'll start on the sanitary sewer repairs. It will be completed this year. The completion date right now is October 30 but we anticipate them being done before that.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Vang Thao, 1850 10th Avenue - I called earlier and you have licenses for dogs, farm animals, and chickens but I was wondering why you don't have one for pigeons.

Executive Analyst Eisenbeisz - I would classify them as a wild or exotic animal which is a mammal, amphibian, reptile, bird, poultry or fowl, which is of a species not usually domesticated. We don't allow for wild or exotic animals.

Councilman Rahm - Are they outside?

Mr. Thao - Yes, they're for pets.

Councilman Ingemann - We've been homing them for centuries, they're not wild.

Mayor Geraghty - How many?

Mr. Thao - I was thinking four or five.

Ms. Buss - They're usually domesticated.

Mayor Geraghty - We'll look at it and come up with some language.

Attorney Knaak - I think we've had this issue come up within the last 10 or 15 years. They raised 20 or 30 of them.

Paul Hansen, 1925 10th Avenue - Am I correct in assuming that the sod will be placed around September 15?

Engineer Herdegen - Yes.

Mr. Hansen - I want to go on record that it's both sides of my driveway.

Engineer Herdegen - We've identified areas for replacement.

7. MAYOR'S REPORT –

Mayor Geraghty - Pioneer Days was a good success. I'd like to thank Renee for all of her hard work and Arnie from South Suburban Rental. He provides a lot of equipment and supplies and this year he provided games for the kids. I just wanted to thank everyone that helped.

8. COUNCIL REPORTS –

Councilman Gallagher - I also wanted to thank Renee for Pioneer Days, the day was great. I've been working with Representative Dan Schoen and Deb about bringing a couple businesses into town. We're looking at alternative sites because the one building has limitations on their current lease. I wanted to thank Deb and Dan Schoen for all the work they've done.

Councilman Sumner - I also attended Pioneer Day, it was a wonderful day. I attended the talk given by Bob Vogel our HPC consultant, it was a good talk. I'd also like everyone to know that there will be a pig roast at the Cloverleaf on Saturday.

Councilman Ingemann - Nothing to report.

Councilman Rahm - I also attended Pioneer Day, thank you to all of the volunteers that helped out

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2014-40 - Approving a Variance Requested by Steven Bern for Property Located at 1280 Kolff Court

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 21, 2014 City Council packet.

Motion by Geraghty, seconded by Rahm, to approve Resolution No. 2014-40 approving a variance requested by Steven Bern for property located at 1280 Kolff Court. With 5 Ayes, 0 Nays, the motion carried.

B. Zoning Ordinance Amendments

Sherri Buss, TKDA Planner, presented on these items as outlined in the August 21, 2014 City Council packet.

Councilman Sumner - Was the permitted materials updated recently to allow for plastic materials?

Ms. Buss - That was updated by adding language that allows the Zoning Administrator approve other materials.

Councilman Rahm - It was hard for me to visualize what the fences would look like. I understand they won't be in front but what would the sides look like.

Ms. Buss - It's permitted in the business and industrial districts and always have been.

Councilman Rahm - If someone wanted to put barbed wire behind Newport Center, would that be allowed under this?

Ms. Buss - They could if it were for security purposes and they came in for an administrative permit.

Councilman Rahm - I'm just afraid of what it would look like, we have some control with the permit.

Ms. Buss - I think Deb would need to look at the plan.

Councilman Rahm - I can see industrial uses but I have problems with the others in regards to aesthetics.

Ms. Buss - Another thing about the MX districts is that it needs to be for security purposes. Deb would ask for some evidence that their insurance is requiring a fence. Some auto sales businesses require it.

Councilman Rahm - Most auto sales don't have barbed wire around their businesses.

Ms. Buss - Some of your auto businesses in town have asked for it.

Councilman Ingemann - They can only have three strands correct?

Ms. Buss - Yes and it points in towards their property and needs to be at least six feet above the ground.

Councilman Gallagher - I think the property that we approved a while back has barbed wire facing towards the street. Are they grandfathered in?

Ms. Buss - It's a legal nonconforming structure.

Councilman Ingemann - There's barbed wire around the pump station on 10th Avenue too and I can't remember if that's in or out.

Councilman Sumner - What if insurance requires that it face out?

Ms. Buss - If we have it in our ordinance that it needs to face in, it does. I'd be surprised if an insurance company had that requirement.

Councilman Rahm - I'm just concerned about what areas we're allowing fencing.

Mayor Geraghty - Could the existing car businesses put barbed wire all around their place, how would it look?

Councilman Rahm - That's the whole thing. Like the RV sale place, they don't have barbed wire.

Executive Analyst Eisenbeisz - Yes they do.

Admin. Hill - That's the thing, a lot of people don't notice it.

Luke Van Horn, 756 6th Avenue - As a suggestion, we've done a couple barbed wire fences in Mendota Heights and there are barbed wire alternatives that hide it. That would be a suggestion, to approve certain types. I agree with the concern of how it would look.

Councilman Rahm - I don't see that and can't visualize that.

Mayor Geraghty - Where are they enforcing that?

Mr. Van Horn - Mendota Heights. It's different type of fencing that hides barbed wire.

Mayor Geraghty - We can look at their ordinance language.

Mr. Van Horn - I can bring you some information.

Councilman Rahm - I'd feel more comfortable voting for it if we can see that alternative.

Ms. Buss - Is it the MX districts? You could add some language that says "barbed wire or barbed wire alternative."

Councilman Rahm - That's ok, it's just that no one has shown a picture of the alternative. I don't want to see it all over the place. I think it's too close to the public. I'm ok with the industrial areas.

Motion by Ingemann, seconded by Sumner to approve Ordinance No. 2014-11. With 3 Ayes, Rahm and Gallagher Voting Nay, the motion carried.

Motion by Geraghty, seconded by Ingemann to approve Ordinance No. 2014-12. With 5 Ayes, 0 Nays, the motion carried.

C. Discussion Regarding the Mississippi River Corridor Critical Area Rules

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 21, 2014 City Council packet.

Councilman Rahm - Sherri, where does this all come from?

Ms. Buss - A number of environmental organizations that felt that the critical areas law that was established in 1973 was too vague and was not being addressed by local governments and the DNR. They came forward and asked the Legislature to come up with stronger and defined standards for the critical area.

Councilman Rahm - I'm going to say something for everyone out there, look up an agenda 21 because that's what that's all about. They want to take over all critical waterways in the United States and make them back to the way they used to be. Every property owner within 100 years of adopting this will have to relinquish their property and turn it back to the environment. Look at an agenda 21.

Councilman Ingemann - They have information here about looking at the area visual resource but they haven't come up with that yet. How can they reference something that hasn't been developed. They also talk about an authorized engineer but don't have a list of them.

Ms. Buss - The one about the visual resources plan, there was so much outrage about that that on Tuesday, the DNR told us it was coming out. The last time they had the proposed rules, what they wanted to require was something very difficult for any of us to enforce.

Councilman Ingemann - There are also references that relate to statutes so we have to figure out when a statute is updated and how and if it affects us.

Ms. Buss - They do reference statutes that are involved in this. The standards reference for instance, the stormwater standards so when the PCA updates those, that will mean a requirement for us to update our code. We can try to make it easier by adopting language that says "this statute or the most recent version." This will probably need to be updated every 10 years.

Councilman Ingemann - That's fine but if someone wants to do something, they need to check out all these standards and ordinances.

Ms. Buss - It will be challenging because people will be part of shoreland standards, zoning standards, flood plain standards and now critical area standards. The critical area standards will be enforced through you.

Mayor Geraghty - Is there a coalition of cities that want to get rid of all of this?

Ms. Buss - I'm giving you the worst parts of it. All of the cities have said that the vegetation requirement needs to go. I think it's worth us sending in comments because the cost to you and work that is involved will be a big cost to you and applicants.

Mayor Geraghty - Is this State or Federal initiative?

Ms. Buss - State.

Councilman Rahm - Contact your State representative and talk with them.

Councilman Ingemann - I think the more input we get from the people on the River would be better. If the Planning

Commission could hold a public hearing at their next meeting.

Councilman Sumner - What is the timeframe?

Ms. Buss - The comments need to be in by September 30 and the rules will be put out for the official rule making process in November and getting them adopted in the early part of next year and you have a year to update things.

Councilman Rahm - I think we need to talk to our local representatives and stop this, it's not helping us or in the best interest of anyone living on the River.

Councilman Sumner - Is this on all rivers?

Ms. Buss - Just the critical area on the Mississippi. If they decide to review the shoreland rules it will affect a lot more.

Councilman Ingemann - We need as much input as possible before we submit it.

Mayor Geraghty - There's not enough time for a public hearing notice.

Councilman Rahm - Why wasn't this brought forward before?

Ms. Buss - We could do a special meeting.

Executive Analyst Eisenbeisz - The notice for the September Planning Commission meeting needed to be sent in to the Bulletin yesterday.

Ms. Buss - Could it be after your Council meeting in September?

Executive Analyst Eisenbeisz - You could do a public hearing at the September 18 meeting.

Admin. Hill - Every homeowner was sent a letter by the DNR and they've had public meetings on this.

Councilman Ingemann - So we could say tonight that if people want to come to the September 11 Planning Commission meeting and state their objections they would be noted.

Mayor Geraghty - I would still encourage people to come to the September 4 meeting. In the meantime, you should develop a letter to the DNR.

Ms. Buss - I can put something together and this can go on the Planning Commission agenda as well. I can try to get an early letter to you for the September 4 meeting too.

Mayor Geraghty - Yes, as much as we can start to get it ready. We can include issues from residents in it. I don't understand why the League isn't lobbying against it if cities are so upset.

Ms. Buss - I'm giving you a picture of the half-dozen things that are still problematic to everyone. There is a fair amount in there that is not objectionable. It's these last half-dozen issues. I think the League and all of the cities are so relieved that they have addressed a lot of the issues that were in there last time. I'll draft a letter for you to review on September 4 and bring it to the Planning Commission too.

D. Resolution No. 2014-41 - Authorizing the Mayor and City Administrator to Execute a Purchase Agreement on Behalf of the City for Property Located at Parcel Numbers 01.027.22.21.0015 and 01.027.22.21.0022

Admin. Hill presented on this item as outlined in the August 21, 2014 City Council packet.

Councilman Sumner - Can we make a first refusal on it so it doesn't disappear after getting cleaned up?

Admin. Hill - I wouldn't.

Mayor Geraghty - The resolution is to create a purchase agreement so we can put those terms in the agreement.

Motion by Sumner, seconded by Geraghty, to approve Resolution No. 2014-41 authorizing the Mayor and City Administrator to execute a purchase agreement on behalf of the City for property located at parcel numbers 01.027.22.21.0015 and 01.027.22.21.0022. With 5 Ayes, 0 Nays, the motion carried.

E. Development Agreement between the City of Newport and Presidential Recovery Services, LLC

Admin. Hill presented on this item as outlined in the August 21, 2014 City Council packet. The owners of Presidential Recovery Services have specific questions on the stormwater part of the agreement and would like to set aside the agreement until they have been answered. In order to move forward with the clean-up and grant, Admin. Hill recommended that the City Council approve item #14 of the agreement and the rest at a later time. Item #14 discusses the brownfield remediation and environmental clean-up as well as the costs associated with it. The City received a grant from DEED for \$153,200 and the City will pay for 12% of the total cost of the project. Presidential Recovery Services will pay for anything beyond the \$153,200 and 12% of the total cost.

Motion by Ingemann, seconded by Geraghty, to approve item #14 in the Development Agreement between the City of Newport and Presidential Recovery Services, LLC. With 5 Ayes, 0 Nays, the motion carried.

10. ATTORNEY'S REPORT -

A. Discussion Regarding Previous Copier for City Hall

Attorney Knaak - This is before you again due to an error on my part. You approved \$800 but it's \$1,200.

Motion by Geraghty, seconded by Rahm to settle the account for \$1,200. With 5 Ayes, 0 Nays, the motion carried.

Attorney Knaak - A lawsuit has been commenced in regards to the street vacation for Quade. You'll be getting a memo from me describing the lawsuit and where it will be going.

11. POLICE CHIEF'S REPORT - Nothing to report

12. FIRE CHIEF'S REPORT - Nothing to report

14. SUPERINTENDENT OF PUBLIC WORKS REPORT -

A. Discussion Regarding the Public Works Floor

Superintendent Hanson presented on this item as outlined in the August 21, 2014 City Council packet and attached.

Councilman Sumner - What's the extra \$2,100?

Superintendent Hanson - That would be for the utility room and locker room which didn't get affected by the water. I'm not proposing that at this time.

Councilman Rahm - How did it happen?

Superintendent Hanson - A waterline going to the refrigerator broke.

Councilman Sumner - What's wrong with going to straight concrete?

Superintendent Hanson - They're slippery and there's high maintenance for them. The tiles we had require waxing and buffing.

Councilman Sumner - What's the life?

Superintendent Hanson - The people I have spoken with have had them for 20 years and they're happy with them.

Councilman Ingemann - The insurance is covering \$8,058.

Councilman Rahm - How much does our premium go up? Should we submit it?

Admin. Hill - This is why we have insurance.

Motion by Geraghty, seconded by Rahm to approve the bid from SwedeBro Resurfacing for \$13,406 for repairing the Public Works floor. With 4 Ayes, Sumner Voting Nay, the motion carried.

Superintendent Hanson - I was at a debris management class at Washington County and a lot of suggestions came from it for dealing with floods. One of the ideas that I'll be looking into is having a standard three-day declaration of emergency on hand so you can sign it and we would bring it back to Council to extend it if needed. It sets in motion all the things for FEMA.

Mayor Geraghty - I read your memo from Met Council about a surcharge of \$206,000 , is there anything we can do about that?

Superintendent Hanson - The Engineer and I were looking at that and we'll make some calls to see what we can do about it.

Councilman Ingemann - When the River goes up it's not our fault.

Mayor Geraghty - Are a lot of cities getting similar bills?

Attorney Knaak - Yes.

15. NEW/OLD BUSINESS

Councilman Rahm - I'd just like to say that as soon as we have information on our police investigation that we have a meeting on it.

16. ADJOURNMENT

Motion by Geraghty, seconded by Sumner, to adjourn the regular Council Meeting at 7:09 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst



PROPOSAL

TMI Coatings, Inc.

3291 Terminal Drive, St. Paul, Minnesota 55121-1610 Phone: 651-452-6100 Fax: 651-452-0598

Painting & Restoration Contractors

City of Newport
Attn: Bruce Hanson
596 7th Avenue
Newport, MN 55055

Phone 651-459-2475 / Fax 651-459-2043
E-mail brhanson@mninter.net

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

Date: July 21, 2014
Regarding: Protective Flooring

Protective Flooring

TMI Coatings, Inc. (TMI) is certified as a woman owned business, so every dollar spent with TMI counts toward your diversity spending goals.

TMI has visited your facility and proposes the following:

Offices, Entry, Break Room and Corridor: up to 1,337 sq. ft.
Locker Room: 12' long x 12' wide, Mop Room: 8' long x 6' wide; up to 192 sq. ft.

1. Owner to remove all equipment so TMI has access to all floor areas.
2. TMI to remove vct tile and glue/mastic and vinyl coving. All debris caused from our work on site to be disposed of in owner provided container.
3. TMI to vacuum steel shotblast and/or mechanically abrade floors to roughen, to create an anchor pattern for new flooring adhesion.
4. TMI to apply *CHEM-RESIST colored quartz* flooring system consisting of a low odor, 100% solids epoxy resin with *colored quartz* fillers. Apply epoxy resin and broadcast with *colored quartz*. Sweep off or vacuum up excess *quartz*. Apply additional resin and *quartz* for a heavy-duty, thick-film finish. Apply additional epoxy resin for a final seal coat. *CHEM-RESIST colored quartz* is tough and durable and suitable for industrial use. Finish will be non-slip, owner to choose color.
5. Install 4" high coves at floor/wall junctures.

YOUR COST INCLUDING LABOR AND MATERIALS INSTALLED:

Offices, Entry, Break Room and Corridor	\$14,960
Locker Room and Mop Room	ADD TO ABOVE BID
	\$ 2,900

NOTES:

1. Bid is based on one job mobilization/demobilization.
2. Bid is based on weekday work; add \$450 for weekend work.

TMI has considerable experience in the coating industry. Enclosed are references for your review.

Thank you for the opportunity to submit this proposal to you. You can check out our company history and other coating services at our website at www.tmicoatings.com. Visit TMI Coatings' blog at www.tmicoatingsblog.net to learn about problems we have solved for customers like you or become a fan of TMI Coatings on Facebook. If you have any questions about our bid, please call me at 651-452-6100.

If e-mail is an effective communication tool for you, feel free to contact me at belwood@tmicoatings.com with any questions or comments regarding this proposal.

Encl.: Floor Coating Reference List, Quartz Step Sample, Color Chart, Floor Coating blog (9/12)

as:tmip/newport01beE(mjw)

ACCEPTANCE

The undersigned hereby accepts TMI's proposal and authorizes TMI to furnish all materials and labor required to complete the work set forth in the proposal pursuant to the proposal terms and conditions set forth on the reverse side hereof, for which we agree to pay you the amount set forth in the proposal. If the proposal terms and conditions set forth on the reverse side hereof were not provided with transmission of TMI's proposal by facsimile, mail or email, the undersigned agrees to request a copy of the proposal terms and conditions before signing below. The undersigned agrees to be bound by the proposal terms and conditions set forth on the reverse side hereof regardless of whether the undersigned requested a copy or read them before signing below.

Accepted: _____ Date _____

Respectfully,
TMI Coatings, Inc.

By _____

By  _____

Title _____

Title Brent Elwood, Industrial Sales _____

Customer: Sign and return copy. Retain original for your files.



1409 159th Ave. NE • Ham Lake, MN 55304
 Office: 763-434-9237 www.swedebro.com Fax: 763-434-8999

Customer: **City of Newport - Public Works** **Date: 8/4/14**
 596 7th Ave
 Newport, MN 55055

RE: Entry, Offices, Break Room and Corridor Floors – Solid Color Epoxy with accent chips

Description:

Entry, Offices, Break Room and Corridor Floors

- Remove all VCT and scrape all mastic.
- Mechanically Shot-blast and/or diamond grind to remove remaining mastic as necessary and to profile and prepare concrete for coatings
- Fill all cracks, seams, defects and joints.
- Apply GP Epoxy system in a solid color TBD and with partial broadcast of 2-3 colors of Torginol vinyl chips for accent.
- Apply top coat of GP4868 polyurethane.

Sub-Total: \$13,406.00

Floor must be swept clean from debris prior to our arrival.

Everything must be off the floor prior to our arrival.

Project will take 3 days to complete and requires EXCLUSIVE access.

Owner to provide dumpster use.

Option

1. Add extra 225 sq. ft. area. **Add: \$2,194.00**

Cement, acid, and stain colors cannot be precise; therefore finished color and texture will vary from any color charts or samples shown. All existing expansion joints may be re-cut; cracks in base substrata may reoccur.

To accept this quote: Pay required deposit, then sign and return the original copy of this document to schedule your installation.
 Please initial any options chosen.
 Bids and prices are valid for 60 days

Total Price	\$
Materials to be Invoiced	
BALANCE DUE	\$

Contract subject to terms/conditions listed. Unpaid balances after 60 days of completion may be sent to collections. Unpaid balances are assessed a 1.5% (18% APR) finance charge per month after 30 days. A mechanic's lien may be filed on any unpaid balances after 60 days.

Buyer's Signature

Date

THIS CONTRACT SUBJECT TO THE TERMS AND CONDITIONS LISTED BELOW

1. The terms set forth in this agreement are intended as the complete and exclusive statement of the contract and may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement. Only a memorandum signed by both parties and their authorized agent may amend this contract. Any changes to this contract may subject Buyer to additional charges.
2. Seller will complete work as expediently as possible once started and begin work within terms agreed to. Seller is not responsible for delays beyond his control.
3. This agreement is the actual order of the items listed above and it is understood that all items are custom made and all work is custom. Deposit is non-refundable. *In case of sale of home or business, contract may be terminated upon payment to Seller of a sum equal to one third of the remaining balance.*
4. Buyer agrees to and has read the Chemical Stain Disclaimer form (if necessary), and Expectation form.
5. Balance of money is due upon completion of work. If claim for payment is placed in the hands of an attorney for collection, Buyer agrees to pay Seller a reasonable attorney's fee fixed by the court.
6. Except as provided in writing, Seller does not warrant the goods covered by this agreement and no other warranty expressed or implied is made by Seller. Seller is also not responsible for slip resistance chosen by the Buyer.
7. Warranty is void with regard to any part or parts subject to abuse, neglect, or accidental causes including but not limited to: fire, flood, acts of God, and war.
8. Seller is not responsible for sub-surfaces such as concrete during the installation due to the fact the prior conditions of the surfaces cannot be determined. Any problems that occur due to these sub-surfaces can not be warranted. This includes moisture transmission and hydrostatic pressure in concrete. Any defects in sub-surface will not be addressed unless listed above.
9. Seller will make every reasonable effort, in advance, to protect landscaping, walls and all adjacent areas and items from damage; however, Seller cannot warranty these areas against possible damage. It is the responsibility of the Buyer to protect these areas. Pools must be drained during installation.
10. Seller will not assume responsibility of damage caused by non-recommended maintenance procedures. It is agreed that Seller shall not be liable for any defect or damage resulting from installations requested by Buyer that depart from accepted installation methods. If an unauthorized person services the surface, any warranty is automatically voided and Seller assumes no liability or responsibility for damage.
11. In cases where buyer does not own the home or business to which Seller is installing surface, buyer represents that he has permission of owner to install surface and is fully responsible for completion of contract. Condominium owners, homeowners, and business owners responsible to associations or boards represent that they have or will obtain any necessary approvals.
12. Buyer grants Seller permission to photograph the installation and installation site and use such photographs in future sales presentations and advertising.
13. During the project, Seller may substitute better quality and/or more expensive products and/or processes with or without the verbal or written approval of the Buyer.
14. Buyer must notify Seller a minimum of 48 hours (not including weekends) prior to the scheduled start day of any delays or postponement. If Seller is **not** notified at least 48 hours in advance, additional charges will be added.
15. Any person or company supplying labor or materials for this improvement to your property **may** file a lien against your property **if** that person or company is **not** paid for the contributions. Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or material for the improvement and who gave you timely notice.

Non-Recurring Bills

Paid Chk# 016663	TOM AGUILAR-DOWNING	9/4/2014	\$113.44	Reimburse photo contest
Paid Chk# 016664	ARAMARK REFRESHMENT SERV.	9/4/2014	\$107.38	
Paid Chk# 016665	CARLSON MCCAIN, INC	9/4/2014	\$1,648.00	Knauff property
Paid Chk# 016666	COMMERCIAL ASPHALT CO.	9/4/2014	\$461.55	Dura Drive
Paid Chk# 016667	FIRST IMPRESSION GROUP	9/4/2014	\$825.00	Newsletter
Paid Chk# 016668	GLOBE PRINTING & OFFICE SUPPLY	9/4/2014	\$595.00	Letterhead and labels
Paid Chk# 016669	HACH COMPANY	9/4/2014	\$33.10	Chlorine RGT
Paid Chk# 016670	JOHN BARTL HARDWARE	9/4/2014	\$250.25	Supplies
Paid Chk# 016671	KUSTOM SIGNALS, INC.	9/4/2014	\$160.00	Radar card
Paid Chk# 016672	LAW ENFORCEMENT SYSTEMS, INC.	9/4/2014	\$287.00	Case files
Paid Chk# 016673	LEAGUE OF MINNESOTA CITIES	9/4/2014	\$3,492.00	
Paid Chk# 016674	MENARDS - COTTAGE GROVE	9/4/2014	\$24.46	Tape and shears for city hall
Paid Chk# 016675	METERING & TECHNOLOGY SOLUTION	9/4/2014	\$254.40	Couplings, seals and gaskets
Paid Chk# 016676	MINNESOTA DEPARTMENT OF HEALTH	9/4/2014	\$1,508.00	Supply service connection fee
Paid Chk# 016677	MINNESOTA MAYORS ASSOC.	9/4/2014	\$30.00	Mayor's Assoc. with League of
Paid Chk# 016678	MN STATE FIRE CHIEFS ASSOC.	9/4/2014	\$240.00	Annual conference
Paid Chk# 016679	MUNICIPAL EMERGENCY SERVICES	9/4/2014	\$303.18	Calibration gas cylinder and o
Paid Chk# 016680	NORTHERN SAFETY TECH. INC.	9/4/2014	\$680.00	Vehicle repairs
Paid Chk# 016681	NORTHLAND TRUST SERVICES, INC	9/4/2014	\$118,623.75	2010A Go Bond Principal & Inte
Paid Chk# 016682	OHLIN SALES INC.	9/4/2014	\$455.66	Post pounder
Paid Chk# 016683	OXYGEN SERVICE CO.	9/4/2014	\$39.68	Oxygen supplies
Paid Chk# 016684	REEDS SALES & SERVICE	9/4/2014	\$172.80	Battery and balance
Paid Chk# 016685	SOUTH SUBURBAN RENTAL, INC.	9/4/2014	\$1,261.53	Pioneer Day rentals
Paid Chk# 016686	SOUTH WASHINGTON COUNTY SCHOOL	9/4/2014	\$264.00	Summer rec. bus
Paid Chk# 016687	WINZER	9/4/2014	\$424.31	Supplies

Recurring Bills

Paid Chk# 000330E	FEDERAL TAXES	8/21/2014	\$9,714.33	SS, Med & Federal
Paid Chk# 000331E	ING LIFE INSURANCE & ANNUITY	8/21/2014	\$2,066.02	MSRS 1% & Vol. Retirement
Paid Chk# 000332E	MN REVENUE	8/21/2014	\$2,086.54	State taxes
Paid Chk# 000334E	CENTRAL BANK	8/26/2014	\$4.00	Insufficient fund fee for Wige
Paid Chk# 000335E	CENTRAL BANK	8/26/2014	\$4.00	Insufficient fund fee for Wige
Paid Chk# 000336E	CENTRAL BANK	8/26/2014	\$4.00	Insufficient fund fee for Metz
Paid Chk# 000337E	CENTRAL BANK	8/26/2014	\$4.00	Insufficient fund charge for M
Paid Chk# 000338E	DELTA DENTAL OF MN	8/27/2014	\$1,156.86	Dental insurance
Paid Chk# 016649	ASSURANT EMPLOYEE BENEFITS	8/21/2014	\$609.07	Life and long term disability
Paid Chk# 016650	DEBORA HILL	8/21/2014	\$88.79	Mileage reimbursement
Paid Chk# 016651	ING LIFE INSURANCE & ANNUITY	8/21/2014	\$250.00	
Paid Chk# 016652	LAW ENFORCEMENT LABOR SERVICES	8/21/2014	\$270.00	
Paid Chk# 016653	MINNESOTA BENEFIT ASSOC.	8/21/2014	\$61.43	Neska life
Paid Chk# 016654	PERA	8/21/2014	\$8,544.30	
				2014 Street const. payment #2 - Approved
Paid Chk# 016655	REDSTONE CONSTRUCTION COMPANY	8/21/2014	\$331,607.60	08/07/14
Paid Chk# 016656	SELECTACCOUNT	8/21/2014	\$791.49	HSPA
Paid Chk# 016657	ST. PAUL PARK REFINING CO. LLC	8/21/2014	\$2,196.36	
Paid Chk# 016658	Holstad & Knaak, PLC	8/27/2014	\$5,527.00	Legal fees
Paid Chk# 016659	LEAF	8/27/2014	\$580.49	
Paid Chk# 016660	NCPERS MINNESOTA	8/27/2014	\$64.00	Life insurance
Paid Chk# 016661	VERIZON	8/27/2014	\$381.89	
Paid Chk# 016662	XCEL ENERGY	8/27/2014	\$63.31	Natural gas bill
	Staff		\$34,671.04	
			\$533,001.01	



MEMO

TO: Mayor and City Council
Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Executive Analyst

DATE: August 25, 2014

SUBJECT: Employee Personnel Policy

BACKGROUND

The League of Minnesota Cities recently sent out an updated template for their personnel policy. The updated policy has two changes in it. The first change is due to the Women's Economic Security Act (WESA) that went into effect July 1, 2014. The second change is due to a Supreme Court Ruling. Please find attached a red-lined version of the Policy.

DISCUSSION

The first amendment is adding language under the Compensation section regarding wage disclosure. Part of the WESA law allows employees to disclose their wages to other employees and requires employers to have a notice about this in their personnel policy. The Minnesota Department of Labor and Industry provided sample language for this requirement.

The second amendment is adding language to the Waiver section under Grievance Procedure regarding what is not grievable. This language is coming from a Supreme Court ruling for *Schwanke v. Minnesota Department of Administration*, No. A12-2062. The Supreme Court upheld a Court of Appeals ruling that granted a Steele County Sheriff's Deputy the right to challenge the contents of their performance review through a provision in the Minnesota Government Data Practices Act which allows an employee to challenge the accuracy or completeness of data they have requested to review.

RECOMMENDATION

It is recommended that the City Council approve the Personnel Policy as presented.

that includes a telephone number where he / she can be reached and / or contact any other individual who was designated by the supervisor. Failure to use established reporting process will be grounds for disciplinary action. Departments may establish more specific reporting procedures.

The employee must call the supervisor on each day of an absence extending beyond one (1) day unless arrangements otherwise have been made with the supervisor. Employees who are absent for three (3) days or more and who do not report the absence in accordance with this policy, will be considered to have voluntarily resigned not in good standing. The City may waive this rule if extenuating circumstances warranted such behavior. This policy does not preclude the City from administering discipline for unexcused absences of less than three (3) days.

Adverse Weather Conditions

The Mayor may authorize the closing of City offices due to inclement weather. If offices are closed, each department head will be responsible for notifying employees of such closing.

In the event that offices are closed due to inclement weather during the course of the workday or for the full work day, employees will be paid for a full work day and will not be required to use vacation leave, leave without pay, compensatory time, or personal leave.

Employees excluded from this policy include: Police employees and Public Works employees who are involved in snow plowing activities. These employees will be expected to report to and remain at work under all weather conditions.

State of Emergencies or Emergency Work

Compensation for non-union management and supervisory personnel shall follow Resolution No. 96-55 and the Administrative Policy during a Declared "State of Emergency," which was approved March 14, 1997.

COMPENSATION

Full-time employees of the City will be compensated according to schedules adopted by the City Council. Unless approved by the City Council, employees will not receive any amount from the City in addition to the pay authorized for the positions to which they have been appointed. Expense reimbursement or travel expenses may be authorized in addition to regular pay.

Compensation for part-time, seasonal and temporary employees will be set by the City Council at the time of hire, or on an annual basis.

Under the Minnesota Wage Disclosure Protection law, employees have the right to tell any person the amount of their own wages. While the Data Practices Act (Minn. Stat. §13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, Minnesota law also requires wage disclosure protection rights and remedies to be included in employer personnel handbooks. To that end, and in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of his or her wages as a condition of employment;
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages;
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minnesota Statute §181.172, subd. 3

The City cannot retaliate against an employee for disclosing his/her own wages. An employee's remedies under the Wage Disclosure Protection law are to bring a civil action against the city and/or file a complaint with the Minnesota Department of Labor and Industry at (651) 284-5070 or 1/800-342-5354.

2. The employee is requested by a public body or office to participate in an investigation, hearing, inquiry;
3. The employee refuses an employer's order to perform an action that the employee has an objective basis in fact to believe violates any state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason;
4. The employee, in good faith, reports a situation in which the quality of health care services provided by a health care facility, organization, or health care provider violates a standard established by federal or state law or a professionally recognized national clinical or ethical standard and potentially places the public at risk of harm;
5. A public employee communicates the findings of a scientific or technical study that the employee, in good faith, believes to be truthful and accurate, including reports to a governmental body or law enforcement official; or
6. An employee in the classified service of state, county or city government communicates information that the employee, in good faith, believes to be truthful and accurate, and that relates to state, county or city services, including the financing of said services, to:
 - A. A legislator or the legislative auditor; or
 - B. A constitutional officer; or
 - C. A City Council member.

GRIEVANCE PROCEDURE

Any dispute between an employee and the City relative to the application, meaning, or interpretation of these personnel policies will be settled in the following manner:

Step 1: The employee must present the grievance in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, to the proper supervisor within twenty one (21) days after the alleged violation or dispute has occurred. The supervisor will respond to the employee in writing within seven (7) calendar days.

Step 2: If the grievance has not been settled in accordance with Step 1, it must be presented in writing, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, and the remedy requested, by the employee to the City Administrator within seven (7) days after the supervisor's response is due. The City Administrator or his / her designee will respond to the employee in writing within seven (7) calendar days. The decision of the City Administrator is final.

Nothing contained in this policy is intended to restrict employees' rights under the National Labor Relations Act (NLRA) or any other federal, state or local laws or regulations governing employment.

Waiver

If a grievance is not presented within the time limits set forth above, it will be considered "waived". If a grievance is not appealed to the next step in the specified time limit or any agreed extension thereof, it will be considered settled on the basis of the City's last answer. If the City does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the City and the employee without prejudice to either party.

The following actions are not grievable:

1. While certain components of a performance evaluation, such as disputed facts reported to be incomplete or inaccurate are challengeable, other performance evaluation data, including subjective assessments, are not;
- ~~1.2. Performance evaluations;~~
- ~~2.3. Pay increases or lack thereof; and~~
- ~~3.4. Merit pay awards.~~

The above list is not meant to be all inclusive or exhaustive.

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

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

TITLE

AN ORDINANCE AMENDING SECTION 1330 (GENERAL DISTRICT REGULATIONS) OF THE ZONING
ORDINANCE OF THE CITY OF NEWPORT

SUMMARY

This ordinance amends Section 1330 (General District Regulations) as adopted by Ordinance on June 6, 2002 and subsequently amended, which contain the following sections:

1330.01	DISTRICT CLASSIFICATIONS
1330.02	ZONING MAP
1330.03	BOUNDARY LINES
1330.04	USES
1330.05	PERFORMANCE STANDARDS
1330.06	OFF-STREET PARKING

PURPOSE AND INTENT

The ordinance is adopted for the following purposes:

1. To clarify and update the types of fencing and design requirements for fence types within the zoning districts in the City;
2. To consolidate the sections of the Zoning Ordinance that address fencing requirements to eliminate duplication and inconsistencies.

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.

Ordinance adopted and summary approved for publication by the City Council of the City of Newport, this 21st day of August, 2014.

Tim Geraghty, Mayor

ATTEST:

Deb Hill, Administrator/Clerk

**APPROVED PART I AMENDMENT LETTER TO LGUs/PUBLIC INFORMATION MEETING
NOTICE**

Date: August 26, 2014

To: Ms. Autumn Lehrke, District 4 Commissioner, Washington County Board
Mr. Myron Bailey, Mayor, City of Cottage Grove
Ms. Mary Giuliani Stephens, Mayor, City of Woodbury
Ms. Louise Smallidge, Chairperson, Washington Soil and Water Conservation District
Mr. Matt Moore, Administrator, South Washington Watershed District
Ms. Lanya Ross, Metropolitan Council, Environmental Services, Water Resource Management
Mr. Jeff Freitag, Planner, Minnesota Department of Health

From: Bruce Hanson – Superintendent of Public Works, City of Newport

Re: Wellhead Protection Plan Amendment, Part 1, for the City of Newport

The City of Newport is in the process of amending our wellhead protection plan for its drinking water supply wells. As required by the Minnesota Wellhead Protection Rule (part 4720.5330, subpart 6), the Minnesota Department of Health approved Part 1 of the wellhead protection plan amendment for our system. This portion of the plan includes information pertaining to:

1. The delineation of the wellhead protection area,
2. The drinking water supply management area boundary, and
3. The well and drinking water supply management area vulnerability assessment.

Enclosed please find the items listed above. If you would like a complete copy of the amended Part 1 plan containing the technical information used to delineate the wellhead protection area, drinking water supply management area, and vulnerability of the wells and aquifer, please contact me at 651-459-2475

Consistent with the Wellhead Protection Rule (part 4720.5330, subpart 7), a Public Information Meeting has been scheduled as part of the regular City Council Meeting on **Thursday September 4th at 5:30 p.m. at City Hall 596 7th Avenue, Newport, MN 55055** to discuss issues and concerns with this portion of the plan amendment. We welcome your participation at this event.

If you have any questions concerning this matter, please contact me.

cc: Mr. Lowell Johnson, Director, Public Health & Environmental Department, County of Washington
Mr. Harry Taylor, Public Works Supervisor, City of Cottage Grove Public Works
Mr. Dan Hanson, Utilities Department Superintendent, City of Woodbury
Mr. Jay Riggs, Manager, Washington Conservation District
Ms. Angie Hong, Water Resource Ed. Specialist, Washington Conservation District
Trudi Witkowski, Minnesota Department of Health
Robyn Hoerr, Groundwater Specialist, Minnesota Rural Water Association



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

September 4, 2014

Mr. Daniel Petrik, Land Use Specialist
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4025

Re: City of Newport Comments on Draft Mississippi River Corridor Critical Area (MRCCA)
Draft Rules
TKDA Project No. 15482.000

Dear Mr. Petrik:

The City of Newport is writing to you to provide its comments on the MRCCA Working Draft Rules. The City previously commented on the draft rules published in 2010. We are encouraged to see that many of the issues that the City identified in our comment letter (December 2, 2010) have been addressed in the new draft of the proposed rules in response to the concerns expressed by many local governments. We also appreciate the DNR staff meetings with the City and with private landowners during 2013-2014 to discuss the new version of the proposed rules.

However, the City is concerned about several elements of the proposed rules that will require new permits, complicated monitoring and enforcement, and create significant costs that would be borne by local residents, businesses, and the City. Several of the items identified below will result in new burdens for landowners and the City. We believe that existing regulations and permits address the goals to protect resources in the MRCCA, and we do not believe the new permitting and monitoring requirements will result in improved natural resource outcomes or help to meet the goals of the Critical Areas Act, particularly in fully-developed communities like Newport.

At the August 19 meeting on the proposed rules, Commissioner Landwehr indicated that the DNR may make a budget request to the Legislature for funds to assist with the implementation of the proposed rules. The City of Newport supports this request. We believe that the new mandates for local governments in the rules should only be adopted if there is new funding for local governments to support implementation of the rules.

Our specific comments regarding the proposed rules are as follows:

- **Identification and establishment of Primary Conservation Areas (PCA).** The draft rules require that local governments identify "primary conservation areas" within the MRCCA. The areas must include shore impact zones, bluff impact zones, slope preservation zones, floodplains, wetlands, natural drainage routes, unstable soils and

bedrock, significant existing vegetation, tree canopies, native plant communities, public river corridor view areas, scenic views and vistas, and cultural and historic sites and structures. Local government will need to identify all of these areas and create maps of the PCA's so that they can be used to evaluate permit and subdivision applications in the MRCCA.

Identification and mapping of these areas will be a time-consuming and costly effort for many local governments.

- While maps exist of floodplain and shoreland zones, many of the other items required to be included in the PCA's are not currently inventoried or mapped in our community. Cities like Newport do not have staff to complete the inventory and mapping efforts, and will need to contract these services. The cost to the City will be high in order to gather and maintain data that will be sufficiently accurate for use in permitting.
- Some of the categories are not defined in the new rules. There is no definition for "significant existing vegetation" or "natural drainage routes"; the rules do not indicate if "wetlands" means delineated wetlands, or something else. If local communities must define the terms, the PCA's will not be consistent among communities, and permit requirements will not be consistent across the MRCCA.

Significant items included in the PCA's are regulated already mapped and regulated—shoreland areas, floodplains, steep slopes and bluffs, and wetlands. Stormwater management is regulated by local cities and Watershed Districts. There is no need for additional regulation of these areas.

The City recommends that if inventory and mapping of additional features to identify PCA's is necessary, the State of Minnesota should reimburse the costs to the City for completing the inventory and mapping effort. The PCA's should include only elements that can be clearly defined, so that the PCA's are consistent throughout the MRCCA and permit requirements are equitable.

- **Requirements for structures to assist persons with disabilities.** Section 6106.0080 Subp. 6 of the proposed rules would require persons with disabilities to get an interim use permit rather than a variance to allow structures related to disabilities (i.e. ramps, stairways, etc) in locations that would require a variance. The interim use permit would not require the identification of "practical difficulties" to permit the improvements, but otherwise provides little benefit to the disabled person, as the costs and process are the same as for a variance. The City would need to monitor the permit to require removal of the structure at the time or event stated in the permit, which will add additional costs to the permit. The City recommends that if the intent of the proposed rule is to minimize costs and review time, and maintain the privacy of the disabled person as stated by the DNR, an administrative permit issued by the Zoning Administrator would be a better approach than an IUP in order to minimize the time, costs, and maintain the privacy of disabled persons.



- **Incorporation of documents by reference.** The draft rules list a number of documents that are proposed to be incorporated in the rules by reference, and notes that the documents may be subject to frequent change. Of the eight documents listed, one is not yet available, and it is a significant document--The MRCCA **Visual Resources Protection Plan** – which is being developed by the National Park Service and the Mississippi Parkway Commission. The new rules would require the City to use the methodology in that document for granting conditional use permits for height.

The City recommends that these documents be provided for review and comment before the new rules are adopted. The methodology for assessing visual resources could add significant new costs for zoning permit applications (which in Newport are borne by local residents and businesses who apply for the permit) to determine visual impacts of proposed development. The City's current height standards for zoning districts are consistent with those proposed in the draft rules. Additional visual analysis and regulation of height based on vague visual standards is not necessary.

- **Vegetation Management—New Permit.** The new rules would require the City to create and implement a new permit for vegetation removal. The proposed standards require that selective vegetation removal of more than 5-15% of the total tree canopy or vegetation cover or by an area of more than 1,000- 5,000 square feet, whichever area is less, in the shore impact zone, the bluff impact zone, and the slope preservation zone, over a two year period, requires a permit. The rules also require that landowners who cut more than the allowed vegetation complete a restoration plan that would be approved and monitored by the City

These requirements in the rules will be difficult for the City to implement. It will be very difficult for the applicant and for City staff to determine and monitor what equals 5-15% of the vegetation on a property or whether 1,000 to 5,000 square feet of the canopy is proposed for removal or has been removed over two years. It would require that the City complete a new baseline inventory of each property, and complete periodic review of properties to identify vegetation removal. The City does not currently have the in-house staff resources to monitor vegetation removal on all parcels within the MRCCA, and manage this new a new permit process. The rules permit local governments to delegate the permitting responsibilities to a resource agency, but the permit applicants and the City would still bear the cost of this new permitting and monitoring.

The City believes that the existing vegetation management regulations in the Shoreland Ordinance have been sufficient to prevent significant loss of tree canopy and vegetative



cover on parcels in Newport that are within the MRCCA. The City believes that the new regulations will be almost impossible to administer, will be costly, and are not needed.

- **Construction or replacement of retaining walls, rip rap or other erosion control measures—New Permit or additional requirements on existing Building Permits.** The proposed rules require a new permit process whereby a “qualified person” must submit a determination that the above methods are not sufficient, in order to permit a retaining wall or rip rap rather than vegetative methods for erosion control.

The City believes that existing permitting processes implemented by the City and Watershed Districts are sufficient to manage erosion control, and determine the best methods given the characteristics of individual sites. In many locations, vegetative methods are not sufficient to manage erosion control. The new regulation is not necessary, and could place a significant new permit burden on the City and residents in the MRCCA area in order to prove that vegetative means will not provide adequate erosion control.

- **Stormwater Management—Higher Permit Standards.** The proposed rules require a permit for all development that creates new or fully reconstructs impervious surface of more than 10,000 square feet on parcels that abut a public water body, wetland or natural drainageway. In some cases, replacement of a driveway would trigger this requirement. The threshold for creation of new impervious surface is one acre under the City’s MS4 permit. The DNR not given a rationale for a higher standard than the one required by the Minnesota Pollution Control Agency through the MS4 permit process.

The City recommends that the existing MS4 permit requirement is reasonable and sufficient to protect resources in the MRCCA District. The proposed rule should be changed to be consistent with the MS4 Permit requirements.

- **Requirement for New Site Plan Permit.** The new MRCCA rules require a “site plan” for all items that require a discretionary action or a permit—such as a variance or conditional use permit. The site plan must include a large number of items listed in the rules and the list of required submittals goes beyond the City’s requirements for applications for most variances and conditional use permits. The city has the authority to require a site plan for conditional use permits, variances, and similar zoning permits when needed, but does not need this extensive information in all cases. This requirement will add significant new costs to land use permit applications for residents and businesses in the MRCCA District. Many permit applications are relatively simple now, and meet the City’s needs for review.



The City recommends that this requirement be removed from the rules. Local governments are able to determine the submittal requirements for review of local zoning permits.

- **Subdivision of land—protection of Primary Conservation Areas required.** The MRCCA rules propose that when subdivision occurs the developer must set-aside a portion of the area within the Primary Conservation Area identified on the property and dedicated open space, and that native vegetation communities be restored within that area. This requirement will create confusion with the City's Park and Open Space dedication requirements, and could add significant costs for developers, home owners associations or the City to dedicate, restore and maintain the dedicated areas. It will also place a priority on dedication of the primary conservation areas as park and open space areas, and may limit the City's ability to require the dedication of park and open space areas outside the primary conservation areas as a part of development.

Primary Conservation Areas such as wetlands, bluffs, steep slopes and floodways have protection under current rules, and do not need to be dedicated as permanent open space in order to be protected from development. The rules may suggest that the City consider the PCA areas for dedication, but should give the City the flexibility to determine whether these areas are already adequately protected, so that open space dedication can be better applied elsewhere to meet the City's adopted park, trail and open space plans.

- **Proposed MRCCA Districts Map.** The proposed MRCCA Districts map is not compatible with the City's Zoning Map at the southern end of the City. Properties that are currently zoned for Industrial Uses are included in the proposed CA-SR District.

The City requests that the DNR revise the map to be consistent with Newport's zoning districts.

Thank you for considering our comments on the proposed MRCCA Rules. If you have questions about these comments, please contact City Administrator Deb Hill at 651.556.4600.

Sincerely,

Tim Geraghty
Mayor

Cc: Deb Hill, City Administrator
Newport City Council and Planning Commission Members





MEMO

TO: Mayor and City Council
 Deb Hill, City Administrator

FROM: Renee Eisenbeisz, Executive Analyst

DATE: August 25, 2014

SUBJECT: Chapter 6, Animals

BACKGROUND

A resident came to the August 21, 2014 City Council meeting to request that the City Council allow residents to keep pigeons as pets. The City Council directed staff to research what other communities have and bring it back for discussion. Additionally, City staff received a call from a resident on 21st Street to see if small pigs are allowed as pets. Currently, the City Code lists pigs as farm animals, which are only allowed in the RE District and require at least four acres.

DISCUSSION

Pigeons

Staff contacted several neighboring communities to see if they allow for pigeons as pets. Below is information from Inver Grove Heights, South St. Paul, St. Paul, West St. Paul and Woodbury.

City	Define Pigeons As	Maximum Number of Pigeons	Permit Required	Permit Fee
Inver Grove Heights	Permitted nondomestic animals	None	No	N/A
South St. Paul	Domestic animals	2 without a permit, no maximum with a permit	Only if they want more than 2 pigeons	\$0
St. Paul	Domestic animals	None	For any amount of pigeons	\$25 for three or less, \$72 for four or more
West St. Paul	Domestic animals	2 without a permit, no maximum with a permit	Only if they want more than 2 pigeons	\$195
Woodbury	Domestic animals	3	No	N/A

Both South St. Paul and West St. Paul have similar language regarding pigeons and what is required if they would like more than two as pets. Staff used their language to draft an amendment to Chapter 6, Animals. Please find attached a red-lined version of Chapter 6 for your review. Below is a summary of the amendments:

Section 600.01, Subd. 3, Domestic Animal - Staff is recommending that this language be amended to include a list of domestic animals such as dogs, cats, caged birds, doves, pigeons, gerbils, hamsters, rabbits, fish, reptiles, etc.

Section 600.03 - Staff is recommending that the language regarding sanitation be removed and replaced with language regarding basic care of all animals. The new language includes the following subdivisions:

- **Proximity to Residential Uses** - This subdivision requires that structures for animals be located at least 50 feet from any residential property on adjacent property. This is the same setback requirement for chickens.
- **Keeping at Residence** - This subdivision states that residents cannot have more than four rabbits, guinea pigs, doves, or pigeons.
- **Permit** - This subdivision states that if a resident would like more than four rabbits, guinea pigs, doves, or pigeons they will need to obtain a permit that is approved by the City Council. If a resident applies for a permit, the City Council would hold a public hearing and contact all residences within 75 feet of the applicant's address.
- **Cleaning Animal Shelters** - This subdivision is similar to the Sanitation section that it is replacing and states that owners must maintain animal structures and keep them clean.

The City Council will need to discuss whether or not they would like to approve Ordinance No. 2014-13 as presented, amend it, or deny it.

If the City Council approves Ordinance No. 2014-13, they will also need to discuss a fee for the permit. Currently, the City charges \$25 for chicken and farm animal permits and \$50 for kennel permits. Staff recommends charging \$25 for the special permit. This amount can be added to the 2015 fee schedule.

Pigs

Staff contacted several cities (Cottage Grove, Inver Grove Heights, Maplewood, South St. Paul, St. Paul Park, Stillwater, West St. Paul, and Woodbury) to see if they allow pigs as pets and all of them have pigs listed as farm animals or wild animals. The City Council will need to discuss if they would like to add pigs to the list of domestic animals. If the City Council wishes to add pigs as domestic animals, it will need to discuss regulations (size of pig, number, etc.), if a license is required, and how much the license would be if required.

RECOMMENDATION

It is recommended that the City Council provide direction on pigs and Ordinance No. 2014-13.

CHAPTER 6. ANIMALS

Section 600 - General Regulations

600.01 Definitions.

Subd. 1 Owner. "Owner" shall mean any person, partnership, corporation, or association owning, keeping, harboring, or having custody of a dog or ~~other~~-domestic animal, or the parent, guardian, or custodian of any minor who owns, keeps, harbors, or has custody of a dog or ~~other~~-domestic animal.

Subd. 2 Dog. "Dog" shall include both male and female dogs and shall refer to the commonly accepted domesticated breeds of the canine family. It shall not include wolves, hyenas, and other non-domesticated members of the canine family, nor mixed breeds where more than one-half of the animal is of a commonly accepted domesticated canine breed.

Subd. 3 ~~Other-Domestic Animal.~~ "~~Other domestic-Domestic~~ animal" shall mean- any animal commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, doves, pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, nonvenomous, and nonconstricting reptiles or amphibians, and other similar animals. any domesticated cat or any other of the various animals commonly adopted by humans to live in a tame condition or in custody. It shall ~~exclude~~ not include animals such as lions, tigers, and other animals defined as farm animals or wild or exotic animal under this Chapter.

Subd. 4 Chicken. "Chicken" shall mean a domesticated fowl of the genus Gallus and species G. gallus.

Subd. 5 Chicken Coop. "Chicken coop" shall mean any structure used for the housing of chickens.

Subd. 6 Chicken Run. "Chicken run" shall mean a fenced outside yard for the keeping and exercising of chickens.

Subd. 7 Farm Animal. "Farm animal" shall mean any horse, colt, pony, mule, donkey, cattle, swine, sheep, goat, duck, goose, or honeybees, or similar animal, bird, fowl or poultry commonly associated with agricultural uses.

Subd. 8 Animal. "Animal" shall mean any dog, ~~other~~-domestic animal, or farm animal.

Subd. 9 Wild or Exotic Animal. "Wild" or "Exotic" animal shall mean any mammal, amphibian, reptile, bird, poultry or fowl, which is of a species not usually domesticated and of a species which due to its size, wild nature, or other characteristics, is dangerous to humans and would ordinarily be confined to a zoo or found in the wild. This shall include animals and birds the keeping of which is licensed by the State or Federal government, such as wolves, raptors, and pheasants. Examples of wild animals shall include, but not be limited to, the following:

- A. Any large cat of the family "Felidae" such as lions, tigers, jaguars, leopards, cougars and ocelots, but excluding commonly accepted house cats.
- B. Any member of the family "Canidae" such as wolves, coyotes, dingoes, jackals, and hyenas, but excluding commonly accepted house dogs.
- C. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder, or cobra, regardless of whether or not the snake has been de venomized.

- D. Any snake or other reptile which by its size, vicious nature, or other characteristic is dangerous to humans such as boa constrictors.
- E. Any skunk, raccoon, fox, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.
- F. Any bear, ape, gorilla, monkey, or badger.
- G. Any other similar animal, reptile, amphibian, bird, fowl, or poultry which is commonly considered wild and not domesticated, or which is prohibited by State or Federal law.

Subd. 10 Running at Large. A dog or ~~other~~ domestic animal shall be deemed to be running at large unless it is either on the premises of its owner, or is on a leash not exceeding 15 feet in length and is accompanied by a responsible person, or otherwise restrained by a cage or other barrier. A farm animal shall be deemed to be running at large unless it is on the premises of its owner, or is accompanied by its owner or an agent or employee of its owner.

600.02 Running at Large. No owner shall permit any dog, farm animal, or wild or exotic animal to run at large.

~~**600.03 Sanitation.** The owner of any animal shall keep his or her property clean and free from accumulations of manure, fecal matter, and other wastes, so as to prevent offensive odors or smells. The premises shall not be allowed to become unsightly or harbor rodents, flies or insects.~~

~~**600.03 Basic Care** All animals shall receive from their owners kind treatment, sufficient shelter, and sufficient food and water for their comfort.~~

~~**Subd. 1 Proximity to certain uses.** A dovecote, dog kennel, rabbit warren, pigeon loft or other yard or establishment where small animals or fowl are kept must be located at least fifty (50) feet from any residential property on adjacent property.~~

~~**Subd. 2 Keeping at residence.** A person may keep up to four rabbits, guinea pigs, dove, or pigeons that are more than four months old on any residential premises within the City.~~

~~**Subd. 3 Permit.** The City Council may grant a special animal permit for more than the number of animals allowed pursuant to Section 600.03, Subd. 2 if:~~

~~A. The person provides the Clerk-Administrator with the names and addresses of all property owners within 75 feet of applicant's property so that they may be sent notice of the hearing, or provides the Clerk-Administrator with a signed acknowledgement of the property owners within 75 feet of the applicant's property stating that they have been informed of the Council hearing date for such permit and that they have no objection to the granting of the special animal permit;~~

~~B. After a hearing, the City Council finds that no nuisance will be created and granting the special animal will not be detrimental to the health, safety and welfare of the public.~~

~~**Subd. 4 Cleaning animal shelters.** All structures, pens, or yards where animals or fowl are kept or permitted to be must be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors and animal waste. The interior walls, ceiling, floors, partitions, appurtenances of all the structures must be properly maintained. The City, upon the complaint of any individual, will inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this section.~~

600.04 Clean-up.

Subd. 1 Removal. Any owner or other person in responsible charge of an animal off the premises of the owner shall pick up and remove all feces to a proper receptacle located on the property of the owner.

Subd. 2 Exception. The provisions of Subsection 600.04 shall not apply to seeing eye dogs owned or used by blind persons, dogs used in police activities by the City, or tracking dogs when used by or with the permission of the City.

600.05 Cruelty. No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, and veterinary care when needed to prevent suffering. No owner shall fail to provide humane care and treatment to animals. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any fight or other combat between animals or between animals and humans.

600.06 Abandonment. No person shall abandon any animal.

600.07 Nuisance. Any animal which does any of the following shall be deemed to be a nuisance which may be abated as provided by this Chapter.

- A. Damages or destroys property, plantings, or structures;
- B. Deposits feces on public property or private property of others;
- C. Attacks or bites any person off the owner's premises;
- D. Is vicious or shows vicious habits;
- E. Molests pedestrians, automobiles, or bicycles;
- F. Is kept under unsanitary conditions so as to create obvious odors to the annoyance of the public in the vicinity;
- G. Barks or makes or utters any other sound or cry habitually or excessively; Habitual barking shall mean any barking or other sound or cry audible off of the owner's premises for a period of 5 minutes or more with interruptions of less than 1 minute.
- H. Habitually visits school grounds, public property, or other places where persons frequent or gather;
- I. Does not possess a license or permit as required by Subsections 600.10 or 600.21.

600.08 Females. Every female animal in heat shall be confined in a building or other secure enclosure in such manner that the female animal cannot come in contact with another animal except by planned breeding.

600.09 Bites.

Subd. 1 Impounding. Whenever the owner of any animal learns that the animal has bitten a human being, or that the animal has been bitten or otherwise exposed to rabies, the owner shall immediately provide for impoundment of the animal for a period of 14 days. The animal shall be kept apart from other animals until it shall be determined whether the animal has or has had rabies. Impounding may be by the owner if the animal has a current rabies vaccination at the time the bite occurred and if approved by the Animal Control Officer. If the animal does not have a current rabies vaccination at the time the bite occurs, the animal shall be impounded at the City pound or by a licensed veterinarian. In either case, impounding shall be at the owner's

expense.

Subd. 2 Destruction. Any animal which is impounded pursuant to this Section and which is determined to have rabies shall be destroyed. No animal which has bitten any person or other animal shall be destroyed unless it has been determined to have rabies; provided that a person who kills an animal in the good faith defense of his or her person or property or another person shall not be deemed to have violated this Section.

Subd. 3 Notice. The owner shall immediately notify the police and the animal control officer of the bite and impoundment.

Subd. 4 Impoundment by City. If the owner cannot be notified of the bite within two hours, or if the owner fails to impound the animal, the police or animal control officer shall impound the animal, as provided by Section 600.14 of this Code.

600.10 Dog License.

Subd. 1 License Required. No person shall own, harbor, or have custody of any dog over the age of six months within the City without first obtaining a license for the dog.

Subd. 2 Application. Every application for a dog license shall state the name and address of the owner, the address where the dog shall be kept, and the sex, breed, age, color, and markings of the dog. Every application shall be accompanied by a certificate from a licensed veterinarian that the dog has been vaccinated for rabies during a three year period preceding the application. The certificate shall not be required for any dog under the age of six months, but shall be furnished to the Clerk-Administrator upon the dog reaching the age of six months.

Subd. 3 Term and Fee. An annual fee in an amount set by the Council shall be paid for each license. All licenses shall expire on December 31 of each year. The fee shall not be prorated for a partial year. An additional late license penalty fee as set by the Council shall be charged for any license which is not renewed on or before January 31 of each year, or for any license purchased more than 60 days after a dog is acquired or residence established in the City.

Subd. 4 Tags. The Clerk-Administrator shall issue a license in the form of a metal identification tag bearing an identifying number for each dog. The tag shall be fastened to the dog's collar or harness and shall be worn at all times. The Clerk-Administrator shall maintain and make available to the public a record of the identifying numbers. No person except the owner or his or her agent shall remove a license tag from a dog collar or harness, or remove from a dog any collar or harness with a license tag attached. No person shall keep, harbor, or have custody of a dog bearing a fictitious, altered, or invalid license tag or a license tag not issued for the dog wearing it. No person shall transfer a license tag from one dog to another.

Subd. 5 Owner Responsibility. The owner of any licensed dog, as recorded by the Clerk-Administrator, shall be responsible for all fees and charges accruing by reason of owning, harboring or having custody of any dog in the City. If the ownership of a dog changes, it shall be the responsibility of the recorded licensee to notify the City of that fact.

Subd. 6 Minors. No dog license shall be held by a minor.

Subd. 7 Revocation. Any dog license may be revoked by the Council if the licensee refuses or fails to comply with this, Chapter, or any other State or local law or regulation governing the keeping of animals or cruelty to animals. No license shall be revoked without a hearing, preceded by ten days' written notice stating the time and place of the hearing and the nature of the charges. Any person whose license is revoked shall within ten days of the revocation, humanely dispose of the dog. No part of the license fee shall be refunded.

600.11 Rabies Vaccination. No person shall own, harbor, or have custody of a dog within the City unless that dog has been vaccinated for rabies within a three year period.

600.12 Animal Control Officer. The Council may employ an animal control officer or officers for the purpose of enforcing the provisions of this Chapter and have them deputized with police powers, including the power to issue complaints for violations. No person shall interfere with, molest, hinder the officer in the performance of his or her duties.

600.13 City Pound.

Subd. 1 Establishment. A City pound shall be continued at a location within or outside the City as designated by the Council. The pound shall be under the care of a pound master appointed by the Council. The pound master shall house and feed in a humane manner all impounded animals. The pound master shall account promptly to the treasure for all expenses incurred and fees collected.

Subd. 2 Interference. No unauthorized person shall break open the City pound, or attempt to do so, or take or let out any animal from the pound, or take or attempt to take from any officer or pound master any animal taken up by him or her as provided by this Chapter. No person shall hinder, obstruct, or interfere with the pound master in the performance of his or her duties.

600.14 Impounding.

Subd. 1 Authorization. The animal control officer, any other law enforcement officer or any person may seize or impound any unlicensed dog or any animal running at large in violation of this Section, or any animal which has bitten a person or other animal. The fact that a dog is without a license tag attached to its collar shall be presumptive evidence that the dog is unlicensed. Any officer or other person impounding or restraining an animal shall immediately deliver the animal to the pound master. The pound master shall thereupon give notice of the impounding to the owner, or if the owner is unknown or cannot be found, he or she shall post notice of the impounding at the City Hall.

Subd. 2 Redemption. Any animal impounded for running at large or for being unlicensed may be redeemed by the owner within five regular business days from the date of impoundment by payment of the impounding fee. Animals impounded for biting and considered dangerous or potentially dangerous may be redeemed within seven days of the date of impoundment by payment of the impounding fee, provided however that the provisions of Subsection 600.09 shall still be satisfied by the owner. No unlicensed dog shall be released by the pound master unless a license shall be first procured for the dog. Any impounded animal found to be rabid may not be redeemed but shall be destroyed immediately.

Subd. 3 Disposal - Research. When any hospital or reputable institution of learning shall apply to the Clerk-Administrator for permission to use for research purposes on the study of prevention or cure of disease for the betterment of mankind any impounded animal remaining unclaimed after the required holding period, the pound master upon direction by the Council shall surrender to the institution or hospital the unclaimed animals as are requested.

Subd. 4 Disposal Generally. Any unclaimed impounded animal may be sold by the pound master, and the proceeds remitted to the treasurer after deduction for the cost of care of the animal. Any impounded animal not redeemed, surrendered to a hospital or institution, or sold shall be humanely disposed of by the pound master. The owner of any animal disposed of shall pay a disposal fee established pursuant to 600.15.

600.15 Fees. Licensing, impounding, boarding, and disposal fees shall be as established from time to time by the Council by resolution.

600.16 Dangerous Animals. Notwithstanding any other provisions of this Chapter, any animal which is diseased, vicious, dangerous, rabid, exposed to rabies, or which has been bitten by another animal including wild animals, and which cannot be impounded after a reasonable effort, or which cannot be impounded without serious risk to persons attempting it, may be immediately, destroyed by or under the direction of a police officer or animal control officer.

600.17 Adoption of Reference. Minnesota Statutes 35.67, 35.68, ~~and 35.69 and 35.71~~ shall be adopted by reference.

Comment [RH1]: 35.71 is no longer in effect. The other three have to do with rabies and unmuzzled dogs

600.18 Implied Consent. Any owner of an animal shall be deemed to have given implied consent to the entry on his or her premises by the animal control officer or a police officer for the purpose of enforcing this Chapter.

600.19 Exceptions. Hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of animals shall be exempt from the provisions of this Chapter unless otherwise specifically provided.

600.20 Chickens within City Limits

Subd. 1 Permit Required. No person shall keep or maintain chickens on any single-family residential property in the R1, R1-A, RE, MX-1, or MX-4 Districts without a permit.

Subd. 2 Application. Each application for a chicken permit shall state the name and address of the applicant, a complete description of the premises and the owner thereof and adjoining owners, and shall set out in detail fence lines, shelter information, number of chickens to be kept, and such other information as may be required by the Council.

Subd. 3 Requirements. No chicken permit shall be issued unless the following standards are met:

- A. No person shall keep more than four (4) chickens per acre on their property.
- B. The applicant must receive written consent from 75% of property owners situated within 150 feet from the chicken coop.
- C. **Standards of Practice.** Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:
 - 1. No person shall keep roosters, or adult male chickens, on any property within the City
 - 2. Cockfighting is prohibited within the City.
 - 3. No person shall raise chickens for breeding purposes within the City.
 - 4. Chicken grains and feed must be stored in rodent-proof containers.
- D. **Chicken Coops and Chicken Runs.** Chickens shall be properly protected from the weather and predators in a chicken coop, and have access to the outdoors by the means of a chicken run. The chicken coop and run shall meet the following requirements.
 - 1. Chickens shall be kept in the chicken coop and/or run at all times, which shall be kept in sound and usable condition.

2. Chicken coops and runs shall not be in the front or side yard.
3. Chicken coops and runs shall be located at least fifty (50) feet from any residential structure on adjacent lots and ten (10) feet from the property line.
4. Chicken coops and runs shall be screened from view with a solid fence with a minimum height of four (4) feet and must be constructed in accordance with Section 1330.05, Subdivision 21.
5. Chicken coops and runs shall be considered accessory structures.
6. All chicken coops must have a minimum size of ten (10) square feet, a maximum size of forty (40) square feet, and must not exceed six (6) feet in total height and must be built according to the zoning code.
7. Chicken coops must be elevated a minimum of twelve (12) inches and a maximum of twenty-four (24) inches to allow for circulation beneath the coop.
8. Chicken runs may not exceed eighty (80) square feet and fencing must not exceed six (6) feet in height and must be built according to the zoning code.
9. Chicken runs may be enclosed with wood and/or woven wire materials, and may allow chickens to contact the ground.
10. Chicken runs must have a protective overhead netting to keep the chickens separated from other animals.
11. Chicken coops must have a roof to keep the chickens separated from other animals.

Subd. 4 Term. All chicken permits shall expire on December 31 of each year.

Subd. 5 Revocation. Any chicken permit may be revoked by the Council for violation of any provision of this Code or any State law or regulation governing the keeping of animals. No chicken permit shall be revoked without a hearing preceded by ten days written notice stating the time and place of the hearing and the nature of the charges. Any person whose permit is revoked shall within ten days of the revocation humanely dispose of the chicken(s).

600.21 Farm Animals.

Subd. 1 Permit Required. No person shall keep, stable, board or harbor any farm animal within the City without first obtaining a farm animal permit from the Council.

Subd. 2 Applications. Each application for a farm animal permit shall state the name and address of the applicant, a complete description of the premises and the owner thereof and adjoining owners, and shall set out in detail fence lines, pasturage area, shelter, sanitation provisions, the kind and number of animals to be kept, and such other information as may be required by the Council.

Subd. 3 Requirements. No farm animal permit shall be issued unless the following standards shall be met:

- A. There shall be at least four acres for the first farm animal, and one additional acre for each additional farm animal.
- B. No more than five farm animals may be kept on a single tract. A separate permit shall be required for

each separate tract.

- C. The barn, stable, housing, or hive shall be located at least 150 feet from the nearest property line of adjacent property owners and must be built according to the zoning code.
- D. The barn, stable, housing or hive shall be considered accessory structures.
- E. All farm animals shall be kept confined by a sturdy wood or metal fence for pasture. The fence shall not be located nearer than 50 feet from any building used for human habitation. Barbed wire fences shall not be permitted.
- F. Keeping of Honeybees.
 - 1. No person shall keep or maintain any hive or other facility for the housing of honeybees on or in any property in the RE District without a permit.
 - 2. The applicant must provide written notification to occupied property owners situated within 250 feet from the hive.
 - 3. **Definitions.** As used in this section:
 - a. **Apiary** means the assembly of one (1) or more colonies of honeybees at a single location.
 - b. **Beekeeper** means a person who owns or has charge of one (1) or more colonies of honeybees.
 - c. **Beekeeping equipment** means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
 - d. **Colony** means an aggregate of honeybees consisting principally of workers, but having, when perfect, one (1) queen and at times drones, brood, combs, and honey.
 - e. **Hive** means the receptacle inhabited by a colony that is manufactured for that purpose.
 - f. **Honeybee** means all life stages of the common domestic honeybee, *Apis mellifera* species of European origin.
 - g. **Lot** means a contiguous parcel of land under common ownership.
 - h. **Nucleus colony** means a small quantity of honeybees with a queen housed in a smaller than usual hive box designed for a particular purpose.
 - i. **Undeveloped property** means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school or governmental facilities or other structures or improvements intended for human occupancy and the grounds maintained in associations therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.
 - 4. **Standards of practice.** Any person obtaining a permit pursuant to this section shall comply with the following standards of practice:

- a. Honeybee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
 - b. Each beekeeper shall ensure that a convenient source of water is available to the colony prior to and so long as colonies remain active outside of the hive.
 - c. Each beekeeper shall ensure that no wax comb or other material that might encourage robbing by other bees are left upon the grounds of the apiary lot. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
 - d. For each colony permitted to be maintained under this ordinance, there may also be maintained upon the same apiary lot, one (1) nucleus colony in a hive structure not to exceed one (1) standard nine and five-eighths (9 $\frac{5}{8}$) inch depth ten-frame hive body with no supers.
 - e. Each beekeeper shall maintain their beekeeping equipment in good condition, including keeping the hives painted, and securing unused equipment from weather, potential theft or vandalism and occupancy by swarms. It shall be a violation of this section for any beekeeper's unused equipment to attract a swarm, even if the beekeeper is not intentionally keeping honeybees.
 - f. Each beekeeper shall enclose the hive with a latching fence. The fence shall be located at a maximum of ten (10) feet from the hive. The fence shall be between four (4) and six (6) feet in height.
5. **Colony density.** Any person obtaining a permit pursuant to this section shall comply with the following restrictions on colony density based upon the size of the lot:
- a. One (1) acre but smaller than five (5) acres: No more than eight (8) colonies
 - b. Larger than five (5) acres: As determined by the City Council
 - c. Regardless of lot size, so long as all lots within a radius of at least two hundred and fifty (250) feet from any hive, measured from any point on the front of the hive, remain undeveloped, the maximum number of colonies may be increased by the City. No grandfathering rights shall accrue under this subsection.
- G. Paragraphs A, B, and E of Section 600.21, Subdivision 3 shall not apply to ducks, geese, pygmy goats, or honeybees.

Subd. 4 Term. All farm animal permits shall expire on December 31 of each year. All permits shall be issued for a one year period, except for the first permit issued to the owner of a farm animal.

Subd. 5 Revocation. Any farm animal permit may be revoked by the Council for violation of any provision of this Code or any State law or regulation governing the keeping of animals. No farm animal permit shall be revoked without a hearing preceded by ten days written notice stating the time and place of the hearing and the nature of the charges. Any person whose permit is revoked shall within ten days of the revocation humanely dispose of the farm animal or animals.

600.22 Horses.

Subd. 1 Night Riding. No person shall ride or drive a horse after the hour of sunset and before the hour of sunrise along or crossing any public street, road, alley, or highway without appropriate lighting or reflectorized clothing.

Subd. 2 Riding-Where Permitted. No person shall ride or drive a horse in any public park or other public property except within the right of way of public streets, roads, alleys or highways and in areas duly designated for such use.

Subd. 3 Riding-private Property. No person shall ride or drive any horse upon any private property without the written permission of the owner thereof; provided that proof that the owner of the property permitted or consented to the riding or driving of the horse on his or her property shall be a defense to prosecution under this Section.

Subd. 4 Rider Responsibility. Any person who rides or drives a horse on any private or public property, including streets, roads, alleys, or highways, shall be responsible for any damage to the property or to any vegetation, buildings, or fences located thereon.

600.23 Wild or Exotic Animals.

Subd. 1 Purpose. The purpose of this Subsection shall be to protect the health, safety, and welfare of the public by controlling potential exposure to species of animals that are known to be a threat to the public's health, safety and welfare.

Subd. 2 Prohibition. No person shall own, keep, or otherwise harbor any wild or exotic animal within the corporate limits of the City except as otherwise permitted under this Subsection.

Subd. 3 Permit. Any person desiring to keep a wild or exotic animal within the City shall apply for a temporary Special Use Permit from the City Council. The permit may only be issued for a period of time not to exceed thirty (30) days and shall specify conditions under which the animal must be kept. Not permit shall be issued except for animals brought into the city for entertainment, exhibition, or show purposes, or by persons keeping wild or exotic animals as volunteers of a public zoo, docents, or otherwise. A public zoo or other institution engaged in a permanent display of animals, any bona fide research institution, and any veterinary hospital may be issued a permanent Special Use Permit pursuant to applicable zoning regulations and requirements.

Subd. 4 Certain Animals. Snakes not prohibited by this Section, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, lizards, and similar small animals capable of being kept continuously in cages or aquariums, shall be exempt from the permit requirement of this Subsection.

Subd. 5 Animal Assistants. Animals such as guide dogs and monkeys trained as personal helpers to people with disabilities may be kept without a permit but shall be recorded with the City.

Subd. 6 Fur Farming. The raising of wild animals for pelts may be permitted by Special Use Permit but the applicant shall provide the City with proof of insurance including public liability insurance with limits of not less than one hundred thousand dollars (\$100,000). The insurance shall provide coverage for liability resulting from the ownership or possession of the specific animal or animals allowed under the permit.

Subd. 7 Impounding. Any wild animal kept in violation of this Section may be impounded by the City. Unless the animal is reclaimed and removed from the City, or unless a special use permit is issued allowing the animal to remain within the City, or unless the owner of the animal petitions the Courts for a determination that the animal is exempt from the provisions of this Section, the animal may be sold or destroyed by the City after at least five regular business days following notice to the owner of the animal's

impoundment. Before any animal is reclaimed, the owner shall pay the cost of the impoundment plus all costs of boarding and caring for the animal.

Subd. 8 Existing Wild Animals. Any person keeping or maintaining any wild animal at the time this Code is adopted shall have ninety (90) days in which to comply with this Section. Extensions beyond the ninety (90) days may be granted by the City Council for good cause, but in no case shall the extension permanently exempt an animal or its owner from the requirements of this Section.

**CITY OF NEWPORT
ORDINANCE 2014-13**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, AMENDING THE CITY CODE OF
ORDINANCES CHAPTER 6, ANIMALS**

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

Section 600 - General Regulations

600.01 Definitions.

Subd. 1 Owner. "Owner" shall mean any person, partnership, corporation, or association owning, keeping, harboring, or having custody of a dog or domestic animal, or the parent, guardian, or custodian of any minor who owns, keeps, harbors, or has custody of a dog or domestic animal.

Subd. 3 Domestic Animal. " Domestic animal" shall mean any animal commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, doves, pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals. . It shall not include animals such as lions, tigers, and other animals defined as farm animals or wild or exotic animal under this Chapter.

Subd. 8 Animal. "Animal" shall mean any dog, domestic animal, or farm animal.

Subd. 10 Running at Large. A dog or domestic animal shall be deemed to be running at large unless it is either on the premises of its owner, or is on a leash not exceeding 15 feet in length and is accompanied by a responsible person, or otherwise restrained by a cage or other barrier. A farm animal shall be deemed to be running at large unless it is on the premises of its owner, or is accompanied by its owner or an agent or employee of its owner.

600.03 Basic Care All animals shall receive from their owners kind treatment, sufficient shelter, and sufficient food and water for their comfort.

Subd. 1 Proximity to certain uses. A dovecote, dog kennel, rabbit warren, pigeon loft or other yard or establishment where small animals or fowl are kept must be located at least fifty (50) feet from any residential property on adjacent property.

Subd. 2 Keeping at residence. A person may keep up to four rabbits, guinea pigs, dove, or pigeons that are more than four months old on any residential premises within the City.

Subd. 3 Permit. The City Council may grant a special animal permit for more than the number of animals allowed pursuant to Section 600.03, Subd. 2 if:

- A. The person provides the Clerk-Administrator with the names and addresses of all property owners within 75 feet of applicant's property so that they may be sent notice of the hearing, or provides the Clerk-Administrator with a signed acknowledgement of the property owners within 75 feet of the applicant's property stating that they have been informed of the Council hearing date for such permit and that they have no objection to the granting of the special animal permit;
- B. After a hearing, the City Council finds that no nuisance will be created and granting the special animal will not be detrimental to the health, safety and welfare of the public.

Subd. 4 Cleaning animal shelters. All structures, pens, or yards where animals or fowl are kept or permitted to be must be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors and animal waste. The interior walls, ceiling, floors, partitions, appurtenances of all the structures must be properly maintained. The City, upon the complaint of any individual, will inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this section.

600.17 Adoption of Reference. Minnesota Statutes 35.67, 35.68, and 35.69 shall be adopted by reference.

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 4th day of September, 2014.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Deb Hill, City Administrator



PROFESSIONAL SERVICES

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MEMO

To: Honorable Mayor and City Council Members
Ms. Deb Hill, City Administrator

From: Jon Herdegen, P.E. Project Engineer

Subject: 2014 Street Improvements Project – Update & Partial Payment No. 3

Date: August 28, 2014

2014 Project Update:

At this stage of the project, we have construction activities ongoing at nearly every portion of the project. The paving subcontractor is scheduled to begin paving in the 14th/15th/3rd area beginning Sept. 2nd or 3rd and restoration work is continuing behind the curb. Redstone construction has completed all the underground utility repair and installation work in the Kolff/Wild Ridge Trail area and the majority of the concrete curb has been placed. The 2nd Ave, the watermain and mainline sewer has been completed and connected to the existing utilities on 21st Street. The contractor is currently working on the storm sewer and water/sewer services.

The isolated sanitary sewer repairs have been completed on Ford/Larry/Circle and Ford Rd is currently undergoing grading/realignment work. We are anticipated curb installation in this area during the 2nd week in September. The pavement edges of 8th/18th/21st have been milled in preparation for the new curb and sewer repair work will begin shortly. Our survey crew has provided curb stakes on 15th Street (east) and the contractor will begin grading work on this street segment following the relocation of some private utilities.

The contractor has submitted a third partial payment application for the project. Enclosed for your consideration is an itemized description of the work completed to date. The original contract price was \$3,414,822.77 and the value of the work completed to date is estimated at \$1,230,565.37. Less 5% retainage and \$525,673.49 previously paid, the amount requested by Redstone is \$643,363.61.

We have observed the work performed by Redstone Construction throughout the duration of construction activities. We have determined the work to be satisfactory.

Action Requested: We respectfully request the Council to consider Partial Payment No. 3 in the amount of \$643,363.61. If the payment is acceptable, please sign and return one copy of the

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Page 1 of 2

MEMO

September 26, 2013

enclosed application to Redstone with payment; return one copy to MSA and retain one copy for your records.

PARTIAL PAY ESTIMATE NO. 3

FROM: August 1, 2014
TO: August 31, 2014

COMPLETION DATE
ORIGINAL: October 30, 2014
REVISED:

AMOUNT OF CONTRACT
ORIGINAL: \$3,414,822.77
REVISED:

PROJECT: 2014 STREET IMPROVEMENTS
CITY PROJECT NO. 2013-15

CONTRACTOR: REDSTONE CONSTRUCTION COMPANY, INC.
ADDRESS: P.O. BOX 218, MORA, MN 55051
OFFICE: 320-679-4140
FAX: 320-679-4154

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									
1	2021.501	MOBILIZATION	LS	1	\$ 156,000.00	0.15	\$ 23,400.00	0.9	\$ 140,400.00
2	2101.502	CLEARING	TREE	132	\$ 150.00	2	\$ 300.00	145.0	\$ 21,750.00
3	2101.507	GRUBBING	TREE	132	\$ 110.00	2	\$ 220.00	145.0	\$ 15,950.00
4	2104.501	REMOVE CONCRETE CURB	LF	1,985	\$ 2.40	355	\$ 852.00	956.0	\$ 2,294.40
5	2104.501	REMOVE FENCE	LF	771	\$ 12.00		\$ -	0.0	\$ -
6	2104.503	REMOVE CONCRETE WALK	SF	347	\$ 1.20	44	\$ 52.80	44.0	\$ 52.80
7	2104.505	REMOVE CONCRETE PAVEMENT	SY	570	\$ 12.84	290	\$ 3,723.60	290.0	\$ 3,723.60
8	2104.505	REMOVE BITUMINOUS PAVEMENT	SY	45,167	\$ 2.08	9911	\$ 20,614.88	30973.0	\$ 64,423.84
9	2104.509	REMOVE MAILBOX SUPPORT	EACH	191	\$ 35.00	42	\$ 1,470.00	140.0	\$ 4,900.00
10	2104.509	REMOVE SIGN	EACH	95	\$ 25.00		\$ -	0.0	\$ -
11	2104.523	SALVAGE SIGN POST	EACH	100	\$ 25.00		\$ -	0.0	\$ -
12	2104.523	SALVAGE LIGHT STANDARD & LUMINAIRE	EACH	2	\$ 750.00		\$ -	0.0	\$ -
13	2104.523	SALVAGE MAILBOX	EACH	194	\$ 20.00		\$ -	0.0	\$ -
14	2104.523	SALVAGE LANDSCAPING	EACH	47	\$ 500.00		\$ -	0.0	\$ -
15	2104.618	SALVAGE PAVERS (ALL TYPES & SIZES)	SF	262	\$ 7.00		\$ -	0.0	\$ -
16	2105.501	COMMON EXCAVATION (STREET) (EV)	CY	8,088	\$ 20.66	3800	\$ 78,508.00	7660.0	\$ 158,255.60
17	2105.503	ROCK EXCAVATION	CY	2,180	\$ 20.00	18.50	\$ 370.00	491.5	\$ 9,830.00
18	2105.507	SUBGRADE EXCAVATION (EV)	CY	7,858	\$ 20.66	1267	\$ 26,176.22	1267.0	\$ 26,176.22
19	2105.522	GRANULAR BORROW (CV)	CY	433	\$ 18.36		\$ -	0.0	\$ -
20	2105.525	TOPSOIL BORROW (LV)	CY	3,017	\$ 8.00		\$ -	0.0	\$ -
21	2105.604	GEOTEXTILE FABRIC TYPE V	SY	380	\$ 2.00		\$ -	0.0	\$ -
22	2211.501	AGGREGATE BASE CLASS 5	TON	19,090	\$ 12.12	4701.53	\$ 56,982.54	7253.5	\$ 87,912.30
23	2118.502	AGGREGATE SURFACING, (LV), CLASS II (DRIVEWAY)	CY	134	\$ 14.00		\$ -	0.0	\$ -
24	2232.501	MILL BITUMINOUS SURFACE (1.5")	SY	27,312	\$ 1.00		\$ -	0.0	\$ -
25	2331.604	BITUMINOUS PAVEMENT RECLAMATION (FULL DEPTH)	SY	11,190	\$ 1.00	5000	\$ 5,000.00	11147.0	\$ 11,147.00
26	2231.607	HAUL & PLACE RECLAIM MATERIAL (CV)	CY	986	\$ 6.32	903	\$ 5,706.96	903.0	\$ 5,706.96
27	2360.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (D/W)	TON	597	\$ 93.00		\$ -	0.0	\$ -
28	2360.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (STREET)	TON	6,401	\$ 60.90		\$ -	0.0	\$ -
29	2360.502	TYPE SP 12.5 NON-WEARING COURSE MIXTURE 2B (STREET)	TON	4,979	\$ 55.60		\$ -	0.0	\$ -
30	2360.505	TYPE SP 9.5 BIT MIXTURE FOR PATCHING	TON	383	\$ 71.55		\$ -	0.0	\$ -
31	2360.505	TYPE SP 12.5 BIT MIXTURE FOR PATCHING	TON	372	\$ 62.00		\$ -	0.0	\$ -
32	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GAL	3,810	\$ 2.90		\$ -	0.0	\$ -
33	2521.501	4" CONCRETE WALK	SF	232	\$ 5.00	183	\$ 915.00	183.0	\$ 915.00
34	2531.507	6" CONCRETE DRIVEWAY PAVEMENT (APRON)	SY	1,865	\$ 45.00	385	\$ 17,325.00	385.0	\$ 17,325.00
35	2531.501	CONCRETE CURB & GUTTER DESIGN B618	LF	26,799	\$ 9.00	9799	\$ 88,191.00	9799.0	\$ 88,191.00
36	2531.604	8" CONCRETE VALLEY GUTTER	SY	175	\$ 50.00	37	\$ 1,850.00	37.0	\$ 1,850.00
37	2540.602	INSTALL MAIL BOX SUPPORT (SINGLE)	EACH	81	\$ 115.00		\$ -	0.0	\$ -
38	2540.602	INSTALL MAIL BOX SUPPORT (DOUBLE)	EACH	7	\$ 125.00		\$ -	0.0	\$ -
39	2540.602	INSTALL MAIL BOX SUPPORT (MULTIPLE)	EACH	3	\$ 200.00		\$ -	0.0	\$ -
40	2540.602	INSTALL MAIL BOX SUPPORT, (RURAL) (SINGLE)	EACH	76	\$ 100.00		\$ -	0.0	\$ -
41	2563.601	TRAFFIC CONTROL	LS	1	\$ 10,950.00		\$ -	0.5	\$ 5,475.00
42	2564.533	F&I SIGN PANEL TYPE C	SF	472	\$ 25.00		\$ -	0.0	\$ -
43	2564.602	F&I SIGN PANEL TYPE SPECIAL	EACH	86	\$ 125.00		\$ -	0.0	\$ -
44	2564.602	SIGN POST	EACH	100	\$ 50.00		\$ -	0.0	\$ -
45	2573.502	SILT FENCE, TYPE MACHINE SLICED	LF	1,900	\$ 1.55		\$ -	0.0	\$ -
46	2573.540	FIBER LOG	LF	475	\$ 3.75	100	\$ 375.00	260.0	\$ 975.00
47	2573.603	ROCK LOG	LF	190	\$ 5.00		\$ -	0.0	\$ -
48	2573.602	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EACH	18	\$ 1,250.00		\$ -	1.0	\$ 1,250.00
49	2573.602	CONCRETE WASH-OUT AREA	EACH	18	\$ 100.00	3	\$ 300.00	3.0	\$ 300.00
50	2573.602	INLET PROTECTION	EACH	72	\$ 250.00	12	\$ 3,000.00	20.0	\$ 5,000.00
51	2575.505	SODDING TYPE LAWN	SY	31,762	\$ 3.90		\$ -	0.0	\$ -
52	2575.523	EROSION CONTROL BLANKET CATEGORY 2	SY	1,378	\$ 2.15		\$ -	0.0	\$ -
53	2575.523	EROSION CONTROL BLANKET CATEGORY 4	SY	592	\$ 2.75		\$ -	0.0	\$ -
54	2575.535	WATER	MGAL	1,306	\$ 21.75		\$ -	0.0	\$ -
55	2575.561	HYDRAULIC SOIL STABILIZER TYPE 6	SY	28,496	\$ 1.75		\$ -	0.0	\$ -
56	2575.601	SITE RESTORATION	LS	1	\$ 5,000.00		\$ -	0.0	\$ -
57	2575.601	EROSION & SEDIMENT CONTROL	LS	1	\$ 2,500.00	0.25	\$ 625.00	0.7	\$ 1,625.00
T		SCHEDULE 1.0 - STREET - TOTAL					\$ 335,958.00		\$ 675,428.72

SCHEDULE 2.0 - SANITARY SEWER

58	2104.501 REMOVE SEWER PIPE (SANITARY)	LF	4,006	\$	1.20	1816	\$	2,179.20	3784.0	\$	4,540.80
59	2104.501 REMOVE CRACKED SEWER PIPE (SANITARY) (8 - 12 FT DEPTH)	EACH	3	\$	1,270.00	6	\$	7,620.00	11.0	\$	13,970.00
60	2104.501 REMOVE CRACKED SEWER PIPE (SANITARY) (12 - 16 FT DEPTH)	EACH	4	\$	1,860.00	2	\$	3,720.00	3.0	\$	5,580.00
61	2104.501 REMOVE CRACKED SEWER PIPE (SANITARY) (16 - 20 FT DEPTH)	EACH	7	\$	2,840.00		\$	-	0.0	\$	-
62	2104.501 REMOVE CRACKED SEWER PIPE (SANITARY) (20 - 24 FT DEPTH)	EACH	1	\$	3,670.00		\$	-	0.0	\$	-
63	2104.501 REMOVE SEWER PIPE (SERVICE)	LF	1,597	\$	1.20	285	\$	342.00	429.0	\$	514.80
64	2104.501 REMOVE SEWER WYE (SERVICE), (8 - 12 FT DEPTH)	EACH	19	\$	1,270.00	20	\$	25,400.00	25.0	\$	31,750.00
65	2104.501 REMOVE SEWER WYE (SERVICE), (12 - 16 FT DEPTH)	EACH	7	\$	1,860.00		\$	-	5.0	\$	9,300.00
66	2104.501 REMOVE SEWER WYE (SERVICE), (16 - 20 FT DEPTH)	EACH	14	\$	2,840.00	3	\$	8,520.00	3.0	\$	8,520.00
67	2104.501 REMOVE SEWER WYE (SERVICE), (20 - 24 FT DEPTH)	EACH	5	\$	3,670.00		\$	-	0.0	\$	-
68	2104.601 REMOVE SEWER PIPE (TRANSITE)	LF	24	\$	41.60		\$	-	0.0	\$	-
69	2104.509 REMOVE MANHOLE	EACH	5	\$	416.00	5	\$	2,080.00	5.0	\$	2,080.00
70	2503.602 TEMPORARY SANITARY SEWER BYPASS	EACH	1	\$	12,000.00		\$	-	0.8	\$	9,000.00
71	2503.602 CONNECT TO EXISTING SANITARY SEWER	EACH	32	\$	571.00	5	\$	2,855.00	21.0	\$	11,991.00
72	2503.602 CONNECT TO EXISTING SANITARY SEWER SERVICE	EACH	88	\$	196.00	29	\$	5,684.00	53.0	\$	10,388.00
73	2503.602 8" X 4" PVC WYE	EACH	35	\$	357.00	10	\$	3,570.00	17.0	\$	6,069.00
74	2503.602 12" X 4" PVC WYE	EACH	42	\$	655.00		\$	-	0.0	\$	-
75	2503.602 15" X 4" PVC WYE	EACH	1	\$	976.00		\$	-	0.0	\$	-
76	2503.602 15" X 4" RUBBER SADDLE	EACH	1	\$	557.00		\$	-	0.0	\$	-
77	2503.602 18" X 4" RUBBER SADDLE	EACH	2	\$	560.00		\$	-	0.0	\$	-
78	2503.602 18" X 6" RUBBER SADDLE	EACH	1	\$	634.00		\$	-	0.0	\$	-
79	2503.603 6" CL 52 DIP SEWER (FORCEMAIN)	LF	50	\$	69.00		\$	-	0.0	\$	-
80	2503.603 12" PVC SANITARY SEWER PIPE - C900	LF	1,396	\$	63.00	1366	\$	86,058.00	1366.0	\$	86,058.00
81	2503.603 8" PVC SANITARY SEWER PIPE - SDR 35	LF	2,284	\$	51.00	693	\$	35,343.00	2323.0	\$	118,473.00
82	2504.603 10" PVC SANITARY SEWER PIPE - SDR 35	LF	342	\$	45.70		\$	-	342.0	\$	15,629.40
83	2503.603 12" PVC SANITARY SEWER PIPE - SDR 35	LF	29	\$	143.00		\$	-	0.0	\$	-
84	2503.603 18" RC PIPE SEWER (SANITARY) DES 3006 CL III	LF	4	\$	237.00		\$	-	0.0	\$	-
85	2503.603 4" PVC SANITARY SEWER SERVICE PIPE - SDR 26	LF	1,572	\$	42.40	311	\$	13,186.40	521.0	\$	22,090.40
86	2503.603 6" PVC SANITARY SEWER SERVICE PIPE - SDR 26	LF	33	\$	51.60	4	\$	206.40	4.0	\$	206.40
87	2506.602 INSTALL MANHOLE	EACH	4	\$	3,100.00	4	\$	12,400.00	4.0	\$	12,400.00
88	2506.602 INSTALL CASTING LID	EACH	38	\$	240.00		\$	-	0.0	\$	-
89	2506.602 ADJUST STRUCTURE (SANITARY)	EACH	1	\$	892.00		\$	-	0.0	\$	-
90	2506.602 ADJUST FRAME & RING CASTING (SANITARY)	EACH	64	\$	506.00		\$	-	0.0	\$	-
T	SCHEDULE 2.0 - SANITARY - TOTAL						\$	209,164.00		\$	368,560.80

SCHEDULE 3.0 - WATERMAIN

91	2104.601 REMOVE PIPE (WATERMAIN)	LF	1,458	\$	2.40	1378	\$	3,307.20	1378.0	\$	3,307.20
92	2104.601 REMOVE PIPE (WATER SERVICE)	LF	726	\$	1.20	56	\$	67.20	88.0	\$	105.60
93	2104.609 REMOVE HYDRANT & GATE VALVE	EACH	4	\$	357.00	4	\$	1,428.00	4.0	\$	1,428.00
94	2504.602 CONNECT TO EXISTING WATERMAIN	EACH	3	\$	684.00	4	\$	2,736.00	4.0	\$	2,736.00
95	2504.602 INSTALL HYDRANT & VALVE	EACH	3	\$	5,620.00	4	\$	22,480.00	4.0	\$	22,480.00
96	2504.602 REINSTALL HYDRANT & VALVE	EACH	1	\$	1,070.00		\$	-	0.0	\$	-
97	2504.602 6" GATE VALVE & BOX	EACH	1	\$	2,160.00	2	\$	4,320.00	2.0	\$	4,320.00
98	2504.602 ADJUST HYDRANT & GATE VALVE	EACH	13	\$	952.00	2	\$	1,904.00	2.0	\$	1,904.00
99	2504.602 ADJUST FRAME & RING CASTING (WATERMAIN)	EACH	2	\$	507.00		\$	-	0.0	\$	-
100	2504.602 ADJUST VALVE BOX	EACH	41	\$	357.00		\$	-	0.0	\$	-
101	2504.602 CURB STOP COVER CASTING	EACH	22	\$	161.00	2	\$	322.00	2.0	\$	322.00
102	2504.602 1" CORPORATION STOP	EACH	22	\$	631.00	2	\$	1,262.00	2.0	\$	1,262.00
103	2504.602 1" CURB STOP & BOX	EACH	22	\$	714.00	2	\$	1,428.00	3.0	\$	2,142.00
104	2504.603 1" TYPE K COPPER PIPE	LF	726	\$	42.30	64	\$	2,707.20	64.0	\$	2,707.20
105	2504.603 TEMPORARY WATER SERVICE	LF	1,500	\$	6.55	1251	\$	8,194.05	1751.0	\$	11,469.05
106	2504.603 6" WATERMAIN DUCTILE IRON CL 52	LF	1,315	\$	37.70	1143	\$	43,091.10	1143.0	\$	43,091.10
107	2504.604 4" POLYSTYRENE INSULATION	SY	60	\$	44.10	36	\$	1,587.60	65.0	\$	2,866.50
108	2504.608 WATERMAIN FITTINGS	LB	919	\$	5.35	250	\$	1,337.50	250.0	\$	1,337.50
T	SCHEDULE 3.0 - WATERMAIN - TOTAL						\$	96,171.85		\$	101,478.15

SCHEDULE 4.0 - STORM

109	2104.501 REMOVE SEWER PIPE (STORM)	LF	390	\$	9.55	192	\$	1,833.60	240.0	\$	2,292.00
110	2104.509 REMOVE MANHOLE OR CATCH BASIN	EACH	3	\$	386.00	7	\$	2,702.00	7.0	\$	2,702.00
111	2502.601 4" PERF PE PIPE DRAIN	LF	40	\$	23.70		\$	-	0.0	\$	-
112	2502.602 4" PE PIPE DRAIN CLEANOUT	EACH	1	\$	178.00		\$	-	0.0	\$	-
113	2503.541 12" RC PIPE SEWER DES 3006 CL V	LF	238	\$	29.40	77	\$	2,263.80	221.0	\$	6,497.40
114	2503.541 15" RC PIPE SEWER DES 3006 CL V	LF	96	\$	33.60		\$	-	54.0	\$	1,814.40
115	2503.541 18" RC PIPE SEWER DES 3006 CL III	LF	1,891	\$	33.30	534	\$	17,782.20	875.0	\$	29,137.50
116	2503.541 24" RC PIPE SEWER DES 3006 CL III	LF	43	\$	51.00	15	\$	765.00	15.0	\$	765.00
117	2501.515 12" CM PIPE APRON W/ TRASH GUARD	EACH	3	\$	416.00	2	\$	832.00	2.0	\$	832.00
118	2501.515 12" RC PIPE APRON W/ TRASH GUARD	EACH	2	\$	780.00		\$	-	0.0	\$	-
119	2503.511 18" RC PIPE APRON W/TRASH GUARD	EACH	2	\$	1,000.00		\$	-	0.0	\$	-
120	2503.511 24" RC PIPE APRON W/TRASH GUARD	EACH	1	\$	1,470.00	1	\$	1,470.00	1.0	\$	1,470.00
121	2506.502 CONST DRAINAGE ST. DESIGN SPECIAL 24"X36"	EACH	24	\$	1,630.00	1	\$	1,630.00	8.0	\$	13,040.00
122	2506.502 CONST DRAINAGE STRUCTURE DESIGN 48-4020	EACH	7	\$	2,300.00	2	\$	4,600.00	8.0	\$	18,400.00
123	2506.502 CONST DRAINAGE STRUCTURE DESIGN 60-4020	EACH	1	\$	3,270.00		\$	-	1.0	\$	3,270.00
124	2506.521 INSTALL CASTING (STORM)	EACH	3	\$	833.00		\$	-	0.0	\$	-
125	2506.602 CONNECT TO EXISTING STRUCTURE (STORM)	EACH	12	\$	565.00		\$	-	5.0	\$	2,825.00
126	2506.602 ADJUST STRUCTURE (STORM)	EACH	12	\$	833.00		\$	-	0.0	\$	-
127	2506.602 ADJUST FRAME & RING CASTING (STORM)	EACH	17	\$	506.00		\$	-	0.0	\$	-
128	2511.501 RANDOM RIPRAP CLASS III (CV)	CY	28	\$	119.00	17	\$	2,023.00	17.0	\$	2,023.00
129	2511.511 GRANULAR FILTER (CV)	CY	13	\$	27.20		\$	-	0.0	\$	-
130	2511.515 GEOTEXTILE FILTER TYPE IV	SY	7	\$	2.10	14	\$	29.40	14.0	\$	29.40
T	SCHEDULE 4.0 - STORM - TOTAL						\$	35,931.00		\$	85,097.70

SCHEDULE 5.0 - ALTERNATE BID

131	2575.561	BLOWN COMPOST SEEDING	SY	31,048	\$ 2.25	\$ -	0.0	\$ -
132	2575.602	SITE RESTORATION	LS	1	\$ 5,000.00	\$ -	0.0	\$ -
133	2575.605	SODDING TYPE LAWN	SY	31,762	\$ (3.90)	\$ -	0.0	\$ -
134	2575.635	WATER	MGAL	655	\$ 22.00	\$ -	0.0	\$ -
T SCHEDULE 5.0 - ALTERNATE BID - TOTAL						\$ -		\$ -

SCHEDULE 6.0 - ALTERNATE BID

135	2503.602	RUBBER SADDLE ADJUSTMENT	EACH	1	\$ 2,500.00	\$ -	0.0	\$ -
136	2506.603	CONST DRAINAGE STRUCTURE DESIGN CATTLE GUARD	LS	1	\$ 30,000.00	\$ -	0.0	\$ -
T SCHEDULE 6.0 - ALTERNATE BID - TOTAL						\$ -		\$ -

BID SUMMARY

T	SCHEDULE 1 - STREET - TOTAL					\$ 335,958.00		\$ 675,428.72
T	SCHEDULE 2 - SANITARY - TOTAL					\$ 209,164.00		\$ 368,560.80
T	SCHEDULE 3 - WATERMAIN - TOTAL					\$ 96,171.85		\$ 101,478.15
T	SCHEDULE 4 - STORM - TOTAL					\$ 35,931.00		\$ 85,097.70
T	SCHEDULE 5 - ALTERNATE BID - TOTAL					\$ -		\$ -
T	SCHEDULE 6 - ALTERNATE BID - TOTAL					\$ -		\$ -

AMOUNT EARNED	\$ 677,224.85	\$ 1,230,565.37
AMOUNT RETAINED - 5%	\$ 33,861.24	\$ 61,528.27
PREVIOUS PAYMENTS		\$ 525,673.49
AMOUNT DUE	\$ 643,363.61	

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 **REDSTONE CONSTRUCTION COMPANY, 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: **MSA PROFESSIONAL SERVICES**

By _____

Date _____

APPROVED BY OWNER

Owner: **CITY OF NEWPORT**

By _____

Date _____