



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
NOVEMBER 15, 2012 – 5:30 P.M.**

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

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

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. Minutes of the November 1, 2012 Regular City Council Meeting
 - B. Minutes of the November 1, 2012 City Council Workshop Meeting
 - C. List of Bills in the Amount of \$167,584.49
 - D. **Resolution No. 2012-37** – Approving the Application for Community Development Block Grant Funds
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
 - A. Transit Station
 1. Memos from Sherri Buss and John Stewart
 2. Application
 3. **Resolution No. 2012-38** – Approving a Station Area Plan
 4. **Resolution No. 2012-39** – Approving a Site Plan, Variance and Conditional Use Permit
 5. **Resolution No. 2012-40** – Approving a Major Subdivision
 6. **Resolution No. 2012-41** – Approving a Final Plat
 - B. City-wide Safety Program
 - C. City of Newport's Emergency Operations Plan
 - D. **Resolution No. 2012-42** – Adopting the Washington County All-Hazard Mitigation Plan
 - E. **Ordinance No. 2012-13** – Amending Chapter 4, Licensing

Agenda for 11-15-2012

10. ATTORNEY'S REPORT

11. POLICE CHIEF'S REPORT

12. FIRE CHIEF'S REPORT

13. ENGINEER'S REPORT

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|--|---------------------------------|-----------|
| 1. City Offices Closed due to Thanksgiving Holiday | November 22 – November 23, 2012 | |
| 2. Park Board Meeting | November 29, 2012 | 7:00 p.m. |
| 3. City Council Meeting | December 6, 2012 | 5:30 p.m. |
| 4. Planning Commission Meeting | December 13, 2012 | 7:00 p.m. |



**City of Newport
City Council Minutes
November 1, 2012**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

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

Council Absent –

Staff Present – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineer;

Staff Absent –

4. ADOPT AGENDA

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

5. ADOPT CONSENT AGENDA

Councilman Rahm – I would like to pull the Agreement with Robert Vogel to discuss separately.

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

- A. Minutes of the October 18, 2012 Regular City Council Meeting
- B. List of Bills in the Amount of \$77,544.48

With 5 Ayes, 0 Nays, the motion carried.

C. Agreement with Robert Vogel, Preservation Planner for Consulting Services for January 1, 2013 – December 31, 2014

Councilman Rahm – I want to discuss how we approve our contracts for the City. Number 1, what problem is this designed to solve? Secondly, what are we looking for in this type of person? How do we scorecard or see that they are providing value to the City? So before I sign off on this I want to know what he has done in the last two years. I haven't seen anything so far.

Admin. Anderson – I did have a conversation with Mr. Vogel after we had talked and we decided it would be best if he were to come before the City Council to address those issues on December 6, 2012.

Motion by Rahm, seconded by Ingemann to table the agreement with Robert Vogel until December 6, 2012. With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT –

Mayor Geraghty – Nothing to report

8. COUNCIL REPORTS –

Councilman Gallagher – Nothing to report

Councilman Sumner – I was up there on October 27 for the Buckthorn Removal Day. I think it went very successful.

Councilman Rahm – I also attended the Buckthorn Removal Day and it looks like they are making a dent in the forest.

Councilman Ingemann - I was told the other day, that every day is a new learning experience. Well here is your lesson for the today. For those of you that will not be here for the workshop, we will be discussing the allegations of financial misuse and the true set of facts that are downloadable from our web site. You can go to the web site and see who requested the information, what was requested and what information they received. You will also notice that there was only one person that requested any information. There was only one request for the group called NEWCO, but it was by the same person. I really wonder what she was looking for. Talk about wasting city resources, between the City Auditor, City Attorney, and City staff doing the research, one could only assume that it was for political reasons. You see, it seems that everything was fine with city finances except for the last two years. I wonder why it started two years ago. It must be that the Council changed its make up two years ago. You will also see that at no time was there any request for receipts, just credit card statements, what was purchased, etc. Guess who has the credit cards? It happens to be the Chief of Police, the Fire Chief, the Public Works Director and Supervisor, and the City Administrator. Are they the miss-users? Again, is there some other reason, other than political for these requests? There also was a statement that said your property taxes have gone up, that possibly is true, but also realize, the State of Minnesota balanced their budget by cutting aid to schools, county and cities. To maintain the services that you want and need, the money must come from somewhere. Out of the property taxes that you pay, approximately 20% goes to the City. The City has no control over any other taxing authority, the School District gets over 50% of your property tax, the County gets approximately 25%, the Met Council, Watershed District, and other taxing authorities get approximately 5 or 10%, and the City gets the rest. Check and see how much really goes to the City on your tax statement, and how much the City portion went up. Also, the County is the authority that sets the assessed value of your homes and property, not the City. We will be discussing the statements, allegations, and falsehoods. As you know, when given false information, that one really wants to believe to be true, and, when in fact was very miss leading and incorrect, to me, that does not sound like someone that should be in a decision making position. It would have helped if they had checked the information themselves for accuracy before making accusations and jumping to conclusions. There also was a statement made about having too much in reserve, well for your information, the County sends money to the City twice a year, and between payments, the City still must pay its bills, pay the staff and maintain some semblance of order without having to borrow money till the next payment arrives. That is called good financial management. That way, there is no great need to borrow money to make payroll. The reserve keeps us afloat till that payment arrives. All members of this Council voted for the budget during the past years. Also, by the way, there is no one individual up here that has convinced anyone to make a decision about anything. All of the people up here, I assume, make decisions that they themselves believe are in the best interest of the City of Newport and its residents. There is no one up here that manages to walk on water. There has been no great connections made with anything or anybody, probably because there aren't any, we are all still waiting for that bright light to appear. Nowhere are there plans for a city hall to be built in Newport, there is however, wishful thinking, but nothing is set in concrete. For your information, about the property that is purchased along the river, half of the cost is provided by the DNR. Sure is a lot of miss information going around this City and I hope it gets corrected.

Finally, senior citizens can still sign up for the senior citizen discount for utility bills.

9. ADMINISTRATOR'S REPORT –

Admin. Anderson – Mastertech Auto had a grand opening this past weekend. I want to remind everyone that the General Election is on Tuesday, November 6 and the polling place for all of Newport is at Newport Elementary.

A. Public Hearing – To consider a resolution authorizing the Housing and Redevelopment Authority in Washington County to undertake a redevelopment project in the Red Rock Gateway Area

The Public Hearing opened at 5:41 p.m.

Barbara Dacy, Washington County HRA, presented on this item as outlined in the November 1, 2012 City Council packet.

Councilman Gallagher – Have you had any feedback from the School Board or County Commissioners at all?

Ms. Dacy – The School Board has not provided any feedback as of yet. Truly, there is no impact on the School Boards at this point in time and the funding approach will not adversely affect them. We did brief the County Board about this upcoming effort.

The Public Hearing closed at 5:47 p.m.

Motion by Geraghty, seconded by Sumner to approve Resolution No. 2012-34. With 5 Ayes, 0 Nays, the motion carried.

B. Resolution No. 2012-35 – Establishing the City of Newport's Contribution for Employee Health and Dental Insurance Coverage

Admin. Anderson presented on this item as outlined in the November 1, 2012 City Council packet.

Councilman Ingemann – What affect would it have if we paid \$900 per month per employee?

Admin. Anderson – We didn't look at that, it would need to be about \$950 per month per employee to cover this.

Councilman Ingemann – Yea but that way the employee and City would kick in a little more. It's kind of like a compromise.

Admin. Anderson – It's easier to go to a percentage, that way if someone does switch from single to family we don't have to worry about going over that set amount. Employees are allowed to switch coverage.

Councilman Gallagher – Have you looked at the change of employee deductibles and what effect that would have? Could you see what the costs would be if the deductible would be \$3,200? At work, our rates decreased by increasing the deductible and the HSA contribution.

Admin. Anderson – We did run several scenarios.

Councilman Gallagher – It's a numbers game.

Councilman Rahm – Are we in a pool?

Admin. Anderson – Yes

Councilman Rahm – But we're still billed for our individual employees?

Admin. Anderson – Yes, we are in a consortium but when one of our employees becomes ill it does affect us. If we weren't in a consortium it'd be a lot higher. And the premiums would have gone up 73% but there is a cap per State law, so that's why we're at 14.5%. It will be weighted again next year but it should be at a third of what it was this year so it should decrease. They use the last two years to do the proposals.

Councilman Rahm – And you've talked with the employees and they're fine with the changes?

Admin. Anderson – No, they would like to keep it as is.

Councilman Rahm – So if you lose a couple of those things we can't go back next year and add those back on? Because future employees might want some of those benefits. We're talking about just a year.

Councilman Gallagher – We could rebid it out to other places.

Admin. Anderson – Every year we rebid it out actually. We go with a firm that does that for us. Also, the only reason that some of those benefits are still on there is because the consortium wanted to keep them. You are right that once we drop them, we can't go back to them. However, if we were to drop dental to reduce the increase we could go back to dental in a year. The resolution also proposes to increase employee contributions for the dental. So yes, the Council can keep the insurance as is, which is in the budget or you can approve the resolution which removes some of the benefits to reduce the overall cost.

Councilman Rahm – You're recommending to take out those treatments.

Councilman Sumner – Even with those changes, it's still a \$14,000 increase?

Admin. Anderson - \$15,384

Councilman Sumner – And that's divided among how many employees?

Admin. Anderson – 17

Mayor Geraghty – And assuming we have a normal claim in the next year or two it could drop down again. You need a decision on this tonight?

Admin. Anderson – I would like it tonight because we do need to get the employees signed up by the end of the month.

Councilman Gallagher – So, once we drop these benefits we can't go back?

Admin. Anderson – That's correct.

Councilman Gallagher – Could we drop only one or two?

Admin. Anderson – No, it's not ala cart.

Councilman Ingemann – If next year you go out and the consortium decides to go with a different provider that could be put back in.

Admin. Anderson – It could be, however most companies are starting to get away from providing these items.

Councilman Gallagher – I would like to have kept it as is for one year.

Motion by Rahm, seconded by Ingemann to approve Resolution No. 2012-35. With 4 Ayes, 1 Nay, the

10. ATTORNEY'S REPORT –

Attorney Knaak – You do have the prosecution report before you.

11. POLICE CHIEF'S REPORT

A. September 2012 Activity Report

Chief Montgomery – You have the activity report before you. I would like to note that medical calls doubled last month and I'm not sure why.

Councilman Gallagher – Did you have a safe Halloween?

Chief Montgomery – Yes

Councilman Sumner – Have you picked up any stolen signs?

Chief Montgomery – No, I haven't

12. FIRE CHIEF'S REPORT – Nothing to report

13. ENGINEER'S REPORT –

Mr. Stewart – We are working to wrap up the North Ravine project.

Mayor Geraghty – Is there more curbing going in on Ford Road?

Mr. Stewart – There's an issue on whether or not we should replace some. I haven't had a chance to review the budget yet to see if we can do that. We're trying very hard to stay within budget on this project.

Admin. Anderson – We are proposing to have a street repair project in that area next year and will probably review it at time.

Mr. Stewart – That's what will happen most likely.

Councilman Gallagher – Could we put snow in that pond if we run out of room?

Mr. Stewart – We would be using up retainage volume, which would probably not be a good idea if we get a 100-year storm in the spring. I would advise against doing that.

Supt. Hanson – There's also issues with trash and salt. We use the cemetery parking lot because we can get in to clean up the trash after it melts.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Mayor Geraghty – When does the compost close?

Supt. Hanson – I believe we have two Saturdays left.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Page 6 of 6

City Council Minutes of 11-01-12

Motion by Geraghty, seconded by Rahm, to adjourn the regular Council Meeting at 6:04 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____

Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm

Executive Analyst



**City of Newport
City Council Workshop Meeting Minutes
November 1, 2012**

1. ROLL CALL -

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

Council Absent –

Staff Present – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney;

Staff Absent – John Stewart, City Engineer

2. DISCUSSION REGARDING CREDIT CARD RECEIPTS FOR 2011-2012

Admin. Anderson presented on this item as outlined in the November 1, 2012 City Council Workshop Packet.

Mayor Geraghty – Staff did spend considerable time on this. I don't know where we want to go with this.

Admin. Anderson – I guess all of you have seen the information. I did go back to 2007 and it basically shows that approximately 50% of all credit card receipts have been submitted except for 2012 where 96% have been submitted and you can guarantee that it'll be more in 2013. We could go back to get some of those receipts. I think a lot of them have to do with lodging or some other big items like Tinucci's where we had a volunteer appreciation dinner. We could go back but I'm not sure why. It's pretty obvious looking at the statement what those bigger purchases are. It's up to the Council on where they want to take this. It doesn't seem like any one is looking to carry this out any further but I am here for questions. I did talk with staff about it and they said that there was never any push to hand them in before. We found out too that there was never a question of misuse so if it was a smaller item that they knew they weren't going to return they threw away the receipt. Now, we submit everything to Deb and she files it accordingly.

Councilman Ingemann – Staff was pretty much following what the procedure was from years ago.

Admin. Anderson – Yes, and it wasn't the first question I had in mind when I came on as City Administrator. You can see I didn't turn in every receipt but we ended up working with our auditor and established a policy that fits the City and I believe the problem has been corrected.

Mayor Geraghty – We did establish a policy that requires receipts so moving forward we should have 100% of them. I don't think anyone has accused the City of misuse or abuse. Staff was following past practices and policies. The only thing that upset me was the fact that they threw out a number of \$24,000 and then based on the information they had, they couldn't really see if we had 50% or 100% of the receipts, they just sort of threw out a number and made it appear that we were somehow abusing the use of the card in the amount of \$24,000 a year. I know it was thrown out there for political reasons and I think it's misleading and unfair to the City and staff and their reputation. They did nothing wrong.

Councilman Rahm – I do have a few questions. On the things that we got from Mr. Flood, it looks like from the public data requests that Mr. Flood did not request any information, it was only Pauline and NEWCO.

Councilman Ingemann – NEWCO requested one and everything else was Pauline.

Admin. Anderson – Let me clarify too that when they come in, Curt is the only one who sees the request.

Councilman Rahm – Yes, so the only way that he could have gotten those items was from Pauline?

Mayor Geraghty – He told me that.

Councilman Rahm – And we've provided everything they requested correct?

Admin. Anderson – Yes. Also, if we don't keep a record of things then we can't provide it to them. We don't have to recreate or create something for them?

Councilman Gallagher – You mean you don't have to go back to the store and request the receipt?

Admin. Anderson – Or create a special report.

Councilman Gallagher – Ok

Councilman Rahm – I just want to make sure of a couple things, who requested the public data and were they given the data they requested.

Councilman Sumner – Do we have any idea of the staff time that was used for this project?

Admin. Anderson – Usually there's about three staff members and it took a lot of time to assemble the information and print it off. Curt has to go back through it to blackline anything that isn't public data. What you're going to see, mainly because of this, is a request on the 2013 fee schedule to charge staff time. That'll be a question for the Council. Not only that but I do talk to consultants such as the auditor and attorney so there are those costs as well.

Councilman Rahm – Well when people ask for it, we're required to do it.

Admin. Anderson – Yes, absolutely.

Mayor Geraghty – Well I know in Cottage Grove people are waiting two years for their requests. We did this in a timely manner and efficiently.

Councilman Rahm – Some of the questions that I've received are about some of the charges to restaurants, golf clubs, and the question is do we know if those were legitimate City purchases?

Admin. Anderson – Yes, and I can almost go down the list and tell you what they were.

Councilman Rahm – What's the golf one for?

Admin. Anderson – That was for Wanda's retirement.

Councilman Rahm – Ok, those are things that help. Going back to 2007, it looks like there are similar types of charges.

Admin. Anderson – And that is one question I did have for Rachel on whether or not business lunches were common practices and she did say yes.

Tom Aguilar-Downing, 1550 Wild Ridge Court North – I'm going through the PDF here and see that some of Pauline's requests were back in March and they are just being fulfilled now?

Mayor Geraghty – No they have been fulfilled as they came in.

Executive Analyst Helm – It says on the bottom of the page as to when she would pick it up and pay for it.

Mayor Geraghty – As far as where the City goes, I think we're pretty much done with it.

Councilman Rahm – Has anyone seen any inappropriate charges that aren't related to City business? I have not.

Councilman Sumner – No. I trust the oversight of the Administrator, Chief of Police, Department Heads and staff.

Councilman Gallagher – I think we should take notice though that we changed our policies so this shouldn't come up again.

Mayor Geraghty – The perception that's out there is that we did something wrong when we didn't.

Councilman Sumner – And I don't think it's been corrected for the general public as of yet.

Councilman Rahm – That's part of this investigation.

Mayor Geraghty – Maybe we can have a summary of the report and enter it into the minutes at one of our meetings?

3. DISCUSSION REGARDING INTERNAL CONTROLS POLICY

Admin. Anderson – Councilman Rahm had requested that this be placed on there.

Councilman Rahm – I have some general things from looking at all of the expenditures over the last couple years. Number one, I wanted to talk about how we purchase office supplies. It looks like we have a lot of different employees buying office supplies so is there a way we can designate it to one person who then buys items quarterly or whenever so we know they are legitimate purchases.

Councilman Gallagher – I've thought about that as well but office supplies are taken out of each department so I think it would be tough internally to code them.

Mayor Geraghty – I think they can code them differently as the bills come in.

Councilman Rahm – It's just a thought so that not everyone is running out to buy office supplies.

Councilman Gallagher – Honestly, we shouldn't be paying Brian to go to Office Max.

Admin. Anderson – A lot of times it's cheaper to run to Office Max for a couple items if we have a certain project or open house coming up then purchasing them through Fair Office World. We're going out for bid right now on office supplies but we just don't buy in the quantities.

Corb Hopkins, 1790 1st Avenue – Mr. Hopkins was present to provide some insight on how the businesses he worked for, 3M and Imation, handled office supplies. At 3M, the secretary would keep an inventory of all of the

office supplies in a closet and employees would go through her for them. At Imation, they had an office supply company in their basement, which he found to be inefficient.

Mayor Geraghty – I would recommend staff and department heads meet on this and determine what the best method is.

Councilman Rahm – Do we have any pre-approval thresholds or are employees able to charge whatever?

Admin. Anderson – It's in the financial policy. The credit charge limit is \$10,000 for me and \$3,500 for Bruce and Curt.

Councilman Rahm – What about when you take trips for training seminars, do you get approval in advance?

Admin. Anderson – Those items are in the budget so I will provide approval for that. I encourage more of that.

Mayor Geraghty – Do we even issue purchase orders?

Executive Analyst Helm – There's a pink slip that's the purchase order and signed off by the department head and Brian.

Superintendent Hanson – I sign off on all of the bills for public works.

Admin. Anderson – And I sign off on all of their bills.

Superintendent Hanson – I have a question on budget items, I do spend more than \$2,500 on budget items, for instant salt.

Councilman Gallagher – You're not using a credit card for that so I don't think that's a problem. At my work, if it's a non-budgeted item, I can do up to a certain amount but if it's a budget item then I can go up to another amount.

Mayor Geraghty – In regards to the credit cards, I know at my work we have to do a card log each month which itemizes the purchases and it's signed off by several people. I can work with you at another time on something like that.

Councilman Rahm – Going back to the fuel charges, the Chief said that a lot of the police cars are filled at the Refinery and I assume they send a bill.

Chief Montgomery – That's correct.

Councilman Rahm – I saw on one of the bills that there was a charge to Super America for gas.

Chief Montgomery – That was me. I was running up to the County one time in the investigator's car and needed gas and instead of going through all of the hassle at the Refinery because I didn't have a uniform on, I went to SA.

Councilman Rahm – Ok. How do we create a control to ensure that the Chief is not filling up his own car?

Chief Montgomery – I could use the SA card. I think it's almost impossible to create that; you'll just have to have trust.

Superintendent Hanson – I receive the bill for SA and it itemizes which vehicle is being filled up.

Jim Eichten of Malloy, Montague, Karnowski, Radosevich, and Co. was present to discuss the history of the

City's financial status. Mr. Eichten has been the City's auditor since 1989. Since that time, the recommendations from the Manager's Report have been implemented or resolved within the next fiscal year. Mr. Eichten also spoke about some comments that were in NEWCO's report on financial oversight in the City. There was one comment regarding the lack of financial reports. Since 2009, Mr. Eichten and Admin. Anderson have worked together to implement a new computer system that would allow the City to create financial reports and policies. The new computer system, which was installed in late 2011, allows the City to create monthly financial reports and have the audit completed earlier. Additionally, Mr. Eichten discussed the recommendation in the audit report regarding the segregation of duties. That particular recommendation has been in the City's reports since 1989 and states that it is a common recommendation for cities the size of Newport. Mr. Eichten stated that the City needs to consider what controls are in place to compensate for the lack of segregation of duties. It comes down to the City's internal control policies. The City Council needs to ensure that those are being followed. We look at that as part of our audit and make recommendations to staff on how to improve those. Finally, Mr. Eichten noted that as part of the audit, they do not look at every transaction, which includes credit card purchases. Instead, a sample of transactions are tested. Since 2007, the sample has not included a credit card transaction. If the auditor were to get any indication that there was misuse of credit card purchases, they would have reviewed them and will be reviewing them for the 2012 audit.

Kevin Haley, 3025 Bailey Road – I just wanted to say that these guys are doing an awesome job and they're feeling heat for things they shouldn't be and it needs to be relieved. I don't think any of you feel that anybody on staff is doing anything wrong. Be it politically generated or however it all started, there is an incredible staff here and they need to know that. When employees start feeling heat like this, they start leaving and we don't need that.

4. DISCUSSION REGARDING THE 2013 BUDGET

Admin. Anderson presented on this item as outlined in the November 1, 2012 City Council Workshop Packet. At the August 16th Budget Workshop meeting the Council requested that taxes remain flat. As such, the budget has been adjusted to reflect a no tax increase to the median home price in 2013.

5. ADJOURNMENT

Signed: _____

Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst

Text25	Text26	Text28	Comments
Paid Chk# 000106E	DELTA DENTAL OF MN	1,095.80	dental insurance
Paid Chk# 000107E	ING LIFE INSURANCE & ANNUITY	413.25	msrs
Paid Chk# 000108E	MN REVENUE	1,901.01	withholding
Paid Chk# 000109E	FEDERAL TAXES	8,287.00	withholding, fica, medicare
Paid Chk# 000111E	PSN	93.68	online fees
Paid Chk# 014244	BANYON DATA SYSTEMS, INC.	780.60	
Paid Chk# 014245	COMCAST	123.40	
Paid Chk# 014246	EMERGENCY AUTOMOTIVE TECH.	202.79	light repair
Paid Chk# 014247	IACP	56.00	training
Paid Chk# 014248	ING LIFE INSURANCE & ANNUITY	884.62	
Paid Chk# 014249	M/A ASSOCIATES	135.62	ice melt
Paid Chk# 014250	MN CHILD SUPPORT PAYMENT CNT	400.00	child support
Paid Chk# 014251	MN NCPERS LIFE INSURANCE	16.00	life insurance
Paid Chk# 014252	NORTH AMERICAN SALT CO.	6,537.38	road salt
Paid Chk# 014253	PERA	7,834.06	
Paid Chk# 014254	SELECTACCOUNT	584.00	
Paid Chk# 014255	SW/WC SERVICES COOPERATIVES	16,785.00	
Paid Chk# 014256	TENNIS SANITATION LLC	21.80	garbage removal
Paid Chk# 014257	WELLS FARGO INS SERVICES	2,500.00	risk management fee
Paid Chk# 014258	XCEL ENERGY	7.10	electricity
Paid Chk# 014259	AGGREGATE INDUSTRIES MIDWES	1,664.10	water main breaks, street repa
Paid Chk# 014260	ATOMIC-COLO, LLC	3,156.50	october overage
Paid Chk# 014261	BOYER TRUCKS	184.89	fd truck repair
Paid Chk# 014262	CAROL PETERSEN	94.50	judge pay
Paid Chk# 014263	CAROLINE CLAUSEN	157.50	judge pay
Paid Chk# 014264	CENTURY LINK	380.16	phone
Paid Chk# 014265	CINTAS -754	1,076.12	rugs
Paid Chk# 014266	COMCAST	313.54	
Paid Chk# 014267	DIETRICH ELECTRIC, INC	231.00	electrical inspections
Paid Chk# 014268	EVERETT ACKER	157.50	judge pay
Paid Chk# 014269	FAIR OFFICE WORLD	133.60	office supplies
Paid Chk# 014270	GERALD EHLERS	81.00	judge pay
Paid Chk# 014271	GOPHER STATE ONE-CALL	165.60	
Paid Chk# 014272	INSTRUMENTAL RESEARCH, INC.	36.00	water analysis
Paid Chk# 014273	INTERNATIONAL UNION OF OP. EN	162.50	
Paid Chk# 014274	JANICE KOBE	157.50	judge pay
Paid Chk# 014275	LIBERTY NAPA OF NEWPORT	960.85	pd,fd,pw equip maint.
Paid Chk# 014276	MARY ANN NEWMAN	157.50	judge pay
Paid Chk# 014277	M-B TIRE CO. INC.	30.00	tire balancing
Paid Chk# 014278	Metropolitan Council	15,613.70	
Paid Chk# 014279	MICHAEL LAUGHTON	63.65	lightbulbs, stamps
Paid Chk# 014280	MOTOROLA	477.00	portable radio battery
Paid Chk# 014281	NEWPORT POST OFFICE	270.88	
Paid Chk# 014282	OXYGEN SERVICE CO.	39.81	welding supplies, rental
Paid Chk# 014283	PASKI PASKARADEVAN	157.50	judge pay
Paid Chk# 014284	PENNY DUFF	217.98	judge pay, milage
Paid Chk# 014285	QUALITY FLOW SYSTEMS, INC.	56,307.34	15th st lift station remodel
Paid Chk# 014286	RIVERTOWN NEWSPAPER GROUP	522.06	advertising
Paid Chk# 014287	RUMPCA COMPANIES INC.	34.20	bailey park pavillion
Paid Chk# 014288	SANDRA GROCHOW	157.50	judge pay

Paid Chk# 014289	SELECTACCOUNT	36.50 administration fee
Paid Chk# 014290	SOUTH SUBURBAN RENTAL, INC.	290.96 concrete blade curb stop repai
Paid Chk# 014291	TIM FINLEY	90.00 judge pay
Paid Chk# 014292	TKDA	4,096.63 planning
Paid Chk# 014293	ZEE MEDICAL SERVICE	346.36 first aid kits
	wages	30,902.95
		167,584.49



TO: Honorable Mayor Timothy Geraghty and Newport City Council Members

FROM: Barbara Dacy, Executive Director
Melissa Taphorn, Deputy Executive Director

DATE: November 8, 2012

RE: A Resolution Ratifying the Submission of a CDBG Application for Expansion of Lions Park

REQUEST

Consistent with the Joint Powers Agreement, the Washington County HRA is seeking funding to implement the redevelopment activities identified in the Red Rock Gateway Redevelopment Plan. One strategy and goal identified in the Plan is to acquire four parcels lying north of Lions Park in order to expand the parkland to allow enough space to have a multi-sport playing field. The HRA has identified federal Community Development Block Grant (CDBG) funds as a potential resource for the expansion of Lions Park.

Washington County Community Services Department has issued a request for proposals for \$300,000 of CDBG funds available during the 2013 program year (July 1, 2013 to June 30, 2014). Lions Park expansion meets the threshold criteria of 1) benefitting low-moderate income persons, 2) meets a medium priority need identified in Washington County's Consolidated Plan, 3) will be completed before December 31, 2014 and 4) will not trigger additional federal requirements.

Based on previous experience, the proposed application should be competitive with a reasonable chance of funding. The application will be scored on thirteen ranking standards. The advantages of this application are that the project meets the low-moderate income benefit, has an expected project life over 20 years, will be ready to begin as soon as funds are awarded, and has strong community support. On the other hand, the County has placed the highest priority on affordable housing projects. Washington County also awards more points to projects with a countywide benefit and less to projects that have a more local benefit; however, the application will identify the county-wide benefits of the Red Rock Gateway and how the park plays a role in those benefits.

Applications were due on November 14th. City staff in cooperation with the Washington County HRA submitted an application for \$150,000 to offset the costs of acquisition of four parcels of land along the north side of Lions Park. Other acquisition-related costs and park improvement costs will be paid through HRA, City and other grant funds.

RECOMMENDATION

The Washington County HRA respectfully recommends that the City of Newport adopt the attached resolution ratifying the submission of an application for 2013 CDBG funds to Washington County.

RESOLUTION NO. 2012-37

**A RESOLUTION TO APPROVE THE APPLICATION FOR COMMUNITY DEVELOPMENT
BLOCK GRANT FUNDS**

WHEREAS, the Washington County Department of Community Services has issued a Notice of Availability of Funds for Housing Development and Community Facilities under the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Programs; and

WHEREAS, an estimated \$300,000 of CDBG funds are available for the 2013 program year; and

WHEREAS, the City of Newport (the "City") has identified the need to expand Lions Park which serves a low and moderate income area; and

WHEREAS, the City has determined the service area of Lions Park to be the concurrent with the City boundaries; and

WHEREAS, the park land acquisition requires non-interest bearing funds like CDBG, which can leverage other public and private investment; and

WHEREAS, the acquisition of land for parks is an eligible community development use of CDBG funds;

NOW THEREFORE BE IT RESOLVED by the City of Newport that the submission of an application for 2013 CDBG funds for the acquisition of land for parks is hereby ratified.

Adopted this 15th day of November, 2012 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator



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

TKDA

Memorandum

To:	Newport City Council	Reference:	Newport Transit Station Planning Application
Copies To:	Brian Anderson, City Administrator		
	Renee Helm, Executive Assistant		
	Andy Gitzlaff, Washington County	Project No.:	15140.002
From:	Sherri Buss, RLA, AICP, Planner	Routing:	
Date:	November 5, 2012		

SUBJECT: Application for a Station Area Plan, Station Site Plan, Conditional Use Permit (CUP), Variance and Major Subdivision—Preliminary and Final Plat

MEETING DATE: November 15, 2012

LOCATION: 2222 Maxwell Avenue
Newport, MN 55055

APPLICANT: Washington County Regional Rail Authority (WCRRA)
14949 62nd Street North
Stillwater, Minnesota 55082

ZONING: MX-3 Transit-Oriented Mixed Use District

ITEMS REVIEWED: Preliminary Plan Application and Memos, Site Plans, Elevations submitted on September 17; and supplemental information and revised plan sheets submitted in response to staff requests; Final Plat submittals through November 1.

BRIEF DESCRIPTION OF THE REQUEST

The applicant is requesting approval of a Station Area Plan, Station Site Plan, Conditional Use Permit (CUP), Variance and Major Subdivision to allow development of a transit station on and subdivision of the parcel at 2222 Maxwell Avenue. The site is 11.6 acres in size and is located in the MX-3 Transit-Oriented Mixed Use District. The applicant is proposing to construct a new

roadway, a transit station, and a park and ride lot on a portion of the site, and is platting the remainder of the site for future private development.

The proposed use requires approval of a Station Area Plan, Site Plan, and CUP based on the requirements of the MX-3 zoning district. The applicant has requested a variance from the front setback requirements to allow construction of the transit station canopy within the required setback. The project requires approval of a Major Subdivision because the applicant is proposing a new public roadway in addition to three new lots.

BACKGROUND

In April, 2010, the WCRRA purchased the former “Knox Lumber Site” at 2222 Maxwell Avenue for a future transit station, and entered into a Memorandum of Understanding (MOU) with the City of Newport to document each agency’s interests and requirements related to future development of the transit facility and redevelopment of the surrounding area.

Development of the initial transit project on the site will include removal of the existing buildings on the site, development of the new roadway and utilities to serve the site, and construction of the new transit station building and park and ride lot. The transit station is designed to include a climate-controlled waiting area and public restrooms. The WCRRA is proposing to construct a new City street to allow buses to access the transit facility and circulate through the site. The street will also serve future development on Lot 2 and Outlot A. Future transit development on the site may include a station for commuter rail service adjacent to the rail corridor and a 450-space parking structure that will serve as a park and ride facility.

Future private development on the site may include a mixture of residential, office and retail uses.

Development of the proposed transit facility, station area concept for future development, and subdivision of the parcel require the following City approvals:

- Approval of a Station Area Plan for the site
- Approval of a variance from the required front yard setback for structures to allow the canopy of the transit station to be constructed within the setback area
- Approval of the Site Plan for the transit facility
- Approval of a Conditional Use Permit for the transit station and park-and-ride lot
- Approval of a major subdivision to create the new roadway, two lots and an outlot

The site is located in the MX-3 District. It is bordered by I-494 to the north, Maxwell Avenue to the west, a spur rail line and existing residential and commercial uses to the south, and a rail corridor and Highway 61 to the east.

The applicant is proposing to develop Lot 1 as the transit station and park and ride facility. Lot 2 and Outlot A would be reserved for future development. Lot 1 is approximately 4 acres in size; lot 2 is approximately 1.4 acres in size, and Outlot A is approximately 5 acres in size.

Municipal sewer and water services are available to the site. The applicant needs to address the City and South Washington Watershed District standards for stormwater management, analyze the potential traffic that will be generated by the site, and address the performance



standards and design standards included in the City's zoning ordinance for development in the MX-3 zoning district.

PLANNING COMMISSION MEETING AND OTHER MEETINGS

The Planning Commission held a public hearing on the Newport Transit Station application at its meeting on October 11, 2012. The Commission received comments regarding roadway design and access needs for Newport Cold Storage. The applicant and City held a public open house on the site plans at Newport City Hall on July 18, 2012 and received comments on the proposed station, subdivision and infrastructure at that meeting.

City staff, the Applicant and consultants met after the Planning Commission meeting to discuss the Planning Commission recommendations, engineer's comments and planner's comments and discuss the changes needed for the Final Plat submittals. The changes that the applicant made to address the comments from the Planning Commission and staff meetings are noted in this report.

EVALUATION OF THE REQUEST FOR APPROVAL OF THE STATION AREA PLAN:

The applicant is requesting approval of a Station Area Plan for the entire 11.6-acre site. Section 1350.12 of the zoning ordinance identifies the criteria for approval of the Station Area Plan:

- The plan must be consistent with the intent of the MX-3 District.
- The proposed development shall not be detrimental to public health, safety or general welfare.
- The proposed development shall not be hazardous, detrimental or disturbing to surrounding land uses.
- The proposed development shall not create traffic congestion, unsafe access or parking needs that cause inconvenience to surrounding properties.
- The proposed development must be served adequately by public utilities and services, and shall not be economically detrimental to the City.
- The proposed development shall cause minimal adverse environmental impacts.
- Each phase of the station area plan can exist as an independent unit.

The Planner's evaluation of the request based on the criteria includes the following:

Comprehensive Plan and MX-3 Zoning District

Newport's 2030 Comprehensive Plan includes the following goals related to the transit station and surrounding area:

- Encourage the development of facilities for the Red Rock Commuter Rail service in the area of the WCRRA's proposed transit station.
- Develop a mix of land uses in the area around the transit station, including commercial, residential, retail, restaurant and entertainment uses, and parking facilities to support the transit station.
- Provide visual buffers from the industrial area to the west, and add attractive streetscaping and sidewalks within the area around the proposed station.

The zoning ordinance indicates that the purpose of the MX-3 Zoning District is to "encourage a safe and pleasant pedestrian environment, maximize access to transit, provide parking in an

efficient and unobtrusive manner, and encourage a sense of activity and liveliness on local streets.”

The Station Area Plan addresses two of the Comprehensive Plan goals: it would create a transit facility in the recommended location, and it proposes development of a mix of uses that is consistent with the recommendations of the Plan. The Site Plan includes sidewalks and boulevard trees in the station area that connect to the existing trail along Maxwell Avenue. The Station Area Plan does not address the goal to provide visual buffers, streetscaping, or other elements that would buffer the site from the industrial area to the west.

The Station Area Plan is generally consistent with the goals of the City’s Comprehensive Plan, and with the purposes of the MX-3 Zoning District. The conditions include a request that Washington County work with the City on future plans for Maxwell Avenue to plan for future streetscaping and buffer elements that will support redevelopment on the Red Rock Gateway site.

Potential Impacts to Public Health and Safety and Sustainable Design

The proposed use is not expected to create impacts to public health or safety. It will not include activities that emit odors, dust or other materials that may be detrimental to the public or adjacent properties. The use will not create excessive noise or smoke that exceeds state standards. The proposed site lighting will need to meet city standards so that it is not visible beyond the property line.

The applicant indicated that the project will incorporate a number of sustainable design features. The project is funded in part with State of Minnesota bond funds and must be designed using the Minnesota Sustainable Building Guidelines B3 requirements. The sustainability elements will include the following:

- Recycling existing building materials to reduce landfill impacts
- Reclaiming existing pavements to reuse as aggregate base
- LED lighting systems for parking and pedestrian lighting
- High-efficiency mechanical systems
- Water-saving plumbing fixtures
- Water-efficient irrigation systems
- Drought and salt tolerant planting materials

The Station Area Plan will not have potential negative impacts to public health and safety. The proposed sustainable design elements will provide benefits to public health by minimizing impacts to land and water resources and by recycling building and pavement materials.

Traffic, Roadway Access and Parking

The applicant indicated that the County completed a traffic analysis to estimate trips that would be generated by the uses on the site at full development. A summary of the analysis was included in the Memorandum submitted with the application. The analysis assumed full potential build-out of the site as mixed-use transit-oriented development including 300 apartment units, 30,000 square feet of office use, 10,000 square feet of retail use, and a 450 staff park and ride lot. The proposed uses are consistent with the types and intensities of uses included in the Red Rock Gateway Area Plan recently adopted by the City.



The site plan includes a new two-lane city street that will provide access to and from Maxwell Avenue (County Road 38) for the transit station, Lot 2 and Outlot A. The street includes a cul de sac at the east end that will allow buses to turn around to exit the station area. The design of the street will need to meet the City's engineering standards.

The applicant's analysis concluded that the proposed new two-lane street with left and right turn lanes for vehicles exiting the site and no traffic signal is adequate to serve the access needs and traffic that will be generated by the proposed development. The applicant suggested that the intersection should be re-evaluated in the future if the fourth leg (to the west) is constructed and as development progresses. The applicant suggests monitoring traffic volumes at the intersection and installation of a traffic signal when it is warranted by traffic counts. The submittals did not include a full analysis of turning movements and traffic controls at full development, and recommended that "a more detailed analysis of traffic turning movements should be pursued as future development is contemplated on the north portion of the site or on surrounding parcels.

Parking is discussed in a separate section, below.

TKDA's Traffic Engineer reviewed the applicant's initial traffic analysis, and requested additional information regarding the following:

- Information about the existing and future volumes of traffic at the intersection of the new street and Maxwell Avenue
- Analysis of the right-of-way that should be set aside to meet future needs for a north-bound right turn land or westbound through lane, particularly if the parking is expanded to serve the commuter rail station
- Access management in the corridor
- Internal intersection traffic control
- ADA-compliant connections in the bus loading area, to the existing trail, and surrounding development

Washington County and its consultant provided a supplemental analysis to address the Traffic Engineer's questions, including the following:

- The County is in negotiations with MnDOT to secure 150 of right-of-way along Maxwell Avenue. This would allow for future expansion of the roadway to the west as development occurs.
- The County has studied the access spacing issues along Maxwell. The proposed spacing was chosen during the design process based on several factors that are detailed in the County's memo.
- A signal at the new street and Maxwell is not currently needed. The county will do a more detailed analysis of traffic in the future as specific development is proposed.
- The County confirmed that the internal intersection will have stop signs.
- The site will be ADA compliant for pedestrians and bicyclists. Connections will be provided to the existing trail on Maxwell Avenue.

The memo from Washington County is attached. The responses addressed the traffic concerns related to development of the Transit Station on the site. The Planner has included a condition that the County or future developers complete a detailed analysis of traffic and traffic controls when future development applications are submitted for Outlot A.



The Planning Commission requested that the condition be modified to include consideration of roundabouts as the traffic control at the intersections of Maxwell Avenue with the new street and 21st Street.

The Planning Commission recommended that the new street within the subdivision be named "Red Rock Crossing."

The Engineer's comments noted that the applicant's plans and related documents do not indicate how temporary access control to the Chicago Milwaukee Saint Paul Railway will be maintained when the existing fencing is removed. The Engineer noted concerns that no replacement fencing is proposed in the plans, leaving the mainline track unsecured. The Engineer advised that the applicant coordinate with the railroad company to address the issue of uncontrolled access along the mainline trackage. The Engineer indicated that the applicant should address securing the access to mainline trackage at the point where the spur track turns off the main line.

Public Utilities and Services

Copies of the preliminary and final plans and materials were submitted to the City Engineer for his comments. The Engineer provided a memo dated October 1 with comments on the preliminary site plans. The comments include requests for detailed changes to the plan documents, and comments regarding the infrastructure needed on the site to accommodate the Transit Station and future uses in the station area.

The Engineer noted that the existing city water services that are available at the site are not adequate to accommodate the Transit Station or future uses. His comments included the following:

- The existing water main is a dead end line, which is not desirable. A looped system is the preferred configuration. The plans propose a new 6-inch line to serve the Transit Station. The Engineer recommends a minimum pipe diameter of 8 inches with a looped configuration to serve the Transit Station.
- A minimum 10-inch water main will be needed to serve the proposed future development on the entire site.

The Engineer indicated that sewer service to the site is generally adequate. His comments recommend a minimum of five feet of cover over the gravity main and a new manhole at the Unity Boulevard connection point.

The applicant submitted revised final plans that addressed most of the Engineer's comments. A copy of the Engineer's letter dated November 1 is attached.

The Planner has included a condition that the applicant must address the Engineer's comments included in the November 1 letter in the construction documents. The conditions also include the Planning Commission recommendation that the new street be named "Red Rock Crossing." The Engineer had requested that the Final Plat include the name of the new street.



Environmental Impacts

The applicant included a stormwater analysis and wetland information in the application. The applicant will need to meet the City's stormwater management requirements and obtain required stormwater and erosion and sediment control permits from the South Washington Watershed District and MPCA. The conditions for the Final Plat require that the applicant submit copies of the Watershed District permit and address City stormwater requirements before a building permit will be approved for the site.

There are no significant trees on the site. No rare species or habitats would be impacted by the proposed development. Planning staff identified no potential adverse environmental impacts related to the proposed project.

Phasing

The applicant is proposing that the bus transit facility and park and ride be developed in 2013. Lot 2 and Outlot A are proposed for future development. The application does not propose a schedule for development, and the timing will depend on private market interest in site development. The Washington County HRA is working with the City to establish a Tax Increment Financing (TIF) District and market the site to potential developers.

The proposed phasing plan is consistent with the City's adopted plans for the Red Rock Gateway area.

EVALUATION OF THE REQUEST FOR APPROVAL OF THE SITE PLAN AND CONDITIONAL USE PERMIT (CUP):

The proposed site plan for Lot 1 is included in the plan sheets numbered CO.01-C8.01, L1, A2-A4, and E1.01-E1.03 submitted with the application.

The site plan must meet the requirements of Section 1350 of the ordinance. The plan must also meet the requirements for Conditional Use Permits included in Section 1310.10 of the zoning ordinance. Many of the requirements for the site plan and CUP are similar, and therefore this section reviews the plan in light of those requirements for both approvals.

Lot Requirements and Setbacks

Lot 1 is proposed to be developed as the Transit Station. The lot is 4.05 acres in size. The MX-3 District has no minimum lot size, width or depth requirements, or coverage requirement. The proposed lot meets the lot requirements in the ordinance.

The minimum front yard setback in the MX-3 district is 10 feet, and the maximum setback is 15 feet. The minimum side yard setback is 10 feet, and the minimum rear setback is 20 feet.

The proposed building meets the front, side and rear setbacks, but the proposed canopy encroaches approximately 5 feet into the front setback. The applicant has requested a variance from the front setback to allow the canopy in the proposed location. The building meets the



other setback requirements in the ordinance. The variance request is discussed in the appropriate section, below.

Parking and Bicycle Standards

The applicant has proposed a 200-car park and ride facility for the bus transit station. The City's ordinance does not prescribe the number of parking spaces needed for transit facilities. The proposed parking facilities meet the Metropolitan Transit Commission's standards for park and ride facilities for buses.

The City's ordinance requires that surface parking lots be located to the side or rear of buildings, and not in the front yard area. The ordinance requires that bicycle parking be provided at a ratio of one bicycle parking space per 20 auto parking spaces. The proposed facility should therefore have at least 10 bicycle parking spaces. Revised plan sheet C1.01 indicates that 20 bicycle parking spaces will be provided at the Transit Station. The location of the parking lot and the number of bicycle parking spaces meet the ordinance requirements.

The Planning Commission discussed the bicycle facilities proposed for the transit station, and the WCRRA staff presentation regarding plans to connect the site to existing and future bicycle trails in the area. The Planning Commission recommended adding a condition that a dedicated bicycle lane be developed to connect the existing trail on Maxwell Avenue to the transit facilities to support safe bicycle use of the facility and local trails. The applicant and City staff discussed the options for providing safe and reasonable bicycle access to the transit station. The applicant has included a paved 10' wide sidewalk/trail to link the existing trail on Maxwell Avenue to the station and area proposed for bicycle parking. This trail link meets the City's engineering standards for bicycle trails, and addresses the concern raised by the Planning Commission.

The ordinance requires that screening be provided for parking lots with more than 10 spaces. The proposed parking area is screened by the transit station building, and in some locations by proposed seating walls. The plans also indicate boulevard trees and some plantings in the parking area. The Planning Commission determined that the screening included in the site plan is adequate to meet the ordinance requirements.

Uses

The proposed use on Lot 1 is a transit facility. This use is allowed in the district with a Conditional Use Permit. The proposed use is consistent with the zoning ordinance.

Dimensional Standards

The maximum height for civic buildings in the district is 48 feet. The proposed transit facility is 19'9" tall at the highest point on the canopy.

The dimensional standards also require that above-ground utilities be placed behind the minimum setback, and that driveways be perpendicular to the street. The building meets the height and dimensional standards of the ordinance.



Open Space Requirement

The ordinance requires that developers provide a minimum of 5% of non-residential sites as open space. 5% of the 11.6-acre site is .58 acres. The site includes an “open lawn” and “plaza” areas as well as landscaped green space. These open space areas total approximately .75 acres. If all green space on the site is included in the calculation, the site meets the open space requirement. The Planning Commission reviewed the plaza and open space areas shown on the plans, and indicated that the areas meet the open space dedication intent and requirement of the ordinance.

Design Standards

The MX-3 District includes a list of design standards that relate to connectivity and circulation, street-facing walls, corner buildings, tops of buildings, building entrances and orientation, exterior materials, screening, and buffers (Section 1350.12, Item K of the ordinance.)

The Planner reviewed the design standards and found that the transit station meets many of the standards. Issues identified include the following:

- The ordinance requires that no blank walls are permitted to face public streets, walkways and public open space. Blank walls should not exceed 20 continuous feet in length. While most of the transit station walls are dominated by glass and meet the requirements and spirit of the ordinance, the early concept plans showed a blank wall on the west-facing side of the station. In a sense, the station “turns its back” on the street and buildings to the west, and faces the future commuter rail station and development to the north. The design of the west wall of the proposed station is significant because it faces the entry street as well as future buildings to the west of the station. It is the side of the building that transit users and development to the west will see when they view the station area from Maxwell Street. City staff requested that the applicant consider design options for the west wall that add interest for pedestrians and adjacent uses, as required by the ordinance, and discourage potential graffiti on the blank wall surface. The applicant’s architect provided some options with minimal change in response to the request. City staff requested some final changes to incorporate signage on the wall and match the landscaping on the west side of the building to the “front yard” landscape on the east side. Staff believe that we can live with the resulting design for the west side of the building, and that it meets the minimum requirements of the ordinance. The Council may provide comments on the proposed design at the meeting on November 15.
- The Planning Commission discussed actions the City could take to add interest to the west wall of the transit building. Some options included a city bulletin board or mural. The Planning Commission recommended that if the WCRRA is not willing to modify the design of the west wall, that the City Council consider design options that will improve the view of the building for those entering the station area and adjacent to it, and that will discourage graffiti on this visible surface. Staff recommend that the design issue be resolved by the applicant, since the applicant will own and maintain the building rather than the City.
- The design standards do not allow the use of painted or unpainted concrete block as an exterior material. The applicant indicated that the exterior materials will include “burnished block.” The applicant provided samples of the proposed material for review by the Planning Commission. The Commission found that the material meets the ordinance requirement.



Lighting

The preliminary application included a lighting plan (sheet E1.02). The City's lighting standards include a minimum of 5.0 foot candles at building entrances, 2.0 foot candles on sidewalks, 1.0 foot candles on bikeways, 1.5 foot candles on plazas, 1.0 foot candles in waiting areas, and 1.0 foot candles within parking lots. Lighting may not exceed 0.5 foot candles on non-residential property lines.

Staff requested that the applicant revise the lighting plan to meet the City standards. The applicant submitted a revised plan on November 8 that meets the requirements.

Signs

The applicant submitted several plan sheets identifying concepts for signs identified as a trail kiosk and an entry sign.

The ordinance includes requirements for signage in the MX-3 district and the city as a whole. The Planner suggests that the trail concept sign meets the definition of an "accessory sign" and requirements for "freestanding signs" in the ordinance, because the subject matter on the sign relates to the premises and services provided on the site where it is located. The sign needs to meet the requirements for "freestanding" signs in commercial districts (Section 1380.04 of the City Code.) The entry sign best meets the definition of a "pylon sign", which is a freestanding sign that is more than 20' tall and intended to be visible from freeways and highways. Section 1380.04 also discusses requirements for pylon signs in commercial districts. (Commercial and business uses in Mixed-use Districts have the same sign requirements as commercial districts.)

The proposed Trail Kiosk sign meets the ordinance requirements that the base of the sign complement the design of the building and incorporate brick, stone or similar substantial materials. The sign meets the size requirements of the ordinance. Signs may not be placed within any street right-of-way or on public easements, and must be located at least five feet from the curb in commercial districts. The final sign designs will need to meet the ordinance requirements.

Illuminated signs and signs along major roadways such as I-494 and TH 61 require an administrative permit from the Zoning Administrator or Building Inspector. The Zoning Administrator is the City Administrator. The Zoning Administrator will review and approve the final plans for the signs on the site. The signs must meet the ordinance requirements for size, illumination, location, and other performance standards. The concept sign proposed in the application generally meets the requirements. The applicant must have an approved sign permit before signs may be constructed on the site.

Landscaping

The ordinance requires that landscaping include ground cover, shrubs, trees, and other plantings and features that conform to the City code, and that the landscaping support the purposes of the MX-3 District. The City's landscape standards include:

- At least one overstory tree for every 50' of frontage



- Materials shall be appropriate to the characteristics of the site
- Areas not improved must be seeded or sodded
- Parking lots must landscape 10% of the surface area. Landscape islands must be a minimum width of 16 feet and a minimum surface area of 250 square feet

The frontage of Lot 1 is approximately 500 feet, and therefore a minimum of 10 boulevard trees are required. The plan indicates 15 boulevard trees. The rain gardens and islands shown in the parking lot meet the requirements for parking lot landscaping.

The bedrock is high in many areas of the site. Adequate topsoil should be provided for plantings, and irrigation should be provided in planted areas.

The planting plan submitted with the application did not indicate the proposed tree, shrub, grass and forb species proposed. The applicant submitted a revised plan indicating the proposed species to be planted on Lot 1, indicating a minimum of 12" of topsoil in planting area, and including irrigation for planted areas. While the revised plan did not address all of the planner's comments, it is acceptable and meets the ordinance requirements.

The development agreement for the Transit Station should specify the County and City responsibilities for maintenance of plantings and other landscape features on the site.

EVALUATION OF THE VARIANCE REQUEST

The applicant is requesting a variance from the front setback to accommodate the proposed canopy that is part of the transit station design. The minimum front yard setback in the MX-3 District is 10 feet. The walls of the transit station are approximately 11 feet from the property line. The front edge of the canopy is proposed to be approximately 3 feet from the property line, per information received from the applicant on November 1, 2012.

The zoning ordinance provides setback exemptions for similar situations, such as balconies, which are allowed to encroach into the setback. The applicant indicated that the canopy is important for the safety and comfort of transit users.

MN Statute (Statute 394.27, Subdivision 7) regarding variances was amended in 2011, replacing the "Hardship" standards with criteria for evaluating the "Practical Difficulties" that are the basis for the variance request and approval. The Practical Difficulty standards are printed below in italics, with the Planner's findings following each standard.

Section 1310.11 of the the City's zoning ordinance regarding variances has not yet been updated to include the "Practical Difficulties" standard, but it is advisable to use the state standard, until the City's standard is updated.

Variance Request Criteria: Evaluation and Findings

- *Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan.*



The purpose of the MX-3 Transit-Oriented Mixed Use District “is to encourage a mixture of residential, commercial, office and civic uses in proximity to transit facilities at densities and intensities that support and increase transit use. Development should encourage a safe and pleasant pedestrian environment, maximize access to transit, provide parking in an efficient and unobtrusive manner, and encourage a sense of activity and liveliness on local streets.” The Comprehensive Plan also supports development of a transit site and related development in the MX-3 District.

The requested variance is in harmony with the purpose of the District and the Comprehensive Plan because the canopy will make the transit station more effective in supporting transit use and development around the station by providing a safe and pleasant environment for transit users and pedestrians. It will encourage transit use on days where there are weather impacts such as rain, ice and snow or excessive heat. The Canopy’s cover will provide protection and shade from the elements. Failure to provide the canopy could increase user exposure to wet and icy surfaces that can affect rider safety, particularly for transit customers with limited mobility and senior citizens.

- *The variance request should be reasonable under the development code.*

The request is reasonable because the transit station is an allowed use and serves as the heart of a transit-oriented development district. Canopies are a common feature for transit stations, to provide safety and comfort for transit users.

Granting the variance may improve the public welfare by providing safe and effective loading and unloading areas for buses. It also minimizes unnecessary imperious pavement that would result from other alternative designs, such as constructing a parallel drive system with a canopy on the south side of the station that would comply with the setback requirements.

- *The request is due to circumstances that are unique to the property, and were not created by the landowner.*

The difficulties are not created by the applicant, but are unique to the way that transit stations relate to the public right of way. Other options to incorporate a canopy could include installing a parallel drive for bus loading/unloading on the back side of the transit station, but riders would be required to cross the bus lane to access it from the parking lot. This would create unsafe conditions. The proposed design responds to the nature of the site and need to design a transit station that is safe and comfortable for transit users.

- *The variance, if granted, will not alter the essential character of the area.*

Transit-oriented development is the focus of the MX-3 District. Provision of a safe and comfortable transit station will support the essential character of the area and enhance the transit user experience. Canopies are encouraged for other buildings in the district. Granting the variance will help to support the essential character of the neighborhood envisioned by the ordinance.

- *Economic considerations alone do not constitute practical difficulties.*



The variance request is based on operational and safety concerns as well as transit user comfort, not economic factors. The practical difficulty is due to the physical location of the street and proposed building, and the need to provide a safe and comfortable facility for transit users.

- *The proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.*

The proposed canopy will not impair the supply of light or air to adjacent properties, increase street congestion, increase the danger of fire or endanger public safety, or impair property values within the neighborhood.

- *The requested variance should be the minimum action required to eliminate the practical difficulty.*

The proposed building meets the structure setback. The proposed canopy is the minimum size needed to protect transit users standing between the building and the bus loading area. The proposed canopy size overall is the minimum needed to address the projected volume of transit users.

- *Practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems.*

Granting the variance request will not affect access to direct sunlight for solar energy systems.

The findings support granting the variance. The Planning Commission discussed the Findings and recommended that the Council approve the variance request.

EVALUATION OF THE PROPOSED SUBDIVISION

Subdivision Ordinance Requirements

The Subdivision process and requirements are described in Chapter 12 of the City's Code. The subdivision must be consistent with the City's Comprehensive Plan, Zoning Ordinance and other adopted policies. It must be suitable to the physical character of the site and not cause environmental harm. The Subdivision Ordinance requires approval of the Preliminary Plat, and subsequent approval of the Final Plat.

The sections that follow discuss the Preliminary Plat application and its relationship to each of the requirements of the City's Subdivision Ordinance.

1. Consistency with the Comprehensive Plan

Newport's 2030 Comprehensive Plan includes the following goals related to the transit station and surrounding area:



- Encourage the development of facilities for the Red Rock Commuter Rail service in the area of the WCRRA's proposed transit station
- Develop a mix of land uses in the area around the transit station, including commercial, residential, retail, restaurant and entertainment uses, and parking facilities to support the transit station
- Provide visual buffers from the industrial area to the west, and add attractive streetscaping and sidewalks within the area around the proposed station

The zoning ordinance indicates that the purpose of the MX-3 Zoning District is to “encourage a safe and pleasant pedestrian environment, maximize access to transit, provide parking in an efficient and unobtrusive manner, and encourage a sense of activity and liveliness on local streets.”

The Station Area Plan addresses two of the Comprehensive Plan goals: it would create a transit facility in the recommended location, and it proposes development of a mix of uses that is consistent with the recommendations of the Plan. The Site Plan includes sidewalks and boulevard trees in the station area that connect to the existing trail along Maxwell Avenue. The Station Area Plan does not address the goal to provide visual buffers from the industrial area to the west.

The proposed subdivision is consistent with the goals of the City's Comprehensive Plan, and with the purposes of the MX-3 Zoning District. The conditions include a request that Washington County work with the City on future plans for Maxwell Avenue to plan for future streetscaping and buffer elements that will support redevelopment on the Red Rock Gateway site, and that the WCRRA work with the City on modifications to the design of the west wall of the bus transit station to encourage a safe and pleasant pedestrian environment, provide a welcoming entry, and discourage graffiti.

2. Zoning, Density and Lot Requirements

The MX-3 District does not have a lot size requirement. The proposed transit station use is consistent with the allowed uses in the district. The lot size and design are consistent with the requirements of Section 1200.13 of the Subdivision Ordinance. The concept plan indicates potential future uses including residential, office and retail uses. These uses are consistent with the District regulations. Future uses on Lot 2 and Outlot A will need to meet the District requirements as the area is developed.

3. Setbacks and Dimensional Requirements

As noted above, the Transit Station will meet the setback and dimensional requirements if the variance is granted for the canopy setback. The applicant is subdividing Lot 2 and Outlot A for future development. The conditions include a requirement that all buildings and structures developed in the future shall meet the setbacks, height, lot coverage and other dimensional requirements of the zoning ordinance.

4. Infrastructure

Sewer and Water



The Engineer provided a memo dated October 1 with comments on the site plans. The comments include requests for detailed changes to the plan documents, and comments regarding the infrastructure needed on the site to accommodate the Transit Station and future uses in the station area.

The applicant addressed most of the Engineer's comments in the Final Plans. The Engineer noted a few additional comments in his letter dated November 1 (attached). The Engineer's comments noted that the applicant's plans and related documents do not indicate how temporary access control to the Chicago Milwaukee Saint Paul Railway will be maintained when the existing fencing is removed. The Engineer noted concerns that no replacement fencing is proposed in the plans, leaving the mainline track unsecured. The Engineer advised that the applicant coordinate with the railroad company to address the issue of uncontrolled access along the mainline trackage. The Engineer indicated that the applicant should address securing the access to mainline trackage at the point where the spur track turns off the main line.

The Planner has includes conditions that the applicant must address the Engineer's comments (November 1 letter) in the construction documents, and that the applicant work with the railroad to address the need for controlling access along the mainline trackage.

Streets, Sidewalks, Trails

The City Engineer's comments include comments regarding the detailed design of streets and sidewalks. The applicant noted that the plans include accessible facilities to access the transit station and the existing trail along Maxwell Avenue. A 10' wide sidewalk/trail is included in the plans that links the existing trail on Maxwell Avenue with the transit station. This trail meets the City's engineering standards for sidewalk and bicycle facilities.

5. Stormwater and Wetlands

The application included a stormwater analysis, and was provided to the South Washington Watershed District and the City Engineer for comments. The District requested revisions to the initial analysis, and the applicant submitted a a revised stormwater analysis to the City and the District. Development of the site will need to meet both District and City standards.

The District noted on October 2 that they do not have enough information from the applicant to provide comments, and requested that the City include a condition in any approval that the applicant obtain the required permits from the District. The applicant shall obtain the required stormwater and erosion and sediment control permits for the site, and shall provide the City copies of the Watershed District comments, copies of the approved permits from the South Washington Watershed District (SWWD), and Minnesota Pollution Control Agency (MPCA NPDES Permit) before building permits will be issued for the site.

There are no wetlands on the site. There is a low area north of the project site that lies within MnDOT right-of-way. However, the WCRRA received confirmation from the Washington Conservation District (WCD) that impacts to this area have already been mitigated by MnDOT as part of the Wakota Bridge project.



6. Landscaping

The ordinance requires that landscaping include ground cover, shrubs, trees, and other plantings and features that conform to the City code, and that the landscaping support the purposes of the MX-3 District. The City's landscape standards include:

- At least one over story tree for every 50' of frontage
- Materials shall be appropriate to the characteristics of the site
- Areas not improved must be seeded or sodded
- Parking lots must landscape 10% of the surface area. Landscape islands must be a minimum width of 16 feet and a minimum surface area of 250 square feet

The frontage of Lot 1 is approximately 500 feet, and therefore a minimum of 10 boulevard trees are required. The plan indicates 15 boulevard trees. The rain gardens and islands shown in the parking lot meet the requirements for parking lot landscaping.

The planting plan submitted with the preliminary application did not indicate the proposed tree, shrub, grass and forb species proposed. The applicant submitted a revised plan indicating the proposed species to be planted on Lot 1, indicating a minimum of 12" of topsoil in planting area, and including irrigation for planted areas. While the revised plan did not address all of the planner's comments, it is acceptable and meets the ordinance requirements.

The development agreement for the Transit Station should specify the County and City responsibilities for maintenance of plantings and other landscape features on the site.

7. Tree Preservation

The Subdivision Ordinance requires that the Applicant identify the significant trees and woodland areas on the site, and indicate on the plans the significant trees that will remain after development and the methods that will be used to protect the trees and woodlands during construction.

The application indicated that no trees meeting the definition of "significant trees" exist on the site.

8. Open Space and Park Dedication

The MX-3 District standards require that developers provide a minimum 10% of residential development sites and a minimum of 5% of non-residential sites as open space. If all green space on the Transit Station site is included in the calculation, the site meets the open space requirement. The Planning Commission reviewed the proposed plaza and open space shown on the site plan, and indicated that they meet the open space intent and requirement of the ordinance.

The future development on Lot 2 and Outlot A will need to meet the park and open space dedication requirements.

9. Project Phasing

The applicant is planning to remove the existing buildings on the site in 2012. Construction of the Transit Station on Lot 1 is proposed in 2013. Development on Lot 2 and Outlot A will occur based on private market demand

COUNCIL ACTION REQUESTED FOR STATION AREA PLAN, SITE PLAN, VARIANCE, AND SUBDIVISION APPLICATION

The City Council can recommend the following:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request, if additional information is needed to make a decision

RECOMMENDATION, FINDINGS AND CONDITIONS:

The Planning Commission recommends that the City Council approve the WCRRA request for a Station Area Plan, Station Site Plan, Conditional Use Permit, Variance from the required setback for the station canopy and Major Subdivision, based on the plans submitted to the City on September 17 and revised plans and information submitted through November 1, based on the following findings:

Station Area Plan Findings:

1. The proposed Station Area Plan is consistent with the intent of the MX-3 Zoning District and the City's Comprehensive Plan.
2. The proposed Plan is not detrimental to public health, safety or general welfare.
3. The proposed Plan is not hazardous, detrimental or disturbing to surrounding land uses.
4. The Plan will not create traffic congestion, unsafe access or parking needs that will cause an inconvenience for surrounding properties.
5. The proposed Plan provides for adequate public utilities and services.
6. The proposed Plan will not create adverse environmental impacts.
7. Each phase of the Plan can exist as an independent unit.

Transit Site Plan and CUP Findings:

8. The proposed Site Plan is generally consistent with the intent of the MX-3 Zoning District, other sections of the City Code, the Comprehensive Plan, and Design Guidelines for the MX-3 District.
9. The Site Plan will not have a negative impact on public health, safety and general welfare, traffic, parking, public facilities, the environment and natural resources or surrounding land uses.



10. The proposed PUD will not compromise the health, safety and welfare of the community and residents of the PUD if the conditions proposed are addressed by the applicant;
11. Conditions for approval of the Site Plan and CUP have been included to require that the Site Plan meets all requirements of the Zoning Ordinance and protect the best interest of the surrounding area and community as a whole.

Variance from the Required Front Setback for the Station Canopy Findings:

12. The proposed variance is in harmony with the general purposes of the MX-3 Zoning District and the Comprehensive Plan.
13. The variance request is reasonable because it provides for the safety and comfort of transit users and general welfare.
14. The request is due to the nature of the site, proposed use, and Mn/DOT right-of-way requirements and were not created by the landowner.
15. The variance would not alter the essential character of the area.
16. The practical difficulties are based on the site, operational and safety needs, transit user safety and comfort, and not economic factors.
17. The canopy structure will not impair an adequate supply of light and air to adjacent properties, increase congestion on public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.
18. The variance is the minimum action required to eliminate the practical difficulty.
19. The canopy will not affect direct solar access for solar energy systems.

Major Subdivision Findings:

20. The subdivision is not in conflict with the City's Comprehensive Plan, Zoning Ordinance, Capital Improvements Program, or other policy or regulation.
21. The physical characteristics of the site are such that the site is physically suitable for the type of development or use contemplated, including topography, vegetation, susceptibility to erosion, susceptibility to flooding, and similar characteristics.
22. The design of the subdivision and the proposed improvements are not likely to cause substantial and irreversible environmental damage.
23. The design of the subdivision and the type of improvements will not be detrimental to the health, safety, or general welfare of the public.
24. The design of the subdivision or the type of improvement will not conflict with easements on record or with easements established by judgment of a court.



RECOMMENDED CONDITIONS

The Planning Commission recommends the following conditions for the proposed Station Area Plan, Site Plan, Conditional Use Permit and Major Subdivision:

1. The Final Plat shall be on file at Washington County Recorder's/Registrar's Office, Government Center, 14949 62nd Street North, P.O. Box 6, Stillwater, MN 55082.
2. The Applicant shall address the Engineer's comments included in his letter dated November 1, 2012 in the construction documents.
3. The Applicant shall finalize a developer agreement for the site with the City.
4. The Applicant shall discuss the future of Maxwell Avenue with the City, including consideration of potential streetscaping and other improvements to support the City's goals for redevelopment of the Red Rock Gateway area, consideration of the alignment of the new street with the entry to Newport Cold Storage, and consideration of potential roundabouts at the intersections of Maxwell Avenue and local street in the project area.
5. The name of the new street within the plat shall be "Red Rock Crossing."
6. The Applicant shall coordinate with the Chicago Milwaukee Saint Paul Railroad company to address the issue of uncontrolled access along the mainline trackage. The applicant shall address securing the access to mainline trackage at the point where the spur track turns off the main line.
7. All buildings and structures developed within the subdivision shall meet the setbacks, height requirements, other dimensional requirements and performance standards of the Zoning Ordinance, unless the City approves a variance(s) from the requirements and standards.
8. The Applicant shall submit a final sign plan to the City for approval by the Zoning Administrator.
9. Outside open storage is prohibited on all properties in the MX-3 District.
10. Above-ground utilities must be placed behind the minimum setback to meet the requirements of the zoning ordinance.
11. The Applicant shall obtain the required agency permits for stormwater management, and provide the City copies of the permits approved by the South Washington Watershed District (SWWD) and Minnesota Pollution Control Agency (MPCA NPDES Permit).
12. The final plans for Lot 1 shall include the open space and plaza areas identified on the plans submitted on September 17 to satisfy the City's park and open space dedication requirements. Future development shall satisfy the City's park dedication requirements as development occurs on Lot 2 and Outlot A.
13. Washington County or future developers shall complete a detailed analysis of traffic and traffic controls when future development applications are submitted for Outlot A.
14. The Applicant shall pay all fees and escrow associated with this application.



PROFESSIONAL SERVICES

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MEMO

To: City of Newport, Administrator, Planning Commission, and City Planner
From: John Stewart, PE
Subject: Newport Transit Station
Date: ~~October 2, 2012~~ **Updated review of Applicants 11-1-2012 Submittal**

We reviewed the plans submitted to the City for the purpose of evaluating the Applicants' request of the Planning Commission. Engineering comments reviewing the plans for construction that are immaterial to the planning request have not been addressed. We provide the following observations, comments and recommendations for your consideration:

G1.01 Cover sheet

Add City and Small Utilities contacts for bidding purposes.

Listing Of City and small Utility contacts not added to 11-1-12 submittal, must be added before approval of construction Plans

G1.02

No comment.

Alta Survey/ACSM Land

No comment (previously reviewed and approved.)

Title Survey

Preliminary Plat

The Applicant must address the following:

1. Remove reference to Twp and Rng on Outlot A and Lot 2 (not permitted on final plat.) *Issue resolved reference removed on 11-1 planset.*
2. Remove dashed lines across alleys and public street on Farmers Packing Company Addition (not permitted on final plat.) *Issue resolved dashed Lines removed 11-1 Planset.*
3. The northerly and westerly line of the proposed plat are shown to be restricted by a recorded MnDOT Controlled Access Document. This means the City cannot approve the preliminary or final plat unless the applicant provides documentation from MnDOT either releasing the Controlled Access restriction or granting a permit (with accompanying description of

the proposed street right-of-way (ROW). *Issue resolved by relocation of Red Rock Road.*

4. The applicant should supply evidence that Washington County will issue a permit allowing connection of Street A to Maxwell Avenue. *Issue resolved Applicant provided copy of access permit.*
5. Newport should designate the name of Street A it is very confusing to record a plat then later change the name of a platted street. *Issue resolved Red Rock Road street name added.*
6. The plats should be tied into a section corner, please show lengths and bearings of ties shown below: *Issue resolved plat tied into section corner.*
7. Preliminary and final plat should show locations for property irons found and property irons set by the surveyor. Corner irons shown. *Issue resolved.*

C0.01 Exiting Conditions

1. Please show an approximate location for the six-inch diameter watermain located under the floor of the Knox Lumber retail store. *Issue resolved*
2. Locate driveways and entrances on west side of Maxwell Avenue. *Issue resolved*

C0.02 Removal Plan

1. Please address the proposed disposition of the six-inch diameter watermain located under the floor of the Knox Lumber retail store. *Issue resolved*
2. Please address how temporary access control to the Chicago Milwaukee Saint Paul Railway will be maintained once the fencing is removed. *Issue is unresolved, The applicant is advised to coordinate with the railroad companies to address the issue of uncontrolled access along the mainline trackage. The applicant's project should address securing the access to mainline trackage at the point where the spur track turns off the main line. We are concerned that no replacement fencing is proposed leaving mainline line track unsecured.*

C1.01 Site Plan

1. Designate *No Parking* along the length of Street A and as appropriate in the parking area. *Issue resolved*
2. Show location on the site plan of entrance to the I494 ramp, Cold Storage entrance and to gravel road accessing lift station south of Maxwell Avenue. We note that the access roadway serving the lift station is used by heavy trucks as an entrance to Aggregate Industries Batch Plant. *Issue resolved.*
3. We are concerned by the disparate spacing along this section of Maxwell Avenue. To alleviate the spacing issues, consideration should be given to: consolidating and aligning the Cold Storage entrance and Street A. As noted; heavy trucks are prohibited by the Batch Plant's CUP from using the graveled path to the Cold Storage lift station as a heavy vehicle access. Enforcement of the Batch Plant's CUP conditions would help assuage concerns regarding turning movement conflicts. *Unresolvable issue as per MnDOT and Washington County, in the interest of improving safety and minimizing traffic conflicts on Maxwell Avenue the City should enforce CUP conditions on Aggregate Industries' Maxwell Ave access*
4. Is a 30 foot diameter inside turning radius sufficient to accommodate turning movements required by bus and semi-trailer traffic? *Issue resolved*

C1.02 Paving Plan

1. Are there opportunities to incorporate permeable pavers in the concrete walks around the building and behind the parking area curbing that abuts the plaza? *Issue resolved*
2. City of Newport Staff has indicated a preference of not using pavement markers to designate crosswalks. In the intersection of Street A and the parking lot entrance it is unclear as to whether markings are proposed. *Issue resolved*

3. We are concerned by the mixed use of concrete and bituminous pavements. There are many locations in the City that exhibit pronounced vertical heaving movements during freeze/thaw. Might it be better to propose a concrete section on Street A from intersection of Street A and the parking lot to the turn around? Bituminous and concrete sections abut for a distance of 230 feet. *Issue resolved*

C1.03 Plaza Enlargement Plan

1. Irrigation should be incorporated in the perennial planting areas. The area lacks irrigation and it is extremely difficult to sustain plant survival. In the event irrigation is not provided please designate a surface treatment alternative to perennial and other vegetated areas. *Issue resolved*
2. Please provide an explanation of the surface finishes proposed within the curbed islands in the parking area. Without irrigation facilities sod would be impractical. Provide a legend describing surface treatments proposed. *Issue resolved (see Sherri's input on vegetation selections.)*

C20.01 Temporary Erosion Control

1. Due to the prevalence of bedrock please provide a 12" minimum depth of topsoil over the rock in any area proposed to be vegetated. In the event a separation of 12" cannot be achieved alternative surfacing should be proposed. *Issue resolved*
2. Include a requirement that construction related siltation in the pond on the northern edge of the site be removed and that pond grading be returned to preconstruction conditions. *Issue resolved*
3. See item 11 add: The Contractor shall designate and maintain a concrete truck wash-down facility. *Issue resolved*
4. Please indicate which entity will obtain the SSWP permit and require that transfer of the plan and that the Contractor is to assume responsibility for permit

requirements once construction begins. *Issue resolved*

C3.01 Grading Plan

1. Please add a note that sanitary service to the area north of Street A will be via the gravity sewer system discharging to the City facilities located at the intersection of Unity Boulevard and 2nd Avenue. *Issue resolved*
2. We suggest the sheet grading on the northern boundary be configured to drain to the stormwater infiltration and treatment pond via a swale to help reduce nutrient loadings, and facilitate access of maintenance vehicles. *Issue resolved*
3. We note that the grading shows fill placed over an existing wetland. Please show evidence that the applicant has complied with remediation requirements and that a permit for such work has been obtained. *Issue resolved*
4. The applicant should show evidence of permission to accomplish off site grading on MnDOT owned property. *Issue resolved*
5. Is it possible to incorporate infiltration swales of rain gardens on the southwest corner of the property to mitigate runoff rates and remove nutrients? We understand that the storm sewer system constructed at the Intersection of Maxwell Avenue and 21st Street was designed by MnDOT with no capacity to add additional run off. Please provide stormwater calculations showing before and after conditions as required by the City's design manual. *Issue resolved but the issue should be addressed further as Residential/Commercial redevelopment occurs.*

C4.01 Utilities

Watermain

1. Please amend water main as shown: *Issue resolved*
2. The applicant may consider utilizing the existing six - inch main located under Knox Lumber retail store to provide additional looping. *Issue resolved*

Sanitary Sewer

1. Please amend sanitary sewer as shown: *Issue resolved*

Storm Sewer

No comment.

Landscaping

No comment.

Architectural Plans

No comment.

Photometric Plan

Lighting intensities meet engineering requirements.

Summary of remaining concerns:

With the exception of securing access from the applicants site to the mainline trackage; *all of the engineering items noted in our memo of October 2, 2012 have been addressed satisfactorily by the applicant.*

The City should readdress the issue of fencing and landscaping along the spur track paralleling Unity Blvd. at such time as further residential or commercial development occurs on Lots 1 and 2 of Block 1.

The City should consider a review of the CUP for the Aggregate Industries site west of Maxwell Ave to address heavy vehicle turning movements onto the Cold Storage Lift Station access track.

MEMORANDUM

Date: November 1, 2012

To: Brian Anderson, City of Newport

From: Andy Gitzlaff, Washington County

**Re: Newport Transit Station – Application for Consideration of Planning Request
Response to City Request for Additional Information**

The following summarizes the revisions made to address City staff and Planning Commission comments on the submittal documents for approval of the Station Area Plan, Station Site Plan, Conditional Use Permit, Variance, and Major Subdivision for the Newport Transit Station project.

Changes to Address City Engineer's Comments:

Project Title & Index

1. Contact information for City and utilities have been added to this sheet.

Preliminary Plat

1. Reference Removed.
2. Dash lines have been removed.
3. There is an existing 60' opening in the access restriction in the location of the new street (see attached MnDOT R/W Plat). In an October 30th email from MnDOT that has been forwarded to City Staff, they indicated that this existing opening can be used for the new street and that once the turnback process is complete, any access restriction would be per Washington County's policy.
4. An access permit for the new street was approved by Washington County Public Works on November 1, 2012 (see attached permit).
5. The street name proposed at the Planning Commission meeting, Red Rock Crossing, has been added to the drawings.

6. The plat has been tied into the section corner on the revised drawing.
7. The location of property irons are shown on the revised drawing.

C0.01 Existing Conditions

1. The approximate location of the water main under the Knox building is shown on the revised plan.
2. The driveways and entrance on the west side of Maxwell Avenue are shown and labeled on the revised plan.

C0.02 Removal Plan

1. The 6" water main under the Knox Lumber floor will not be removed and will be utilized as part of the utility plan to provide the looping as required by the City Engineer.
2. Fencing is being removed, and no new fence is proposed.

C1.01 Site Plan

1. "No parking" signs have been added along Red Rock Crossing and the park and ride lot.
2. The locations of the various driveways are shown on other plan sheets, including the Existing Conditions Plan, Removal Plan, and Grading Plan.
3. The location of Red Rock Crossing has been discussed with various stakeholders and the preferred location is shown on the plans. Aligning the Cold Storage driveway with Street A is problematic as the driveway would have to cross over MnDOT right of way. We recommend that the City discuss the possibility of allowing the Cold Storage driveway to align with Red Rock Crossing with MnDOT.
4. Per Auto TURN, the 60' diameter (30' radius) inside turning radius shown on the drawings is sufficient for bus and WB-48 semi-trailer turning movements.

C1.02 Paving Plan

1. We considered using permeable surfaces for walk areas, but due to the higher amounts of salt used on the walkways for winter maintenance at transit facilities, we did not feel that permeable pavements would be durable enough in this application.
2. Colored concrete is proposed instead of pavement markers for the crosswalks. This pavement will be a contrasting color, and will not include red.
3. Concrete bus bays next to asphalt roadways are a standard practice for transit stations. Differential settlement has not been an issue on past projects. We will specify compaction levels and include proper subdrainage to remove groundwater and the potential for heaving.

C1.03 Plaza Enlargement Plan

1. Irrigation will be provided. A note has been added to L1.01.
2. Refer to sheet L1.01 for planting materials at the curbed islands.

C2.01 Temporary Erosion Control

1. The plans will include 12" topsoil where bedrock is shallow, except for stormwater pond areas. Those areas will be left as exposed rock if it is encountered. Suitable on-site material may be used for topsoil. A note has been added to L1.01.
2. We have included a requirement for silt removal from the ponds on the plan.
3. We added the truck washing facility requirement to the plan.
4. The contractor and Washington County Regional Railroad Authority will be co-permittees.

C3.01 Grading Plan

1. We have added a note as requested.
2. Sheet grading added to revised grading plan where appropriate.
3. Information was previously provided indicated that there are no wetland impacts.
4. A MnDOT drainage permit will be obtained prior to construction
5. The area in question is currently a paved parking lot. The proposed condition of the same area is turf, therefore, the rate and amount of runoff will be reduced. Drainage calculations will be submitted as part of updated permit application to the Watershed District. The future developer of the property will need to meet the water quality requirements when the parcel is developed.

C4.01 Utilities

1. See revised drawings for water main layout.
2. Sanitary Sewer: Comments have been addressed. Refer to revised plan sheet.

Changes to Address Recommended Conditions of Approval from the Staff Memo dated October 4, 2012 and Subsequent Memo Dated October 22, 2012 updated based on the review of the Planning Commission at their October 11, 2012 meeting

1. A final plat has been submitted in conformance with the preliminary plat.
2. The Engineers Comments have been addressed with this submittal.
3. A development agreement is being drafted and will need legal review by both the City and the County prior to approval. We suggest that the development agreement be a condition that must be met before permits will be issued for construction.

4. Updated renderings of the west wall of the transit station building have been provided which clarify the articulation of the wall in terms of doors, windows, and material variations. A signage element that includes the building name/logo has also been added to that wall.
5. The lighting plan has been revised to meet the ordinance requirements.
6. A revised planting plan, showing plant species, has been prepared, and we have received subsequent comments from the City Planner. We have updated the revised plan to replace the honey locust with elms, and provided a consistent tree species along Red Rock Crossing. We would prefer to continue to use the Karl Foerster grasses to reinforce the long lines of the walls and paving patterns and define the spaces in the landscape, rather than one of the lower varieties proposed. The native prairie planting areas on the site have been converted to low-mow mixes as requested by the City. The restored seed areas on Lot 2 and Outlot A have been called out as low-mow mix on the updated revised plan.
7. We are proposing that the 10' wide concrete walk from Maxwell Avenue to the transit station serve as a multiuse trail for both pedestrians and bicycles. The concrete wall is sufficient width to accommodate both users. The number of bicycle parking spaces is proposed for 10 spaces, provided on 5 bike loops.
8. The development agreement will clearly lay out ownership and maintenance responsibilities as well as conditions for acceptance of public improvements by the City. In general, the County Regional Railroad Authority will own and be responsible for maintaining the building and site improvements on Lot 1, together with Lot 2 and Outlot A until future development on those lots occurs. General maintenance activities include establishment and mowing of seeded areas, maintenance of landscaped areas in accordance with the landscape plan, snow removal, and litter cleanup and all major and routine maintenance of storm water drainage infrastructure located within Lot 1, Lot 2 and Outlot A. The City will own and maintain the right-of-way for the new City Street to be known as "Red Rock Crossing" and will generally be responsible for all maintenance activities within the ROW, including landscaping after establishment, snow plowing, road and utility maintenance.

Feel free to contact me at 651-430-4338 or andy.gitzlaff@co.washington.mn.us if you have any questions or need any additional information.

ATTACHMENTS

MnDOT R/W Plat 82-102
Washington County Access Permit

CC: Ted Schoenecker P.E., Transportation Planning Manager
Wayne H. Sandberg P.E., Deputy Director / County Engineer
Donald J. Theisen P.E., Public Works Director



Public Works Department

Donald J. Theisen, P.E.
Director

Wayne H. Sandberg, P.E.
Deputy Director/County Engineer

November 1, 2012

Washington County Regional Rail Authority
Andy Gitzlaff – Project Manager
11660 Myeron Road North
Stillwater, MN 55082

**WASHINGTON COUNTY ACCESS PERMIT #2012-A-07 FOR NEWPORT TRANSIT STATION
ACCESS TO COUNTY STATE AID HIGHWAY (CSAH) 38 (MAXWELL AVENUE)**

Dear Andy:

Washington County has approved the Access Permit per the plans submitted for the Newport Transit Station access to CSAH 38, Enclosed is the approved Access Permit. The following conditions also apply to the permit:

- Access shall be constructed according to the plans dated September 17, 2012. No changes or alterations may be made at any time without written permission from Washington County.
- A Washington County Right of Way Permit must be submitted with plans prior to construction, detailing turn lane construction and pavement thicknesses, removals and typical sections. Following a review of the Right of Way Permit and plans by Washington County Public Works, and all changes have been resubmitted, an approved Right of Way Permit will be issued. Once the Right of Way Permit is approved, construction may begin.

Please feel free to give me a call at 430-4313, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Carol Hanson".

Carol Hanson
Washington County Public Works

c: Joe Gustafson - Transportation Engineer
Nik Costello – Assistant Traffic Engineer

R:\permits\permitdata\permitletters&reports\Accesspermits

Mn/DOT ORIGINAL

THE COMMISSIONER OF TRANSPORTATION IS HEREBY DESIGNATING THE DEFINITE LOCATION OF TRUNK HIGHWAY NO. 494 FROM MISSISSIPPI RIVER TO THE INTERSECTION WITH T.H. 61.

as shown on this plat prepared by the State of Minnesota Department of Transportation is hereby certified as the official plat of that portion of said T.H. 494 within the designated portion of Section 26 and the Commissioner's Order therefor pursuant to Minnesota Statutes, section 160.085, section 160.14 subd. 1, section 161.16 subd. 2, and section 161.17.

It is the order that it is necessary to secure all trees, shrubs, grass and herbage within the way of said trunk highway, and to keep and have exclusive control of the same.

Commissioner's Order No. 86130 Location PLAT 82-102 Nature of Interest Definite location, width, access, temporary easement and building removal easement.

Certified by Ellyn Trankler, Commissioner of Transportation, by Allan E. Flint, Director, Office of Land Management, Date 5/21/2002

I hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota; that this plat meets requirements of Minnesota Statutes, section 160.085, section 160.14 subd. 1, section 161.16 subd. 2, and section 161.17; that parcel boundaries are correctly described and delineated on the plat, and that the proposed right-of-way boundary lines are correctly designated on the plat.

Certified by Keith Cooper, Licensed Land Surveyor, Metro Division Right of Way Office, License No. 25157, Date 5-21-2002

I hereby certify that this plat was surveyed by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the Laws of the State of Minnesota; that all measurements are correctly shown on this plat, that all monuments have been correctly placed as shown on this plat, and that certificates of location for the monumented public land survey corners as shown on this plat are on file in the County Recorder's Office.

Certified by Keith Cooper, Licensed Land Surveyor, Metro Division Right of Way Office, License No. 25030, Date 5/21/2002

MINNESOTA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAT NO. 82-102

CONTROL SECTION NO. 8285(494-393)902
IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 26, T. 28 N., R. 22 W.,
IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, T. 28 N., R. 22 W.,
WASHINGTON COUNTY, MINNESOTA

SCALE = 1 : 1000

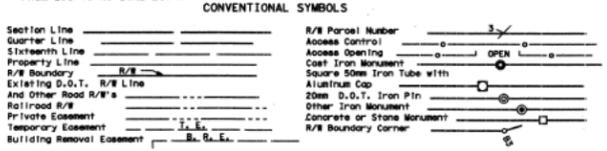
STONE MONUMENT AT SECTION CORNER



CAST IRON MONUMENT AT QUARTER CORNER
WASHINGTON COUNTY METRIC COORDINATES
X= 138894.746
Y= 45798.559
NAD 83(1996 ADJ)

PLAT BOUNDARY DATA			
POINT	FROM	TO	FEET METERS
B1	B2	108.52	33.077 77°06'51"
B2	B3	253.66	77.317 52°50'05"
B3	B4	13.12	4.000 78°19'01"
B4	B5	294.16	89.661 78°19'01"
B5	B6	250.35	76.307 69°03'14"
B6	B7	92.83	28.295 49°24'00"
B7	B8	50.84	15.495 30°34'30"
B8	B10107	426.05	129.861 30°34'30"
B10107	B10106	1233.13	375.859 120°24'43"
B10106	B10102	62.34	19.000 166°39'04"
B10102	B10103	95.14	29.000 166°39'04"
B10103	B9	191.98	58.517 252°40'52"
B9	B10	213.20	64.985 280°11'28"
B10	B11	48.80	14.873 205°26'29"
B11	B12	416.00	126.796 205°26'29"
B12	B13	275.96	84.112 177°46'33"
MPC		276.06	84.143
DELTA		2914.77	888.425
RADIUS		75.07	22.880
B13	B14	75.07	22.880 180°29'21"
B14	B15	86.79	26.453 270°36'31"
B15	B16	123.25	37.566 270°36'31"
B16	B17	102.32	31.188 347°04'43"
B17	B18	188.48	57.449 327°32'26"
B18	B19	506.78	154.466 308°00'01"
B19	B20	96.30	29.353 272°26'35"
B20	B21	471.55	143.728 257°06'51"
B21	B22	307.88	93.874 257°06'51"
B22	B1	373.42	113.820 347°06'51"

PERMANENT DRAINAGE EASEMENT			
POINT	FROM	TO	FEET METERS
B4	B23	15.40	5.000 348°19'01"
B23	B24	292.83	89.256 78°19'01"
B24	B25	246.18	75.035 69°03'14"
B25	B8	138.11	42.095 49°24'00"

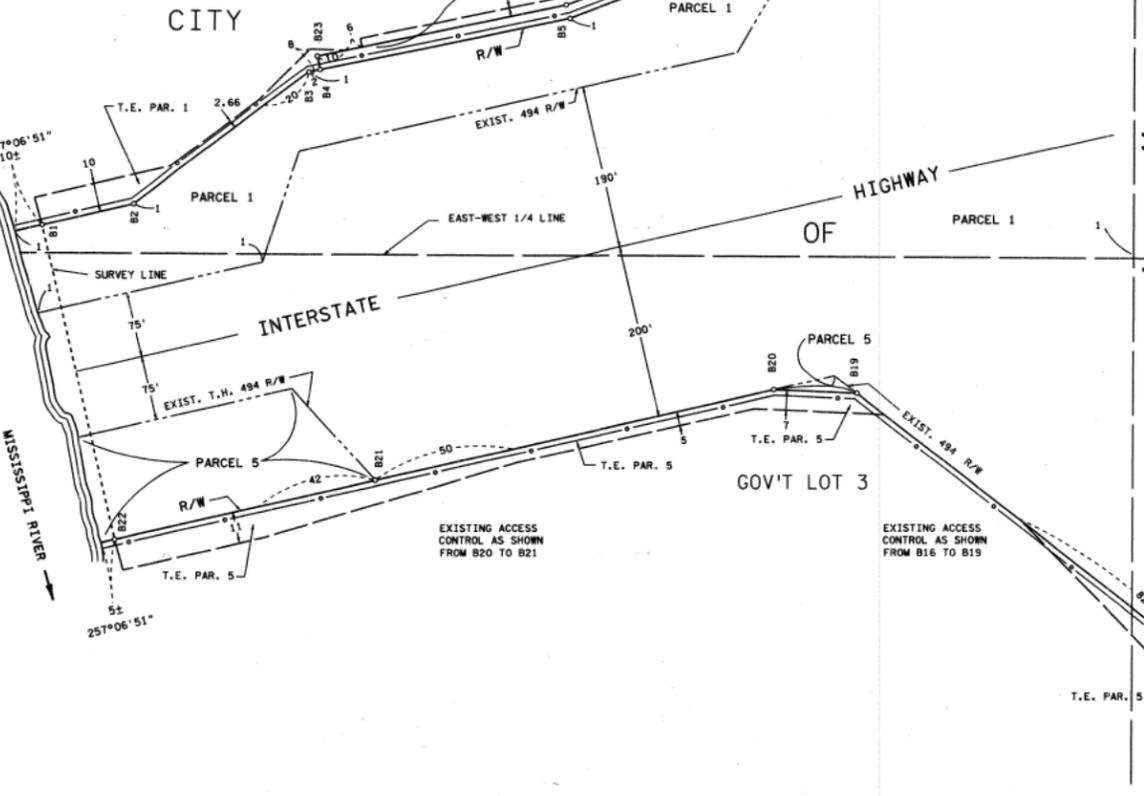


DISTANCES SHOWN TO WHOLE NUMBERS (16, 80 ETC.) ARE EXACT VALUES.

- SURVEY STANDARDS**
- The plat values, azimuths, and distances are based on the County coordinate system.
 - The boundary monuments shown on this plat have been field checked for location. The standard deviation for the monument position is 30 millimeters.
 - The county coordinates shown on one monument are based on ties to national control monuments.
 - For details of this survey contact the Surveying Section at the Minnesota Department of Transportation METRO-EAST OAKDALE

METRIC/ENGLISH CONVERSION
All plat distances are in meters unless denoted as feet ('').
To convert meters to (U.S. Survey) feet, multiply the meters by 3.2808333.
To convert hectares to acres, multiply hectares by 2.471.
To convert square meters to square feet, multiply the square meters by 10.764.

AZIMUTH ORIENTATION
Plat azimuths are oriented to the County Coordinate System with 0 degree 0 minutes 0 seconds being "GRID NORTH" and all distances are ground lengths.



RIGHT OF WAY IN SECTION 26									
PARCEL	OWNER	LOCATION	TORRENS CERTIFICATE NO.		PERMANENT DRAINAGE EASEMENT		TEMPORARY EASEMENT		
			SQUARE METERS	SQUARE FEET	SQUARE METERS	SQUARE FEET	SQUARE METERS	SQUARE FEET	
1	NRG ENERGY, INC.	GOV'T LOTS 2 & 3	46804	42480.3	457252	991.8	10676	1361.7	14657
3	SCHERER LIMITED FEE PARTNERSHIP	SE1/4 NE1/4 NE1/4 SE1/4	54644	4647.6	50026			464.9	5004
5	NEWPORT-ST. PAUL COLD STORAGE CO.	GOV'T LOT 3 NE1/4 SE1/4	49571	3483.5	37496			2820.1	30355

NOTE: TEMPORARY EASEMENTS IN PUBLIC ROADS WILL EXPIRE ON 12-01-07 FOR BALANCE OF PAR. 1 SEE PLAT 82-101

SPUR TRACK OF CHICAGO MILWAUKEE & ST. PAUL R.R.

DOC. NO. 1112581 TORRENS
DOC. NO. N/A ABSTRACT
OFFICE OF COUNTY RECORDER
WASHINGTON COUNTY, MINN.
I HEREBY CERTIFY THAT THIS PLAT HAS BEEN FILED IN THIS OFFICE ON MAY 23rd, 2002 AT 10:00 AM IN CAB. NO. COUNTY RECORDER

PLAT NO. 82-102
C.S. 8285(494-393)902

MEMORANDUM

Date: September 17, 2012

To: Brian Anderson, City of Newport

From: Andy Gitzlaff, Washington County

Re: Newport Transit Station – Application for Consideration of Planning Request – Supportive Narrative Information

PROJECT DESCRIPTION

In April 2010, the Washington County Railroad Authority (WCRRA) purchased the, former “Knox lumber site” at 2222 Maxwell Avenue in Newport for the future transit station and entered into a Memorandum of Understanding (MOU) with the City of Newport to document the good faith understanding of each agency’s interests and requirements related to the transit facility and the redevelopment of the surrounding area.

The 11.6 acre site is zoned MX-3, Transit-Oriented Mixed Use District, and WCRRA is planning to construct a park and ride and transit station on a portion of the property, with the remainder of the site being retained for future private development. The initial transit project will include removal of the existing buildings, utilities, and paving on the site and the construction of a 200 vehicle park and ride facility, a transit station building with public restrooms and a climate controlled waiting area, and a new City street to allow buses to circulate within the site. Future transit development on the site is planned to include a parking structure to allow a total of 450 park and ride spaces and potential connections to the transit service on adjacent rail corridor. Future private development on the site is planned to include a mixture of residential, office, and retail uses consistent with the Red Rock Gateway Plan recently adopted by the City. Square footages for these future uses are shown in the Traffic Analysis section below.

STORMWATER MANAGEMENT

The project site has a significant amount of existing impervious surface, and the currently proposed project, combined with future development of Lot 2 and Outlot A (assuming 80% impervious cover), will result in a net reduction of 0.45 acres of impervious surface. Because of the anticipated reduction of impervious surfaces from existing conditions, the project is required to maintain existing discharge rates, but not required to provide stormwater treatment systems for pollutant removal. However, the project will provide treatment systems for phosphorus removal equivalent to 2.514 acres of new impervious surface as part of an agreement with MnDOT and will look at opportunities to improve overall water quality within the watershed along the TH61 corridor and as a demonstration of sustainable development practices. The County is

requesting that a portion of the credit for the existing impervious surface that is being removed by the current project be allocated to the lot and outlot that will be developed by private entities in the future, so that those future developers do not need to provide additional stormwater treatment systems when the lot and outlot are developed.

Existing and proposed runoff volumes are show in the table below:

Discharge Rates cfs

		1 yr	2 yr	10 yr	100 yr
Existing Conditions	North Outlet	9.18	21.3	41.82	65.01
	South Outlet	2.43	4.17	6.93	10.01
Proposed Conditions	NW Outlet	3.10	5.10	6.85	14.40
	South Outlet	1.81	3.61	6.49	9.69

WETLANDS

There are no wetlands on the site. There is a lower area north of the project site that lies within MnDOT Right of Way. However, the County has received confirmation from the Washington Conservation District (WCD) that impacts to this area have already been mitigated by MnDOT as part of the Wakota Bridge project. A copy of the wetland delineation and the determination letter from WCD is attached to this memo.

SUSTAINABLE DESIGN FEATURES

In addition to the water quality improvements mentioned above, the project will incorporate a number of sustainable design features. The project is funded in part with State of Minnesota bond funds and must be designed using the Minnesota Sustainable Building Guidelines B3 requirements. Some of the sustainability measures implemented on the project include:

- Recycling existing building materials to reduce landfill impacts
- Reclaiming existing pavements to reuse as aggregate base
- LED lighting systems for the parking and pedestrian lighting
- High-efficiency mechanical systems
- Water-saving plumbing fixtures
- Water-efficient irrigation systems
- Drought and salt tolerant planting materials

TRAFFIC ANALYSIS

An analysis was performed to estimate trips that will be generated by the proposed development of the project site. The analysis assumed the full potential build out of the site as a mixed use transit oriented development based on the following elements:

- 300 Apartment units
- 30,000SF Office
- 10,000SF Retail
- 450 Stall Park & Ride Lot

The proposed development, when fully built out, is projected to generate the numbers of daily and peak hour trips shown in the following table.

Table 1 - ITE Trip Generation

Average Weekday Driveway Volumes				AM Peak Hour		PM Peak Hour	
Land Use	Size		Daily Trips	Enter	Exit	Enter	Exit
Apartments	300	Dwelling Units	1995	30	123	120	66
General Office Building	30	Th.Sq.Ft. GLA	330	41	6	8	37
Specialty Retail Center	10	Th.Sq.Ft. GLA	443	33	35	12	15
Park and Ride Lot	450	Parking Spaces	2025	261	63	63	216
Unadjusted New Trips			4793	365	227	203	334
Internal Capture Reduction	<i>from ITE worksheet</i>			-9	-9	-4	-4
Transit Reduction	<i>10% of total</i>			-37	-23	-20	-33
Total New Peak Hour Trips				320	195	179	297

Intersection

The proposed new street width and lane configuration (in, left out, and right out) without a traffic signal is adequate to serve the proposed development. The intersection should be reevaluated in the future if a fourth leg is constructed to the west and as the development progresses, it is recommended to monitor traffic volumes at the intersection and install a traffic signal when warranted.

Maxwell Avenue

Washington County's most recent traffic count (2011) on CSAH 38 (Maxwell Avenue) just south of I-494 is 3,000 vehicles per day (vpd). Based on the 2030 Comp Plan, the projected traffic volume for this same location in 2030 is 8,100 vpd. However, that number was based on a 2005 traffic count of 7,000 vpd, which was collected prior to the Wakota Bridge Project and all of the associated traffic pattern changes. Therefore, the 8,100 vpd projection overestimates the projected volume. For the purposes of estimating 2030 traffic volumes, we have assumed a standard State Aid 20-year projection factor of 1.4, which results in a projected volume of 4,200 vpd. The current design of Maxwell Avenue as a 3-lane urban section (two one-way travel lanes and a center turn lane) is adequate to accommodate the additional demand from the proposed development. As additional development is contemplated to the south or the east the overall capacity of Maxwell Avenue should be re-evaluated.

OMITTED DOCUMENTS

The submittal document package does not include the utility profile information, or the three copies of the project specifications at this time. These drawings and specifications will be provided after the City Engineer has completed the feasibility study for the overall utility service plan for the project and the surrounding future redevelopment area.

ATTACHMENTS

Wetland Delineation
WCD Determination Letter

MEMORANDUM

Date: October 1, 2012
To: Sherri Buss and Bryant Ficek (TKDA)
From: Joe Gustafson, County Traffic Engineer
Re: **Newport Transit Station – Traffic Analysis Review Questions**

Washington County Public Works has reviewed the memo provided by Bryant Ficek of TKDA, dated September 21, 2012 regarding the traffic analysis for the Newport Transit Station in response to the Washington County Regional Railroad Authority's (WCRRA) application for Consideration of Planning Request – Supportive Narrative Information provided on September 17th.

This memo addresses the questions and follow-up items set forth by TKDA's review related to right-of-way (ROW) needs, access spacing and corridor management and lane configuration and traffic control on CSAH 38 (Maxwell Avenue).

Right-of-Way Needs

The County's Comprehensive Plan identifies a minimum need for 120 feet of right-of-way (ROW) for this portion of Maxwell Avenue. The Minnesota Department of Transportation (MnDOT) currently holds a highway easement over Maxwell Avenue. The County is in negotiations with MnDOT to secure 150 feet of right-of-way in County ownership as part of an overall turnback agreement related to the Wakota Bridge project. Current ROW holdings, both north and south of the Newport site, suggest that future expansion of the roadway would occur to the west. Therefore, the ROW would be measured from the west property line of the WCRRA owned transit station site (see attached ROW turnback sketch).

Access Spacing and Corridor Management

CSAH 38 is currently classified as a B-Minor Arterial Reliever, and present ADT's are under 4000 vehicles per day. The County's Access Spacing Guidelines for minor arterials with less than 7500 ADT limits access spacing to 1/8 mile for commercial driveways and non-continuous streets, and therefore the proposed access spacing does not meet the County guidelines.

However, the location of the proposed access was determined through the design process to be the best possible location based on several constraining factors:

1. Alternative connections via the north, east, or south sides of the site are not possible due to existing railroad and freeway infrastructure.
2. The existing 525 foot spacing between the I-494 ramp intersections already violates county spacing standards.
3. Maxwell Avenue in this area, in contrast to most county highways, is a low-speed urban roadway and is expected to remain as such.
4. The Red Rock Corridor Station Area Planning Final Report and the Red Rock Gateway Redevelopment Plan, both identify two access points onto Maxwell Ave between I-494 and 21st Street. If only one access point were provided, no access could be provided to Maxwell Ave between 21st Street and the railroad crossing.

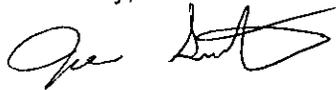
The County, through discussions with MnDOT, previously sought to secure an additional access across from the existing ramp intersection. MnDOT has asserted, based on a memo from Federal Highway Administration not specific to this project, that access across from a freeway ramp would not be allowed. The County has decided not to further pursue this additional access at this time, but may do so in the future.

Lane Configuration and Traffic Control

Although a full analysis of each turning movement has not been performed at this time, the proposed lane configuration appears adequate and traffic signal control is not necessary based on the limited size of the site and the qualitatively low number of left turns and through movements that would be expected to exit the site. A more detailed analysis of traffic turning movements should be pursued as future development is contemplated on the north portion of the site or on surrounding parcels.

If you have any questions please feel free to contact me at 651-430-4351 or joe.gustafson@co.washington.mn.us.

Sincerely,



Joe Gustafson, PE, PTOE
Traffic Engineer

Attachment: Turnback sketch dated 7.26.2012

CC: Brian Anderson, City Administrator, Newport
Andy Gitzlaff, Senior Planner, Washington County
Ted Schoenecker, Transportation Planning Manager, Washington County
Donald J. Theisen, Public Works Director, Washington County
Wayne H. Sandberg, Deputy Director/County Engineer, Washington County

CITY OF NEWPORT

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

PUBLIC HEARING/DATE 10-11-12 DATE OF APPLICATION 9-17-12

APPLICANT NAME Washington County Regional Railroad Authority PHONE 651-430-4338

ADDRESS 11660 Myeron Road North Stillwater MN 55082
Street City State Zip

OWNER NAME Washington County Regional Railroad Authority PHONE 651-430-4338

ADDRESS 11660 Myeron Road North Stillwater, MN 55082
Street City State Zip

ADDRESS / LOCATION OF PROPERTY: 2222 Maxwell Avenue, Newport, MN

LEGAL DESCRIPTION OF PROPERTY & P.I.D. #

(see attached)

PLANNING REQUEST

APPLICATION FEE

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | \$500 or Actual Cost Plus \$50 for Additional Staff Hours
(10 Hour Minimum) |
| <input type="checkbox"/> Rezoning | \$500 |
| <input type="checkbox"/> Zoning Amendment | \$500 |
| <input type="checkbox"/> Variance | \$300 |
| <input checked="" type="checkbox"/> Conditional Use Permit | \$300 - Residential
\$450 - Commercial |
| <input checked="" type="checkbox"/> Subdivision Approval | \$300 - Minor Subdivision
-\$2,000 Parkland Dedication Fee

\$500 - Major Subdivision (Plus \$50 Per Lot)
-Parkland Dedication Fee is 10% of
land value or a fee per lot as established
by City Council |

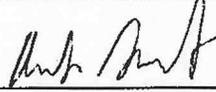
Other (Specify) Station Area Plan, Site Plan

APPLICABLE ZONING CODE CHAPTER: 12 SECTION: 1200

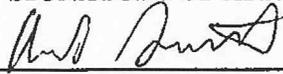
SUB-SEC: _____

ALL MATERIALS/DOCUMENTATION, INCLUDING A SITE-PLAN, MUST BE SUBMITTED WITH APPLICATION THAT IS APPLICABLE TO PLANNING REQUEST.

I HEREBY DECLARE THAT ALL STATEMENTS MADE ON THIS REQUEST AND ON THE ADDITIONAL MATERIAL ARE TRUE.



SIGNATURE OF APPLICANT



SIGNATURE OF OWNER
(IF APPLICABLE)

9-17-12

DATE

RECEIVED BY

OFFICE USE ONLY	
FEE \$	
RECEIPT #	
PUBLICATION OF NOTICE DATE	
PUBLIC HEARING DATE	
P.C. RES. #	
COUNCIL ACTION DATE	COUNCIL RES. #

The City of Newport requires that any developer or every person, company, or corporation that is seeking to commence construction or major alterations of a structure, and land subdivisions or lot combinations must first submit detailed site plans to the City. The person submitting site plans must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. Any funds in excess of those actually reimbursing the City for its expenses will be returned to the applicant upon completion of the project. The fees are as follows:

SITE PLAN REVIEW – RESIDENTIAL:

8 units and under	\$2,000
9-40 units	\$3,200
41 units and greater	\$4,500

SITE PLAN REVIEW – COMMERCIAL:

0-5,000 sq. ft. bldg.	\$2,000
5,001-10,000 sq. ft. bldg.	\$3,000
10,001-50,000 sq. ft. bldg.	\$3,750
50,001 sq. ft. + bldg.	\$4,500

PRELIMINARY PLAT:

Under 10 acres	\$3,500
10 acres and greater	\$6,500

Applicant Name	<u>Washington County Regional Railroad Authority</u>
Address	<u>11660 Myeron Road North</u>
	<u>Stillwater, MN 55082</u>
Phone	<u>651-430-4338</u>
Date of Application	<u>September 17, 2012</u>

<u>OFFICE USE ONLY</u>	
FEE \$	_____
RECEIPT #	_____

Legal Description

All that portion of the Southeast Quarter of the Northeast Quarter of Section number twenty-six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of the Chicago, Milwaukee, and St. Paul Railway Company, as laid out and maintained, and which lies southerly of that portion thereof taken by the State of Minnesota for highway purposes, and except that portion thereof taken by the State of Minnesota for highway purposes.

AND

All that part of the North one-half of the Northeast Quarter of the Southeast Quarter (N 1/2 of the NE 1/4 of the SE 1/4) of Section number twenty six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of way of the Chicago, Milwaukee, and St. Paul Railway Company, as laid out and maintained, and which lies easterly of that portion of said property taken by the State of Minnesota for highway purposes. Except that portion taken by the State of Minnesota for highway purposes.

AND

All that part of the South one-half of the Northeast Quarter of the Southeast Quarter (S 1/2 of the NE 1/4 of the SE 1/4) of Section number twenty six (26) West, in Township number twenty eight (28) North of Range number twenty two (22) West, which lies westerly of the right of way of the Chicago, Milwaukee, and St. Paul Railway Company, as now laid out and maintained, and which lies easterly of that portion of said property taken by the State of Minnesota for highway purposes, excepting therefrom that part thereof platted as The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, as surveyed and platted and now on file in the office of the Registrar of Titles, in and for said Washington County, except the West three hundred thirty-four (334) feet of said Plat; also excepting therefrom all that part thereof platted as Packer's Addition (and which includes the West three hundred thirty-four (334) feet of the aforementioned plat of The Farmer's Terminal Packing Company's Addition, vacated) as surveyed and platted and now on file in the office of the Registrar of Titles in and for said Washington County.

Also, excepting therefrom a strip of land Five (5) feet in width, lying northerly of and adjacent to Lot lettered "A" in the Plat of The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, and extending the entire length of said Lot lettered "A".

AND

Also excepting a strip of land twenty-two (22) feet in width, adjoining said Lot lettered "A", and said five (5) foot strip above excepted, on the West, the southerly boundary of which is the southerly line of said Lot lettered "A", extended West to the east line of Lot number three (3) in said Section number twenty-six (26), and the West boundary line of which is the East line of said Lot number three (3) of said Section number Twenty-six (26) aforesaid.

Also excepting all that part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 28 North, Range 22 West, Washington County, Minnesota, which is included in a strip of land 20 feet wide, having a 10 feet of such width on each side of the center line of the proposed track as now there located and staked out on the ground; which center line is more particularly described as follows, to wit: Start at a point in the north line of the present 22 foot easement, said point being distant 135 feet East of the West line of said Northeast Quarter of the Southeast Quarter of said Section 26, measured along said north line of said 22 foot easement; thence westerly on a six degree curve to the right to a point in the West line of said

Northeast Quarter of the Southeast Quarter of said Section 26, distant 645.04 feet North of the Southwest corner of said Northeast Quarter of the Southeast Quarter of said Section 26.

Subject to reservation reserving to said Harry Edmunds, Receiver of Farmers Terminal Packing Company and his successors in interest and assigns, the right to a joint use of a spur track to be placed upon said premises herein conveyed by the Cudahy Packing Company, the same as it shall exist after such track is completed or as it may hereinafter be changed or extended: provided that such use shall not involve any diminution in services or added expenses to the said Cudahy Packing Company, its successors or assigns.

The Farmers Terminal Packing Company, for itself, and its successors and assigns dedicates and grants to the public for road and highway purposes, a perpetual easement upon, over, and across a strip of land in the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4), of said Section number twenty-six (26), Township and Range aforesaid, formed by extending Unity Boulevard, as now laid out on said Plat of The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, due West to the East line of Lot number three (3), in said Section number twenty-six (26), Township and Range aforesaid.

Excepting that portion thereof taken by the State of Minnesota for highway purposes.

Except Parcel 3 of Minnesota Department of Transportation Right of Way Plat numbered 82-102.



AREA 1 - KNOX SITE REQUIREMENTS

- 300 APARTMENT UNITS (450 PARKING STALLS)
- 30,000 SF OF OFFICE (75 PARKING STALLS)
- 10,000 SF OF RETAIL (25 PARKING STALLS)

ZONING REGULATIONS

- HEIGHT LIMITATIONS**
- TOWNHOUSE: 36'
 - APARTMENT/CONDO: 48'
 - MIXED USE: 48'
 - COMMERCIAL, CIVIC, ETC.: 48'
 - THE 48' LIMITATIONS CAN BE RAISED WITH A CUP
- STRUCTURE SETBACKS**
- FRONT YARD SETBACK - MIN 5' MAX 15'
 - SIDE YARD SETBACK - 5'
 - REAR YARD SETBACK - 20'
- PARKING SETBACK**
- NO PARKING IN FRONT YARD
 - SIDE YARD SETBACK - 5'
 - REAR YARD SETBACK - 5'
- PARKING REQUIREMENTS**
- | USE | PARKING MIN | PARKING MAX |
|-------------------|--------------|--------------|
| RESIDENTIAL | 1.5 PER UNIT | 2.5 PER UNIT |
| COMMERCIAL/RETAIL | 1 PER 400 SF | 1 PER 200 SF |
| OFFICE | 1 PER 400 SF | 1 PER 300 SF |

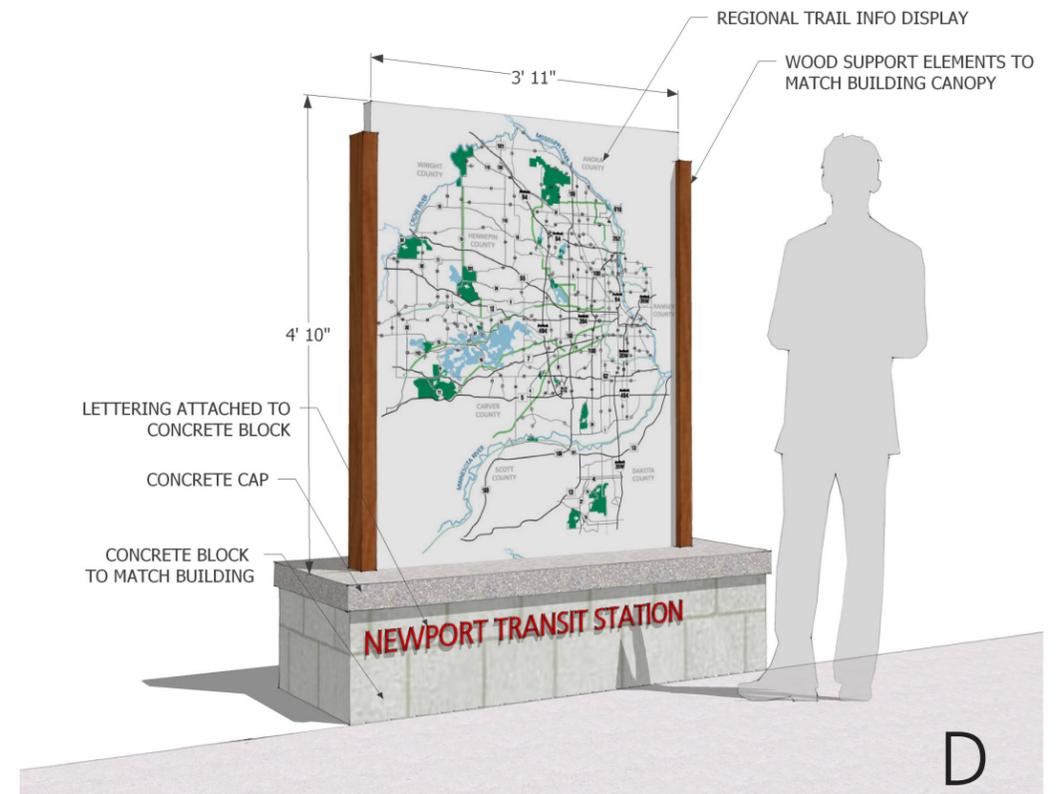
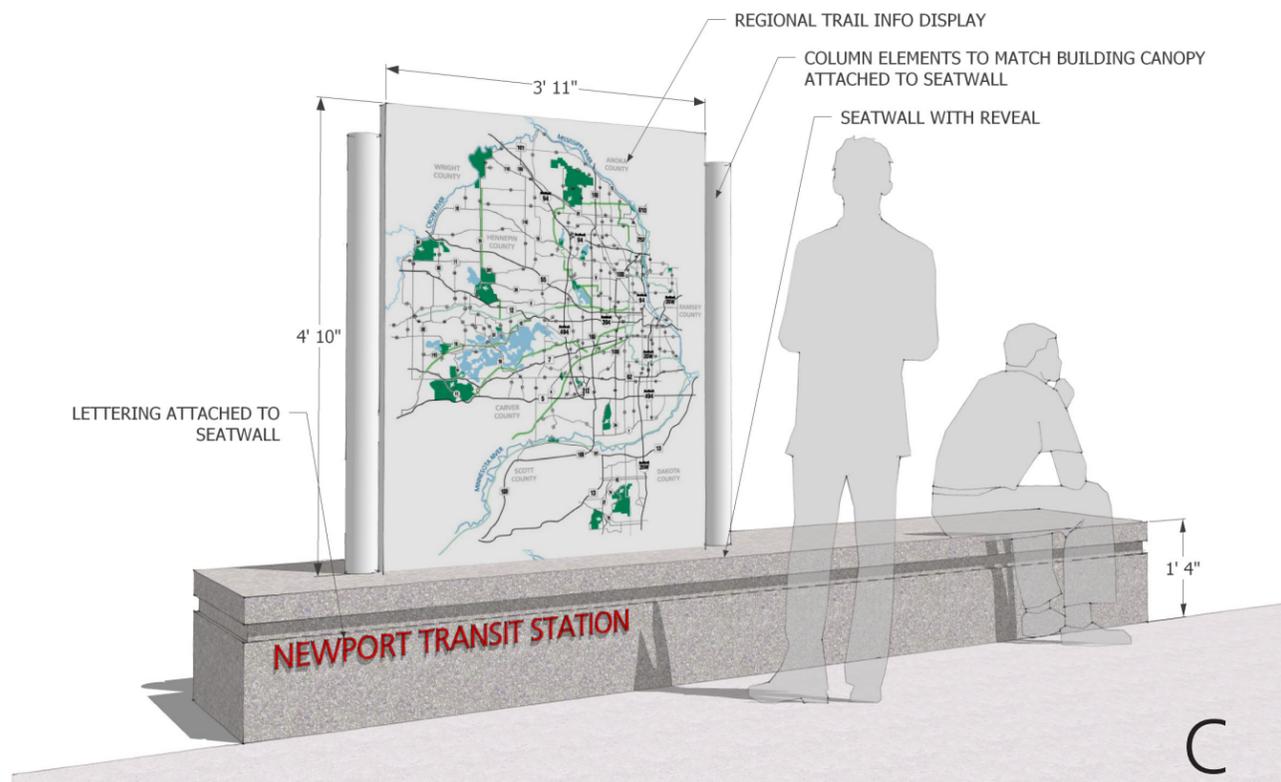
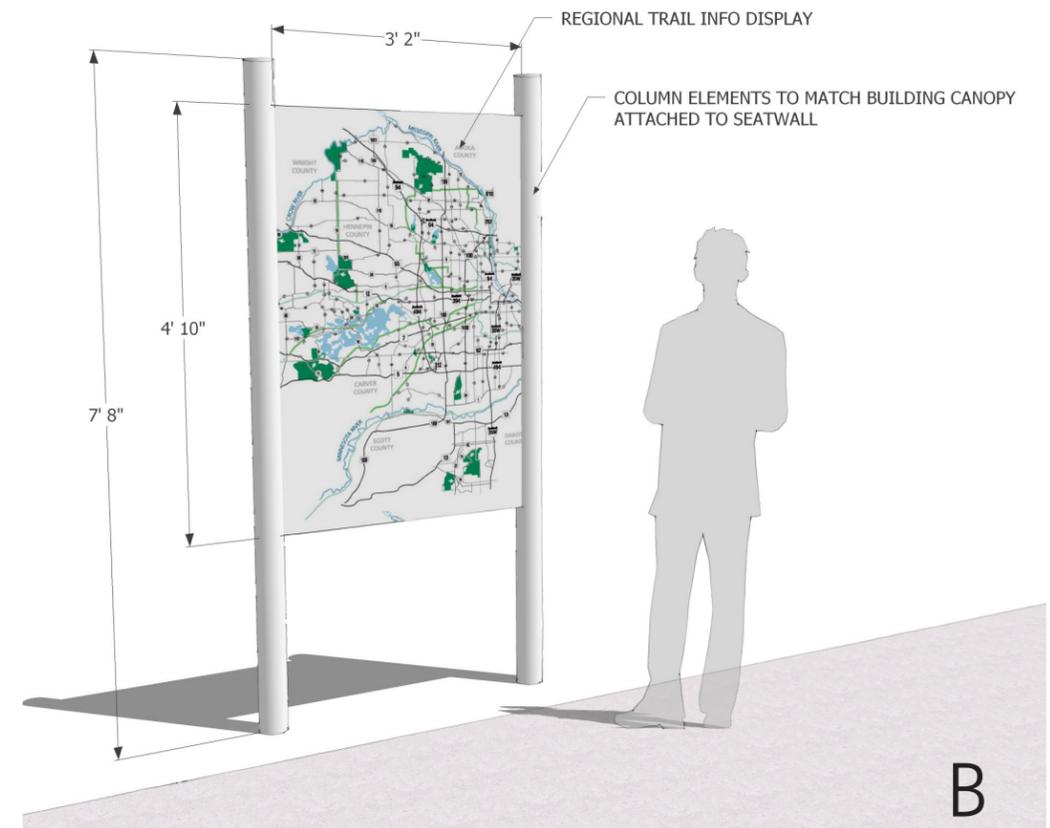
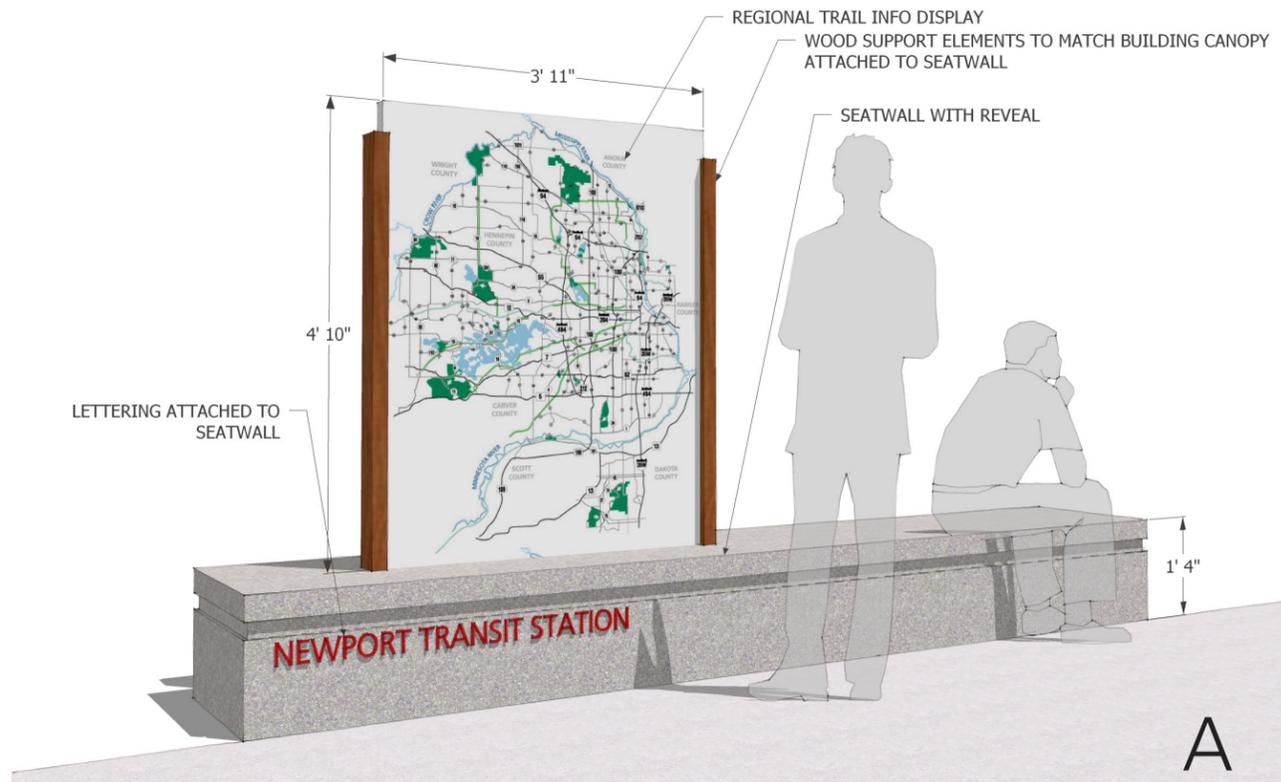
- 4 STORY BUILDING**
- FIRST FLOOR PARKING
 - TOP FLOORS APARTMENTS
 - 108 UNITS
 - 122 UNDERGROUND PARKING STALLS
 - 40 SURFACE PARKING STALLS

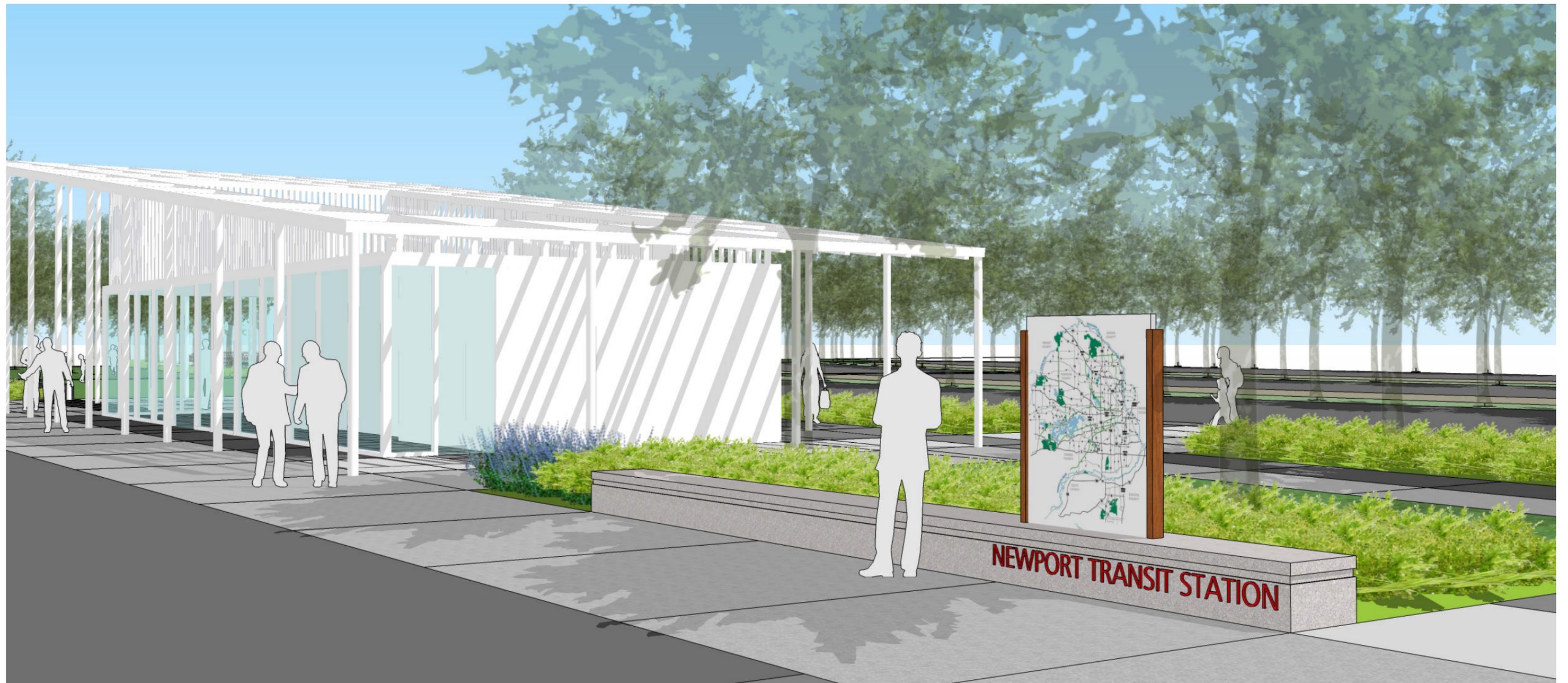
- 4 STORY BUILDING**
- FIRST FLOOR PARKING
 - TOP FLOORS APARTMENTS
 - 156 UNITS
 - 234 UNDERGROUND PARKING STALLS

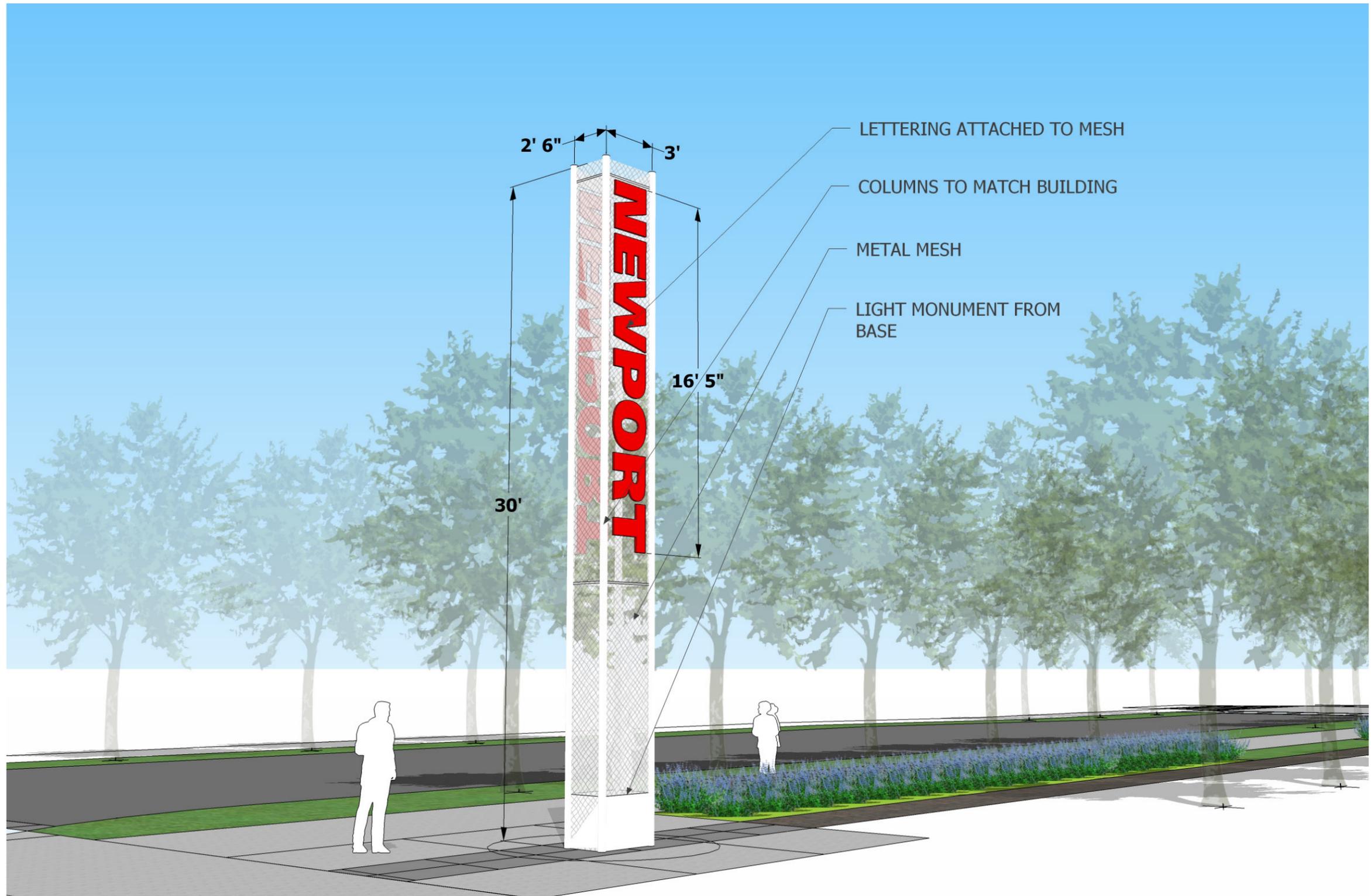
- Vertical entrance sign
- Seatwall
- Existing trail
- Property line

- 4 STORY BUILDING**
- FIRST TWO FLOORS 30,000 SF OF OFFICE, 10,000 SF OF RETAIL
 - TOP TWO FLOORS 36 APARTMENT UNITS
 - SHARED RAMP PARKING

- Potential library kiosk
- Stormwater treatment in islands
- 200 stall parking lot with future ramp above
- Pedestrian connection







EXISTING TOPOGRAPHIC SYMBOLS

	STORM SEWER APRON		PEDESTAL CATV
	BASKETBALL POST		PEDESTAL COMMUNICATIONS
	BARRICADE PERMANENT		POST INDICATOR VALVE
	BENCH		POLE-COMMUNICATIONS
	BOOSTER STATION		POLE-GUY
	BUILDING LOWEST OPENING		POLE-LIGHT
	BURIAL CONTROL MONUMENT		POLE-POWER
	BUSH DECIDUOUS		POLE-UTILITY
	CATCH BASIN BEEHIVE		POLE-UTILITY SERVICE
	CURB BOX		POST
	CATCH BASIN		PROPANE TANK
	COLUMN		PICNIC TABLE
	CONTROL BOX SIGNAL		SAMPLING WELL
	CLEAN OUT (SEWER)		ROCK
	CULVERT END		RR SIGNAL CONTROL BOX
	DRINKING FOUNTAIN		RR CROSSING GATE
	ENERGY DISSIPATER		RR SIGNAL
	FLAG POLE		REGULATION STATION GAS
	FUEL PUMP		SATELLITE DISH
	GUY WIRE		SEPTIC TANK
	GRILL		SEPTIC VENT
	HANDICAP SPACE		SEPTIC DRAIN FIELD
	HANDHOLE		SIGN
	FIRE HYDRANT		SOIL BORING
	HYDRANT PVMNT MARKER (REFLECTOR)		STAND PIPE GAS
	HYDRANT VALVE		SPIGOT WATER
	INLET (SMALL DIA.)		SPRINKLER HEAD
	LIFT STATION CONTROL PANEL		SPRINKLER VALVE BOX
	LIFT STATION DRY WELL		STUMP
	LIFT STATION WET WELL		SERVICE-GAS POINT ON LINE
	LIGHT YARD		SERVICE-SANITARY SEWER POINT ON LINE
	LOOP DETECTOR		SERVICE-STORM SEWER POINT ON LINE
	MAIL BOX		SERVICE-WATER POINT ON LINE
	MAIL RELAY BOX		TELEPHONE BOOTH
	MANHOLE-AIR RELEASE		TRANSMISSION TOWER ELECTRIC
	MANHOLE-HEAT		TEST PIT LOC
	MANHOLE-GAS		TRANSFORMER POWER
	MANHOLE-POWER		TREE DEAD
	MANHOLE-SANITARY SEWER		TREE-CONIFEROUS
	MANHOLE-STORM SEWER		TREE-DECIDUOUS
	MANHOLE-COMMUNICATIONS		TREE-FRUIT
	MANHOLE-UNKNOWN		TRASH CAN
	MANHOLE-WATER		TRAFFIC SIGNAL
	METER POWER		VALVE GAS
	METER GAS		VALVE
	ORDINARY HIGH WATER MARK		VENT GAS
	OUTLET CONTROL STRUCTURE		WATER REDUCER
	PARKING METER		WETLAND
	PEDESTRIAN PUSH BUTTON		WELL-MONITORING
	PEDESTAL POWER		WELL-WATER

SURVEY SYMBOLS

	AERIAL CONTROL POINT
	BACKSIGHT CONTROL POINT
	GPS CONTROL POINT
	JUDICIAL LAND MONUMENT
	MONUMENT COMPUTED
	MONUMENT IRON FOUND
	MONUMENT IRON SET
	RESECTED POINT
	ROW MONUMENT
	ROW MARKER POST
	SECTION CORNER
	TRAVERSE CONTROL POINT
	BENCH MARK LOCATION

PROPOSED TOPOGRAPHIC SYMBOLS

	BOLLARD
	SANITARY CLEANOUT
	MANHOLE
	SANITARY OR STORM LIFT STATION
	STORM SEWER BEEHIVE CATCH BASIN
	STORM SEWER CATCH BASIN
	STORM SEWER FLARED END SECTION
	STORM SEWER OUTLET STRUCTURE
	STORM SEWER OVERFLOW STRUCTURE
	CURB BOX
	FIRE HYDRANT
	WATER REDUCER
	VALVE
	RIP RAP
	DRAINAGE FLOW
	PEDESTRIAN RAMP

EXISTING PRIVATE UTILITY LINES

	CABLE TV QUALITY LEVEL D
	CABLE TV QUALITY LEVEL C
	CABLE TV QUALITY LEVEL B
	CABLE TV QUALITY LEVEL A
	FIBER OPTIC QUALITY LEVEL D
	FIBER OPTIC QUALITY LEVEL C
	FIBER OPTIC QUALITY LEVEL B
	FIBER OPTIC QUALITY LEVEL A
	POWER QUALITY LEVEL D
	POWER QUALITY LEVEL C
	POWER QUALITY LEVEL B
	POWER QUALITY LEVEL A
	GAS QUALITY LEVEL D
	GAS QUALITY LEVEL C
	GAS QUALITY LEVEL B
	GAS QUALITY LEVEL A
	COMMUNICATION QUALITY LEVEL D
	COMMUNICATION QUALITY LEVEL C
	COMMUNICATION QUALITY LEVEL B
	COMMUNICATION QUALITY LEVEL A
	OVERHEAD POWER
	OVERHEAD COMMUNICATION
	OVERHEAD UTILITIES

EXISTING TOPOGRAPHIC LINES

	RETAINING WALL
	FENCE - BARBED WIRE
	FENCE - CHAIN LINK
	FENCE - DECORATIVE
	FENCE - STOCKADE
	FENCE - WOOD
	FENCE - ELECTRIC
	TREE LINE
	WETLAND

SURVEY LINES

	BOUNDARY
	CENTERLINE
	EXISTING EASEMENT LINE
	PROPOSED EASEMENT LINE
	FLOOD PLAIN BOUNDARY
	EXISTING LOT LINE
	PROPOSED LOT LINE
	EXISTING RIGHT-OF-WAY
	PROPOSED RIGHT-OF-WAY
	SETBACK LINE
	SECTION LINE
	QUARTER SECTION LINE
	SIXTEENTH SECTION LINE

EXISTING UTILITY LINES

	FORCE MAIN
	SANITARY SEWER
	SANITARY SERVICE
	STORM SEWER
	WATER MAIN
	WATER SERVICE

PROPOSED UTILITY LINES

	FORCE MAIN
	SANITARY SEWER
	SANITARY SERVICE
	STORM SEWER DRAINTILE
	STORM SEWER
	WATER MAIN
	WATER SERVICE
	PIPE CASING

FUTURE UTILITY LINES

	FORCE MAIN
	SANITARY SEWER
	SANITARY SERVICE
	STORM SEWER DRAINTILE
	STORM SEWER
	WATER MAIN
	WATER SERVICE
	PIPE CASING

CONCRETE CURB AND GUTTER

	EXISTING
	PROPOSED
	FUTURE
	DEMOLITION

GRADING INFORMATION

	EXISTING CONTOUR MINOR
	EXISTING CONTOUR MAJOR
	PROPOSED CONTOUR MINOR
	PROPOSED CONTOUR MAJOR
	PROPOSED CONSTRUCTION LIMITS
	PROPOSED SPOT ELEVATION (TC=TOP OF WALL, BW=BOTTOM OF WALL)
	EXISTING SPOT ELEVATION
	RISE:RUN (SLOPE)
	GRADE BREAK

ABBREVIATIONS

AD	ALGEBRAIC DIFFERENCE
BV	BUTTERFLY VALVE
BVCE	BEGIN VERTICAL CURVE ELEVATION
BVCS	BEGIN VERTICAL CURVE STATION
CL	CENTER LINE
CL	CLASS
CMP	CORRUGATED METAL PIPE
C.O.	CHANGE ORDER
DIP	DUCTILE IRON PIPE
EL/ELEV	ELEVATION
EVCE	END VERTICAL CURVE ELEVATION
EVCS	END VERTICAL CURVE STATION
EX	EXISTING
FES	FLARED END SECTION
F/F	FACE TO FACE
FM	FORCE MAIN
F.O.	FIELD ORDER
GV	GATE VALVE
HP	HIGH POINT
HWL	HIGH WATER LEVEL
INV	INVERT
K	CURVE COEFFICIENT
LP	LOW POINT
MH	MANHOLE (SANITARY)
NTS	NOT TO SCALE
NWL	NORMAL WATER LEVEL
PC	POINT OF CURVE
PCC	COMPOUND CURVE
PI	POINT OF INTERSECTION
PL	PROPERTY LINE
PPVC	PERFORATED POLYVINYL CHLORIDE PIPE
PRC	POINT OF REVERSE CURVE
PT	POINT OF TANGENT
PVC	POLYVINYL CHLORIDE PIPE
PVI	POINT OF VERTICAL INTERSECTION
R	RADIUS
RCP	REINFORCED CONCRETE PIPE
R/W	RIGHT-OF-WAY
SAN	SANITARY SEWER
SS	STORM SEWER STRUCTURE
STA	STATION
STRM	STORM SEWER
TCE	TEMPORARY CONSTRUCTION EASEMENT
TNH	TOP NUT HYDRANT
TYP	TYPICAL
VC	VERTICAL CURVE
WM	WATER MAIN

HATCH PATTERNS

	HEAVY DUTY BITUMINOUS
	EXISTING CONCRETE
	EXISTING GRAVEL
	EXISTING ASPHALT



Stantec

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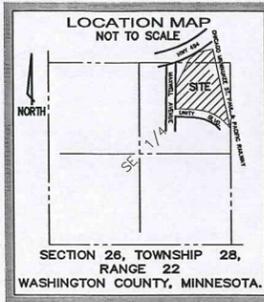
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PRINT NAME: STUART M. KRANIN
SIGNATURE: _____
DATE: 9/17/2012
LIC. NO.: 40002

WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY
NEWPORT TRANSIT STATION
SITE SYMBOLS AND ABBREVIATIONS

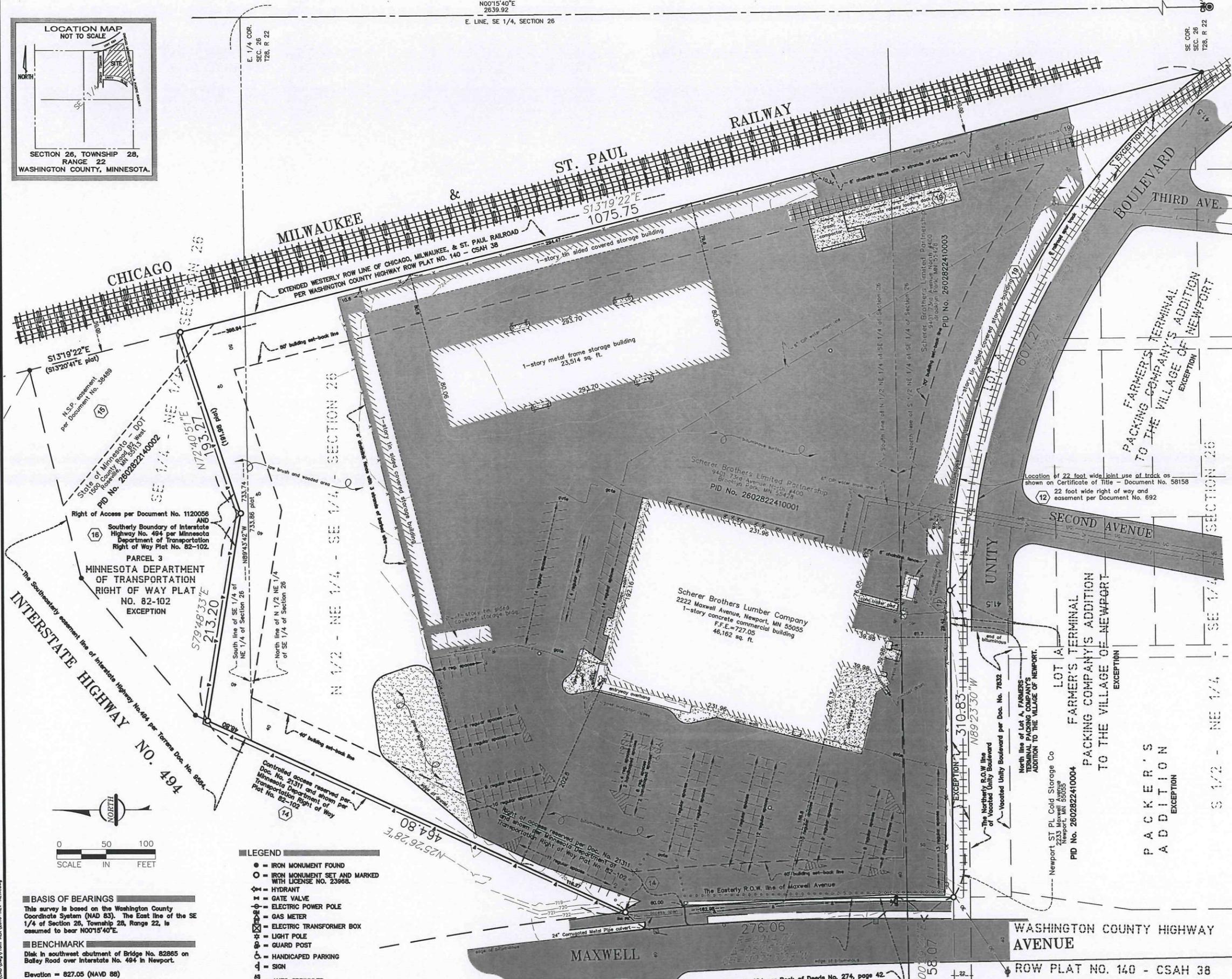
NO. REVISION	DATE
SUBMITTAL	11/1/12
SURVEY	SE
DRAWN	DAAPJW
DESIGNED	DAA
APPROVED	SMK
PROJ. NO.	193802205
SHEET NUMBER	G1.02

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N00°15'40"E
2639.92
E. LINE, SE 1/4, SECTION 26

SE COR.
SEC. 26
T28. R. 22



PROPERTY DESCRIPTION
(As per Schedule A, Exhibit A of Commitment to Title from First American Title Insurance Company National Commercial Services, File No. NCS-374474-MPLS dated August 31, 2009, revised October 2, 2009) The land referred to is situated in the City of Newport, County of Washington, State of Minnesota and is described as follows:

All that portion of the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section number twenty six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of way of the Chicago, Milwaukee, and St. Paul Railway Company, as laid out and maintained, and which lies southerly of that portion thereof taken by the State of Minnesota for highway purposes, and except that portion thereof taken by the State of Minnesota for highway purposes.

AND
All that part of the North one-half of the Northeast Quarter of the Southeast Quarter (N 1/2 of NE 1/4 of SE 1/4) of Section number twenty six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of way of the Chicago, Milwaukee, and St. Paul Railway Company, as laid out and maintained, and which lies easterly of that portion of said property taken by the State of Minnesota for highway purposes. Except that portion thereof taken by the State of Minnesota for highway purposes.

AND
All that part of the South one-half of the Northeast Quarter of the Southeast Quarter (S 1/2 of the NE 1/4 of the SE 1/4), of Section number twenty six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of way of the Chicago, Milwaukee, and St. Paul Railway Company, as now laid out and maintained, and which lies easterly of that portion of said property taken by the State of Minnesota for highway purposes, excepting therefrom that part thereof platted as The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, as surveyed and platted and now on file in the office of the Registrar of Titles in and for said Washington County, except the West three hundred thirty-four (334) feet of said Plat; also excepting therefrom all that part thereof platted as Packer's Addition (and which includes the West three hundred thirty-four (334) feet of the aforesaid plat of The Farmer's Terminal Packing Company's Addition, vacated) as surveyed and platted and now on file in the office of the Registrar of Titles in and for said Washington County.

Also excepting therefrom a strip of land five (5) feet in width, lying northerly of and adjacent to Lot lettered "A", in the Plat of The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, and extending the entire length of said Lot lettered "A".

AND
Also excepting a strip of land twenty-two (22) feet in width, adjoining said Lot lettered "A", and said five (5) foot strip above excepted, on the West, the southerly boundary of which is the southerly line of said Lot lettered "A", extended West to the east line of Lot number three (3) in said Section number twenty-six (26), and the West boundary line of which is the East line of said Lot number three (3) of said Section number twenty-six (26) aforesaid.

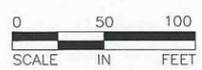
Also excepting all that part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 28 North, Range 22 West, Washington County, Minnesota, which is included in a strip of land 20 feet wide, having 10 feet of such width on each side of the center line of the proposed track as now there located and staked out on the ground; which center line is more particularly described as follows, to wit: Start at a point in the northern line of foot easement; said point being distant 135 feet East of the West line of said Northeast Quarter of the Southeast Quarter of said Section 26, measured along said northern line of said 22 foot easement; thence westerly on a six degree curve to the right to a point in the West line of said Northeast Quarter of the Southeast Quarter of said Section 26, distant 845.04 feet North of the Southwest corner of said Northeast Quarter of the Southeast Quarter of said Section 26.

Excepting that portion thereof taken by the State of Minnesota for highway purposes.
Except Parcel 3 of Minnesota Department of Transportation Right of Way Plat numbered 82-102.
Certificate of Title No. 58158

NOTES
1. Fee simple ownership is vested in Scherer Limited Partnership, a Minnesota limited partnership.
2. Area of property is 505,275 sq. ft. or 11.60 acres.
3. Property is Torrens.
4. Property is zoned B-1 (General Business District) under applicable zoning regulations.
5. Setback information from the City of Newport:
Building setbacks
Frontage Street - 20 feet
Side (along Residential) - 50 feet
Side - 10 feet
Rear - 20 feet
Rear (along Residential) - 50 feet
6. The property has access to Maxwell Avenue, a dedicated public street.
7. The address of the property is 2222 Maxwell Avenue, Newport, Minnesota 55055.
8. Above ground utilities have been field located as shown. All underground utility services which serve the property have attempted to be field located through the services of Gopher State One Call per ticket number 80648089. However, some of the utility companies failed to field locate underground utility location. In those cases utilities shown are from City of Newport and previous records. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities. Prior to any excavation or digging contact Gopher State One Call for an on-site location (651-454-0002).
9. The property lies in flood zone C (area of minimal flooding) as designated on Flood Insurance Rate Map Community Panel Number 270510 0001 B, City of Newport, published by the Federal Emergency Management Agency effective date July 2, 1980.
10. Items pertaining to Schedule B - Section Two of Commitment to Title from First American Title Insurance Company National Commercial Services, File No. NCS-374474-MPLS, dated August 31, 2009, revised October 18, 2009:
12 Item 12 - Property is subject to right of way and easement reserved by Farmers Terminal Packing Company, a Wisconsin corporation, in Quit Claim Deed dated July 28, 1925, recorded August 3, 1925 as Document No. 692 as shown hereon. The reserved easement appears to be outside of, but adjoining, the property boundary.
14 Item 14 - Property is subject to right of way for Trunk Highway, temporary snow fence easement and rights of access to Trunk Highway 100, taken in Condemnation by the State of Minnesota, as shown in the Final Certificate recorded December 2, 1964 as Document No. 21311 as shown hereon.
15 Item 15 - Property is subject to an easement for electric transmission line purposes, together with any incidental rights, in favor of Northern States Power Company, as contained in the Easement, dated March 29, 1974, recorded April 1, 1974 as Document No. 38489 as shown hereon.
16 Item 16 - Property is subject to the rights of access to Interstate Highway No. 494 conveyed to the State of Minnesota by Warranty Deed dated October 31, 2002, recorded December 2, 2002 as Document No. 1120056 as shown hereon.
19 Item 19 - Property is subject to the following matters as disclosed by survey dated December 22, 2008, by RLK incorporated as Project No. 2008336L as shown hereon:
a) Encroachment of 1-story tin sided covered storage building, railway loading dock and trash compactor into the building setback along the Easterly boundary.
b) Spur tracks along the Easterly boundary.
c) Encroachment of 1-story tin sided covered storage building, and air conditioning/heating unit into the building setback along the Southerly boundary.

SURVEYORS CERTIFICATION
I hereby certify to Cemstone Products Company, a Minnesota Corporation, Scherer Limited Partnership, a Minnesota limited partnership, Anchor Bank, N.A., a national association, and to First American Title Insurance Company.
This is to certify that this map or plat and the survey on which it is based were made (1) in accordance with Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2005 and includes items 1-6, 7(c) (b1), 8-11, 13, 15-18 of Table A thereof. Pursuant to the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of this certification), undersigned further certifies in my professional opinion, as a land surveyor registered in the state of Minnesota, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.
Date: February 18, 2010
Kurt M. Klach
MN Registration No. 23968

LEGEND
● = IRON MONUMENT FOUND
○ = IRON MONUMENT SET AND MARKED WITH LICENSE NO. 23968.
H = HYDRANT
G = GATE VALVE
E = ELECTRIC POWER POLE
M = GAS METER
T = ELECTRIC TRANSFORMER BOX
L = LIGHT POLE
G = GUARD POST
C = HANDICAPPED PARKING
d = SIGN
S = AUTO SPRINKLER
T = TELEPHONE BOX
... = GUARD POST BARRIER
BASIS OF BEARINGS
This survey is based on the Washington County Coordinate System (NAD 83). The East line of the SE 1/4 of Section 26, Township 28, Range 22, is assumed to bear N00°15'40"E.
BENCHMARK
Disk in southwest abutment of Bridge No. 82865 on Bailey Road over Interstate No. 494 in Newport.
Elevation = 827.05 (NAVD 88)

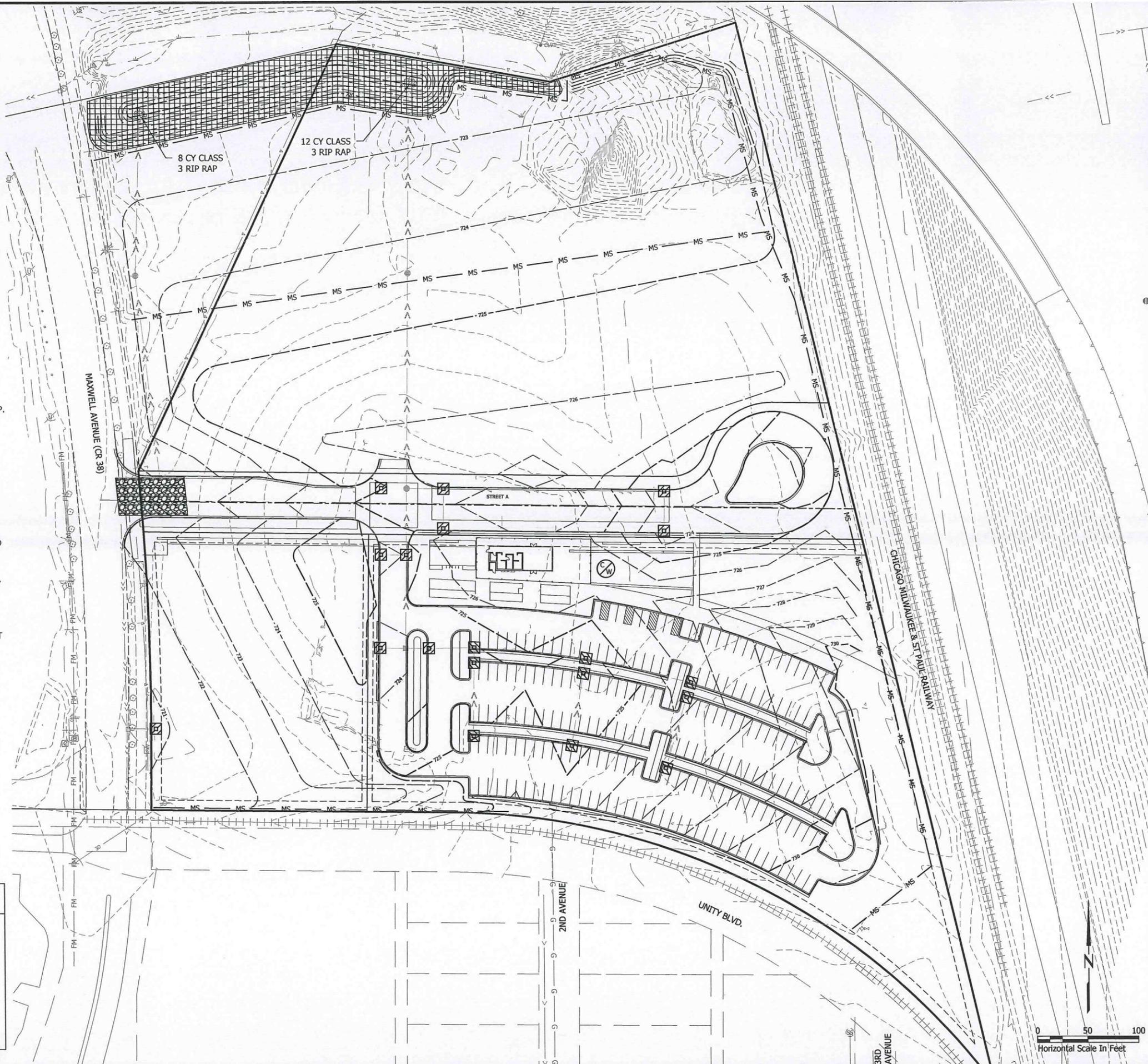


13-0002203 CAD (Dwg) From RLK 2/18/10 REVY-ALTA.dwg

SURVEYED RLK DTW
REVISIONS
4-26-2010 - Wash. Co. Comments
The Cemstone Companies
2025 Centre Pointe Blvd Suite 300
2222 Maxwell Avenue

EROSION AND SEDIMENT CONTROL NOTES:

1. PERMITTEES, CONTRACTORS, AND SUBCONTRACTORS INVOLVED WITH STORM WATER POLLUTION PREVENTION SHALL OBTAIN A COPY OF THE STORM WATER POLLUTION PLAN AND THE STATE OF MINNESOTA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES PHASE II PERMIT) AND BECOME FAMILIAR WITH THEIR CONTENTS AND ARE RESPONSIBLE FOR COMPLYING WITH ALL REQUIREMENTS STATED THEREIN.
2. THE CONTRACTOR SHALL PROVIDE A CERTIFIED EROSION AND SEDIMENT CONTROL SUPERVISOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL INSPECTIONS, DOCUMENTATION AND MAINTENANCE REQUIRED AS OUTLINED IN THE SWPPP AND REQUIRED BY THE NPDES PERMIT.
3. THE BMP'S SHOWN ON THE PLANS ARE THE MINIMUM REQUIREMENTS FOR THE ANTICIPATED SITE CONDITIONS. AS CONSTRUCTION PROGRESSES, THE PERMITTEE/CONTRACTOR SHALL ANTICIPATE THAT ADDITIONAL BMP'S MAY BE REQUIRED AS SITE CONDITIONS CHANGE AND SHALL PROVIDE ADDITIONAL BMP'S TO MEET APPLICABLE REQUIREMENTS.
4. ALL WORK AND MATERIALS SHALL BE CONSTRUCTED ACCORDING TO THE APPROVED PLANS AND SWPPP. ANY DEVIATION FROM THE APPROVED PLANS SHALL REQUIRE WRITTEN APPROVAL FROM THE OWNER.
5. ALL DISTURBED AREAS IDENTIFIED FOR SEED OR SOD SHALL RECEIVE A MINIMUM OF 6" OF TOPSOIL OR A MINIMUM OF 12" TOPSOIL WHEN THE BEDROCK IS WITHIN 12" OF FINAL GRADES EXCEPT FOR STORM WATER PONDING AREAS. ALL SEEDING OR SODDED AREAS OUTSIDE OF WOODED AREAS SHALL BE TILLED TO A DEPTH OF 12" PRIOR TO SEEDING OR SODDING.
6. AREAS IDENTIFIED FOR SEEDING SHALL USE SEED, FERTILIZER AND EROSION CONTROL BLANKET AS DEFINED AND AT THE RATES INDICATED IN THE SPECIFICATIONS.
7. PERMANENT SEEDING SHALL BE COMPLETED WITHIN 7 DAYS OF COMPLETION OF FINAL GRADING. ANY EXPOSED SOILS MUST BE STABILIZED FOR ANY TEMPORARY STOPS OF 3 DAYS OR MORE.
8. PERMITTEE/CONTRACTOR SHALL INSPECT THE SITE AT LEAST ONCE EVERY SEVEN (7) DAYS AND WITHIN 24 HOURS AFTER A RAINFALL GREATER THAN 0.5 INCHES IN 24 HOURS. INSPECTIONS SHALL BE RECORDED IN WRITING AND RECORDED WITH THE PROJECT SWPPP. PERMITTEE/CONTRACTOR SHALL INSPECT AND MAINTAIN EROSION PREVENTION AND SEDIMENT CONTROL BMP'S FOR SECTION IV. E OF THE NPDES PERMIT.
9. DUST CONTROL SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR, AND SHALL BE ADDRESSED WITHIN 4 HOURS OF A REQUEST BY THE ENGINEER.
10. SILT FENCE SHALL NOT BE INSTALLED WITHIN THE DRIP LINES OF EXISTING TREES. WHERE PERIMETER PROTECTIONS IS NECESSARY WITHIN DRIP LINES, BIOROLLS SHALL BE INSTALLED. THESE AREAS SHALL BE DETERMINED BY THE ENGINEER IN THE FIELD.
11. GRADING OPERATIONS SHALL MINIMIZE THE POTENTIAL FOR EROSION.
12. ALL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO ANY REMOVAL WORK AND SHALL BE MAINTAINED UNTIL THE POTENTIAL FOR EROSION HAS BEEN ELIMINATED.
13. ADJACENT STREETS MUST BE SWEEPED TO KEEP THEM FREE OF SEDIMENT. CONTRACTOR MUST MONITOR CONDITIONS AND SWEEP AS NEEDED OR WITHIN 24 HOURS OF NOTICE BY THE OWNER, CITY OR ENGINEER.
14. REFER TO LANDSCAPE PLAN FOR PERMANENT TURF/GROUND COVER.
15. THE CONTRACTOR SHALL PREVENT ANY SEDIMENT FROM LEAVING THE SITE. IN THE EVENT THAT SEDIMENTATION DOES LEAVE THE SITE THE AREA SHALL BE RETURNED TO PRE-CONSTRUCTION CONDITION.
16. ALL SEDIMENT DEPOSITED IN STORM WATER COLLECTION PONDS SHALL BE REMOVED.
17. THE CONTRACTOR SHALL DESIGNATE AND MAINTAIN A CONCRETE TRUCK WASH-DOWN FACILITY.



EROSION CONTROL LEGEND

MS	MACHINE SLICED SILT FENCE	[Blanket symbol]	BLANKET
[Rip rap symbol]	RIP RAP AS SPECIFIED	[Construction entrance symbol]	CONSTRUCTION ENTRANCE / EXIT
[Inlet protection symbol]	INLET PROTECTION	[Concentrated flow symbol]	CONCENTRATED SURFACE FLOW
[Ditch check - Biolog symbol]	DITCH CHECK - BIOLOG	[Concrete washout symbol]	CONCRETE WASHOUT
[Ditch check - Rock symbol]	DITCH CHECK - ROCK		
[Culvert / Pipe protection symbol]	CULVERT / PIPE PROTECTION		



2335 Highway 36 W
St. Paul, MN 55113
Ph: 651-636-4600
Fax: 651-636-1311

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I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRINT NAME: DAVID A. ARENS
SIGNATURE: [Signature]
DATE: 9/17/2012
LIC. NO.: 21711

WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY
NEWPORT TRANSIT STATION
TEMPORARY EROSION AND SEDIMENT CONTROL PLAN

NO.	REVISION	DATE
1	SUBMITTAL	11/1/12

SURVEY	SE
DRAWN	DAAPJW
DESIGNED	DAA
APPROVED	SMK
PROJ. NO.	193802205

SHEET NUMBER
C2.01



Stantec

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St. Paul, MN 55113
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Fax: 651-636-1311

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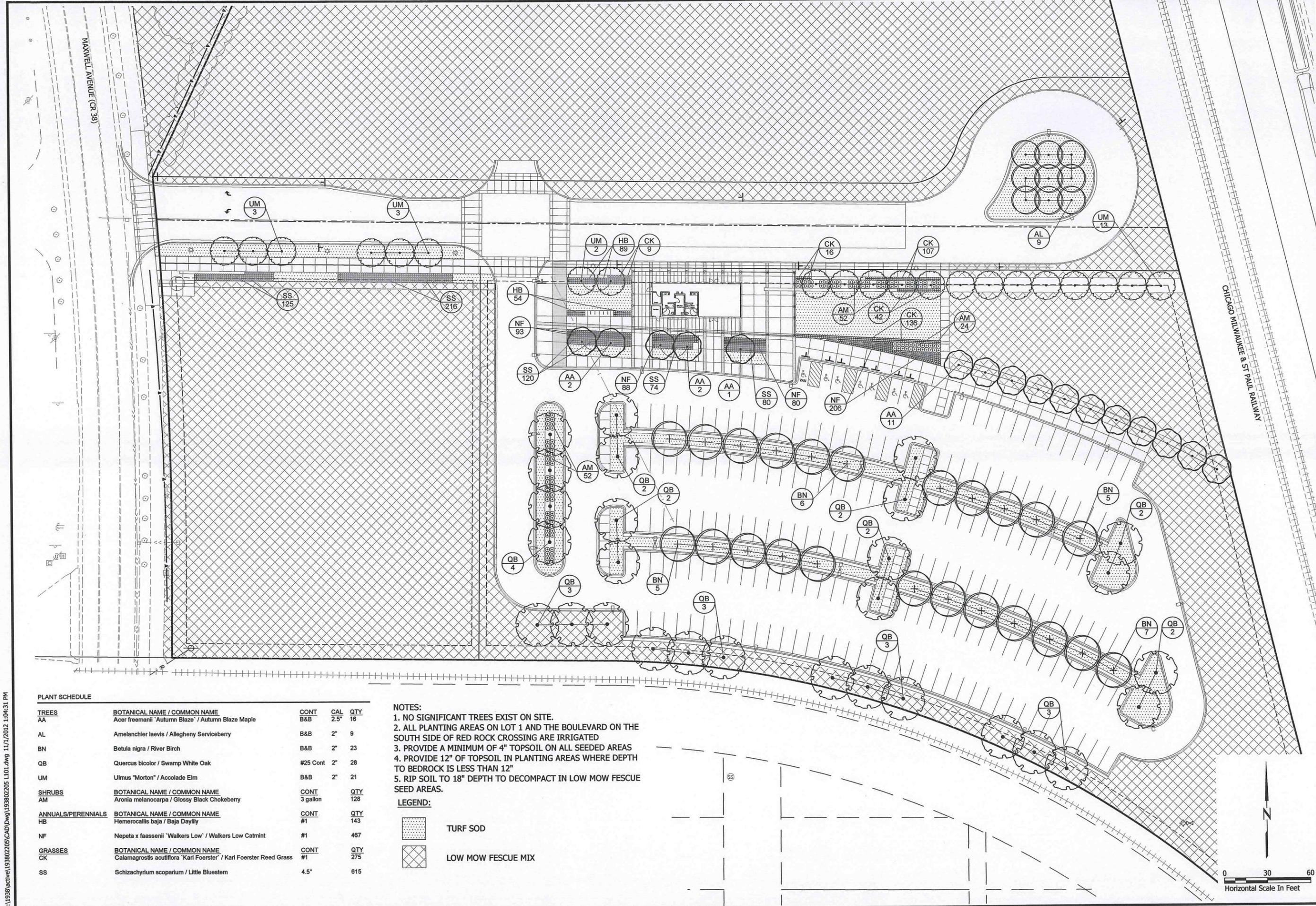
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT
UNDER THE LAWS OF THE STATE OF MINNESOTA.
PRINT NAME: STUART M. KEARIN
SIGNATURE: _____ LIC. NO. 49002
DATE: 9/17/2012

WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY
NEWPORT TRANSIT STATION
PLANTING PLAN

NO.	REVISION	DATE
1	SUBMITTAL	11/1/12

SURVEY	SE
DRAWN	NWE
DESIGNED	SMK
APPROVED	SMK
PROJ. NO.	193802205

SHEET NUMBER
L1.01

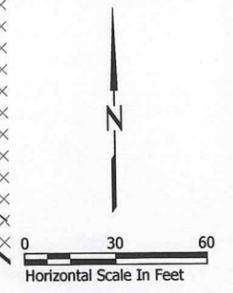


PLANT SCHEDULE			
TREES	BOTANICAL NAME / COMMON NAME	CONT	CAL QTY
AA	Acer freemanii 'Autumn Blaze' / Autumn Blaze Maple	B&B	2.5" 16
AL	Amelanchier laevis / Allegheny Serviceberry	B&B	2" 9
BN	Betula nigra / River Birch	B&B	2" 23
QB	Quercus bicolor / Swamp White Oak	#25 Cont	2" 28
UM	Ulmus 'Morton' / Accolade Elm	B&B	2" 21
SHRUBS	BOTANICAL NAME / COMMON NAME	CONT	QTY
AM	Aronia melanocarpa / Glossy Black Chokeberry	3 gallon	128
ANNUALS/PERENNIALS	BOTANICAL NAME / COMMON NAME	CONT	QTY
HB	Hemerocallis baja / Baja Daylily	#1	143
NF	Nepeta x faassenii 'Walkers Low' / Walkers Low Catmint	#1	467
GRASSES	BOTANICAL NAME / COMMON NAME	CONT	QTY
CK	Calamagrostis acutiflora 'Karl Foerster' / Karl Foerster Reed Grass	#1	275
SS	Schizachyrium scoparium / Little Bluestem	4.5"	615

- NOTES:
- NO SIGNIFICANT TREES EXIST ON SITE.
 - ALL PLANTING AREAS ON LOT 1 AND THE BOULEVARD ON THE SOUTH SIDE OF RED ROCK CROSSING ARE IRRIGATED
 - PROVIDE A MINIMUM OF 4" TOPSOIL ON ALL SEEDED AREAS
 - PROVIDE 12" OF TOPSOIL IN PLANTING AREAS WHERE DEPTH TO BEDROCK IS LESS THAN 12"
 - RIP SOIL TO 18" DEPTH TO DECOMPACT IN LOW MOW FESCUE SEED AREAS.

LEGEND:

	TURF SOD
	LOW MOW FESCUE MIX



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NEWPORT STATION ADDITION

Preliminary Plat

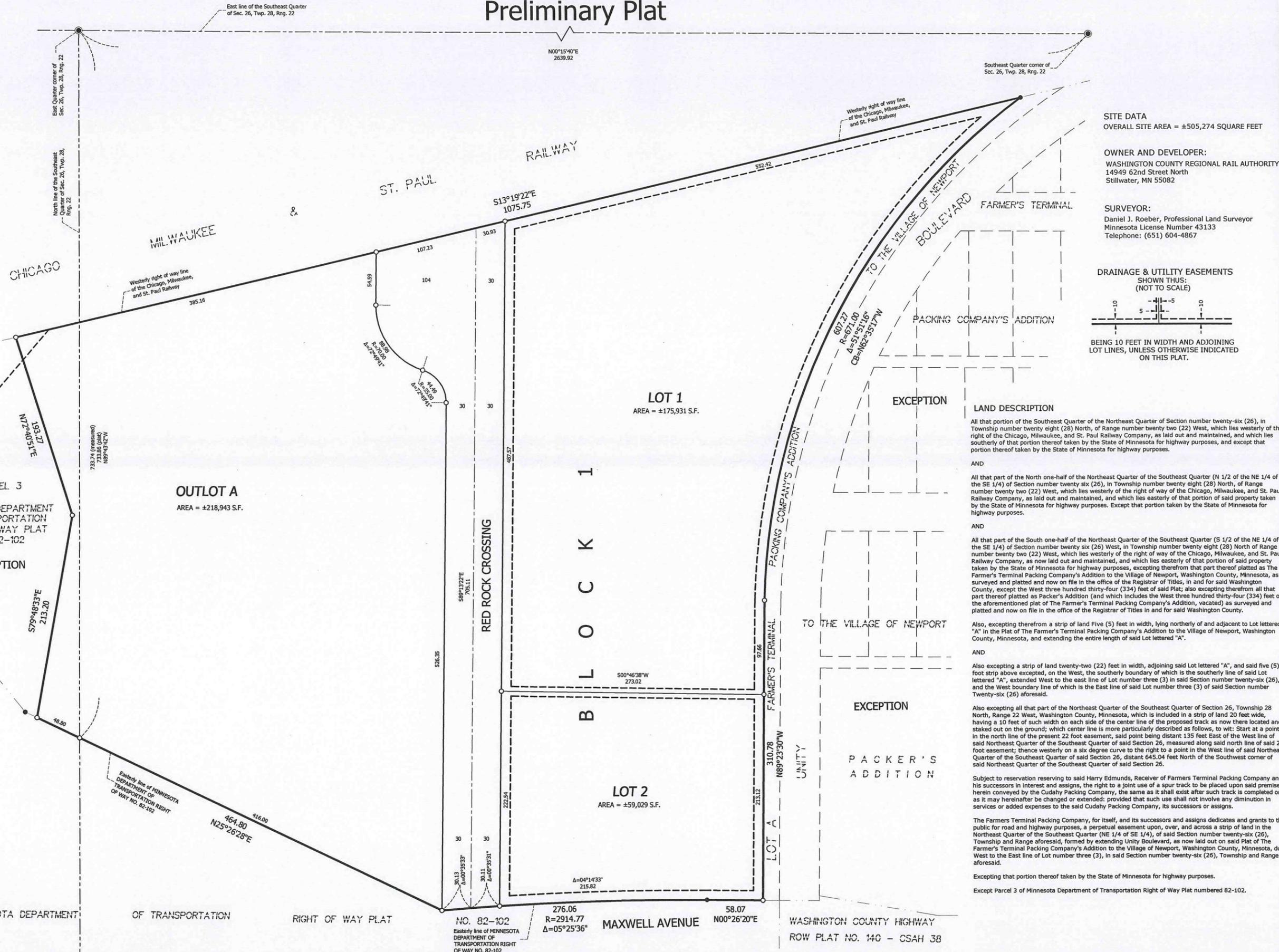


SEC. 26, TWP. 028, RNG. 22
(NOT TO SCALE)



- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET WITH PLASTIC PLUG INSCRIBED WITH 43133
- ⊙ DENOTES WASHINGTON COUNTY CAST IRON MONUMENT

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 28, RANGE 22, WASHINGTON, MN, AND IS ASSUMED TO BEAR SOUTH 00°15'40" EAST.



SITE DATA
OVERALL SITE AREA = ±505,274 SQUARE FEET

OWNER AND DEVELOPER:
WASHINGTON COUNTY REGIONAL RAIL AUTHORITY
14949 62nd Street North
Stillwater, MN 55082

SURVEYOR:
Daniel J. Roeber, Professional Land Surveyor
Minnesota License Number 43133
Telephone: (651) 604-4867

DRAINAGE & UTILITY EASEMENTS
SHOWN THUS:
(NOT TO SCALE)

BEING 10 FEET IN WIDTH AND ADJOINING LOT LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.

LAND DESCRIPTION
All that portion of the Southeast Quarter of the Northeast Quarter of Section number twenty-six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of the Chicago, Milwaukee, and St. Paul Railway Company, as laid out and maintained, and which lies southerly of that portion thereof taken by the State of Minnesota for highway purposes, and except that portion thereof taken by the State of Minnesota for highway purposes.

AND
All that part of the North one-half of the Northeast Quarter of the Southeast Quarter (N 1/2 of the NE 1/4 of the SE 1/4) of Section number twenty six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of way of that portion of said property taken by the State of Minnesota for highway purposes, and which lies easterly of that portion of said property taken by the State of Minnesota for highway purposes. Except that portion taken by the State of Minnesota for highway purposes.

AND
All that part of the South one-half of the Northeast Quarter of the Southeast Quarter (S 1/2 of the NE 1/4 of the SE 1/4) of Section number twenty six (26) West, in Township number twenty eight (28) North of Range number twenty two (22) West, which lies westerly of the right of way of the Chicago, Milwaukee, and St. Paul Railway Company, as now laid out and maintained, and which lies easterly of that portion of said property taken by the State of Minnesota for highway purposes, excepting therefrom that part thereof platted as the Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, as surveyed and platted and now on file in the office of the Registrar of Titles, in and for said Washington County, except the West three hundred thirty-four (334) feet of said Plat; also excepting therefrom all that part thereof platted as Packer's Addition (and which includes the West three hundred thirty-four (334) feet of the aforementioned plat of The Farmer's Terminal Packing Company's Addition, vacated) as surveyed and platted and now on file in the office of the Registrar of Titles in and for said Washington County.

Also, excepting therefrom a strip of land five (5) feet in width, lying northerly of and adjacent to Lot lettered "A" in the Plat of The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, and extending the entire length of said Lot lettered "A".

AND
Also excepting a strip of land twenty-two (22) feet in width, adjoining said Lot lettered "A", and said five (5) foot strip above excepted, on the West, the southerly boundary of which is the southerly line of said Lot lettered "A", extended West to the east line of Lot number three (3) in said Section number twenty-six (26), and the West boundary line of which is the East line of said Lot number three (3) of said Section number Twenty-six (26) aforesaid.

Also excepting all that part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 28 North, Range 22 West, Washington County, Minnesota, which is included in a strip of land 20 feet wide, having a 10 feet of such width on each side of the center line of the proposed track as now there located and staked out on the ground; which center line is more particularly described as follows, to wit: Start at a point in the north line of the present 22 foot easement, said point being distant 135 feet East of the West line of said Northeast Quarter of the Southeast Quarter of said Section 26, measured along said north line of said 22 foot easement; thence westerly on a six degree curve to the right to a point in the West line of said Northeast Quarter of the Southeast Quarter of said Section 26, distant 645.04 feet North of the Southwest corner of said Northeast Quarter of the Southeast Quarter of said Section 26.

Subject to reservation reserving to said Harry Edmunds, Receiver of Farmers Terminal Packing Company and his successors in interest and assigns, the right to a joint use of a spur track to be placed upon said premises herein conveyed by the Cudahy Packing Company, the same as it shall exist after such track is completed or as it may hereinafter be changed or extended: provided that such use shall not involve any diminution in services or added expenses to the said Cudahy Packing Company, its successors or assigns.

The Farmers Terminal Packing Company, for itself, and its successors and assigns dedicates and grants to the public for road and highway purposes, a perpetual easement upon, over, and across a strip of land in the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4), of said Section number twenty-six (26), Township and Range aforesaid, formed by extending Unity Boulevard, as now laid out on said Plat of The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, due West to the East line of Lot number three (3), in said Section number twenty-six (26), Township and Range aforesaid.

Excepting that portion thereof taken by the State of Minnesota for highway purposes.
Except Parcel 3 of Minnesota Department of Transportation Right of Way Plat numbered 82-102.

St. Paul Office
2335 West Highway 36
Saint Paul, MN 55113
Phone: 651-636-6600
Fax: 651-636-1311
Website: www.stantec.com

DATE	REVISION	SURVEY BY	DRAWN BY	DESIGNED BY	APPROVED BY	DATE
11/01/2012	Revised per MSA Memo dated Oct. 2, 2012	DJR	DJR	DJR	DJR	09/17/2012

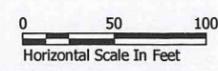
REVISION
Revised per MSA Memo dated Oct. 2, 2012

ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF STANTEC INC. OR ITS AFFILIATES. NO PART OF THIS PLOT OR REPORT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF STANTEC INC. OR ITS AFFILIATES.
PRINT NAME: DANIEL J. ROEBER
SIGNATURE: *Daniel J. Roeber*
DATE: SEPTEMBER 17, 2012
LIC. NO.: 43133

PRELIMINARY PLAT
NEWPORT STATION ADDITION

193802205
SHEET NUMBER
V4.01

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MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 82-102

MAXWELL AVENUE
ROW PLAT NO. 140 - CSAH 38

NEWPORT STATION ADDITION

KNOW ALL BY THESE PRESENTS: That Washington County Regional Railroad Authority, a public body corporate and politic, owner of the following described property situated in the County of Washington, State of Minnesota to wit:

All that portion of the Southeast Quarter of the Northeast Quarter of Section number twenty-six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of the Chicago, Milwaukee, and St. Paul Railway Company, as laid out and maintained, and which lies southerly of that portion thereof taken by the State of Minnesota for highway purposes, and except that portion thereof taken by the State of Minnesota for highway purposes.

AND

All that part of the North one-half of the Northeast Quarter of the Southeast Quarter (N 1/2 of the NE 1/4 of the SE 1/4) of Section number twenty six (26), in Township number twenty eight (28) North, of Range number twenty two (22) West, which lies westerly of the right of way of the Chicago, Milwaukee, and St. Paul Railway Company, as laid out and maintained, and which lies easterly of that portion of said property taken by the State of Minnesota for highway purposes. Except that portion taken by the State of Minnesota for highway purposes.

AND

All that part of the South one-half of the Northeast Quarter of the Southeast Quarter (S 1/2 of the NE 1/4 of the SE 1/4) of Section number twenty six (26) West, in Township number twenty eight (28) North of Range number twenty two (22) West, which lies westerly of the right of way of the Chicago, Milwaukee, and St. Paul Railway Company, as now laid out and maintained, and which lies easterly of that portion of said property taken by the State of Minnesota for highway purposes, excepting therefrom that part thereof platted as The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, as surveyed and platted and now on file in the office of the Registrar of Titles, in and for said Washington County, except the West three hundred thirty-four (334) feet of said Plat; also excepting therefrom all that part thereof platted as Packer's Addition (and which includes the West three hundred thirty-four (334) feet of the aforementioned plat of The Farmer's Terminal Packing Company's Addition, vacated) as surveyed and platted and now on file in the office of the Registrar of Titles in and for said Washington County.

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AND

Also excepting a strip of land twenty-two (22) feet in width, adjoining said Lot lettered "A", and said five (5) foot strip above excepted, on the West, the southerly boundary of which is the southerly line of said Lot lettered "A", extended West to the east line of Lot number three (3) in said Section number twenty-six (26), and the West boundary line of which is the East line of said Lot number three (3) of said Section number Twenty-six (26) aforesaid.

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Subject to reservation reserving to said Harry Edmunds, Receiver of Farmers Terminal Packing Company and his successors in interest and assigns, the right to joint use of a spur track to be placed upon said premises herein conveyed by the Cudahy Packing Company, the same as it shall exist after such track is completed or as it may hereinafter be changed or extended: provided that such use shall not involve any diminution in services or added expenses to the said Cudahy Packing Company, its successors or assigns.

The Farmers Terminal Packing Company, for itself, and its successors and assigns dedicates and grants to the public for road and highway purposes, a perpetual easement upon, over, and across a strip of land in the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4), of said Section number twenty-six (26), Township and Range aforesaid, formed by extending Unity Boulevard, as now laid out on said Plat of The Farmer's Terminal Packing Company's Addition to the Village of Newport, Washington County, Minnesota, due West to the East line of Lot number three (3), in said Section number twenty-six (26), Township and Range aforesaid.

Excepting that portion thereof taken by the State of Minnesota for highway purposes.

Except Parcel 3 of Minnesota Department of Transportation Right of Way Plat numbered 82-102.

Has caused the same to be surveyed and platted as NEWPORT STATION ADDITION and does hereby donate and dedicate to the public for public use the public way and the drainage and utility easements as created by this plat.

WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY

In witness whereof said Washington County Regional Railroad Authority, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

Lisa Weik as Commissioner

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Lisa Weik as Commissioner of Washington County Regional Railroad Authority, a public body corporate and politic, on behalf of said public body.

(Notary Signature)

(Notary Printed Name)

NOTARY PUBLIC, _____ COUNTY, MINNESOTA

MY COMMISSION EXPIRES _____

I hereby certify that I have surveyed and platted or directly supervised the survey and platting of the property described on this plat as NEWPORT STATION ADDITION; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on the plat; that all monuments depicted on the plat have been or will be correctly set within one year as indicated on the plat; that all water boundaries and wet lands as defined in Minnesota Statutes 505.01, Subd. 3 existing as of the date of this certification are shown and labeled on the plat; and that all public ways are shown and labeled on the plat.

Daniel J. Roeber, Licensed Land Surveyor
Minnesota License Number 43133

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Daniel J. Roeber, Licensed Land Surveyor, Minnesota License Number 43133.

(Notary Signature)

(Notary Printed Name)

NOTARY PUBLIC, _____ COUNTY, MINNESOTA

MY COMMISSION EXPIRES _____

NEWPORT, MINNESOTA

This plat was approved by the City Council of Newport, Minnesota, this ___ day of _____, 20____, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

Signed: _____
Mayor

Signed: _____
Clerk

COUNTY SURVEYOR

Pursuant to Chapter 820, Laws of Minnesota, 1971, this plat has been approved this _____ day of _____, 20____.

By: _____
Washington County Surveyor

By: _____
Assistant County Surveyor

COUNTY AUDITOR/TREASURER

There are no delinquent taxes, the current taxes due and payable for the year _____ have been paid and transfer has been entered this _____ day of _____, 20____.

By: _____
Washington County Auditor/Treasurer

By: _____
Deputy

COUNTY REGISTRAR OF TITLES

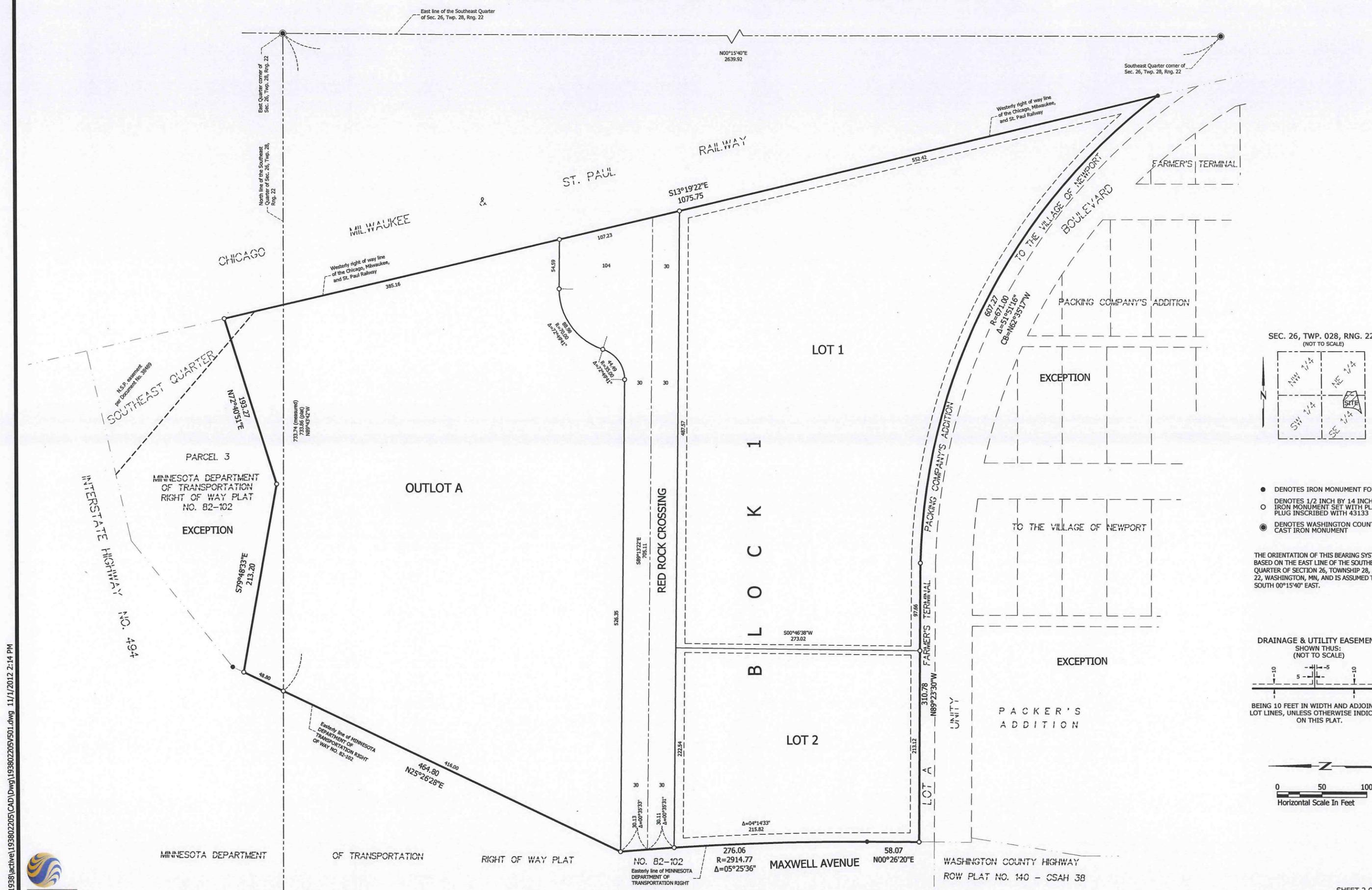
Document Number _____

I hereby certify that this instrument was filed in the Office of Titles for record on this _____ day of _____, 20____ at ___ o'clock ___M. and was duly recorded in Washington County Records.

By: _____
Washington County Registrar of Titles

By: _____
Deputy

NEWPORT STATION ADDITION



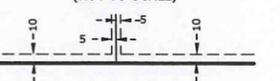
SEC. 26, TWP. 028, RNG. 22
(NOT TO SCALE)



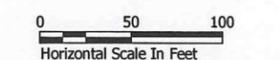
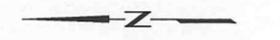
- DENOTES IRON MONUMENT FOUND
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET WITH PLASTIC PLUG INSCRIBED WITH 43133
- ⊙ DENOTES WASHINGTON COUNTY CAST IRON MONUMENT

THE ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 28, RANGE 22, WASHINGTON, MN, AND IS ASSUMED TO BEAR SOUTH $00^{\circ}15'40''$ EAST.

DRAINAGE & UTILITY EASEMENTS SHOWN THUS: (NOT TO SCALE)



BEING 10 FEET IN WIDTH AND ADJOINING LOT LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.



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NEWPORT
STATION



RESOLUTION NO. 2012-38

A RESOLUTION APPROVING A STATION AREA PLAN, REQUESTED BY THE WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY, 11660 MYERON ROAD NORTH, STILLWATER, MN 55082 FOR PROPERTY LOCATED AT 2222 MAXWELL ROAD, NEWPORT, MN 55055

WHEREAS, the Washington County Regional Railroad Authority, 11660 Myeron Road North, Stillwater, MN 55082 has submitted a request for a Station Area Plan; and

WHEREAS, the property is located at 2222 Maxwell Road, Newport, MN 55055, and is more fully legally described as follows:

PID #26.028.22.41.0001 - PT N1/2-NE1/4-SE1/4 LYING WLY OF CM & ST P RR R/W & LYING ELY OF PT TAKEN BY ST OF MN FOR HWY PURP SUBJ TO EASE ALSO: PT SE1/4-NE1/4 SD SEC26 LYING WLY OF SD RR R/W & LYING SLY OF PT TAKEN BY ST OF MN FOR HWY PURP EXC PARC 3 MNDOT R/W PLAT 82-102 SUBJ TO EASE Section 26 Township 028 Range 022

PID #26.028.22.41.0003 - PT S1/2-NE1/4-SE1/4 WHICH LIES WLY OF R/W OF CM & STP RR CO & WHICH LIES ELY OF THAT PT OF SD PROPERTY TAKEN BY STATE OF MINN FOR HWY PURPOSES EXC TO HWY EXC EASE EXC PT PLATTED EXC 26.028.22.41.0004 Section 26 Township 028 Range 022; and

WHEREAS, The described property is zoned Transit-Oriented Mixed Use District (MX-3); and

WHEREAS, **Chapter 12, Section 1200.03**, of the Code of Ordinances states; *“The purpose and intent of this Chapter shall be to ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws, and regulations, and to provide for the orderly subdivision of land.”* And

WHEREAS, **Section 1350.12 of the zoning ordinance** states that the criteria for approval of the Station Area Plan are as follows: The plan must be consistent with the intent of the MX-3 Zoning District; the proposed development shall not be detrimental to public health, safety or general welfare; the proposed development shall not be hazardous, detrimental or disturbing to surrounding land uses; the proposed development shall not create traffic congestion, unsafe access or parking needs that cause inconvenience to surrounding properties; the proposed development must be served adequately by public utilities and services and shall not be economically detrimental to the City; the proposed development shall cause minimal adverse environmental impacts; and each phase of the station area plan can exist as an independent unit; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on October 11, 2012; and

WHEREAS, the Planning Commission’s findings related to the request for approval of a Station Area Plan included the following:

Station Area Plan Findings:

1. The proposed Station Area Plan is consistent with the intent of the MX-3 Zoning District and the City’s Comprehensive Plan.
2. The proposed Plan is not detrimental to public health, safety or general welfare.
3. The proposed Plan is not hazardous, detrimental or disturbing to surrounding land uses.
4. The Plan will not create traffic congestion, unsafe access or parking needs that will cause an inconvenience for surrounding properties.
5. The proposed Plan provides for adequate public utilities and services.

6. The proposed Plan will not create adverse environmental impacts.
7. Each phase of the Plan can exist as an independent unit; and

WHEREAS, The Planning Commission recommended Council approval of the Station Area Plan, Resolution No. P.C. 2012-8.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport City Council Approve a Station Area Plan of the described property to applicant Washington County Regional Railroad Authority, 11660 Myeron Road North, Stillwater, MN 55082, with the following conditions:

1. The Applicant shall address the Engineer’s comments included in his letter dated November 1, 2012 in the construction documents.
2. The Applicant shall discuss the future of Maxwell Avenue with the City, including consideration of potential streetscaping and other improvements to support the City’s goals for redevelopment of the Red Rock Gateway area, consideration of the alignment of the new street with the entry to Newport Cold Storage, and consideration of potential roundabouts at the intersections of Maxwell Avenue and local street in the project area.
3. The name of the new street within the plat shall be named “Red Rock Crossing.”
4. The Applicant shall coordinate with the Chicago Milwaukee Saint Paul Railroad company to address the issue of uncontrolled access along the mainline trackage. The applicant shall address securing the access to mainline trackage at the point where the spur track turns of the main line.
5. The Applicant shall obtain the required agency permits for stormwater management, and provide the City copies of the permits approved by the South Washington Watershed District (SWWD) and Minnesota Pollution Control Agency (MPCA NPDES Permit).
6. Washington County or future developers shall complete a detailed analysis of traffic and traffic controls when future development applications are submitted for Outlot A.
7. The Applicant shall pay all fees and escrow associated with this application.

Adopted this 15th day of November, 2012 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
 Tim Geraghty, Mayor

ATTEST: _____
 Brian Anderson, City Administrator

RESOLUTION NO. 2012-39

A RESOLUTION APPROVING A STATION SITE PLAN, VARIANCE, AND CONDITIONAL USE PERMIT REQUESTED BY THE WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY, 11660 MYERON ROAD NORTH, STILLWATER, MN 55082 FOR PROPERTY LOCATED AT 2222 MAXWELL ROAD, NEWPORT, MN 55055

WHEREAS, the Washington County Regional Railroad Authority, 11660 Myeron Road North, Stillwater, MN 55082 has submitted a request for a Station Site Plan, Variance from the required front setback for the station building canopy, and Conditional Use Permit for a transit station to be located at 2222 Maxwell Road, Newport, MN 55055; and

WHEREAS, the property is located at 2222 Maxwell Road, Newport, MN 55055, and is more fully legally described as follows:

PID #26.028.22.41.0001 - PT N1/2-NE1/4-SE1/4 LYING WLY OF CM & ST P RR R/W & LYING ELY OF PT TAKEN BY ST OF MN FOR HWY PURP SUBJ TO EASE ALSO: PT SE1/4-NE1/4 SD SEC26 LYING WLY OF SD RR R/W & LYING SLY OF PT TAKEN BY ST OF MN FOR HWY PURP EXC PARC 3 MNDOT R/W PLAT 82-102 SUBJ TO EASE Section 26 Township 028 Range 022

PID #26.028.22.41.0003 - PT S1/2-NE1/4-SE1/4 WHICH LIES WLY OF R/W OF CM & STP RR CO & WHICH LIES ELY OF THAT PT OF SD PROPERTY TAKEN BY STATE OF MINN FOR HWY PURPOSES EXC TO HWY EXC EASE EXC PT PLATTED EXC 26.028.22.41.0004 Section 26 Township 028 Range 022; and

WHEREAS, the described property is zoned Transit-Oriented Mixed Use District (MX-3); and

WHEREAS, Chapter 12, Section 1200.03, of the Code of Ordinances states; *“The purpose and intent of this Chapter shall be to ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws, and regulations, and to provide for the orderly subdivision of land.”* And

WHEREAS, Section 1350.12 of the zoning ordinances states the criteria for approval of the site plan include consistency with the performance standards identified for the MX-3 zoning district and general performance standards for non-residential districts included in Section 1350 of the zoning ordinance; and

WHEREAS, Minnesota Statutes 394.27 states that the criteria for granting a variance include that variances are permitted when they are in harmony with the general purpose and intent of the official control and are consistent with the comprehensive plan; that the request shall be reasonable under the development code; the need for the variance is due to circumstances that are unique to the property and were not created by the landowner; the variance, if granted, will not alter the essential character of the area; economic considerations alone do not constitute practical difficulties; the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion of public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood; the requested variance should be the minimum action required to eliminate the practical difficulties; and practical difficulties include, but are not limited to inadequate access to direct sunlight for solar energy systems; and

WHEREAS, Section 1310.10 Subd. 2 Criteria states the criteria for acting upon a Conditional Use Permit (C.U.P.) application as follows: *“In acting upon an application for a conditional use permit, the City shall consider the effect of the proposed use upon the health, safety, and general welfare of the City including but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land; the*

effect on surrounding properties, including valuation, aesthetics and scenic views, land uses, character and integrity of the neighborhood; consistency with the Newport comprehensive plan; impact on governmental facilities and services, including roads, sanitary sewer, water and police and fire; effect on sensitive environmental features including lakes, surface and underground water supply and quality, wetlands, slopes flood plains and soils; and other factors as found relevant by the City. The City may also consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in other regulations or ordinances of the City or other governmental bodies having jurisdiction over the City. In permitting a new conditional use or the alteration of an existing conditional use, the City may impose, in addition to the standards and requirements expressly specified by this chapter, additional conditions which it considers necessary to protect the best interest of the surrounding area or the community as a whole.”; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on October 11, 2012.

WHEREAS, the Planning Commission’s findings related to the request for approval of a Station Site Plan, Variance from the required front setback for the station building canopy, and Conditional Use Permit included the following:

Transit Site Plan and CUP Findings:

1. The proposed Site Plan is consistent with the intent of the MX-3 Zoning District, other sections of the City Code, the Comprehensive Plan, and Design Guidelines for the MX-3 District.
2. The Site Plan will not have a negative impact on public health, safety and general welfare, traffic, parking, public facilities, the environment and natural resources or surrounding land uses.
3. The proposed PUD will not compromise the health, safety and welfare of the community and residents of the PUD if the conditions proposed are addressed by the applicant;
4. Conditions for approval of the Site Plan and CUP have been included to require that the Site Plan meets all requirements of the Zoning Ordinance and protect the best interest of the surrounding area and community as a whole.

Variance Findings:

5. The proposed variance is in harmony with the general purposes of the MX-3 Zoning District and the Comprehensive Plan.
6. The variance request is reasonable because it provides for the safety and comfort of transit users and general welfare.
7. The request is due to the nature of the site, proposed use, Mn/DOT right-of-way requirements and were not created by the landowner.
8. The variance would not alter the essential character of the area.
9. The practical difficulties are based on the site, operational and safety needs, transit user safety and comfort, and not economic factors.
10. The canopy structure will not impair an adequate supply of light and air to adjacent properties, increase congestion on public streets, increase the danger of fire or endanger public safety, or substantially diminish or impair property values within the neighborhood.
11. The variance is the minimum action required to eliminate the practical difficulty.
12. The canopy will not affect direct solar access for solar energy systems.

WHEREAS, The Planning Commission recommended Council approval of the Station Site Plan and Conditional Use Permit, Resolution No. P.C. 2012-9 and a Variance, Resolution No. P.C. 2012-10.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport City Council Approve a Station Site Plan, Variance from the required front setback for the station building canopy, and Conditional Use Permit with the following conditions:

1. The Applicant shall finalize a developer agreement for the site with the City.
2. The Applicant shall submit a final sign plan to the City for approval by the Zoning Administrator.
3. Outside open storage is prohibited on all properties in the MX-3 District.
4. Above-ground utilities must be placed behind the minimum setback to meet the requirements of the zoning ordinance.
5. The Applicant shall pay all fees and escrow associated with this application.

Adopted this 15th day of November, 2012 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator

RESOLUTION NO. 2012-40

A RESOLUTION APPROVING A MAJOR SUBDIVISION REQUESTED BY THE WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY, 11660 MYERON ROAD NORTH, STILLWATER, MN 55082 FOR PROPERTY LOCATED AT 2222 MAXWELL ROAD, NEWPORT, MN 55055

WHEREAS, the Washington County Regional Railroad Authority, 11660 Myeron Road North, Stillwater, MN 55082 has submitted a request for a Major Subdivision; and

WHEREAS, the property is located at 2222 Maxwell Road, Newport, MN 55055, and is more fully legally described as follows:

PID #26.028.22.41.0001 - PT N1/2-NE1/4-SE1/4 LYING WLY OF CM & ST P RR R/W & LYING ELY OF PT TAKEN BY ST OF MN FOR HWY PURP SUBJ TO EASE ALSO: PT SE1/4-NE1/4 SD SEC26 LYING WLY OF SD RR R/W & LYING SLY OF PT TAKEN BY ST OF MN FOR HWY PURP EXC PARC 3 MNDOT R/W PLAT 82-102 SUBJ TO EASE Section 26 Township 028 Range 022

PID #26.028.22.41.0003 - PT S1/2-NE1/4-SE1/4 WHICH LIES WLY OF R/W OF CM & STP RR CO & WHICH LIES ELY OF THAT PT OF SD PROPERTY TAKEN BY STATE OF MINN FOR HWY PURPOSES EXC TO HWY EXC EASE EXC PT PLATTED EXC 26.028.22.41.0004 Section 26 Township 028 Range 022; and

WHEREAS, the described property is zoned Transit-Oriented Mixed Use District (MX-3); and

WHEREAS, **Chapter 12, Section 1200.03**, of the Code of Ordinances states; *“The purpose and intent of this Chapter shall be to ensure that subdivisions are consistent with all applicable provisions of all applicable plans, laws, and regulations, and to provide for the orderly subdivision of land.”* And

WHEREAS, **Section 1200.10 of the Subdivision Ordinance** states that the criteria for approval of a Major Subdivision include: that the proposed subdivision must be consistent with the Comprehensive Plan; the Subdivision must be consistent with the Subdivision Ordinance; the physical characteristics of the site are such that the site is suitable for the type of development or use contemplated; the design of the subdivision and proposed improvements is not likely to cause substantial and irreversible environmental damage; the design of the subdivision will not be detrimental to the health, safety, or general welfare of the public; and the design will not conflict with easements on record or established by a court; and

WHEREAS, Following publication, posted, and mailed notice thereof, the Newport Planning Commission held a Public Hearing on October 11, 2012.

WHEREAS, the Planning Commission’s findings related to the request for approval of a Variance and major Subdivision included the following:

Major Subdivision Findings:

1. The subdivision is not in conflict with the City’s Comprehensive Plan, Zoning Ordinance, Capital Improvements Program, or other policy or regulation.
2. The physical characteristics of the site are such that the site is physically suitable for the type of development or use contemplated, including topography, vegetation, susceptibility to erosion, susceptibility to flooding, and similar characteristics.
3. The design of the subdivision and the proposed improvements are not likely to cause substantial and irreversible environmental damage.

4. The design of the subdivision and the type of improvements will not be detrimental to the health, safety, or general welfare of the public.
5. The design of the subdivision or the type of improvement will not conflict with easements on record or with easements established by judgment of a court.

WHEREAS, The Planning Commission recommended Council approval of a Major Subdivision, Resolution No. P.C. 2012-10.

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport City Council Approve a Major Subdivision of the described property to applicant Washington County Regional Railroad Authority, 11660 Myeron Road North, Stillwater, MN 55082, with the following conditions:

1. The Final Plat shall be on file at Washington County Recorder’s/Registrar’s Office, Government Center, 14949 62nd Street North, P.O. Box 6, Stillwater, MN 55082.
2. The Applicant shall address the Engineer’s comments included in his letter dated November 1, 2012 in the construction documents.
3. The Applicant shall finalize a developer agreement for the site with the City.
4. The Applicant shall discuss the future of Maxwell Avenue with the City, including consideration of potential streetscaping and other improvements to support the City’s goals for redevelopment of the Red Rock Gateway area, consideration of the alignment of the new street with the entry to Newport Cold Storage, and consideration of potential roundabouts at the intersections of Maxwell Avenue and local street in the project area.
5. The name of the new street within the plat be named “Red Rock Crossing.”
6. The Applicant shall coordinate with the Chicago Milwaukee Saint Paul Railway company to address the issue of uncontrolled access along the mainline trackage. The Applicant shall address securing the access to mainline trackage at the point where the spur track turns of the main line.
7. All buildings and structures developed within the subdivision shall meet the setbacks, height requirements, other dimensional requirements and performance standards of the Zoning Ordinance, unless the City approves a variance(s) from the requirements and standards.
8. The Applicant shall submit a final sign plan to the City for approval by the Zoning Administrator.
9. The Applicant shall obtain the required agency permits for stormwater management, and provide the City copies of the permits approved by the South Washington Watershed District (SWWD) and Minnesota Pollution Control Agency (MPCA NPDES Permit).
10. The final plans for Lot 1 shall include the open space and plaza areas identified on the plans submitted on September 17 to satisfy the City’s park and open space dedication requirements. Future development shall satisfy the City’s park dedication requirements as development occurs on Lot 2 and Outlot A.
11. The Applicant shall pay all fees and escrow associated with this application.

Adopted this 15th day of November, 2012 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator

RESOLUTION NO. 2012-41

A RESOLUTION GRANTING APPROVAL OF A FINAL PLAT APPLICATION FOR WASHINGTON COUNTY REGIONAL RAILROAD AUTHORITY, 11660 MYERON ROAD NORTH, STILLWATER, MN 55082 FOR PROPERTY LOCATED AT 2222 MAXWELL ROAD, NEWPORT, MN 55055

WHEREAS, the Washington County Regional Railroad Authority, 11660 Myeron Road North, Stillwater, MN 55082 has submitted a request for a Variance and Major Subdivision; and

WHEREAS, the property is located at 2222 Maxwell Road, Newport, MN 55055, and is more fully legally described as follows:

PID #26.028.22.41.0001 - PT N1/2-NE1/4-SE1/4 LYING WLY OF CM & ST P RR R/W & LYING ELY OF PT TAKEN BY ST OF MN FOR HWY PURP SUBJ TO EASE ALSO: PT SE1/4-NE1/4 SD SEC26 LYING WLY OF SD RR R/W & LYING SLY OF PT TAKEN BY ST OF MN FOR HWY PURP EXC PARC 3 MNDOT R/W PLAT 82-102 SUBJ TO EASE Section 26 Township 028 Range 022

PID #26.028.22.41.0003 - PT S1/2-NE1/4-SE1/4 WHICH LIES WLY OF R/W OF CM & STP RR CO & WHICH LIES ELY OF THAT PT OF SD PROPERTY TAKEN BY STATE OF MINN FOR HWY PURPOSES EXC TO HWY EXC EASE EXC PT PLATTED EXC 26.028.22.41.0004 Section 26 Township 028 Range 022; and

WHEREAS, The described property is zoned Transit-Oriented Mixed Use District (MX-3); and

WHEREAS, The Newport Planning Commission did hold a Public Hearing on October 11, 2012, to consider the Final Plat for the Newport Station Addition; and

WHEREAS, The Planning Commission did recommend Council approval of the Final Plat subject to findings and conditions listed in Resolution No. P.C. 2012-10; and

NOW, THEREFORE, BE IT FURTHER RESOLVED That the Newport City Council Approve a Final Plat Application for the Newport Station Addition, located at 2222 Maxwell Road, Newport, MN 55055 based on the following:

1. The Final Plat shall be on file at Washington County Recorder's/Registrar's Office, Government Center, 14949 62nd Street North, P.O. Box 6, Stillwater, MN 55082.
2. The Applicant shall finalize a developer agreement for the site with the City.
3. The Applicant shall discuss the future of Maxwell Avenue with the City, including consideration of potential streetscaping and other improvements to support the City's goals for redevelopment of the Red Rock Gateway area, consideration of the alignment of the new street with the entry to Newport Cold Storage, and consideration of potential roundabouts at the intersections of Maxwell Avenue and local street in the project area.
4. All buildings and structures developed within the subdivision shall meet the setbacks, height requirements, other dimensional requirements and performance standards of the

Zoning Ordinance, unless the City approves a variance(s) from the requirements and standards.

5. The Applicant shall submit a final sign plan to the City for approval by the Zoning Administrator.
6. Outside open storage is prohibited on all properties in the MX-3 District.
7. Above-ground utilities must be placed behind the minimum setback to meet the requirements of the zoning ordinance.
8. The Applicant shall obtain the required agency permits for stormwater management, and provide the City copies of the permits approved by the South Washington Watershed District (SWWD) and Minnesota Pollution Control Agency (MPCA NPDES Permit).
9. Future development shall satisfy the City’s park dedication requirements as development occurs on Lot 2 and Outlot A.
10. Washington County or future developers shall complete a detailed analysis of traffic and traffic controls when future development applications are submitted for Outlot A.
11. The applicant shall pay all fees and escrow associated with this application.

Adopted this 15th day of November, 2012 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: November 8, 2012

SUBJECT: City-Wide Safety Program

BACKGROUND

In 2011, the League of Minnesota Cities recommended that the City establish a City-Wide Employee Safety Program. The City Council approved the Program at its April 7, 2011 meeting. Through the City-wide Program, staff from each department meets on a quarterly basis to review safety procedures and any accident reports. In doing so, the loss control requirements set forth by the LMC are met and a safer working environment is created.

DISCUSSION

It was recently recommended that staff review the Program and City Council approve the program on an yearly basis. After reviewing the Program, staff feels that no changes are needed at this time.

RECOMMENDATION

It is recommended that the City Council approve the attached City-Wide Employee Safety Program.



CITY OF NEWPORT

EMPLOYEE SAFETY PROGRAM

Last Approved by the Newport City Council on April 7, 2011

TABLE OF CONTENTS

Introduction.....	3
Goals & Objectives.....	4
Roles & Responsibilities.....	5
Hazard Identification, Analysis, & Control.....	7
Accident & Injury Reporting.....	10
Communication.....	11
Accident Review.....	13
Safety Committee.....	15
Training Matrix.....	18
General Safety Practices.....	Attached
Personal Protective Equipment Program	
Respiratory Protection Program	
Return to Work Program	
AWAIR Program	
Bloodborne Pathogen Program	
Driving Program	
Emergency Action Plan Program	
Hazard Communication Program Outline	
Forklift Program	

INTRODUCTION

It is the policy of the City of Newport to strive for the highest safety standards for its employees. Safety does not occur by chance. It is the result of careful attention to recognized hazards by all those involved. Supervisors and employees share the responsibility of maintaining a safe workplace. All staff must make every effort to keep accidents at an absolute minimum.

This can be done only by the establishment of sound safety procedures and by an organization dedicated to the prevention of accidents. The City of Newport considers no area of its operation more important than safety and health. Our safety program is designed specifically for the protection of our employees and the general public, and has been developed to ensure compliance with all State and Federal OSHA regulations.

All employees are encouraged to make suggestions that will assist in maintaining safe working conditions, and to bring to the attention of their supervisor any unsafe working conditions. It is through our joint participation that accidents can be prevented, but only you, the individual, can make safety a regular work practice.

GOALS & OBJECTIVES

Goals

1. The City of Newport will provide and maintain safe and healthy working conditions for its employees.
2. The City will establish and follow safe work methods and practices at all times.
3. The City will work to reduce the number of accidents and injuries to a minimum, striving to attain a goal of ZERO accidents and injuries.

Objectives

To meet these goals, the City will:

1. Develop a program that assesses all potential hazards of the worksite and prevents or controls these hazards.
2. Establish time, resources, and personnel to manage safety and health activities within City facilities.
3. Provide safety and health training to supervisors and employees.
4. Ensure that employees are provided with all reasonable safeguards to ensure safe working conditions.
5. Maintain all equipment, tools, and machines in good operating condition.
6. Develop safe work methods and train employees in these methods.
7. Comply with Federal, State, and local laws regarding accident prevention and working conditions.
8. Measure progress using recognized safety performance standards, accident frequency, and accident severity.
9. Budget funds sufficient to provide the required safety materials and training that will attain and maintain a safe workplace as outlined by OSHA and the City.

ROLES AND RESPONSIBILITIES

As partners in the City's Safety Program, we are all expected to be aware of our responsibilities, knowledgeable of safety and health related standards, policies, and work practices, and exercise common sense in safety and health practices.

1. *Employees shall:*

- a. Be active participants in issues of workplace safety and health.
- b. Comply with the Federal, State, and local laws, safety policies, and procedures.
- c. Perform assigned work in accordance with established policies, procedures, and safe work practices.
- d. Identify and properly eliminate or control all potential hazards when performing assigned work.
- e. Act with care and consideration for themselves and others.
- f. Report all job related injuries and accidents immediately to a supervisor.
- g. Use all safety equipment and protective clothing as required.
- h. Be alert to needed improvements in working conditions and equipment, and suggest changes or improvements to their supervisor.
- i. Report all unsafe conditions to their supervisor immediately.

2. *Supervisors shall:*

- a. Promote a culture of safety in the workplace.
- b. Instruct each employee and / or volunteer in the safe and proper manner of performing their job.
- c. Ensure that the needed safety equipment and protective devices are provided for each job and maintained in good condition.
- d. Ensure that all equipment is properly maintained and in good operating condition, and unsafe items are immediately withdrawn from service for repair or replacement.
- e. Take prompt action to correct unsafe conditions and work practices.
- f. Conduct accident and injury investigations to determine root cause and appropriate corrective actions.
- g. Ensure compliance with the City Safety Program in their departments.

- h. Ensure that policies and procedures are established in their departments that are specific to their operations.

3. Safety Committees shall:

- a. Make suggestions or recommendations regarding safety procedures.
- b. Review accident and injury reports to identify and analyze hazards and recommend solutions on a quarterly basis
- c. Conduct an annual walkthrough safety inspection of City facilities.
- d. Review accidents both personal injury and property damage as necessary, and make suggestions regarding corrective action.
- e. Identify and communicate specific safety and health related information to the City, supervisors, and staff.
- f. Perform an annual review of the AWAIR program and audit of the City's Safety Program.

4. Safety Liaisons / Coordinators shall:

- a. Initiate and maintain a safety program that is effective and assures each employee and / or volunteer safe and healthy working conditions.
- b. Conduct periodic walk through safety inspections of City facilities.
- c. Be informed of OSHA regulations and work for compliance with the regulations.
- d. Ensure active participation of supervisors and employees and / or volunteers in the maintenance of an effective Safety Program.

5. Compliance:

- a. Health and safety requirements are to be regarded as part of the City policies and procedures. All City employees shall be required to perform assigned tasks in accordance with established safety and health related policies, procedures, and work practices.
- b. Employees violating these safety rules shall be subject to discipline in accordance with union contracts and personnel policies at the discretion of supervisors and the City Administrator.

HAZARD IDENTIFICATION, ANALYSIS, AND CONTROL

A hazard is any condition, act, or event that has the potential to cause injury or illness. Supervisors and staff shall remain alert for, and report, workplace safety and health hazards.

1. **Hazard Identification:**

Methods used to identify workplace hazards include:

- a. Walkthrough Safety Inspections.
 - (1) Walkthrough safety inspections shall be conducted in work areas by the supervisor and / or safety liaisons.
 - (2) All observed hazards will be noted on the General Facility Safety Checklist. The supervisor and / or safety liaisons shall correct unsafe items that can be corrected at the time of the inspection. Hazards that need further attention shall be noted on the form.
 - (3) The supervisor shall be responsible for reporting the status of any hazards or unsafe conditions that have not been corrected during subsequent inspections.
 - (4) The safety committee shall conduct similar walkthrough inspections on a periodic basis. Results will be reported to the supervisor for correction.
- b. Initial Hazard Assessments.
 - (1) Prior to the introduction of new materials, equipment, or work processes, the department introducing the change shall conduct an initial hazard assessment.
 - (2) The assessment shall include a walkthrough inspection of the workplace and a review of employee job duties. Results shall be tabulated as an inventory of workplace hazards.
 - (3) The assessment shall be performed by a qualified individual with the direct involvement of supervisors and employees.
 - (4) Results of the assessment shall be communicated to supervisors, staff, and the safety committee.
- c. Staff Reporting of Unsafe Working Conditions.
 - (1) For unsafe or potentially unsafe conditions that do not require immediate corrective action, staff shall fill out an "Employee Report of Unsafe Condition or Action" report. The individual shall provide specific information on the location, a description of the hazard, and recommendations for correcting the hazard. The completed form shall be given to the individual's supervisor.
 - (2) The supervisor shall investigate the hazard and take whatever corrective action is necessary. A copy of the "Employee Report of Unsafe Condition or Action"

with the supervisor's corrective action shall be forwarded to the safety committee for review.

- (3) Imminent danger hazards that require immediate corrective action shall be reported to the employee's supervisor at once and the supervisor shall take immediate action to correct the hazard. The safety committee may be apprised of the hazard and work with the supervisor in its resolution. Work should not resume until the hazard has been corrected.
 - (4) Malfunctioning equipment or vehicles will be repaired, replaced, or removed from service. Appropriate lockout / tag out devices must be used when equipment / vehicle is removed from service due to an unsafe condition.
- d. Accident / Injury Review. The safety committee shall review accident report, first reports of injury, and OSHA 300 logs to identify trends and highlight potential hazards within the workplace.

2. Hazard Analysis:

Safety and health hazards shall be evaluated to determine severity, root cause, and appropriate corrective actions. Hazard analysis includes the following methods:

- a. Job Hazard Analysis (JHA). A formal job hazard analysis shall be conducted as required to evaluate complex tasks or work processes, severe hazards, and / or recurring accidents / injuries.
 - (1) A JHA shall be performed by the department identifying the specific hazard.
 - (2) The analysis and results will be recorded on the Job Hazard Analysis form and communicated to management, staff, and the safety committee as necessary.
- b. Indoor Environmental Audits. Indoor environmental audits shall be conducted to assess indoor air quality, noise levels, lighting, and / or temperature and humidity as required by workplace hazards and applicable standards.
 - (1) Departments identifying a potential hazard requiring an environmental audit shall notify the safety committee through their supervisor.
 - (2) The safety committee shall evaluate and attempt to resolve the hazard. If the safety committee cannot resolve the hazard, specialized assistance shall be sought.
 - (3) The results of any indoor environment audit, along with any recommendations, shall be communicated to supervisors, staff, and the safety committee.
- c. Hazard Analysis. As safety and health hazards are identified in the workplace they shall be evaluated to determine root cause, severity, and appropriate corrective actions.
 - (1) Hazards identified through walkthrough inspections, staff observations, or accidents / injuries shall be evaluated by the safety committee and involve the supervisor and staff in the applicable department / division.

- (2) Results of the analysis, and recommendations to eliminate or control the hazard, shall be communicated to management and staff.
- d. Personal Exposure Monitoring. Personal exposure monitoring shall be conducted as necessary to evaluate staff exposed to specific workplace hazards, such as noise and airborne contaminants.
- (1) Upon identification of a hazard by walkthrough inspections, staff observations, or accidents / injuries, the safety committee shall evaluate the hazard and arrange for assessment by a qualified individual.
 - (2) Results of personal exposure monitoring shall be communicated to affected supervisors and staff in accordance with applicable confidentiality restrictions.
 - (3) Human Resources shall maintain all employee personal exposure records. Access to, and release of information, shall be in accordance with applicable local, state, and OSHA restrictions and procedures.

3. Hazard Control/Elimination:

Where practical and feasible, safety and health hazards shall be eliminated by changing work processes, materials, and / or procedures in lieu of other control measures. The elimination and control of hazards includes the following methods:

- a. Engineering Controls. Effective engineering controls shall be the preferred method to control safety and health hazards that cannot be eliminated by changing processes, materials, and / or procedures. Recommended engineering controls implemented by the City include, but are not limited to, improvements in ventilation or exhaust systems, guards and barricades, interlocks and other safety devices, installation of enclosures / devices that isolate staff from hazards, and the redesigning of workstations/areas.
- b. Administrative Controls. Administrative controls shall be used to control workplace safety and health hazards when appropriate and feasible. Controls implemented by the City include, but are not limited to, modifying work schedules, implementing safety and health related policies, procedures, and work practices, implementing specific programs such as Hazard Communication, Hazardous Energy Control (Lockout / Tagout), or Confined Space Entry. Additional administrative controls can include providing staff with information and training as required by applicable safety standards, workplace hazards, and employee job duties, as well as posted warning signs, Material Safety Data Sheets, and job briefings.
- c. Personal Protective Equipment. When safety and health hazards cannot be eliminated or controlled by other means, employees will be provided with, and required to wear, suitable personal protective equipment. Personal protective equipment includes, but is not limited to, reflective vests, protective eyewear and face shields, hard hats, gloves, protective footwear, and hearing protection. Personal protective equipment shall be selected based on job need or hazard, and shall be cared for and inspected in accordance with applicable safety standards and manufacturer's instructions.

ACCIDENT AND INJURY REPORTING

1. *Reporting Procedure:*

- a. All accidents shall be reported immediately to the supervisor on duty. If no supervisor is available, the accident shall be reported within 24 hours.
- b. In all cases, the supervisor shall interview the employee and witnesses and complete the Supervisor's Report of Accident / Injury form. In the case of a vehicle accident, the employee will fill out the appropriate vehicle accident report form. In the event of a personal injury, employees will fill out the first report of injury form.
- c. All reports shall be completed and submitted to the supervisor as soon as possible, but no later than the end of the shift. Copies of the accident report shall also be forwarded to the Administration Office, which will then inform the Safety Committee. Copies of Injury Reporting forms shall be forwarded to the Human Resources Department.
- d. If the employee sustains serious injury, the supervisor shall be notified as soon as possible.

2. ***OSHA Recordable Injuries.*** All injuries shall be reported to the Administration Office. The Administration Office shall be responsible for reporting and recording OSHA recordable injuries (including the processing of workers' compensation claims and compilation of the OSHA 300 log) in accordance with applicable regulations.

COMMUNICATION

For the safety program to be effective staff must be able to understand and follow safety rules, identify hazards, use correct work procedures or protective equipment, or work to achieve safety goals. Communicating safety information to staff through training, posters, and other means is fundamental to achieving program success.

1. ***New Employees:***

- a. Supervisors shall provide new employees, full-time, part-time, and seasonal, with a safety orientation specific to their department.
- b. Information provided during the orientation shall include:
 - (1) Information on safety and health-related policies, procedures, and practices.
 - (2) Instruction on identity and nature of workplace safety and health hazards, including hazard control procedures.
 - (3) Instruction on specific job duties, including safe work practices.
 - (4) Instruction on emergency procedures.
- c. New employees shall receive a copy of the employee safety manual as part of the orientation.
- d. Orientation training will be documented and kept on file in each department.
- e. New employees shall receive hands on training on specialized equipment before being assigned to operate the equipment.

2. ***Employee Training:***

- a. All employees shall receive topical and refresher training:
 - (1) On applicable federal and Minnesota OSHA standards and regulations.
 - (2) Upon the introduction of new equipment, chemicals, or changes in work practices.
 - (3) Whenever changes are made to existing procedures or policies.
 - (4) When indicated by hazards in the workplace.
- b. Employee training will be documented and kept on file in each department.

3. ***Safety Talks.*** Supervisors are encouraged to conduct safety talks at the beginning of the work day or prior to the assignment of tasks to highlight:

- a. Topical safety and health related information.

- b. Work site specific hazards and hazard control procedures.
 - c. Hazards associated with non-routine tasks.
4. ***Employee Safety Manual.*** The Safety Committee shall develop and distribute a safety manual to City staff that outlines the safety program, provides information on accident and injury reporting, and details general safety practices. Departments will develop and maintain specific safety practices pertinent to their operations and activities as appendixes to the Employee Safety Manual.

ACCIDENT REVIEW

All accidents are to be investigated. The goal is to identify hazards and prevent future accidents. The primary focus of accident review is to determine the facts surrounding the accident and recommend actions to prevent recurrence.

1. *Types of Accidents:*

- a. A minor accident is one in which the personal injury requires little or no treatment, results in no lost time, or property damage does not require significant repair.
- b. A serious accident is one that results in a fatality, or in a permanent total, permanent partial, or temporary total (lost time) disability.
- c. A close call is an occurrence in which there is no injury or only minor injury requiring only first aid, no significant equipment or property damage, and no significant interruption of productive work, but which possesses a high severity potential for a mishap

2. *Roles and Responsibilities:*

- a. Supervisors shall be responsible for promptly investigating all accidents and injuries within their department to determine root cause and take appropriate corrective actions. The results of any investigation shall be communicated to supervisors, staff, and the safety committee.
- b. The Safety Committee shall review all property damage and personal injury accidents to determine cause, recommend actions to prevent recurrence, and to ensure that prompt preventive or corrective actions are implemented.
- c. In conducting an accident review, the Safety Committee shall:
 - 1) Review the individual's accident report and the supervisor's report of the accident.
 - 2) Evaluate the facts surrounding the accident to include location, time of day, weather conditions, the task being accomplished, and any known hazardous conditions affecting the task.
 - 3) Determine whether the accident was preventable.
 - 4) Make recommendations to management to correct problems, eliminate causes, or improve policies that will help prevent the accident from recurring.

3. *Process:*

- a. Individuals involved in an accident will report the accident immediately to their supervisor.

b. Supervisors will:

- 1) Review the accident with the individual.
- 2) Complete the Supervisor's Report of Accident form and, in the case of an injury, the First Report of Injury form.
- 3) Provide preliminary feedback to the individual to prevent recurrence.
- 4) If possible, resolve the problem on the spot to prevent recurrence.

c. The Safety Committee will:

- 1) Review all accidents in accordance with the Employee Safety Program.
- 2) Review accident reports and information provided by the supervisor, the individual involved in the accident, and any witnesses.
- 3) Develop a sequence of events leading to the accident and decide on the condition, acts, or circumstances causing or permitting the accident to happen.
- 4) Make a final determination of accident preventability.
- 5) Make recommendations on preventive or corrective actions to prevent recurrence.
- 6) Document the accident review and communicate results to the affected supervisor and staff.
- 7) Ensure that prompt preventive or corrective actions are implemented.

SAFETY COMMITTEE

The safety committee's purpose is to develop and implement an effective safety program.

1. Structure:

- a. A safety committee shall meet at least quarterly.
- b. The City shall designate a Safety Coordinator, who shall act as the Chairperson to ensure program continuity, coordinate committee activities, coordinate and present training, and maintain program information.
- c. Committee membership shall reflect job categories that make up City staffing, specifically, administrative, maintenance, emergency services, field staff, and retail sales.

2. Purpose. The Committee shall:

- a. Support the City of Newport safety policies by bringing safety awareness to the forefront.
- b. Facilitate close communication and coordination with supervisors.
- c. Effectively address all employee safety concerns.

3. Objectives. The committee shall:

- a. Review all reports of property damage and personal injury accidents, no matter how minor, to determine probable causes, recommend actions to prevent recurrence, and to ensure that prompt preventive or corrective actions are implemented. This review may be limited to a review of a report made by others who have investigated the accident.
- b. Provide safety-related information for bulletin board posting, and participate in safety instruction programs for the continuing education of all personnel.
- c. Conduct departmental and safety inspections at defined intervals to detect unsafe conditions and practices, hazardous material, or environmental factors.
- d. Discuss safety policies and make recommendations for their adoption by department supervisors. Assist supervisors in implementing approved safety policies and practices.
- e. Use appropriate safety organizations and agencies in the fulfillment of Safety Committee duties.

4. Departmental Safety Committees

- a. Individual departments shall establish safety committees to improve safety awareness within the department, react in a timelier manner to safety issues and concerns, or to

support the efforts of the City Safety Committee.

- b. Departmental safety committees shall meet at least quarterly.
- c. These committees will structure themselves based on AWAIR guidelines and this Safety Program.
- d. Roles and responsibilities within the committee will follow those outlined in this Safety Program.
- e. Safety liaisons from the City Safety Committee shall be a part of the departmental committee. Safety liaisons shall provide a summary of the departmental committee meeting to the City safety committee.

Training Levels:

- Level 1 – General Knowledge. This level imparts basic information to the individual about a standard or program, outlining requirements, general safety procedures, and where to find additional information.
- Level 2 – Process Knowledge. This level imparts detailed information to the individual concerning use and operation of safety equipment and processes or procedures to follow in response to an accident.
- Level 3 – Skilled Knowledge. Imparts information to the individual sufficient to enable them to understand the rationale behind the standard and to be able to perform and complete the requirements of the standard in the performance of specific job tasks.

PROPOSED TRAINING MATRIX				
Standard	Maintenance Staff	Emergency Services	Administrative Staff	Comments
A Workplace Accident and Injury Reduction Program (AWAIR) (MN Statute 182.653, subd. 8)	1	1	1	
Ladders (OSHA 1910.25 and 26)	2	3	1	
Employee Emergency and Fire Prevention Plans (OSHA 1910.38 & 39)	2	2	2	
Vehicle Mounted Work Platforms (OSHA 1910.67)	3	3		
Occupational Noise Exposure (OSHA 1910.95)	1	1	1	Hazard Awareness
Compressed Gases (OSHA 1910.101)	1	1		
Process Safety Management (OSHA 1910.119)	3			Utility Dept
Hazardous Waste Operations and Emergency Response (HAZWOPER) (OSHA 1910.120)	2	3		
Personal Protective Equipment (PPE) (OSHA 1910.132)	1	1	1	Use and Hazard Awareness
Respiratory Protection (OSHA 1910.134)	1	2		Use and Hazard Awareness
Confined Space Entry (OSHA 1910.146)	3	3		Parks/Streets: 2 Police: 2
Control of Hazardous Energy (Lockout/Tagout) (OSHA 1910.147) (MN Rule 5207.0600)	3	1		
Portable Fire Extinguishers (OSHA 1910.157)	2	3	2	
Powered Industrial Trucks (OSHA 1910.178 and 1926.602)	3			Trained and Licensed
Overhead and Gantry Cranes (OSHA 1910.179)	1			Use and Operation

Machinery and Machine Guarding (OSHA 1910.213)	1			Use and Hazard Awareness
Hand and Portable Power Tools (OSHA 1910.243 and 244)	1	1		Use and Hazard Awareness
Welding, Cutting, and Brazing (OSHA 1910.252, 253, 254, and 255)	3			Designated Individuals
Logging (OSHA 1910.266)	2			Designated Individuals: 3
Bloodborne Pathogens (OSHA 1910.1030)	2	3	1	
Hazard Communications (OSHA 1910.1200)	2	2	1	
Employee Right-to-Know (MN Rule, Chapter 5296)				
Excavations and Trenching (OSHA 1926.604)	2	1		Utility Dept: 3
Earth Moving Equipment (MN Rule 5207.1000)	3			

Personal Protective Equipment Program Outline

- 1. PURPOSE**
- 2. JOB HAZARD ASSESSMENT PROCEDURE**
 - A. Controlling Hazards
 - B. Assessment and Selection
 - C. Job Hazard Assessment
 - D. Selection Guidelines
 - E. Reassessment of Hazards
- 3. TRAINING**
- 4. RESPONSIBILITIES**
 - A. Management
 - B. Supervisors
 - C. Employees

1. PURPOSE

City of Newport is committed to further protecting all employees from the potential hazards of the workplace through the proper selection, use, and maintenance of Personal Protective Equipment. This PPE program meets the requirements of OSHA's Personal Protective Equipment (PPE) standard CFR 1910.132. City of Newport will conduct a workplace job hazard assessment to determine if any hazards are present in the workplace, or likely to be present, which necessitate the use of PPE. If such hazards are present, or likely to be present, City of Newport will select, and require each affected employee to use, the types of PPE that will protect against the identified hazards.

2. JOB HAZARD ASSESSMENT PROCEDURE

A. Controlling Hazards

- City of Newport realizes that PPE devices alone will not be relied on to provide full protection against hazard(s). Personal Protective Equipment will be used in conjunction with, administrative controls, engineering controls, guards and sound manufacturing practices.

B. Assessment and Selection

- City of Newport feels that it is necessary to consider certain general guidelines for assessing hazardous situations that exist in our occupational environment and to match the protective devices to the particular hazard. A hazard assessment will be conducted in all departments to determine the specific PPE needs of each department.

C. Job Hazard Assessment

- The Job Hazard Assessment performed will be verified through written certification of each workplace evaluated. The written certification will include the following:
 - The area being assessed
 - The written results of the assessment
 - The date of the assessment
 - The person completing the assessment

D. Assessment Guidelines

In order to assess the need for PPE, the following steps will be taken:

1. Survey - The purpose of the survey is to identify sources of hazards to workers. Special consideration will be given to the basic hazard categories:
 - Impact
 - Penetration
 - Compression (rolling objects)
 - Chemicals
 - Temperature
 - Harmful dust
 - Electrical
 - Noise
 - Radiation

2. Sources - During the walk-through survey, the following sources of hazards will be identified:
 - Sources of motion; i.e., machinery or processes where any movement of tools, machine elements or particles could exist.
 - Sources of high temperatures that could result in burns, eye injury or ignition of protective equipment
 - Temperature extremes (hot/humid climates, cold climates)
 - Types of chemical exposures
 - Sources of harmful dust
 - Sources of light radiation; i.e., welding, brazing, cutting, etc.
 - Sources of falling objects or potential for dropping objects
 - Sources of sharp objects, which might pierce the feet or cut the hands
 - Sources of rolling or pinching objects which could crush the feet
 - Any electrical hazards
 - Sources of high decibels

3. Organize/Analyze data - Upon completion of the walk-through survey, an analysis of the hazards or potential hazards found in the occupational environment will be completed to enable proper selection of protective equipment.

E. Selection Guidelines

- The general procedure for selection of protective equipment will be as follows:
 - Individuals who are familiar with the hazards present in the specific occupational environment will review the Job Hazard Assessment.
 - Recommendations will be made on the selection of the Personal Protective Equipment, which ensures a level of protection; equal to or greater than the minimum required to protect employees from the hazards identified.
 - Personal Protective Equipment will be selected for each specific occupational environment and will be **required** to be worn by all employees who may be exposed to hazards in those areas.

F. Reassessment of Hazards

- The Safety Coordinator and appropriate individual(s) will reassess the workplace hazard situation as necessary by: identifying and evaluating new equipment and processes, reviewing accident records, and reevaluating the suitability of previously selected PPE(s).

3. TRAINING

All employees who are exposed to hazards or potential hazards in their occupational environment will be required to use Personal Protective Equipment. All employees who are required to use Personal Protective Equipment will participate in City of Newport's PPE training program.

City of Newport will provide all affected employees with the proper PPE for their occupational environment. City of Newport will conduct PPE training for all equipment used in specific work areas for all employees at the time of initial assignment and annually thereafter, and whenever a change in the work area occurs that requires the use of new PPE.

Personal Protective Equipment Program

Training will include at a minimum:

- When PPE is necessary - Results of the Job Hazard Assessment
- What types of PPE are necessary for each work area
- How to properly wear, adjust, fit and test PPE
- The limitations of PPE
- The proper care, maintenance, and storage of PPE
- The useful life of PPE
- Demonstration of employees understanding of the training and employees ability to use the PPE correctly.

Training will be verified through documentation that includes the name of each employee involved in the training, the date of the training session and the subject of the training being verified. By signing the training sign-off sheet employees acknowledge they have received and understand the training.

Retraining will be given when necessary if it is determined that any employee does not have the proper understanding or skill to use the PPE that he/she is required to use, or if any process change requires the use of new types of PPE.

4. RESPONSIBILITIES

Management

- A. Management will be responsible for conducting a Job Hazard Assessment for all work areas within the facility. Upon completion of the Job Hazard Assessment, management will be responsible for selecting, providing and distributing PPE to all affected employees. Management will be responsible to assure the adequacy of employee owned PPE. Management will be responsible for providing adequate training for all affected employees in regards to PPE. Management will be responsible for enforcing all PPE requirements within the facility.

Supervisors

- A. Supervisors will be responsible for monitoring their employees for the proper use of PPE within their work area. Misuse or non-use of PPE by an employee in any work area may result in disciplinary action. Supervisors will determine the need for re-training for any employee who shows the lack of knowledge or understanding of assigned PPE.

Personal Protective Equipment Program

Employees

- A. All affected employees will be responsible for wearing appropriate PPE in their work area according to the results of the Job Hazard Assessment that has been conducted for their area. All employees will be responsible for using PPE for its intended use. All employees will be responsible for caring, maintaining and storing PPE properly. Employee owned PPE will be adequate for its intended purpose. If a piece of PPE is in need of repair (defective or damaged), the employee must notify his/her supervisor immediately. All affected employees will be responsible to attend the training sessions provided by City of Newport for PPE.

1. GENERAL
2. RESPONSIBILITIES
3. PROGRAM ADMINISTRATOR
4. VOLUNTARY USE OF RESPIRATORS IS PROHIBITED
5. PROGRAM EVALUATION
6. RECORD KEEPING
7. TRAINING AND INFORMATION
8. BASIC RESPIRATORY PROTECTION SAFETY PROCEDURES
9. RESPIRATOR USER POLICIES
10. SELECTION OF RESPIRATORS
11. IDENTIFICATION OF FILTERS AND CARTRIDGES
12. RESPIRATOR FILTER AND CANISTER REPLACEMENT
13. RESPIRATORY PROTECTION SCHEDULE BY JOB AND WORKING CONDITION
14. PHYSICAL AND MEDICAL QUALIFICATIONS
15. RESPIRATOR FIT TESTING
16. RESPIRATOR OPERATION AND USE
17. PROCEDURES FOR IDLH ATMOSPHERES
18. CLEANING AND DISINFECTING
19. RESPIRATOR INSPECTION
20. RESPIRATOR STORAGE
21. REPAIR OF RESPIRATOR
22. BREATHING AIR QUALITY AND USE

1. GENERAL

In the Respiratory Protection program, hazard assessment and selection of proper Respiratory Protective Equipment (RPE) is conducted in the same manner as for other types of Personal Protective Equipment (PPE). In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used. References: OSHA Standards *Respiratory Protection* (29 CFR 1910.134)

2. RESPONSIBILITIES

All Employees shall follow the requirements of the Respiratory Protection Program.

A. Management

- implement the requirements of this program
- provide a selection of respirators as required
- enforce all provisions of this program
- appoint a specific designated individual to conduct the respiratory protection program

B. Program Administrators

- review sanitation/storage procedures
- ensure respirators are properly stored, inspected and maintained
- monitor compliance for this program
- provide training for affected Employees
- review compliance and ensure monthly inspection of all respirators
- provide respirator fit testing

C. Designated Occupational Health Care Provider

- conduct medical aspects of program

3. PROGRAM ADMINISTRATOR

Each facility will designate a Program Administrator who is qualified by appropriate training or experience that is commensurate with the complexity of the program to administer or oversee the respiratory protection program and conduct the required evaluations of program effectiveness.

4. VOLUNTARY USE OF RESPIRATORS IS PROHIBITED

OSHA requires that voluntary use of respirators, when not required by the company, must be controlled as strictly as under required circumstances. To prevent violations of the Respiratory Protection Standard Employees are not allowed voluntary use of their own or company supplied respirators of any type. Exception: Employees whose only use of respirators involves the voluntary use of filtering (non-sealing) face pieces (dust masks).

5. PROGRAM EVALUATION

Evaluations of the workplace are necessary to ensure that the written respiratory protection program is being properly implemented, this includes consulting with employees to ensure that they are using the respirators properly. Evaluations shall be conducted as necessary to ensure that the provisions of the current written program are being effectively implemented and that it continues to be an effective Program. Evaluations will include discussions with employees required to use respirators to assess the employees' views on program effectiveness and to identify any problems. Any problems that are identified during this assessment shall be corrected. Factors to be assessed include, but are not limited to:

- Respirator fit (including the ability to use the respirator without interfering with effective workplace performance);
- Appropriate respirator selection for the hazards to which the employee is exposed;
- Proper respirator use under the workplace conditions the employee encounters; and
- Proper respirator maintenance.

6. RECORD KEEPING

City of Newport will retain written information regarding medical evaluations, fit testing, and the respirator program. This information will facilitate employee involvement in the respirator program, assist City of Newport in auditing the adequacy of the program, and provide a record for compliance determinations by OSHA.

7. TRAINING AND INFORMATION

Effective training for employees who are required to use respirators is essential. The training must be comprehensive, understandable, and recur annually, and more often if necessary. Training will be provided prior to requiring the employee to use a respirator in the workplace. The training shall ensure that each employee can demonstrate knowledge of at least the following:

- Why the respirator is necessary and how improper fit, usage, or maintenance can compromise the protective effect of the respirator
- Limitations and capabilities of the respirator
- How to use the respirator effectively in emergency situations, including situations in which the respirator malfunctions
- How to inspect, put on and remove, use, and check the seals of the respirator
- What the procedures are for maintenance and storage of the respirator
- How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators
- The general requirements of this program

Retraining shall be conducted annually and when:

- changes in the workplace or the type of respirator render previous training obsolete
- inadequacies in the employee's knowledge or use of the respirator indicate that the employee has not retained the requisite understanding or skill
- another situation arises in which retraining appears necessary to ensure safe respirator use

Training will be conducted by instructors certified by _____.

Training is divided into the following sections.

7. TRAINING AND INFORMATION (cont.)

Classroom Instruction

- Overview of the Company Respiratory Protection Program & OSHA Standard
- Respiratory Protection Safety Procedures
- Respirator Selection
- Respirator Operation and Use
- Why the respirator is necessary
- How improper fit, usage, or maintenance can compromise the protective effect
- Limitations and capabilities of the respirator
- How to use the respirator effectively in emergency situations, including respirator malfunctions
- How to inspect, put on and remove, use, and check the seals of the respirator
- What the procedures are for maintenance and storage of the respirator
- How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators
- Change out schedule and procedure for air purifying respirators

Fit Testing

Hands-on Respirator Training

- Respirator Inspection
- Respirator cleaning and sanitizing
- Record Keeping
- Respirator Storage
- Respirator Fit Check
- Emergencies

8. BASIC RESPIRATORY PROTECTION SAFETY PROCEDURES

- Only authorized and trained Employees may use Respirators. Those Employees may use only the Respirator that they have been trained on and properly fitted to use.
- Only Physically Qualified Employees may be trained and authorized to use Respirators. A pre-authorization and annual certification by a qualified physician will be required and maintained. Any changes in an Employees health or physical characteristics will be reported to the Occupational Health Department and will be evaluated by a qualified physician.
- Only the proper prescribed respirator or Self Contained Breathing Apparatus (SCBA) may be used for the job or work environment. Air cleansing respirators may be worn in work environments when oxygen levels are between 19.5 percent to 23.5 percent and when the appropriate air cleansing canister, as determined by the Manufacturer and approved by the National Institute for Occupational Health (NIOSH) or the Mine Safety & Health Administration (MSHA), for the known hazardous substance is used. SCBAs will be worn in oxygen deficient and oxygen rich environments (below 19.5 percent or above 23.5 percent oxygen).
- Employees working in environments where a sudden release of a hazardous substance is likely, will wear an appropriate respirator for that hazardous substance (example: Employees working in an ammonia compressed room will have an ammonia APR respirator on their person).
- Only SCBAs will be used in oxygen deficient environments, environments with an unknown hazardous substance or unknown quantity of a known hazardous substance or any environment that is determined "Immediately Danger to Life or Health" (IDLH).
- Employees with respirators loaned on "permanent check out" will be responsible for the sanitation, proper storage and security. Respirators damaged by normal wear will be repaired or replaced by City of Newport when returned.
- The last Employee using a respirator and/or SCBA that are available for general use will be responsible for proper storage and sanitation. Monthly and after each use, all respirators will be inspected with documentation to assure its availability for use.
- All respirators will be located in a clean, convenient and sanitary location.

8. BASIC RESPIRATORY PROTECTION SAFETY PROCEDURES (cont.)

- In the event that Employees must enter a confined space, work in environments with hazardous substances that would be dangerous to life or health should an RPE fail (a SCBA is required in this environment), and/or conduct a hazardous material (HAZMAT) entry, a "buddy system" detail will be used with a Safety Watchman with constant voice, visual or signal line communication. Employees will follow the established Emergency Response Program and/or Confined Space Entry Program when applicable.
- Management will establish and maintain surveillance of jobs and work place conditions and degree of Employee exposure or stress to maintain the proper procedures and to provide the necessary RPE.
- Management will establish and maintain safe operation procedures for the safe use of RPE with strict enforcement and disciplinary action for failure to follow all general and specific safety rules. Standard Operation Procedures for General RPE use will be maintained as an attachment to the Respiratory Protection Program and Standard Operation Procedures for RPE use under emergency response situations will be maintained as an attachment to the Emergency Response Program.

9. RESPIRATOR USER POLICIES

Adherence to the following guidelines will help ensure the proper and safe use of respiratory equipment:

- Wear only the respirator you have been instructed to use. For example, do not wear a self-containing breathing apparatus if you have been assigned and fitted for a half-mask respirator.
- Wear the correct respirator for the particular hazard. For example, some situations, such as chemical spills or other emergencies, may require a higher level of protection than your respirator can handle. Also, the proper cartridge must be matched to the hazard (a cartridge designed for dusts and mists will not provide protection for chemical vapors).
- Check the respirator for a good fit before each use. Positive and negative fit checks should be conducted.
- Check the respirator for deterioration before and after use. Do not use a defective respirator.
- Recognize indications that cartridges and canisters are at their end of service. If in doubt, change the cartridges or canisters before using the respirator.

9. RESPIRATOR USER POLICIES (cont.)

- Practice moving and working while wearing the respirator so that you can get used to it.
- Clean the respirator after each use, thoroughly dry it and place the cleaned respirator in a sealable plastic bag.
- Store respirators carefully in a protected location away from excessive heat, light, and chemicals.

10. SELECTION OF RESPIRATORS

City of Newport has evaluated the respiratory hazard(s) in each workplace, identified relevant workplace and user factors and has based respirator selection on these factors. Also included are estimates of employee exposures to respiratory hazard(s) and an identification of the contaminant's chemical state and physical form. This selection has included appropriate protective respirators for use in IDLH atmospheres, and has limited the selection and use of Air-Purifying Respirators (APR). All selected respirators are NIOSH-certified.

Filter Classifications - These classifications are marked on the filter or filter package:

N-Series: Not Oil Resistant

- Approved for non-oil particulate contaminants
- Examples: dust, fumes, mists not containing oil

R-Series: Oil Resistant

- Approved for all particulate contaminants, including those containing oil
- Examples: dusts, mists, fumes
- Time restriction of 8 hours when oils are present

P-Series: Oil Proof

- Approved for all particulate contaminants including those containing oil
- Examples: dust, fumes, mists
- See Manufacturer's time use restrictions on packaging

10. SELECTION OF RESPIRATORS (cont.)

Respirators for IDLH atmospheres

The following respirators will be used in IDLH atmospheres:

- A full face piece pressure demand SCBA certified by NIOSH for a minimum service life of thirty minutes, or
- A combination full face piece pressure demand Supplied-Air Respirator (SAR) with auxiliary self-contained air supply.
- Respirators provided only for escape from IDLH atmospheres shall be NIOSH-certified for escape from the atmosphere in which they will be used.

Respirators for atmospheres that are not IDLH

The respirators selected shall be adequate to protect the health of the employee and ensure compliance with all other OSHA statutory and regulatory requirements, under routine and reasonably foreseeable emergency situations. The respirator selected shall be appropriate for the chemical state and physical form of the contaminant.

11. IDENTIFICATION OF FILTERS AND CARTRIDGES

All filters and cartridges shall be labeled and color coded with the NIOSH approved label and that the label is not removed and remains legible. A change out schedule for filters and canisters should be developed to ensure these elements of the respirators remain effective.

12. RESPIRATOR FILTER AND CANISTER REPLACEMENT

An important part of the Respiratory Protection Program includes identifying the useful life of canisters and filters used on air-purifying respirators. Each filter and canister shall be equipped with an End-of-Service-Life Indicator (ESLI) certified by NIOSH for the contaminant; or if there is no ESLI appropriate for conditions, a change schedule for canisters and cartridges that is based on objective information or data that will ensure that canisters and cartridges are changed before the end of their service life.

Filter & Cartridge Change Schedule

Stock of spare filters and cartridges shall be maintained to allow immediate change when required or desired by the employee.

12. RESPIRATOR FILTER AND CANISTER REPLACEMENT(cont.)

Cartridges shall be changed based on the most limiting factor below:

- Prior to expiration date
- Manufacturer's recommendations for use and environment
- After each use
- When requested by employee
- When contaminate odor is detected
- When restriction to air flow has occurred as evidenced by increase effort by user to breathe normally
- Cartridges shall remain in their original sealed packages until needed for immediate use

Filters shall be changed based on the most limiting factor below:

- Prior to expiration date
- Manufactures recommendations for the specific use and environment
- When requested by employee
- When contaminate odor is detected
- When restriction to air flow has occurred as evidenced by increase effort by user to breathe normally
- When discoloring of the filter media is evident
- Filters shall remain in their original sealed package until needed for immediate use

13. RESPIRATORY PROTECTION SCHEDULE BY JOB AND WORKING CONDITION

City of Newport maintains a Respiratory Protection Schedule by Job and Working Condition. This schedule is provided to each authorized and trained Employee. The Schedule provides the following information:

- Job/Working Conditions
- Work Location
- Hazards Present
- Type of Respirator or SCBA Required
- Type of Filter/Canister Required
- Location of Respirator or SCBA
- Filter/Cartridge change out schedule

**13. RESPIRATORY PROTECTION SCHEDULE BY JOB AND WORKING CONDITION
(cont.)**

The schedule will be reviewed and updated at least annually and whenever any changes are made in the work environments, machinery, equipment, or processes or if different respirator models are introduced or existing models are removed.

Permanent respirator schedule assignments are:

Each person who engages in welding will have their own company provided dust-mist-fume filter APR. This respirator will be worn during all welding operations.

14. PHYSICAL AND MEDICAL QUALIFICATIONS

Records of medical evaluations must be retained and made available in accordance with 29 CFR 1910.1020.

Medical evaluation required

Using a respirator may place a physiological burden on employees that varies with the type of respirator worn, the job and workplace conditions in which the respirator is used, and the medical status of the employee. City of Newport will provide a medical evaluation to determine the employee's ability to use a respirator, before the employee is fit tested or required to use the respirator in the workplace.

Medical evaluation procedures

The employee will be provided a medical questionnaire by the designated Occupational Health Care Provider.

Follow-up medical examination

City of Newport shall ensure that a follow-up medical examination is provided for an employee who gives a positive response to any question among questions in Part B of the questionnaire or whose initial medical examination demonstrates the need for a follow-up medical examination. The follow-up medical examination shall include any medical tests, consultations, or diagnostic procedures that the Physician deems necessary to make a final determination.

14. PHYSICAL AND MEDICAL QUALIFICATIONS (cont.)

Administration of the medical questionnaire and examinations

The medical questionnaire and examinations shall be administered confidentially during the employee's normal working hours or at a time and place convenient to the employee. The medical questionnaire shall be administered in a manner that ensures that the employee understands its content. The company shall provide the employee with an opportunity to discuss the questionnaire and examination results with the Physician.

Supplemental information for the Physician

The following information must be provided to the Physician before the Physician makes a recommendation concerning an employee's ability to use a respirator

- The type and weight of the respirator to be used by the employee
- The duration and frequency of respirator use (including use for rescue and escape)
- The expected physical work effort
- Additional protective clothing and equipment to be worn
- Temperature and humidity extremes that may be encountered
- Any supplemental information provided previously to the Physician regarding an employee need not be provided for a subsequent medical evaluation if the information and the Physician remain the same

City of Newport has provided the Physician with a copy of the written respiratory protection program and a copy of the OSHA Standard 1910.134.

Medical determination

In determining the employee's ability to use a respirator, City of Newport shall:

- Obtain a written recommendation regarding the employee's ability to use the respirator from the Physician. The recommendation shall provide only the following information
- Any limitations on respirator use related to the medical condition of the employee, or relating to the workplace conditions in which the respirator will be used, including whether or not the employee is medically able to use the respirator
- The need, if any, for follow-up medical evaluations
- A statement that the Physician has provided the employee with a copy of the Physician's written recommendation

14. PHYSICAL AND MEDICAL QUALIFICATIONS (cont.)

- If the respirator is a negative pressure respirator and the Physician finds a medical condition that may place the employee's health at increased risk if the respirator is used, City of Newport shall provide a APR if the Physician's medical evaluation finds that the employee can use such a respirator; if a subsequent medical evaluation finds that the employee is medically able to use a negative pressure respirator, then City of Newport is no longer required to provide a APR

Additional Medical Evaluations

At a minimum, City of Newport shall provide additional medical evaluations that comply with the requirements of this section if:

- An employee reports medical signs or symptoms that are related to ability to use a respirator
- A Physician, supervisor, or the respirator program administrator informs City of Newport that an employee needs to be reevaluated
- Information from the respiratory protection program, including observations made during fit testing and program evaluation, indicates a need for employee reevaluation
- A change occurs in workplace conditions (e.g., physical work effort, protective clothing, temperature) that may result in a substantial increase in the physiological burden placed on an employee.

15. RESPIRATOR FIT TESTING

Before an employee is required to use any respirator with a negative or positive pressure tight-fitting face piece, the employee must be fit tested with the same make, model, style, and size of respirator that will be used. City of Newport shall ensure that an employee using a tight-fitting face piece respirator is fit tested prior to initial use of the respirator, whenever a different respirator face piece (size, style, model or make) is used, and at least annually thereafter.

City of Newport has established a record of the qualitative and quantitative fit tests administered to employees including:

- The name or identification of the employee tested
- Type of fit test performed
- Specific make, model, style, and size of respirator tested
- Date of test
- The pass/fail results for Qualitative Fit Test (QLFT) or the fit factor and strip chart recording or other recording of the test results for Quantitative Fit Test (QNFT)

15. RESPIRATOR FIT TESTING (cont.)

Additional fit tests will be conducted whenever the employee reports, or City of Newport, Physician, supervisor, or program administrator makes visual observations of, changes in the employee's physical condition that could affect respirator fit. Such conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

If after passing a QLFT or QNFT, the employee notifies City of Newport, program administrator, supervisor, or Physician that the fit of the respirator is unacceptable, the employee shall be given a reasonable opportunity to select a different respirator face piece and to be retested.

Types of Fit Tests

The fit test shall be administered using an OSHA-accepted QLFT or QNFT protocol. The OSHA-accepted QLFT and QNFT protocols and procedures are contained in Appendix A of OSHA Standard 1910.134.

- QLFT may only be used to fit test negative pressure air-purifying respirators that must achieve a fit factor of 100 or less.
- If the fit factor, as determined through an OSHA-accepted QNFT protocol, is equal to or greater than 100 for tight-fitting half face pieces, or equal to or greater than 500 for tight-fitting full face pieces, the QNFT has been passed with that respirator.
- Fit testing of tight-fitting atmosphere-supplying respirators and tight-fitting powered air-purifying respirators shall be accomplished by performing quantitative or qualitative fit testing in the negative pressure mode, regardless of the mode of operation (negative or positive pressure) that is used for respiratory protection.
- Qualitative fit testing of these respirators shall be accomplished by temporarily converting the respirator user's actual face piece into a negative pressure respirator with appropriate filters, or by using an identical negative pressure air-purifying respirator face piece with the same sealing surfaces as a surrogate for the atmosphere-supplying or powered air-purifying respirator face piece.
- Quantitative fit testing of these respirators shall be accomplished by modifying the face piece to allow sampling inside the face piece in the breathing zone of the user, midway between the nose and mouth. This requirement shall be accomplished by installing a permanent sampling probe onto a surrogate face piece, or by using a sampling adapter designed to temporarily provide a means of sampling air from inside the face piece.
- Any modifications to the respirator face piece for fit testing shall be completely removed, and the face piece restored to NIOSH approved configuration, before that face piece can be used in the workplace.

15. RESPIRATOR FIT TESTING (cont.)

Fit test records shall be retained for respirator users until the next fit test is administered. Written materials required to be retained shall be made available upon request to affected employees.

16. RESPIRATOR OPERATION AND USE

Respirators will only be used following the respiratory protection safety procedures established in this program. The Operations and Use Manuals for each type of respirator will be maintained by the Program Administrator and be available to all qualified users.

Surveillance by the direct supervisor shall be maintained of work area conditions and degree of employee exposure or stress. When there is a change in work area conditions or degree of employee exposure or stress that may affect respirator effectiveness, City of Newport shall reevaluate the continued effectiveness of the respirator.

For continued protection of respirator users, the following general use rules apply:

- Users shall not remove respirators while in a hazardous environment
- Respirators are to be stored in sealed containers out of harmful atmospheres
- Store respirators away from heat and moisture
- Store respirators such that the sealing area does not become distorted or warped
- Store respirator such that the face piece is protected

Face piece seal protection

City of Newport does not permit respirators with tight-fitting face pieces to be worn by employees who have:

- Facial hair that comes between the sealing surface of the face piece and the face or that interferes with valve function; or
- Any condition that interferes with the face-to-face piece seal or valve function.

If an employee wears corrective glasses or goggles or other personal protective equipment, City of Newport shall ensure that such equipment is worn in a manner that does not interfere with the seal of the face piece to the face of the user.

16. RESPIRATOR OPERATION AND USE (cont.)

Continuing Effectiveness of Respirators

The Company shall ensure the following that employees leave the respirator use area:

- To wash their faces and respirator face pieces as necessary to prevent eye or skin irritation associated with respirator use
- If they detect vapor or gas breakthrough, changes in breathing resistance, or leakage of the face piece
- To replace the respirator or the filter, cartridge, or canister elements.

If the employee detects vapor or gas breakthrough, changes in breathing resistance, or leakage of the face piece, City of Newport will replace or repair the respirator before allowing the employee to return to the work area.

17. PROCEDURES FOR IDLH ATMOSPHERES

For all IDLH atmospheres, City of Newport shall ensure that:

- One employee or, when needed, more than one employee is located outside the IDLH atmosphere
- Visual, voice, or signal line communication is maintained between the employee(s) in the IDLH atmosphere and the employee(s) located outside the IDLH atmosphere
- The employee(s) located outside the IDLH atmosphere are trained and equipped to provide effective emergency rescue
- City of Newport or designee is notified before the employee(s) located outside the IDLH atmosphere enter the IDLH atmosphere to provide emergency rescue
- City of Newport or designee authorized to do so by City of Newport, once notified, provides necessary assistance appropriate to the situation

Employee(s) located outside the IDLH atmospheres will be equipped with:

- Pressure demand or other positive pressure SCBAs, or a pressure demand or other positive pressure supplied-air respirator with auxiliary SCBA; and either
- Appropriate retrieval equipment for removing the employee(s) who enter(s) these hazardous atmospheres where retrieval equipment would contribute to the rescue of the employee(s) and would not increase the overall risk resulting from entry; or
- Equivalent means for rescue where retrieval equipment is not required.

18. CLEANING AND DISINFECTING

City of Newport shall provide each respirator user with a respirator that is clean, sanitary, and in good working order. City of Newport shall ensure that respirators are cleaned and disinfected using the Standard Operating Procedure SOP: Cleaning and Disinfecting.

The respirators shall be cleaned and disinfected when:

- Respirators issued for the exclusive use of an employee shall be cleaned and disinfected as often as necessary to be maintained in a sanitary condition
- Respirators issued to more than one employee shall be cleaned and disinfected before being worn by different individuals
- Respirators maintained for emergency use shall be cleaned and disinfected after each use
- Respirators used in fit testing and training shall be cleaned and disinfected after each use

Cleaning and Storage of respirators assigned to specific employees is the responsibility of that Employee.

19. RESPIRATOR INSPECTION

All respirators/SCBAs, both available for "General Use" and those on "Permanent Check-out", will be inspected after each use and at least monthly. Should any defects be noted, the respirator/SCBA will be taken to the program Administrator. Damaged Respirators will be either repaired or replaced. The inspection of respirators loaned on "Permanent Check-out" is the responsibility of that trained Employee.

Respirators shall be inspected as follows:

- All respirators used in routine situations shall be inspected before each use and during cleaning
- All respirators maintained for use in emergency situations shall be inspected at least monthly and in accordance with the manufacturer's recommendations, and shall be checked for proper function before and after each use
- Emergency escape-only respirators shall be inspected before being carried into the workplace for use

19. RESPIRATOR INSPECTION (cont.)

Respirator inspections include the following:

- A check of respirator function, tightness of connections, and the condition of the various parts including, but not limited to, the face piece, head straps, valves, connecting tube, and cartridges, canisters or filters
- Check of elastomeric parts for pliability and signs of deterioration
- Self-contained breathing apparatus shall be inspected monthly. Air and oxygen cylinders shall be maintained in a fully charged state and shall be recharged when the pressure falls to 90% of the manufacturer's recommended pressure level. City of Newport shall determine that the regulator and warning devices function properly

For Emergency Use Respirators the additional requirements apply:

- Certify the respirator by documenting the date the inspection was performed, the name (or signature) of the person who made the inspection, the findings, required remedial action, and a serial number or other means of identifying the inspected respirator.
- Provide this information on a tag or label that is attached to the storage compartment for the respirator, is kept with the respirator, or is included in inspection reports stored as paper or electronic files. This information shall be maintained until replaced following a subsequent certification.

20. RESPIRATOR STORAGE

Respirators are to be stored as follows:

- All respirators shall be stored to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals, and they shall be packed or stored to prevent deformation of the face piece and exhalation valve.
- Emergency Respirators shall be:
 1. Kept accessible to the work area;
 2. Stored in compartments or in covers that are clearly marked as containing emergency respirators; and
 3. Stored in accordance with any applicable manufacturer instructions.

21. REPAIR OF RESPIRATORS

Respirators that fail an inspection or are otherwise found to be defective will be removed from service to be discarded, repaired or adjusted in accordance with the following procedures:

- Repairs or adjustments to respirators are to be made only by persons appropriately trained to perform such operations and shall use only the respirator manufacturer's NIOSH-approved parts designed for the respirator;
- Repairs shall be made according to the manufacturer's recommendations and specifications for the type and extent of repairs to be performed; and
- Reducing and admission valves, regulators, and alarms shall be adjusted or repaired only by the manufacturer or a technician trained by the manufacturer.

22. BREATHING AIR QUALITY AND USE

City of Newport shall ensure that compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration accords with the following specifications:

- Compressed and liquid oxygen shall meet the United States Pharmacopoeia requirements for medical or breathing oxygen; and
- Compressed breathing air shall meet at least the requirements for Grade D breathing air described in ANSI/Compressed Gas Association Commodity Specification for Air, G-7.1-1989, to include:
 1. Oxygen content (v/v) of 19.5-23.5%;
 2. Hydrocarbon (condensed) content of 5 milligrams per cubic meter of air or less;
 3. Carbon monoxide (CO) content of 10 ppm or less;
 4. Carbon dioxide content of 1,000 ppm or less; and
 5. Lack of noticeable odor.
- Compressed oxygen will not be used in atmosphere-supplying respirators that have previously used compressed air
- Oxygen concentrations greater than 23.5% are used only in equipment designed for oxygen service or distribution
- Cylinders used to supply breathing air to respirators meet the following requirements
- Cylinders are tested and maintained as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR part 173 and part 178)

22. BREATHING AIR QUALITY AND USE (cont.)

- Cylinders of purchased breathing air have a certificate of analysis from the supplier that the breathing air meets the requirements for Grade D breathing air
- Moisture content in breathing air cylinders does not exceed a dew point of -50 deg.F (-45.6 deg.C) at 1 atmosphere pressure
- Breathing air couplings are incompatible with outlets for nonrespirable worksite air or other gas systems. No asphyxiating substance shall be introduced into breathing air lines.
- Breathing gas containers shall be marked in accordance with the NIOSH respirator certification standard, 42 CFR part 84.

Respiratory Medical Evaluation Form

City of Newport

For a qualified physician to properly assess the ability of an employee to wear a respirator, a medical history must be known. This questionnaire will aid in that regard. This questionnaire should be supplemented by physical examination and pulmonary function testing when these are felt to be needed by the attending physician.

Please fill out this questionnaire as accurately as possible. If questions arise, contact your Chief Engineer.

Yes No

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Insulin dependent diabetes or mellitus |
| <input type="checkbox"/> | <input type="checkbox"/> | Epilepsy, grand mal or petit mal (uncontrolled; e.g., seizure within the past six months) |
| <input type="checkbox"/> | <input type="checkbox"/> | Has your health changed for the worse over the past year? |
| <input type="checkbox"/> | <input type="checkbox"/> | Do you use medications: list _____ |
| <hr/> | | |
| <input type="checkbox"/> | <input type="checkbox"/> | Punctured ear drum |
| <input type="checkbox"/> | <input type="checkbox"/> | Skin sensitivities (skin allergies) |
| <input type="checkbox"/> | <input type="checkbox"/> | Impaired or nonexistent sense of smell |
| <input type="checkbox"/> | <input type="checkbox"/> | Emphysema |
| <input type="checkbox"/> | <input type="checkbox"/> | Chronic Pulmonary Obstructive Disease (CPOD) |
| <input type="checkbox"/> | <input type="checkbox"/> | Asthma (wheezing) |
| <input type="checkbox"/> | <input type="checkbox"/> | Pneumoconiosis (dust related disease) |
| <input type="checkbox"/> | <input type="checkbox"/> | Evidence of reduced pulmonary function |
| <input type="checkbox"/> | <input type="checkbox"/> | History of heart attack, stroke or other heart problems |
| <input type="checkbox"/> | <input type="checkbox"/> | Untreated or uncontrolled hypertension |
| <input type="checkbox"/> | <input type="checkbox"/> | Other breathing problems (specify) |
| <input type="checkbox"/> | <input type="checkbox"/> | Experience breathing difficulty when wearing a respirator |
| <input type="checkbox"/> | <input type="checkbox"/> | Experience claustrophobia when wearing a respirator (e.g., afraid of being closed in) |
| <input type="checkbox"/> | <input type="checkbox"/> | Do you have a problem walking up two flights of stairs at a rapid pace |
| <input type="checkbox"/> | <input type="checkbox"/> | Any other condition that you feel could affect the safe use of a respirator |

Signature _____ Date _____

Respirator Medical Qualification

Company _____

Employee _____ Department _____

Date of Form _____ Date of Last Respirator Physical _____

Note: Answers to questions in Sec 1, and to question 9 in Section 2 of Part A, do not require a medical examination

Employee: Can you read (circle one): Yes - No

Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. To maintain your confidentiality, your employer or supervisor must not look at or review your answers, and your employer must tell you how to deliver or send this questionnaire to the health care professional who will review it.

Part A. Section 1. (Mandatory) The following information must be provided by every employee who has been selected to use any type of respirator (please print).

1. Today's date		2. Your Name	
3. Your Age		4. Sex (circle one)	Male - Female
5. Your Height	feet Inches	6. Weight	lbs
7. Job title			
8. Phone #		9. Best time to call	
10. Has your employer told you how to contact the health care professional who will review this questionnaire (circle one): Yes/No			
11. Check the type of respirator you will use (you can check more than one category):			
A. _____ N, R, or P disposable respirator (filter-mask, non- cartridge type only).			
B. _____ Other type (for example, half- or full-facepiece type, powered-air purifying, supplied-air, self-contained breathing apparatus).			
12. Have you worn a respirator (circle one):		If "yes," what types	
Yes - No			

Part A. Section 2. (Mandatory) Questions 1 through 9 below must be answered by every

Respiratory Protection Program

employee who has been selected to use any type of respirator (please circle "yes" or "no").	
1. Do you <i>currently</i> smoke tobacco, or have you smoked tobacco in the last month	YES NO
2. Have you <i>ever had</i> any of the following conditions?	
a. Seizures (fits):	YES NO
b. Diabetes (sugar disease):	YES NO
c. Allergic reaction that interfere with your breathing	YES NO
d. Claustrophobia (fear of closed-in places)	YES NO
e. Trouble smelling odors	YES NO
3. Have you <i>ever had</i> any of the following pulmonary or lung problems?	
a. Asbestosis	YES NO
b. Asthma	YES NO
c. Chronic bronchitis	YES NO
d. Emphysema	YES NO
e. Pneumonia	YES NO
f. Tuberculosis	YES NO
g. Silicosis	YES NO
h. Pneumothorax (collapsed lung):	YES NO
i. Lung cancer	YES NO
j. Broken ribs	YES NO
k. Any chest injuries or surgeries:	YES NO
l. Any other lung problem that you've been told about	YES NO
4. Do you <i>currently</i> have any of the following symptoms of pulmonary or lung illness?	
a. Shortness of breath	YES NO
b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline	YES NO
c. Shortness of breath when walking with other people at an ordinary pace on level ground	YES NO
d. Have to stop for breath when walking at your own pace on level ground	YES NO
e. Shortness of breath when washing or dressing yourself	YES NO
f. Shortness of breath that interferes with your job	YES NO
g. Coughing that produces phlegm (thick sputum):	YES NO
h. Coughing that wakes you early in the morning	YES NO

Respiratory Protection Program

i. Coughing that occurs mostly when you are lying down	YES NO
j. Coughing up blood in the last month	YES NO
k. Wheezing	YES NO
l. Wheezing that interferes with your job	YES NO
m. Chest pain when you breathe deeply	YES NO
n. Any other symptoms that you think may be related to lung problems	YES NO
5. Have you <i>ever had</i> any of the following cardiovascular or heart problems?	
a. Heart attack	YES NO
b. Stroke	YES NO
c. Angina	YES NO
d. Heart failure	YES NO
e. Swelling in your legs or feet (not caused by walking)	YES NO
f. Heart arrhythmia (heart beating irregularly)	YES NO
g. High blood pressure	YES NO
h. Any other heart problem that you've been told about	YES NO
6. Have you <i>ever had</i> any of the following cardiovascular or heart symptoms?	
a. Frequent pain or tightness in your chest	YES NO
b. Pain or tightness in your chest during physical activity	YES NO
c. Pain or tightness in your chest that interferes with your job:	YES NO
d. In the past two years, have you noticed your heart skipping or missing a beat	YES NO
e. Heartburn or indigestion that is not related to eating	YES NO
f. Any other symptoms that you think may be related to heart or circulation problems	YES NO
7. Do you <i>currently</i> take medication for any of the following problems?	
a. Breathing or lung problems	YES NO
b. Heart trouble	YES NO
c. Blood pressure	YES NO
d. Seizures (fits):	YES NO
8. If you've used a respirator, have you <i>ever had</i> any of the following problems? (If you've never used a respirator, check the following space and go to question 9:)	
a. Eye irritation	YES NO
b. Skin allergies or rashes	YES NO
c. Anxiety	YES NO
d. General weakness or fatigue	YES NO
e. Any other problem that interferes with your use of a respirator	YES NO
9. Would you like to talk to the health care professional who will review this questionnaire about your answers to this questionnaire	YES NO

Respiratory Protection Program

Questions 10 to 15 below must be answered by every employee who has been selected to use either a full-facepiece respirator or a self-contained breathing apparatus (SCBA). For employees who have been selected to use other types of respirators, answering these questions is voluntary.

10. Have you <i>ever lost</i> vision in either eye (temporarily or permanently)	YES NO
11. Do you <i>currently</i> have any of the following vision problems?	
a. Wear contact lenses	YES NO
b. Wear glasses	YES NO
c. Color blind	YES NO
d. Any other eye or vision problem	YES NO
12. Have you <i>ever had</i> an injury to your ears, including a broken ear drum	YES NO
13. Do you <i>currently</i> have any of the following hearing problems?	
a. Difficulty hearing	YES NO
b. Wear a hearing aid	YES NO
c. Any other hearing or ear problem	YES NO
14. Have you <i>ever had</i> a back injury	YES NO
15. Do you <i>currently</i> have any of the following musculoskeletal problems?	
a. Weakness in any of your arms, hands, legs, or feet	YES NO
b. Back pain	YES NO
c. Difficulty fully moving your arms and legs	YES NO
d. Pain or stiffness when you lean forward or backward at the waist:	YES NO
e. Difficulty fully moving your head up or down	YES NO
f. Difficulty fully moving your head side to side	YES NO
g. Difficulty bending at your knees	YES NO
h. Difficulty squatting to the ground	YES NO
i. Climbing a flight of stairs or a ladder carrying more than 25 lbs	YES NO
j. Any other muscle or skeletal problem that interferes with using a respirator:	YES NO

Part B: Any of the following questions, and other questions not listed, may be added to the questionnaire at the discretion of the health care professional who will review the questionnaire.

1. In your present job, are you working at high altitudes (over 5,000 feet) or in a place that has lower than normal amounts of oxygen	YES NO
If "yes," do you have feelings of dizziness, shortness of breath, pounding in your chest, or other symptoms when you're working under these conditions	YES NO
2. At work or at home, have you ever been exposed to hazardous solvents, hazardous airborne chemicals (e.g., gases, fumes, or dust), or have you come into skin contact with hazardous chemicals	YES NO
If "yes," name the chemicals if you know them	

Respiratory Protection Program

3. Have you ever worked with any of the materials, or under any of the conditions, listed below	
a. Asbestos	YES NO
b. Silica (e.g., in sandblasting):	YES NO
c. Tungsten/cobalt (e.g., grinding or welding this material):	YES NO
d. Beryllium	YES NO
e. Aluminum	YES NO
f. Coal (for example, mining):	YES NO
g. Iron	YES NO
h. Tin	YES NO
i. Dusty environments	YES NO
j. Any other hazardous exposures	YES NO
If "yes," describe these exposures	
4. List any second jobs or side businesses you have	
5. List your previous occupations	
6. List your current and previous hobbies	
7. Have you been in the military services	YES NO
If "yes," were you exposed to biological or chemical agents (either in training or combat):	YES NO
8. Have you ever worked on a HAZMAT team?	YES NO
9. Other than medications for breathing and lung problems, heart trouble, blood pressure, and seizures mentioned earlier in this questionnaire, are you taking any other medications for any reason (including over-the-counter medications)	YES NO
If "yes," name the medications if you know them	
10. Will you be using any of the following items with your respirator(s)?	
a. HEPA Filters	YES NO
b. Canisters (for example, gas masks):	YES NO
c. Cartridges	YES NO
11. How often are you expected to use the respirator(s) (circle "yes" or "no" for all answers that apply to you)?	
a. Escape only (no rescue):	YES NO

Respiratory Protection Program

b. Emergency rescue only	YES NO
c. Less than 5 hours <i>per week</i>	YES NO
d. Less than 2 hours <i>per day</i>	YES NO
e. 2 to 4 hours per day	YES NO
f. Over 4 hours per day	YES NO
12. During the period you are using the respirator(s), is your work effort	
a. <i>Light</i> (less than 200 kcal per hour):	YES NO
<p>If "yes," how long does this period last during the average shift: _____ hrs. _____ mins.</p> <p>Examples of a light work effort are <i>sitting</i> while writing, typing, drafting, or performing light assembly work; or <i>standing</i> while operating a drill press (1-3 lbs.) or controlling machines.</p>	
b. <i>Moderate</i> (200 to 350 kcal per hour):	YES NO
<p>If "yes," how long does this period last during the average shift: _____ hrs. _____ mins.</p> <p>Examples of moderate work effort are <i>sitting</i> while nailing or filing; <i>driving</i> a truck or bus in urban traffic; <i>standing</i> while drilling, nailing, performing assembly work, or transferring a moderate load (about 35 lbs.) at trunk level; <i>walking</i> on a level surface about 2 mph or down a 5-degree grade about 3 mph; or <i>pushing</i> a wheelbarrow with a heavy load (about 100 lbs.) on a level surface</p>	
c. <i>Heavy</i> (above 350 kcal per hour):	YES NO
<p>If "yes," how long does this period last during the average shift: _____ hrs. _____ mins.</p> <p>Examples of heavy work are <i>lifting</i> a heavy load (about 50 lbs.) from the floor to your waist or shoulder; working on a loading dock; <i>shoveling</i>; <i>standing</i> while bricklaying or chipping castings; <i>walking</i> up an 8-degree grade about 2 mph; climbing stairs with a heavy load (about 50 lbs.)</p>	
13. Will you be wearing protective clothing and/or equipment (other than the respirator) when you're using your respirator	YES NO
If "yes," describe this protective clothing and/or equipment	
14. Will you be working under hot conditions - temp. greater than 77 deg. F	YES NO
15. Will you be working under humid conditions	
16. Describe the work you'll be doing while you're using your respirator(s)	
17. Describe any special or hazardous conditions you might encounter when you're using your respirator(s) (for example, confined spaces, life-threatening gases)	
18. Provide the following information, if you know it, for each toxic substance that you'll be exposed to when you're using your respirator(s):	
a. Name of the first toxic substance	
Estimated maximum exposure level per shift	
Duration of exposure per shift	

Respiratory Protection Program

b. Name of the second toxic substance	
Estimated maximum exposure level per shift	
Duration of exposure per shift	
c. Name of the third toxic substance	
Estimated maximum exposure level per shift	
Duration of exposure per shift	
d. The name of any other toxic substances that you'll be exposed to while using your respirator	
19. Describe any special responsibilities you'll have while using your respirator(s) that may affect the safety and well-being of others (for example, rescue, security):	

Employee Signature _____

Reviewed By _____ **Title** _____ **Date** _____

Medical Review By _____ **Title** _____ **Date** _____

Approved use of following respirators & conditions:

Physician's Notes

- 1. PURPOSE**
- 2. SCOPE AND APPLICATION**
- 3. RESPONSIBILITIES**
 - A. Employee
 - B. Employer
- 4. RETURN TO WORK PROCEDURES**
 - A. First Aid
 - B. First Report of Injury
 - C. Referral to Physician
 - D. Return to Work Light Duty/Modified Duty
 - E. Medical Management

Appendix

Job Offer Letter

Workers' Compensation Coordinator Checklist

Employee Injury Packet

Return-to-Work Policy Statement

The Return-to-Work policy for City of Newport has been developed to ensure the continued safety and health of our employee's. The welfare of our employees is of the highest priority for City of Newport.

When possible injured employees will be provided the opportunity to return-to-work as soon as they are medically able. City of Newport return-to-work program will provide for the safe reintegration of injured employees into the workplace in keeping with the best interest of the returning employee.

The prompt return of an injured employee to a position within his/her medical restriction will assist the employee regain a sense of job security, maintain self-esteem, and help to reestablish their pre-injury lifestyle; while helping to control City of Newport's over all workers' compensation costs.

The success of City of Newport return-to-work program is the responsibility of all employees from top management to every employee. By working together we all can help injured employees return to work smoothly and efficiently.

Authorized Signature

City of Newport's Return-to-Work Program

1. PURPOSE

The purpose of the Return-to-Work program is to provide a safe work environment for employees returning to work after an occupational injury or illness.

All employees will be afforded the opportunity to return-to-work as soon as medically possible. Light duty jobs will be available when possible to returning employees.

2. SCOPE AND APPLICATION

A workers' compensation coordinator has been designated. This person is responsible for communications between the injured employee, the treating physician, and the insurance carrier and company management.

A relationship with a designated medical facility has been established with medical providers name. Injured employees are encouraged to utilize medical providers name in emergency situations or if they do not have their own physician. Injured employees may use their own medical provider.

A worksite analysis will be completed for the workplace to determine those jobs that will be suitable for returning employees as low risk or light duty jobs.

A list of light duty jobs will be maintained and provided to all injured employees as part of the physicians' packet that will be utilized when injured employees visit medical providers.

All employees will be instructed on the return-to-work program. The program has been developed to expedite the return of injured employees. All employees will be responsible to participate in the return-to-work program.

Medical management will be an integral part of the return-to-work program. Injured employees will be continually evaluated throughout the process of returning to full work status and original jobs.

3. RESPONSIBILITIES

A. Employees

- Employer Notification: It will be the responsibility of any injured employee to provide medical information regarding their injury to the workers' compensation coordinator within 24 hours after being seen by a physician.
- A copy of the first report of injury and physicians recommendations must be given to the workers' compensation coordinator to determine the work status of the injured employee.
- It will be the responsibility of any injured employee to be prepared to work light duty jobs if medically fit to do so.
- Injured employees will be required to follow all prescribed medical treatments, which may include: follow-up doctor visits, physical therapy sessions, and various medical treatments.
- Injured employees will be required to comply with any and all medical work restrictions they may have when returning to work for light duty. Employees should pay attention to their medical condition and make sure they are working within their restrictions, so they do not aggravate their injury.
- All injured employees will be required to maintain contact with the workers' compensation coordinator while they are off from work due to an occupational injury or illness. Injured employees must return to work as soon as they are medically able to do so.
- Injured employees must communicate with the workers' comp coordinator during their recovery period while on light duty or modified job duties.

B. Employers

- *City of Newport* will provide workers' compensation for all employees in the case of an occupational injury or illness.
- It will be the responsibility of management to implement the return-to-work program. This includes making provisions for the return of injured employees as soon as medically possible.
- *City of Newport* will effectively communicate the return-to-work program to all employees. Supervisors will be trained in the key points of the RTW program and what procedures to follow when an injury occurs.
- *City of Newport* will develop and maintain a selection of light duty/low risk jobs to ensure injured employees may return to work as soon as medically possible.
- The workers' compensation coordinator will monitor and maintain the return-to-work program. The workers' compensation coordinator will: communicate with injured employees, medical providers, insurance carriers, and company management. The workers' compensation coordinator will also monitor the status of injured employees in order to get them back to their original job position.

4. RETURN TO WORK PROCEDURES

A. *First Aid*

- Medical attention will be provided immediately for any injury occurring on the job. The first priority of emergency responders is to render first aid to injured employees.
- The company's Emergency Action plan is to be followed in all emergency situations.

B. *First Report of Injury*

- After medical attention has been given to injured employees the first report of injury will be completed by the appropriate person(s) including the injured employee.
- First reports of injury must be turned into the workers' compensation coordinator within 24 hours of the injury occurring.

C. *Referral to Physician*

- When an injured employee visits a medical provider the employee will need to bring the physician packet (appendix A) which includes the following documents: The company letter to the physician, the company RTW form, and the light duty job list.
- The physicians' packet will be available through the workers' compensation coordinator and all supervisors. It will be the responsibility of supervisors or emergency responders to provide the injured employee (or the physician) the physician packet in the event of immediate medical care. If the employee visits a medical provider after the initial injury the employee will be responsible to obtain the physicians packet when they go to see the physician.

4. RETURN TO WORK PROCEDURES (cont.)

D. Return to Work Light Duty/Modified Duty

- All medical information and potential work restrictions relating to any occupational injury or illness must be communicated to the workers' compensation coordinator as soon as reasonably possible, but no later than 24 hours after having been to the medical provider.
- The workers' compensation coordinator will determine if light duty or modified duty jobs will be available for the injured employee based on medical recommendations and jobs available at the time of the injury.
- The following possibilities exist for injured employees returning to work:
 - The pre-injury job if medically capable (full duty work)
 - The pre-injury job with accommodations to meet job restrictions (modified duty work)
 - A different temporary job with accommodations to meet job restrictions (light duty/transitional duty work)
 - A new permanent job that accommodates work restrictions (alternate duty work)
 - (Appendix B- Light duty/Low risk job list)
- If the injured employee has been released for return to work with restrictions, the workers' compensation coordinator will notify that employee's immediate supervisor of the employee returning to work and any restrictions the employee might be under.
- Before the employee starts the light duty/modified job they must report to the supervisor of the light duty or modified job to review the job, including all job duties/procedures, job hazards, and safety concerns/PPE. The supervisor will acknowledge the injured employees restrictions and emphasize the need for the employee to stay within those restrictions while performing the light duty or modified job duties.
- Injured employees will report any physical difficulties of the light duty/modified job duties immediately to their supervisor if there injury is being aggravated.

E. Medical Management

- The workers' compensation coordinator *will* monitor the activities of all injured employees that are on light duty or modified job duties in order to determine if progress in recovery is being made. The ultimate goal of the return-to-work program is to get the employee back to their original pre-injury job at full capacity.
- The workers' compensation coordinator will monitor and follow-up with all parties involved in the injury including the medical provider, the insurance carrier, the employee and supervisors/management on a regular basis.

City of Newport

DATE: _____

TO: _____
(Doctor's or Clinic's Name)

FROM: _____, Claims Coordinator

RE: LIGHT DUTY POSITIONS AVAILABLE

Please be advised that City of Newport has light duty positions available for our injured employees. If you find it beneficial to place temporary restrictions on our employee, we will make every effort to locate a position for him/her within these restrictions. Please refer to the list of light duty jobs available in our company.

If you have any questions or concerns regarding the possible light duty positions available, please feel free to contact me at (NUMBER). We are looking forward to working with you in obtaining a successful return to work for our employee.

_____ Your employee is able to return to work with no restrictions.

_____ Your employee is able to return to work with the following restrictions:

These restrictions will be in effect until _____.

_____ Your employee is unable to return to work at this time. A follow-up appointment is scheduled for _____.

PHYSICIAN'S NAME

DATE

**City of Newport
WORKERS' COMPENSATION COORDINATOR'S CHECKLIST**

EMPLOYEE'S NAME _____ PHONE NO. _____

DEPARTMENT _____

DATE OF LOSS _____

PHYSICIAN'S NAME _____

CLAIM REP. _____ PHONE NO. _____

CLAIM NO. _____

_____ Contact Medical Provider:
Determine nature and extent of injury, determine if additional medical treatment is necessary and if employee can return to work. Send letter explaining the availability of light-duty positions.

_____ Advise Insurance Company:
If serious injury, phone carrier directly. Always send a First Report of Injury.

_____ Contact Employee:
Verify that employee is satisfied with medical care. Explain his/her workers' compensation benefits and that a representative from the insurance company will be contacting him/her. Also explain your goal in returning the employee back to work in a light-duty job, if necessary. (Contact should be made every week until the employee return to work.)

_____ Once Employee is released for Return To Work:
Notify supervisor and discuss available light duty jobs with employee.

_____ Follow-up with injured employee regarding work restrictions and medical improvement.

EMPLOYEE WORK INJURY CHECKLIST

Name: _____ Date of Injury: _____

Obtain necessary medical attention
See attached directions to local medical providers. Your supervisor will arrange transportation if necessary. At your option, you may be seen at your regular medical clinic.

Furnish insurance information to health provider.
See below.

Obtain complete Work Ability form from attending physician and give it to your supervisor upon your return to work.

The following information and forms are attached to assist you and your physician in completing this step:

A sample "Work Ability" form

Listing of physical job requirements for our various positions

List of temporary light duty work available to accommodate your injury

See your supervisor upon return to work to complete and sign the Accident/Incident Report

City of Newport's Return to Work Policy and a copy of Minnesota Workers' Compensation System Employee Information sheet are included in the packet. If you have any questions, please see _____ in Human Resources.

Insurance Carrier:	City of Newport
	Contact:
	Phone:

MEDICAL CENTER AND CLINIC INFORMATION

Clinic Name:
Address:

Phone:
Hours:

Urgent Care Hours:

Directions to above:

EMERGENCY AND AFTER HOURS CARE:

Clinic Name:
Address:

Phone:

Directions to above:

List of Light Duty Job Options

Job Descriptions

Return-to-Work Policy Statement

The Return-to-Work policy for City of Newport has been developed to ensure the continued safety and health of our employees. The welfare of our employees is of the highest priority for City of Newport.

When possible injured employees will be provided the opportunity to return-to-work as soon as they are medically able. City of Newport return-to-work program will provide for the safe reintegration of injured employees into the workplace in keeping with the best interest of the returning employee.

The prompt return of an injured employee to a position within his/her medical restrictions will assist the employee regain a sense of job security, maintain self-esteem, and help to reestablish their pre-injury lifestyle; while helping to control City of Newport's over all worker's compensation costs.

The success of City of Newport return-to-work program is the responsibility of all employees from top management to every employee. By working together we all can help injured employees return to work smoothly and efficiently.

Authorized Signature

City of Newport

DATE: _____

TO: _____
(Doctor's or Clinic's Name)

FROM: _____, Claims Coordinator

RE: LIGHT DUTY POSITIONS AVAILABLE

Please be advised that City of Newport has light duty positions available for our injured employees. If you find it beneficial to place temporary restrictions on our employee, we will make every effort to locate a position for him/her within these restrictions. Please refer to the list of light duty jobs available in our company.

If you have any questions or concerns regarding the possible light duty positions available, please feel free to contact me at (NUMBER). We are looking forward to working with you in obtaining a successful return to work for our employee.

_____ Your employee is able to return to work with no restrictions.

_____ Your employee is able to return to work with the following restrictions:

These restrictions will be in effect until _____.

_____ Your employee is unable to return to work at this time. A follow-up appointment is scheduled for _____.

PHYSICIAN'S NAME

DATE

CORPORATE SAFETY POLICY STATEMENT

- 1. AWAIR POLICY**
- 2. BACKGROUND**
- 3. SUMMARY**
- 4. AWAIR PROGRAM GOALS**
- 5. PROGRAM OBJECTIVES**
- 6. RESPONSIBILITIES**
 - A. Management
 - B. Supervisors
 - C. Safety Director
 - D. Health and Safety Committee Members
 - E. Company Employees
- 7. HAZARD ANALYSIS**
- 8. JOB HAZARD ANALYSIS**
 - A. Policy
 - B. Procedures
 - C. Hazard Assessment Form
- 9. FACILITY INSPECTIONS**
 - A. Policy
 - B. Procedures
- 10. REPORT OF UNSAFE CONDITIONS**
 - A. "Report of Unsafe Condition" form
- 11. SAFETY RULES**
 - A. Policy
 - B. General Safety Rules
 - C. Cylinders
 - D. Electrical
 - E. Fire Safety
 - F. Flammables
 - G. Ladders
 - H. Manual Material Handling
 - I. Machinery
 - J. Office
 - K. Personal Protective Equipment (PPE)
 - L. Tools
 - M. Welding

- 12. HAZARDOUS INCIDENT/ACCIDENT INVESTIGATIONS**
 - A. Policy
 - B. Procedures
- 13. ACCIDENT/INCIDENT REPORT**
- 14. AWAIR COMMUNICATIONS**
 - A. Policy
- 15. SAFETY COMMITTEE**
 - A. Policy
 - B. Objectives
 - C. Safety Committee Member's Responsibility
 - D. Safety Committee Member Guidelines for Notifying Employee's of Safety Hazards, Unsafe Actions and Safety Rule Violations
- 16. EMPLOYEE TRAINING**
 - A. Policy
- 17. NEW EMPLOYEE TRAINING**
 - A. Policy
 - B. Procedure
- 18. NEW EMPLOYEE SAFETY ORIENTATION CHECKLIST**
- 19. ENFORCING SAFE WORK PRACTICES AND RULES**
 - A. Safety Policy Enforcement
- 20. DISCIPLINARY PROCEDURES**
 - A. Policy

Corporate Safety Policy Statement

City of Newport believes that employees are the most important assets a company has and gives the highest priority to maintaining the safest working environment possible for our employees.

Safety is of vital importance for our patrons and our employees. Our goal is the elimination of accidents and injuries from our operations. A good safety record reflects the quality of our work force. It also serves to promote business and thereby contributes to the continuing growth and success of the company.

Our workplace has been analyzed for safety hazards and continues to be monitored through effective employee communication, self-inspection, accident/incident investigation, employee training, and an established safety committee. With these and many other tools in place our company strives to reduce or even eliminate work place hazards.

A written safety program has been established and implemented for the protection of our employees. The success of our safety program depends on the sincere, constant, and cooperative effort of all employees and their active participation and support. Safety must be considered a vital part of every job in our company.

Company Officer

Date

1. AWAIR POLICY

It is the policy of the City of Newport to provide a safe and healthy work environment for all employees. City of Newport will provide appropriate equipment, safeguards, personal protection, training and administrative support to protect employee safety and health. City of Newport employees will be trained to work safely and will be required to comply with all safety rules and standards.

2. BACKGROUND

The purpose of “A Workplace Accident and Injury Reduction” (AWAIR) program is to reduce employee injuries and illnesses by identifying, analyzing and controlling hazards. Under this program, all accidents and near misses will be investigated and measures will be taken to correct problems. City of Newport will develop and enforce mandatory safe work practices, while providing the equipment and safeguards necessary for employees to work safely. The plan will be communicated to employees so they can participate and take an active role in health and safety. A joint management/hourly employee health and safety committee will be formed to provide assistance in accident investigation, hazard analysis and hazard communication. The safety and health committee will meet on a regular basis.

3. SUMMARY

City of Newport has developed “A Workplace Accident and Injury Reduction” (AWAIR) program to establish and implement a written program, promoting safe and healthy working conditions based on clearly stated goals and objectives. This program includes requirements covered under Minnesota Statutes 182.653, “A Workplace Accident and Injury Reduction” Act.

4. AWAIR PROGRAM GOALS

City of Newport has established the following goals for the AWAIR program:

- A. Continuously reduce annual lost workday incident rate below level from previous year.
- B. Bring our facilities into compliance with applicable federal and state occupational safety and health regulations identified in health and safety audits.
- C. Implement continuing, effective health and safety programs to provide City of Newport employees with a safe and healthy workplace.
- D. Actively encourage City of Newport employee involvement in health and safety programs.

5. PROGRAM OBJECTIVES

City of Newport has identified the following steps for accomplishing these goals. (Copies of City of Newport's AWAIR program are available to employees upon request.)

- A. Assign responsibilities
- B. Establish systems for identifying, analyzing and controlling hazards
- C. Communicate program effectively and encourage employee participation
- D. Investigate all incidents
- E. Enforce safe work practices and rules

6. RESPONSIBILITIES

Safety is the responsibility of every employee. This requires that all levels work together to prevent accidents. The following duties have been established for each level to ensure compliance with all elements of the company's safety program.

City of Newport AWAIR program is managed by the Safety Director with oversight by the Safety Committee. Responsibilities for implementation of City of Newport health and safety programs are assigned as follows:

A. Management

- Establish company safety policies and procedures.
- Actively promote and support safety policies and procedures.
- Direct and support the safety coordinator in program execution.
- Review the safety program to ensure effectiveness.
- Allocate necessary funds, resources, and time to achieve program goals.
- Review progress in achieving safety program objectives.
- Support supervisors in enforcing safety policies and procedures.

B. Supervisors

- Execute, and maintain each element of the safety program including: training, safety inspections, accident investigations and completing the first report of injury.
- Review progress in achieving program objectives with top management. Consult with management to help establish company safety policies and procedures.
- Inform management and employees of operational changes requiring modification of company policies and procedures.
- Enforce safety policies and procedures using the established disciplinary system.
- Direct implementation of each element of the safety program, which may include:
 1. Compliance with safety rules and regulations.
 2. Safety training of all company employees.
 3. Investigation of all workplace accidents.
 4. Completion of regular facility safety inspections.
 5. Maintain safety communication with all employees.
 6. Report all claims to the safety coordinator.
 7. Evaluation of program effectiveness.
 8. Identification and control of workplace hazards through Job Hazard Analysis (JHA).

C. *Safety Director*

- Requests funding to maintain effective health and safety programs.
- Oversees and coordinates implementation of AWAIR program.
- Provides new employee orientation.
- Monitors program effectiveness, revising program as necessary.
- Evaluates and updates AWAIR program annually.
- Conducts routine inspections.
- Performs follow-up to verify problems are corrected promptly.
- Oversees accident and incident investigations.
- Oversees Job Hazard Analysis (JHA).
- Oversees scheduling of health and safety meetings/training sessions.
- Encourages and reinforces employee participation in health and safety matters.

D. *Health and Safety Committee Members*

- Attend committee meetings.
- Complete assigned tasks determined by committee (inspections, job hazard assessments, accident investigations, etc.).
- Post copies of minutes and solicit co-workers for suggestions and input.
- Communicate about safety issues and encourage safe behavior.
- Recommend corrections and follow-up to be sure actions are taken.

E. *City of Newport Employees*

- Adhere to all company safety rules and policies.
- Actively participate in company safety training classes as needed and provided by employer.
- Cooperate with all accident investigations and facility safety inspections.
- Maintain conduct in a reasonable and responsible manner to prevent injury to themselves and others.
- Assist in analysis of workplace hazards through Job Hazard Analysis.
- Participate as a member of the safety committee, when requested.
- Work according to good safe practices as posted, instructed and discussed.
- Use all safety devices provided for their protection, for example safety glasses and machine guarding.
- Report any unsafe situation or act to their supervisor or a safety committee member immediately.
- In the event of any injury, report to the designated area for first-aid treatment. In all cases, the employee or supervisor shall report and/or record all accidents.
- Maintain a clean and safe work area.

7. HAZARD ANALYSIS

The Safety Director oversees implementation and maintenance of health and safety management programs. The Safety Director will insure that a Job Hazard Assessment will be completed for all job functions throughout the operation. Routine facility audits and program reviews are conducted to verify compliance or identify hazardous conditions and work practices.

8. JOB HAZARD ANALYSIS

A. Policy

Management and Supervisors will be responsible for completion of the Job Hazard Analysis (JHA) on all job functions. Management, supervisors and employees should actively assist in this process, due to their familiarity with the job steps, hazards, and control measures needed. A JHA is an important accident prevention tool. It helps identify hazards and eliminate or minimize them, making a job task safer to perform. Our JHA's can also be used to develop specific safety rules, special training programs, and provide orientation for new employees.

B. Procedures

When performing a JHA, the following elements should be considered:

1. A JHA should first be completed on all high hazard jobs.
2. Next, a JHA should be completed on jobs that have an actual or potential high frequency or severity
3. After the jobs have been identified, look at the individual job steps/tasks concentrating on the high hazard/key steps/tasks.
4. Attain employee, team leader, and lead person input.
5. Note the safety controls in place and determine if they are adequate.
6. Add controls that are needed to reduce/eliminate hazards.
7. Develop job guidelines, controls, and safety measures.
8. Include these preventative measures in rules/regulations and training programs.

Notes:

PPE Requirements for Department:

Date Assessed:

Assessor:

9. FACILITY INSPECTIONS

A. Policy

The primary purpose of the facility inspection is to detect potential hazards so they can be corrected before an accident occurs. The facility will be inspected using continuous, ongoing inspections and interval inspections. This will help in achieving the goal of having each individual vigilant and alert to any condition with accident potential and willing to initiate corrective action, as well as, establishing accountability for the role of management, supervisors and individual employees in the safety program.

B. Procedures

- The frequency of the inspections will be determined by:
 1. Loss severity of the problem
 2. Potential for injury to employees
 3. What is the past history
 4. Monthly/Seasonal
- Each locations designated inspector will conduct inspections monthly to seasonally.
- Inspectors may use the designated checklist when conducting the inspection.
- When deficiencies are noted on the inspection checklist, corrective action must be taken.
- The safety work order should be used if repair work is required on equipment or a work area.
- Failure of anyone to obey safety rules should be reported to the appropriate manager or supervisor.
- The inspection reports will be reviewed by the Safety Coordinator/Safety Committee to insure corrective action is taken and any required changes to procedure, programs, policies, etc., are made and communicated.
- Proper documentation is a must! Work orders, repair bills, and invoices should be attached to the inspection forms as part of the documentation process.

10. REPORT OF UNSAFE CONDITIONS

Any person including employees, supervisors, vendors, and outside contractors have the responsibility to report any suspected or actual unsafe condition, safety hazard, unsafe work practices, or unsafe/hazardous equipment immediately to the manager or safety director via verbal communication or by the use of the "Unsafe Condition" form located in the main office.

All reported unsafe conditions, safety hazards, unsafe work practices, or unsafe equipment will be investigated immediately by the immediate supervisor/manager. The safety director will oversee the investigation and make sure corrective action is taken. Once corrective action has taken place the employee who identified the unsafe condition will be notified of the action taken. All reports of unsafe conditions, safety hazards, unsafe work practices, and unsafe equipment will be reviewed by the safety committee every meeting.

Report of Unsafe Condition

DATE: _____

DEPT: _____

LOCATION: _____

Safety Concerns

Unsafe Condition:

Recommendations:

Action Taken:

Follow-up

Date: _____

Supervisor/Manager: _____

Follow-Up Action: _____

Employee Signature

Date

Supervisor/Manager Signature

Date

CITY OF NEWPORT

11. SAFETY RULES

A. Policy

These guidelines and safety rules have been developed to ensure a safe working environment for all employees. General safety guidelines apply to all personnel. Additional guidelines may be applicable for certain job functions. Knowledge of and adherence to these guidelines is the responsibility of each employee. All employees will be provided with a copy of the applicable safety guidelines during orientation. At that time, the employees should sign the New-Employee Orientation Form, stating they understand and agree to comply with safety guidelines. Failure to adhere to these rules and regulations may result in disciplinary action. Company Safety Rules are categorized as follows:

B. General Safety Rules

1. Housekeeping in work areas should be kept neat, orderly, and free of obvious physical hazards.
2. All workplace injuries or accidents must be reported to your team leader immediately.
3. Any unsafe act or condition should be reported to your team leader at once.
4. Horseplay is strictly prohibited.
5. If a load is too heavy or awkward, get assistance or use a mechanical lifting device.
6. Obey all safety instructions and warning signs.
7. Physical violence against another employee, visitors, equipment, building, and oneself is strictly prohibited.
8. Proper personal protective equipment (PPE) must be worn in all designated areas.
9. Smoking is allowed in designated areas only.
10. Use or possession of controlled substances or alcohol on the job is prohibited.

C. Cylinders

- Gas cylinders shall have contents clearly identified.
- Leaking or defective cylinders must be removed from the work area promptly and repaired as soon as possible. The cylinders should be tagged and/or isolated for repair.
- Cylinder valves must be protected with caps or guards when not in use.
- Cylinders must be secured in an upright position at all times and chained or braced securely.
- When using air nozzles, only use an OSHA approved type with an air pressure restrictive device to limit pressure to thirty (30) psi.
- When using compressed air for cleaning any job, be sure other employees are not exposed to flying particles or dangerous vapors. Proper personnel protective equipment (PPE) shall be worn.
- Using the compressed air to clean your self off is strictly prohibited.

D. Electrical

- All electrical wires must be considered as being "live" until it is positively known the wires are dead.
- The use of extension cords for permanent equipment is not allowed.
- All portable electrical tools must be grounded with a three (3)-wire circuit.
- Avoid contact with high voltage circuits.
- Be sure that electrical cords are not wrapped around any pipes.
- Do not depend on rubber gloves or insulated handles of tools to work on live wires.
- Only authorized employees are permitted to do electrical maintenance work.

E. Fire Safety

- Do not use an open flame heat device in confined or enclosed structures. Vent heaters to the atmosphere and make sure they are located an adequate distance from any combustible walls, ceilings, and floors.
- Have fire extinguishers available at all times when utilizing heat-producing equipment such as welders, gas torches, or portable heaters.
- Familiarize yourself with the exit routes from your workstation so they can be used in an emergency.
- Become familiar with the location of fire fighting equipment in the work area and have knowledge of its use and application.
- Never return a used fire extinguisher to its holder. Return the unit to the maintenance shop for recharging.
- Report all fire hazards to your supervisor as soon as possible.
- When utilizing heat-producing equipment, make sure that the area is clear of all combustible materials.
- In the event of a fire, immediately call 911, followed by plan and evacuation procedures.

F. Flammables

- Keep open flames or sources of ignition away from areas of use or storage of flammable or combustible liquids.
- Proper ventilation should always be provided where flammable or combustible liquids are used or stored.
- Storage of flammable or combustible liquids should be in Underwriters Laboratory (U.L.) listed safety cans, safety cabinets, or approved storage rooms, depending on liquid type and volume. (Refer to NFPA standards for specific information).

G Ladders

- All employees are obligated to check to see that ladders are free from defects prior to use.
- Report any problem to your supervisor at once.
- All catwalks shall be provided with forty-two (42) inch handrails, mid-rails, and six (6) inch toe boards.
- Always face the ladder when ascending or descending.
- Do not slide down a ladder.
- Do not work or stand on the top of the ladder.
- Make sure a ladder is long enough for the job prior to the start of the project.
- Metal ladders should not be used for electrical work.
- The base of a ladder must be one-quarter (1/4) of its height out from the wall.
- When on a ladder, do not over reach, as the ladder may roll or slip from under you.

H. Manual Material Handling

- Always obtain help for heavy or awkward lifting projects.
- Use mechanical assistance such as overhead hoists, pallet jacks, forklifts, or two wheel carts whenever appropriate.
- Warm up by stretching back and related muscles before any lifting activity, especially when first starting your shift or after an extended time away from normal job duties.
- When lifting heavy objects alone, remember to: Lift with your legs, **NOT YOUR BACK!**
- Start by bending your knees, keep the load close, grasp firmly, and lift with your legs. Don't use jerky motions and avoid twisting your back.
- Do not overload two-wheel hand trucks.
- Do not pile a load so high that it blocks your view when transporting it on a cart or dolly.
- Always use a cart or truck specifically designed to handle drums and barrels.
- Hand trucks should be pushed, not pulled!

H. Manual Material Handling (cont.)

- Make sure the load is stable by putting the weight on the axle, not on the handle.
- Put the handle up and lower the forks when you leave an empty hand truck so that it won't be a tripping hazard.

I. Machinery

- All belts, couplings, gears, and flywheels must be properly guarded. Guards should never be removed while the machine is in operation. When taken off for maintenance, they should be replaced immediately after completion before taking off the lockout/tagout tags or locks.
- Before starting machinery be sure proper warning signals have been given and acknowledged.
- When working on or repairing any machinery, the company approved lockout/tagout procedure must be followed.
- Beware of pinch points. Keep fingers and hands out of pinch areas.
- Do not operate any equipment unless all protective guards are in place.
- Do not start any machine unless you know how to stop it.
- Only employees authorized to do so may operate machines.

J. OFFICE

- Never overload electrical sockets.
- Space heater must be turned off when leaving work area and they must have a safety trip switch.
- Approach closed doors with caution and open slowly - someone may be on the other side.
- File cabinet drawers must be opened and closed one at a time, using the drawer handles only.
- Floor spillage must be cleaned up promptly to prevent accidents.
- In the event of an emergency evacuation, use the stairwells to exit the building – never use elevators.
- Never lean back on a chair or to any position that would compromise the stability of the chair.
- Walk, never run or slide, when crossing floors.
- When using stairways, always take one stair at a time, at a walking pace, and always use the handrail.
- Computer cables and cords must be confined
- Xerox-type duplicators must **NOT** be operated with the cover open, unless absolutely necessary. If the cover is open, do not look directly at the light source.

K. Personal Protective Equipment (Refer to PPE Program)

- A full face shield shall be worn with operations such as heavy grinding, chiseling with an air tool or cold chisel, or cutting steel with an abrasive wheel cutoff saw.
- Eye protection shall be kept clean and free of dirt and damage, which could make visibility poor or lessen the strength of the protection.
- Gloves shall be worn when exposed to sharp materials and around chemicals, which could cause burns or irritation.
- Goggles or a full-face shield shall be worn when conducting operations exposing you to chemicals, which could burn or irritate eyes or skin.
- Hearing protection shall be worn when exposed to high levels of noise for extended periods of time.
- Personal protective equipment (PPE) is required when working in an area that exposes you to special hazards.

L. Tools

- Be sure that a power tool is off and motion stopped before setting tool down.
- Disconnect tool from power source before changing drills, blades, bits, or attempting repair or adjustment.
- Do not use tools until you have been properly instructed and authorized to do so.
- Inspect electrical extension cords and other wiring to be certain they are properly insulated.
- Do not use frayed or damaged cords.
- It is imperative that the right tool is utilized for the job and that it is used in a correct manner.
- Keep tools in good working condition. Damaged, worn, or defective tools can cause injuries and shall not be used.
- Loose tools should not be carried in pockets, but in tool pouches.
- Never remove machinery or equipment guards without authorization.
- Never use an empty barrel for a worktable. The original contents of the barrel may be explosive.
- Never make repairs to tools or equipment unless authorized by your supervisor.
- Punch and chisel heads should be kept ground at a forty-five (45) chamfer to prevent mushrooming.
- Take special precautions when using power tools on catwalks. Maintain a good footing, use both hands, keep cords clear of obstructions, and do not over reach.
- Tools and/or equipment should never be thrown or dropped when being transferred from one working level to another.
- Tools should not be improvised or constructed except on specific authorization from a supervisor.

M. Welding

- A ground return cable shall have a safe current carrying capacity equal to, or exceeding, the specified maximum output capacity of the arc-welding unit that it services.
- Always clear area below cutting or welding operations so that you do not drop slag on combustibles, hoses, cables, or employees.
- Be sure that proper ventilation is provided whenever welding, cutting, or heating, is performed in a confined space.
- Keep suitable fire extinguisher readily available when welding, cutting, or heating on the job. Monitor the area for a minimum of 30 minutes after welding is complete.
- Make sure that all parts subject to electrical current are fully insulated against the maximum voltage encountered to ground.
- Place cables, leads, and connections so that there are no fire or tripping hazards.
- Shield all arc welding and cutting operations with non-combustible or flame proof screens whenever possible. Use welding curtain when possible.
- Use approved welding helmets and burning goggles for eye protection and to prevent flash burns. Always wear eye protection to guard against slag while chipping, grinding, and dressing of welds.
- Follow the "Hot Work" permit procedures whenever conditions warrant.
- Always use proper personal protective equipment (PPE) such as leather gloves, apron, goggles, helmet, cap, leggings, and sleeves.
- Never weld or cut near flammable liquids or gases that are within 20 feet.

Department Safety Rules

12. HAZARDOUS INCIDENT/ACCIDENT INVESTIGATIONS

All hazardous incidents ("near misses") and accidents will be investigated and corrective actions taken. The Safety Director oversees health and safety investigations, including:

- Maintaining accident/incident form(s) to report, document and analyze all incidents.
- Promptly reviews hazardous incidents ("near misses") and accident investigations that have been completed by the supervisor.
- Overseeing the implementation of corrective actions to prevent a repeat incident.

A. Policy

The injured employee and the supervisor to determine the accident cause(s) will investigate the workplace injury, and what actions are necessary to prevent recurrence. To accomplish this, the Accident Investigation Form must be filled out in detail. The safety director, management, and the safety committee will review each accident/incident investigation to determine cause and make sure corrective action has been implemented.

B. Procedures

- Immediately after the accident or as soon as is medically possible, the employee/supervisor should write down, in detail, the events, conditions and circumstances surrounding the accident. Include part of body affected and the type of accident (slip/fall, struck by, etc.).
- Fill in the injured employee's name, date and time of the accident, and department or plant area where the accident occurred. Indicate any witnesses and attach their statement.
- In the analysis section, the questions should be answered and any pertinent findings detailed in the explanation area.
- After reviewing the statements, analysis section, accident scene, and considering any facts brought out during interviews; state the underlying and direct causes of the accident are.
- Based on the causes listed above, indicate what corrective actions will be taken to prevent a recurrence of this type of accident.
- If faulty equipment or materials caused the accident, note if a work order (see Facility Inspection section) was submitted. Indicate who is responsible for completing the work and when the work is to be completed.
- If the accident was caused by a personnel deficiency, any disciplinary actions determined will be completed as soon as possible and verified by a follow-up procedure.
- The injured employee, immediate supervisor if applicable, and the accident investigator should all sign the completed investigation form. This is done only after the form is thoroughly completed.
- All accident/incident forms will be reviewed by management and the safety committee to determine if corrective action has been implemented.

13. SUPERVISOR'S ACCIDENT INVESTIGATION REPORT

Please Print or Type Report. See Reverse for Instructions.

I. GENERAL INFORMATION	Department		Shift	
	Employee Name		Job Title	
	Employee Number		Sex (M/F)	
	Date of Accident		Time of Accident <input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
	Type of Accident/Illness			
	Type of Injury			
	Part of Body Injured		Treatment First Aid <input type="checkbox"/> Medical <input type="checkbox"/>	Did Employee Return to Work the Same Day? Yes <input type="checkbox"/> No <input type="checkbox"/>
II. DESCRIPTION	Where and How did Accident Happen?			
III. CAUSES	Specify Machine, Tool Substance or Object Connected with the Accident			
	Unsafe Mechanical/Physical/Environmental Condition at Time of Accident			
	Personal Factors (Attitude, Lack of Knowledge or Skill, Slow Reaction, Fatigue)			
	Personal Protective Equipment Required?			
Was Injured Employee Using Required Equipment?				
IV. RECOMMENDATIONS	Action Plan to Prevent Recurrence (Modification of Machine, Mechanical Guarding, Environment, Training)			
V. FOLLOW-UP	<div style="display: flex; justify-content: space-between; width: 100%;"> _____ Supervisor Signature _____ Date </div>			
	Actions Taken on Recommendations (Include Date Completed)			

Instructions for Completing Accident Report

Please Print or Type All Information. Complete Report in as much Detail as Possible.

I. GENERAL INFORMATION

Fill in all information requested, name of person injured, date, exact location, job title, job being performed, etc. For description of type of accident/illness, injury and body part see the following:

A. Type of Accident/Illness <ul style="list-style-type: none">- Slip/fall- Struck by/against- Caught in/on/between- Contact with/by- Over-exertion/lifting- Burn by- Cut by- Amputation	B. Type of Injury <ul style="list-style-type: none">- Cut- Bruise- Puncture- Abrasion- Strain- Sprain- Burn- Irritation- Swelling- Fracture	C. Part of Body Injured (Select as many as needed) <ul style="list-style-type: none">- Thumb/finger/hand/wrist- Elbow/arm/shoulder- Toe/Foot/Ankle- Leg/knee/hip- Head/neck/face- Nose/eye/ear/throat- Chest/abdomen- Upper back/lower back
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II. DESCRIPTION OF ACCIDENT

Describe in as much detail as possible where and how the accident happened. This section is for facts, not opinions. Statements the injured or witnesses made should be detailed. Use an additional piece of paper if more space is needed. Include sketches or photos if they help explain what happened.

III. CAUSES

Identify and describe in detail the type of equipment, tools, processes, etc., unsafe conditions (mechanical, physical, environmental) and/or personal factors involved in the accident. Discuss the use and requirements regarding any personal protective equipment.

IV. RECOMMENDATIONS

Once causes are identified, action must be taken to prevent the same thing from happening again. Realistic yet effective recommendations should be implemented. The form should be signed and dated by the appropriate supervisor.

V. FOLLOW-UP

List actions that have been taken and their respective completion date. Proper follow-up should continue on any incomplete recommendations.

14. AWAIR COMMUNICATION

A Policy

An essential element of our safety program is good communications. This will be accomplished in a variety of ways. Our goal is to keep employees informed and to encourage their participation and cooperation with company safety policies and procedures. City of Newport feels it is all employees' responsibility to report safety concerns they may have and are encouraged to speak up about their health and safety on the job. All employee safety concerns will be given the highest priority by the safety director and management.

The following methods will be used to keep employees informed of issues affecting their safety and health. All are described in more detail in the specific sections:

1. Safety Committee
2. Safety Suggestion System
3. Employee Handouts
4. Departmental/Company Training Sessions
5. Postings on Company Bulletin Board, including Safety Committee Minutes
6. Interaction with Supervisors, Management and Safety Committee Members
7. Posters and Signs

15. SAFETY COMMITTEE

A. Policy

An important element of our workplace safety program is having an effective safety committee.

Our safety committee shall be comprised of both management representatives and hourly employees. Safety committee representatives shall include managers, safety coordinator, maintenance personnel, and hourly employees from designated areas.

B. Objectives

Set a Good Example - Members must maintain safe work practices and a positive attitude towards safety.

Review Safety Inspections - All workplace hazard inspections will be reviewed by the safety committee for input and recommendations. The unsafe acts and conditions identified should be discussed and assignments made to correct the problem. It is important to verify that corrective action has been taken promptly, so that these problems do not contribute to future accidents and injuries.

Report Unsafe Acts/Conditions - Members must lead the way in informing Management / Supervisors of workplace hazards at all times. This should be done formally in writing as well as immediate on-site discussions.

Review Accident Investigation Reports - Once an accident investigation report is completed, the safety committee will review the report for completeness and clarity. The main goal is to ensure that proper corrective steps were taken to prevent recurrence of a similar accident. If preventative actions are not adequate, the committee should recommend additional or alternate control measures.

Hold Regular Meetings - Meetings should be conducted on a regular basis. The safety director will have the following duties:

- a. Set the date for the meeting.
- b. Document the meeting activities.
- c. Review safety inspections.
- d. Gather/review accident reports prior to the meeting.
- e. Inform management of the safety committee activities.
- f. Develop method of selecting the committee members.
- g. Make assignments to the members.
- h. Keep the meeting on track to ensure problems are solved.

Act on Employee Safety Suggestions - Make a concerted effort to resolve/correct safety concerns raised by fellow employees and give feedback to the person(s) concerned.

C. Safety committee member's responsibility

1. Attend all scheduled safety committee meetings.
2. Make recommendations in regards to accident/injury investigations discussed in the safety committee meeting.
3. Make recommendations in regards to unsafe conditions discussed in the safety committee meeting.
4. Lead by example, by following all safety rules including the use of personal protective equipment (PPE).
5. Be aware of safety issues in their work area.
6. Report safety hazards found in their work area.
7. Take reports from other employees in regards to safety hazards/concerns on the production floor.
8. Observe daily operations being aware of safety issues, notifying employees in their work area of safety hazards, unsafe actions, and safety rule violations.
9. Complete incident reports on near miss incidents occurring in their work area.

D. Safety committee member guidelines for notifying employees of safety hazards, unsafe actions, and safety rule violations.

If a safety committee member observes any safety hazard, unsafe action, or a safety rule violation, they will at their discretion talk with the person or persons involved with the safety hazard, unsafe action, or safety rule violation. If the safety committee member is not comfortable with talking directly to the persons involved, they will immediately report to that person or person's supervisor in regards to the safety hazard, unsafe action, or safety rule violation. The supervisor will then have the responsibility to address the safety concern for that person or persons. If further action is required the Safety Director will be notified of the safety issue. The Safety Director will then follow up with all employees involved in the safety hazard, unsafe action, or safety rule violation.

At the discretion of a safety committee member or supervisor, immediate action may be taken to prevent serious injury on the production floor.

All accident/injury reports, near miss reports, unsafe condition reports and any safety concerns will be discussed at the monthly safety meetings.

16. EMPLOYEE TRAINING

A. *Policy*

On-going safety and health training will be provided for all employees in an effort to maintain the lowest accident/injury rate possible and to maintain compliance with applicable state and federal safety regulations. Accident prevention will be the number one priority and will be presented as a positive, desirable and integral part of the every day activity of any employee while on the job.

City of Newport will provide a systematic training program. The program will provide new employee orientation prior to any new employee starting a new job, on going on the job training, safety and health training focusing on safety rules and requirements. Applicable state and federal regulations dictate training for several topics. All applicable required state or federal training will be completed as prescribed in the regulations.

17. NEW EMPLOYEE ORIENTATION

A. *Policy*

New employees and temporary employees are particularly susceptible to accidents and injuries due to their unfamiliarity with company processes and the work environment. Therefore, it is essential that all new employees receive a thorough orientation of the facility, their job duties, potential hazards on the job, and their responsibilities related to our safety program.

B. *Procedure*

Managers are responsible for the safety orientation of the employees in their department. This orientation must be completed on the first day of employment and must be documented using the New Employee Safety Orientation Checklist and placed in the employee's personnel file. No employee may start on the job without first going through new employee orientation.

18. NEW EMPLOYEE SAFETY ORIENTATION CHECKLIST

Employees Name: _____

Department: _____

Job Function: _____

Date Hired: _____

This checklist is a guideline for conducting employee safety orientation for new employees. Once completed with the orientation the employee and supervisor or trainer must sign the orientation sheet. The signed orientation checklist will serve as documentation that INITIAL SAFETY TRAINING has taken place.

- 1. General overview of company operations, procedures, and methods as they relate to the specific jobs and duties of employees.
- 2. Company Safety Program (AWAIR)
 - A. Initial orientation
 - B. On-the-job training
 - C. Safety meetings annually
 - D. Accident reporting and investigation
 - E. Function of Safety Committee
- 3. Lines of communication and responsibility of immediately reporting accidents and hazards.
 - A. City of Newport Accident/Injury reporting policy
 - B. City of Newport Auto accident reporting policy
 - C. Accident/Incident form
- 4. Company Safety Rules
 - A. General Company safety rules
 - B. Department safety rules
 - C. Driving safety rules
- 5. Emergency Action Plan
 - A. Emergency evacuation
 - B. Use of emergency equipment
- 6. First Aid Supplies
 - A. Call 911 for emergencies
 - B. First aid kits
 - C. Eye wash station
- 7. Personal Protective Equipment Requirements (see PPE program)
 - A. Safety glasses
 - B. Safety boots (recommended)
 - C. Leather work boot (required)
 - D. Protective clothing and gloves
- 8. Hazard Communication
 - A. Chemicals used
 - B. MSDS
 - C. Labeling
 - D. Chemical Safety
 - E. Chemical storage
- 9. Back Injury Prevention: Proper lifting techniques
- 10. Lockout/Tagout
 - A. Purpose
 - B. Requirements
 - C. Equipment available
- 11. Chemical Handling
 - A. PPE use
 - B. Spill control
 - C. Proper handling/Mixing

NOTE: DO NOT CHECK OFF AREAS THAT WERE NOT COVERED. The signature below documents that the employee safety orientation has been completed, and the above topics have been discussed to the satisfaction of both parties, and that both the supervisor/trainer and the employee accept responsibility for maintaining a safe and healthful work environment.

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

19. ENFORCING SAFE WORK PRACTICES AND RULES

To ensure safe work practices and that rules are consistently enforced managers oversee:

- Enforcing safe work practices and rules consistently among City of Newport employees.
- Retraining employees if initial training appears to be ineffective.
- Enforcing and documenting progressive discipline program.

A. Safety Policy Enforcement

- All City of Newports employees are obligated to observe the safety rules. The following guidelines have been developed to assure any corrective discipline that may be required is administered in a fair and consistent manner.
- Safety is everyone's responsibility. Failure to enforce the safety rules is in itself an infraction and will be treated as such utilizing corrective discipline to encourage behavioral change.
- All employees, including management and supervisors, participating in or condoning an unsafe act shall receive equal corrective discipline.
- The unsafe act performed and previous events shall determine the level of corrective discipline received, not the extent of injury or damage incurred.
- Documentation of corrective disciplinary actions and case interviews may become part of the employee's personnel records.
- All documented corrective disciplinary action will be approved by the Department Manager and Safety Director to assure consistent application of this policy.

20. DISCIPLINARY PROCEDURES

A. Policy

The following procedures have been established to ensure that corrective action resulting from violation of company safety standards is administered in a consistent and systematic manner. Employees who fail to comply with company safety standards will be subject to disciplinary action up to and including termination.

Disciplinary procedures must include the employee's immediate supervisor and manager approval, and will be placed in the employees file. The disciplinary steps are outlined below:

- **STEP ONE:**

Verbal Counseling - Following the violation of established safety procedures, a discussion must be held with the employee in question, citing the inappropriate behavior and explaining any corrective action required. This must be documented in the employee's personnel file.

- **STEP TWO:**

Written Warning - Safety violations which are repeated require that a Written Warning Notice be given to the employee, clearly outlining the problem and specifying corrective action. This warning shall be signed and dated by the employee and the immediate supervisor, with a copy placed in the employee's personnel file.

- **STEP THREE:**

Suspension Without Pay - Continued violation of established safety procedures, following a Written Warning Notice or serious violations, which demonstrate reckless behavior, subject the employee to a suspension of employment without pay. This suspension shall be for a minimum of one (1) workday and not to exceed five (5) workdays. The reason for the suspension must be discussed with the employee and a copy of the Notice of Suspension placed in the employee's personnel file.

- **STEP FOUR:**

Termination - Repeated violations of company safety procedures or extreme violations may result in constitutes grounds for dismissal.

Progressive discipline may, but does not necessarily have to, follow the above steps. There can be circumstances causing the company to waive the above steps because of the severity of the act or actions. Termination requires the approval of management and must include the reason for the termination and is so documented in the employee's personnel file.

- 1. PURPOSE**
- 2. SCOPE**
- 3. APPLICABILITY**
- 4. RESPONSIBILITIES**
 - A. Safety Director
 - B. Managers/Supervisors
 - C. Employees
- 5. DEFINITIONS**
- 6. EXPOSURE CONTROL PROGRAM**
 - A. Exposure Determination
 - B. Engineering and Work Practice Controls
 - C. Housekeeping
 - D. Personal Protective Equipment
 - E. General Guidelines
 - F. Gloves
 - G. Eye Protection
- 7. VACCINATION**
- 8. POST EXPOSURE EVALUATION**
- 9. WASTE DISPOSAL**
- 10. LABELS AND SIGNS**
- 11. TRAINING AND RECORD KEEPING**
- 12. APPENDIX**

1. PURPOSE

This program establishes the requirements for a Bloodborne Pathogens Exposure Control Plan for City of Newport. Its purpose is to protect employees from exposure to blood or other potentially infectious materials. This program is designed to maintain compliance with OSHA Bloodborne Pathogen Standard 29 CFR 1910.1030.

2. SCOPE

This program describes the requirements and methods to be used for reducing employee risk of exposure to bloodborne pathogens.

3. APPLICABILITY

This program applies to all employees who receive other First Aid or CPR training. A comprehensive review of all City of Newport job classifications and duties indicated that only employees trained in First Aid or CPR could reasonably anticipate exposure. Employees who render first aid only as collateral duty, responding solely as a Good Samaritan are a special consideration. The City of Newport Bloodborne Pathogen Exposure Control Plan has been developed to protect employees who chose to perform Good Samaritan first aid collaterally.

4. RESPONSIBILITIES

- A. **Safety Director** - The Safety Director will be responsible for providing technical information, training, and to administer the Bloodborne Pathogens Exposure Control Plan. The Safety Director will review the plan to ensure that all regulatory requirements are addressed.
- B. **Managers/Supervisors** - Managers and Supervisors shall be responsible for monitoring and ensuring compliance with this program by employees under their supervision.
- C. **Employees** - Employees are responsible for compliance with the requirements of this program.

5. DEFINITIONS

Blood - Refers to human blood and its components (plasma, platelets, and serosanguineous fluids -- discharges from wounds).

Bloodborne Pathogens - Pathogens: Refers to pathogenic microorganisms that are present in human blood and can cause disease in humans. These include hepatitis B (HBV) and human immunodeficiency virus (HIV). Other examples include: hepatitis C, malaria, syphilis, babesiosis, brucellosis, leptospirosis, arboviral infections, relapsing fever, Creutzfeld-Jacob disease, Human T-lymptrophic Virus Type 1, and viral hemorrhagic fever.

Contaminated - Refers to the presence or reasonable anticipated presence of blood or other potentially infectious materials on an item or surface.

Decontamination - Refers to the use of physical or chemical means to remove, inactivate or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles, and the surface or item is rendered safe for handling, use, or disposal.

Engineering Controls - Means of control that isolate or remove the bloodborne pathogens hazard from the workplace (i.e., guarding a hazardous point which may cause the release or contact of bloodborne pathogens).

HBV - Hepatitis B virus.

HIV - Human immunodeficiency virus.

Licensed Health Care Professional - A person whose legally permitted scope of practice allows him or her to independently perform the activities required for the hepatitis B vaccination and post-exposure evaluation and follow-up.

Occupational Exposure - Reasonably anticipated skin, eye mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

Other Potentially Infectious Materials (OPIM) – 1) Human body fluids, 2) Any unfixed tissue or organ (other than intact skin) from a human (living or dead), or 3) HIV-containing cell or tissue cultures, organ culture medium, and HIV or HBV containing culture medium or other solutions.

5. DEFINITIONS (cont.)

Parenteral - Piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts and abrasions.

Personal Protective Equipment - Specialized clothing or equipment worn by an employee for protection against a hazard.

Source Individual - Any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

Sterilize - The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Universal Precautions - An approach to infection control. According to this concept, all human blood and certain human body fluids are treated as though infected by HIV, HBV, and other bloodborne pathogens.

Work Practice Controls - Controls that reduce the likelihood of exposure by altering the manner in which a task is performed (i.e., work practices, housekeeping, etc.).

6. EXPOSURE CONTROL PROGRAM

The contents of this manual will serve as the basis and guidelines for the Bloodborne Pathogens Exposure control Program to be used throughout the company facilities. A copy of OSHA regulation 1910.1030, Bloodborne Pathogens is included in the manual to insure that a copy of this standard is readily available to affected employees.

The following list identifies the job classification, positions, tasks, and procedures that include potential occupational exposures to blood or other potentially infectious materials as defined in the OSHA standard 1910.1030. The letter A, B, C, or D has been used to distinguish job classification or duties as follows:

- A. Those in which all employees in the job classification have occupational exposure.
- B. Those in which only some employees have occupational exposure.
- C. The particular tasks and procedures, or groups of closely related tasks and procedures, in which occupational exposure occurs and that are performed by employees in job classification B.
- D. Those who may render first aid as a collateral duty.

A. City of Newport Exposure Determination

A	B	C	D
None	None	None	All Employees

To control the exposure to bloodborne pathogens, a combination of control methods, as well as the use of personal protective equipment will be required of the employees when there is a reasonably anticipated contact with any human fluid or tissue. All body fluids shall be considered potentially infectious materials and universal precautions shall be observed to prevent contact with blood or other potentially infectious materials.

B. Engineering and Work Practice Controls

1. Engineering controls shall be used to eliminate or minimize employee exposures. If the exposure remains, the employee shall wear appropriate personal protective equipment. Engineering controls will be examined, maintained, or replaced on a regular basis to ensure their effectiveness.
2. Work practices shall also be used to prevent exposure. These include:
 - a. Personal Hygiene. Hands or affected body parts shall be washed immediately if exposed to blood or other potentially infectious material.
 - b. Eating, drinking, smoking, and handling cosmetics or contact lenses is prohibited in situations where there is reasonable likelihood of exposure
 - c. Equipment, which may become contaminated with blood or other potentially infectious material shall be examined prior to servicing or shipping and shall be decontaminated as necessary.

C. Housekeeping

1. All work areas must be maintained in a clean and sanitary condition.
2. All equipment, environment, and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.
3. All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated as soon as feasible upon contamination.
4. Initial clean up of blood or other potentially infectious materials shall be followed with a disinfectant solution of household bleach diluted with 10 parts water.
5. Broken glassware shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dustpan, tongs, or forceps.

D. Personal Protective Equipment

The exposure control plan requires the use of company supplied personal protective equipment to protect employees from direct exposure to blood or other potentially infectious materials. Appropriate personal protective equipment includes, but is not limited to, gloves, face shields, or masks or other ventilation devices. Personal protective equipment is appropriate if it does not allow blood or other potentially infectious materials to pass through to or reach the employees work clothes, street clothes, under garments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time, which the protective equipment shall be used.

E. General Guidelines

1. Personal protective equipment shall be accessible in the appropriate sizes at the work site or specifically issued to employees. For those who are allergic to the gloves normally provided, hypoallergenic gloves or other effective alternatives shall be readily accessible.
2. The cleaning, laundering, and disposal of personal protective equipment shall be at no cost to the employee.
3. Personal protective equipment shall be repaired or replaced as needed to maintain its effectiveness.
4. All personal protective equipment shall be removed prior to leaving the work area.
5. All removed personal protective equipment shall be placed in an appropriate designed container for storage, washing, decontamination or disposal.

F. Gloves

Gloves shall be worn when hand contact with blood or other potential infectious materials can be reasonably anticipated. Disposable gloves (single use) shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised. They shall not be washed or decontaminated for reuse.

F. Eye Protection

Masks in combination with goggles or glasses shall be worn whenever splashes, spray, splatter, or droplets of blood or other potentially infectious materials may be encountered and eye, nose, or mouth contamination can be reasonably anticipated.

7. VACCINATION

OSHA requires that the hepatitis B vaccine and vaccine series be made available to all employees who have occupational exposure to blood or other potentially infectious materials. An exception would be persons who render first aid as a Good Samaritan. To merit this classification, the following conditions must also be met.

- A. Reporting procedures must be in place under the exposure control plan to ensure that all first aid incidents involving exposure are reported before the end of the work shift during which the incident occurs.
- B. Reports of first aid incidents must include the names of all first aid providers and a description of the circumstances of the accident, including date and time as well as determination of whether an exposure incident has occurred.
- C. First aid providers must receive training under the Bloodborne Pathogens Standard that covers the specifics of the reporting procedures.
- D. All first aid providers who render assistance in any situation involving the presence of blood or other potentially infectious materials, regardless of whether or not a specific exposure incident occurs, must be offered the full immunization series as soon as possible but in no event later than 24 hours. If an exposure incident as defined in the standard has taken place, other post exposure follow-up procedures must be initiated immediately.
- E. Those employees who decline to accept the hepatitis B vaccination must sign a statement to that effect. The required statement can be found at the back of this program.

8. POST EXPOSURE EVALUATION

All exposures are to be reported to City of Newport before the end of the work shift during which the incident occurs. City of Newport will make immediately available to the exposed employee a confidential medical evaluation and follow-up including at least the following elements:

- A. Documentation of the route of exposure and the circumstances under which the exposure incident occurred.
- B. Identification and documentation of the source individual unless it can be established that identification is not feasible or prohibited by state or local law.
- C. Obtain consent and test source individual's blood as soon as possible to determine HBV or HIV infectivity and document the source blood test results.
- D. When the source individual is known to be infected with either HBV or HIV, testing need not be repeated.
- E. Provide the exposed employee with the source individual's test results and information about applicable disclosure laws and regulation concerning the source identity and infectious status.
- F. Provide HBV and HIV serological testing, counseling, and safe and effective post-exposure preventive treatment following the current recommendations of the U.S. Public Health Service.
- G. The health care professional evaluating the employee after an exposure incident shall be provided with the following information:
 - 1. A copy of the OSHA Bloodborne Pathogens Standard.
 - 2. A description of the exposed employee's duties relevant to the incident.
 - 3. Documentation of the route of exposure and circumstance under which exposure occurred.
 - 4. Results of the source individual's blood testing, if available.
 - 5. All medical records relevant to the appropriate treatment of the employee, including vaccination status, which are the employer's responsibility to maintain.
- H. A copy of the evaluating healthcare professional's written opinion shall be obtained with 15 days of completion of the evaluation.
- I. The written opinion for hepatitis B vaccination is limited to whether the vaccine is indicated and if it has been received.
- J. The written opinion for post-exposure evaluation must document that the employee has been informed of the results of the medical evaluation and of any medical conditions resulting from the exposure incident that may require further evaluation and treatment.
- K. All other findings or diagnoses shall remain confidential and shall not be included in the written report.
- L. Medical records required by the OSHA Bloodborne Pathogens Standard shall be maintained in accordance with the requirements of the OSHA standard on access to employee exposure and medical records, 29 CFR 1910.20.

9. WASTE DISPOSAL

- A. Disposal of all infectious waste shall be in accordance with applicable federal, state and local regulations.
- B. All infectious waste shall be placed in closable, leak proof containers or bags that are color coded, labeled, and tagged.
- C. Double bagging prior to handling, storing, and/or transporting infectious waste is necessary if the outside of a bag is contaminated with blood or other potentially infectious materials.
- D. Regulated waste shall be placed in containers that are:
 - 1. Closable.
 - 2. Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping.
 - 3. Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.
- E. If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall follow the guidelines above.

10. LABELS AND SIGNS

- A. Warning labels shall be affixed to containers or regulated waste.
- B. The label shall contain the word "Biohazard" and the biohazard symbol.



- C. The labels shall be fluorescent orange or orange-red with lettering or symbols in a contrasting color.
- D. Label shall be affixed as close as possible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.
- E. Red bags or red containers may be substituted for labels.
- F. Individual containers of blood or other potentially infectious materials that are placed in a labeled container are exempted from the labeling.
- G. Labels required for contaminated equipment shall state which portions of the equipment remain contaminated.
- H. All employees shall be informed of the meaning of the various labels, tags, and color-coding system.

11. TRAINING AND RECORD KEEPING

City of Newport will ensure that all employees who receive Good Samaritan First Aid and CPR training understand the universal precautions for Bloodborne Pathogens and Exposure Control Plan procedures. Training will be provided as follows:

- A. Initial training will be performed by company safety director at safety meetings.
- B. Refresher training will be performed by First Aid and CPR instructors as part of that training.
 - 1. CPR training is annual.
 - 2. First Aid training is every three years.
- C. Training will consist of these elements:
 - 1. A copy of the regulatory text of the OSHA standard and an explanation of its contents.
 - 2. A general explanation of the epidemiology and systems of bloodborne diseases.
 - 3. An explanation of the modes of transmission of bloodborne pathogens.
 - 4. An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan.
 - 5. An explanation of the appropriate methods of recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials.
 - 6. An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment.
 - 7. Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment.
 - 8. An explanation of the basis for selection of personal protective equipment.
 - 9. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.
 - 10. Information on the appropriate actions to take and person to contact in an emergency involving blood or other potentially infectious materials.
 - 11. An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available.
 - 12. Information on the post-exposure evaluation and follow-up that we are required to provide for the employee following an exposure incident.
 - 13. An explanation of the signs and labels and/or color-coding required by the OSHA Bloodborne Pathogens Standard.

11. TRAINING AND RECORD KEEPING (cont.)

- D. Training records shall contain the following information:
1. Dates of the training sessions.
 2. Contents or summary of the training session.
 3. Name and qualifications of person conducting the training.
 4. Name of all persons attending the training sessions.
 5. Training records shall be maintained for three years from the date on which the training occurred.
 6. Employee training records shall be provided to employees upon request.

12. APPENDIX

EMPLOYEE FACT SHEET

HEPATITIS – Hepatitis is a liver disease, initially resulting in possible inflammation of the liver, and frequently leading to more serious conditions including cirrhosis and liver cancer. In the United States, there are approximately 300,000 new cases of Hepatitis B Virus (HBV) per year, which is the most prevalent type of Hepatitis. While there is no cure for Hepatitis B, a vaccine does exist that can prevent infection.

HBV is most often transmitted through breaks in the skin or mucous membranes. This usually occurs through needle sticks, human bites, or having infectious material (such as blood or other body fluids) enter into existing cut or abrasions.

The symptoms of HBV infection are very much like a mild “flu”. Initially, there is a sense of fatigue, possible stomach pain, loss of appetite, and even nausea. As the disease continues to develop, jaundice (a distinct yellowing of the skin) and a hardening of the urine will often occur. However, people who are infected with HBV will often show no symptoms for some time.

After exposure, it can take 2-6 months for Hepatitis B to develop. This is extremely important, since vaccinations immediately after exposure to the virus can often prevent infection.

HUMAN IMMUNODEFICIENCY VIRUS – Human Immunodeficiency Virus (HIV) is the “newest” of the major blood borne diseases. The Centers for Disease Control and Prevention (CDC) estimate that 850,000 to 950,000 U.S. residents are living with HIV infection, one-quarter of who are unaware of their infection. Approximately 40,000 new HIV infections occur each year in the United States, about 70 percent among men and 30 percent among women. Of these newly infected people, half are younger than 25 years of age.

Symptoms of HIV infection can vary, but often include:

- Weakness
- Fever
- Sore Throat
- Nausea
- Headaches
- Diarrhea
- Other “flu-like” symptoms

12. APPENDIX (cont.)

However, many people with the HIV virus may show no apparent symptoms for many years after they have become infected.

In most cases, contracting the HIV virus ultimately leads to the development of Acquired Immunodeficiency Syndrome (AIDS). This results in the breakdown of the immune system, leaving the body unable to fight off other diseases. Currently, no vaccine exists to prevent infection by the HIV virus, and there is no known cure.

HEPATITIS B VACCINATION CONSENT/DECLINATION

I understand that due to my occupational exposure to blood or other potentially infectious materials, I may be at risk of acquiring the Hepatitis B virus infection. I further understand that vaccination is recommended by Centers for Disease Control and the Occupational Health and Safety Administration. I have been given the necessary educational information to make a decision about receiving the vaccine, and understand that I have been given the opportunity to receive it at no charge to myself.

Please read, check, and sign one of the sections below.

INFORMED CONSENT

I want to participate in the Hepatitis B vaccination program. I have been informed of the possibility of adverse reactions to the vaccination and my questions have all been answered to my satisfaction. I understand that there is no guarantee the vaccine will be fully effective and have been instructed on how to prevent blood and body fluid exposures in the course of my work responsibilities.

Signature

Date

INFORMED REFUSAL

I decline Hepatitis B vaccination at this time.

I have already received the complete series of Hepatitis B vaccinations (3 doses).
Year: _____

I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with the Hepatitis B vaccine, I can receive the vaccination series at no charge to me. I have been instructed on how to prevent blood and body fluid exposures in the course of my work responsibilities.

Signature

Date

POST-EXPOSURE EVALUATION AND FOLLOW-UP CHECKLIST

The following steps must be taken, and information transmitted, in the case of an employee's exposure to Blood borne Pathogens:

ACTIVITY	COMPLETION DATE
Employee furnished with documentation regarding exposure incident	
Source individual identified (_____) Source Individual	
Source individual's blood tested and results given to exposed employee <input type="checkbox"/> Consent has not been able to be obtained	
Exposed employee's blood collected and tested	
Appointment arranged for employee with healthcare professional (_____) Professional's Name	
Documentation forwarded to healthcare professional <input type="checkbox"/> Blood borne Pathogens Standard <input type="checkbox"/> Description of exposed employee's duties <input type="checkbox"/> Description of exposure incident, including routes of exposure <input type="checkbox"/> Result of source individual's blood testing <input type="checkbox"/> Employee's medical records	

EXPOSURE INCIDENT INVESTIGATION FORM

Date of Incident: _____ Time of Incident: _____

Location: _____

Potentially Infectious Materials Involved:

Type: _____ Source: _____

Circumstances (work being performed, etc.): _____

How Incident Was Caused (accident, equipment malfunction, etc.): _____

Personal Protective Equipment Being Used: _____

Actions Taken (decontamination, clean-up, reporting, etc.): _____

Recommendations for Avoiding Repetition: _____

- 1. MOTOR VEHICLE SAFETY POLICY**
- 2. ORGANIZATION AND RESPONSIBILITIES**
- 3. VEHICLE USE**
- 4. DRIVER SELECTION**
- 5. ACCIDENT RECORDKEEPING, REPORTING AND ANALYSIS**
- 6. EMPLOYEE ACCIDENT REPORTING PROCEDURE**
- 7. COMPANY ACCIDENT REVIEW BOARD**
- 8. VEHICLE SELECTION, INSPECTION AND MAINTENANCE**
- 9. DRIVER TRAINING**
- 10. DRIVER SAFETY REGULATIONS**
- 11. APPENDIX**
 - A. Vehicle Assignment Agreement
 - B. Employment Application, Driver Selection Supplement
 - C. Vehicle Inspection Report
 - D. Transport Accident Report

1. MOTOR VEHICLE SAFETY POLICY

A. Policy

Many employees operate company owned, leased, rental or personal vehicles as part of their jobs. Employees are expected to operate vehicles safely to prevent accidents, which may result in injuries and property loss. It is the policy of City of Newport to provide and maintain a safe working environment that helps to protect our employees and the citizens of the communities where we conduct business from injury and property loss. We consider the use of automobiles part of the environment. City of Newport is committed to promoting a heightened level of safety awareness and responsible driving behavior in its employees. Our efforts and the commitment of employees will prevent vehicle accidents and reduce personal injury and property loss claims. This program requires the full cooperation of each driver to operate their vehicle safely and to adhere to the responsibilities outlined in the Motor Vehicle Safety Program. Elements of this program include:

- Assigning responsibilities at all levels of employment.
- Vehicle use and insurance requirements.
- Employee driver's license checks and identification of high-risk drivers.
- Accident reporting and investigation.
- Company Accident Review Board.
- Vehicle selection and maintenance.
- Training standards.
- Safety regulations.

B. Responsibility

Management is responsible for successful implementation and on-going execution of this program. Supervisors and employees are responsible for meeting and maintaining the standards set forth in this program.

C. Scope

This policy applies to employees who operate vehicles on company business and will be reviewed by managers and supervisors to ensure full implementation and compliance.

Signature

Date

2. ORGANIZATION AND RESPONSIBILITIES

A. City of Newport President

City of Newport company's President is responsible for directing an aggressive vehicle safety program.

B. City of Newport Management

- Implement the Motor Vehicle Safety Program in their areas of responsibility.
- Establish measurement objectives to ensure compliance with the program.
- Provide assistance and the resources necessary to implement and maintain the program.

C. City of Newport Supervisors

- Investigate and report all accidents involving a motor vehicle used in performing company business. Forward all accident reports to the Vehicle Safety Coordinator.
- Be responsible for taking appropriate action to manage high risk drivers as defined by this program.
- Provide driver training either internally or through external means for high-risk drivers.

D. Vehicle Safety Coordinator

- Issue periodic reports of losses for the President's review.
- Review motor vehicle accident reports as part of the Company Accident Review Board.
- Revise and distribute changes to the Motor Vehicle Safety Program to Managers, Supervisors and drivers, as necessary.
- Maintain appropriate records.

E. Drivers

- Always operate a motor vehicle in a safe manner as explained under the section titled, "Driver Safety Regulations."
- Maintain a valid driver's license and minimum insurance requirements on personal vehicles used in company business.
- Maintain assigned vehicles according to established maintenance standards.

3. VEHICLE USE

A. City of Newport Owned Vehicles

Passenger Cars - Employees authorized, by their Supervisors, will be permitted to operate a passenger car. When the vehicle is driven for personal use, only the employee or the employee's spouse will be permitted to operate the vehicle. No one under the age of 21 will be permitted to operate the vehicle.

Commercial Vans and Trucks - Employees with appropriate commercial driver's license (if required by the state), authorization from their supervisor and qualified by the state and Federal DOT, when applicable, will be permitted to operate the vehicle.

B. Personal Vehicles on Company Business

Employees who drive their personal vehicles on company business are subject to the requirements of this program, including:

- Maintaining auto liability insurance with minimum limits of \$100,000/\$300,000 for bodily injury and \$50,000 for property damage or with a combined single limit of \$300,000, providing a certificate of insurance when requested by City of Newport.
- Maintain current state vehicle inspections when required.
- Maintain their own vehicle in a safe operating condition when driven on company business.

C. Rental Vehicles

- Rental vehicles will be leased from the vendor of City of Newport choice.
- Collision damage waiver will be refused.

D. Unauthorized Use of Vehicles

Assigned drivers and other authorized employees will not allow an unauthorized individual to operate a company vehicle. No exceptions! Disciplinary action may be taken. Additionally, if unauthorized use results in an accident, the responsible employee will be required to make restitution for the damages.

City of Newport
COMPANY-OWNED VEHICLE USE AGREEMENT

(This form is to be filled out and signed in duplicate by the employee)

Agreement between **Company**, hereinafter referred to as the Company, and the employee named below for the use of a Company-owned vehicle for business use.

Employee-Custodian	Social Security #	Company	Department

A Company-owned vehicle may hereby be assigned for use to the above named employee under the following conditions:

1. Any driver of a Company vehicle shall at all times be properly licensed to drive in any area in which the vehicle is operated.
2. The vehicle shall be operated and maintained according to the Company's standards.
3. The custodian shall keep accurate records and reports as may be required by the Company covering mileage, expense, accidents, vehicle maintenance, etc.
4. Any driver of a Company vehicle shall at all times follow safe driving practices.
5. Hitch-hikers are not permitted to ride at any time, and the carrying of passengers for a consideration is not allowed.
6. The custodian assumes full responsibility for any violations, including traffic, parking, dealer plate, etc., arising out of the use of the Company vehicle. If the Company should be required to pay any fine after the custodian terminates employee with the Company, the custodian agrees to reimburse the Company within 30 days of written notice.
7. It is Company policy that employees who drive or ride as passengers in Company vehicles will use available passenger restraints at all times when the vehicle is in motion.
8. The Company may revoke this assignment at any time.

I have read, understand and agree to comply with all above conditions for my being assigned the custodianship of a Company vehicle and agree to abide by them.

Date

Employee's Signature

Date

Supervisor

4. DRIVER SELECTION

Only City of Newport personnel who have met the minimum requirements listed below are allowed to drive company vehicles in any capacity; i.e., sales, service, runners, others.

A. *Driver Selection*

- Applicants must be 18 years of age in order to be considered for a driving position with City of Newport.
- If an applicants MVR qualifies under the Driver Eligibility Standards section of this program, the individual may be considered for a driving position with City of Newport.
- Driver eligibility standards (see attached).
- In addition, Motor Vehicle Record checks are made at least annually after the initial check, by Acordia. A copy of the driving record will be kept in the employees driver file.

B. *Personnel Records*

A copy of the employee's driver's license is maintained in the individual's personnel file. The license should be checked for the following:

- The license must be valid for the state in which the vehicle is operated.
- The license must cover the type of vehicle being driven or the use involved.
- The license must be current. Note the expiration date. Make sure that the license is renewed on time, and that a copy of the renewed license is placed in the personnel file. Expiration dates will be checked when motor vehicle records are run.
- The name of the license must be exactly as it appears on the payroll.
- The driver must meet any specifications or restrictions stated on the license (e.g., eye glasses).

4. DRIVER SELECTION (cont.)

C. Driver Qualifications

Effective driver qualification controls are important elements of a successful motor vehicle safety program. Management developed and incorporated standards into this program, which reflect the skills necessary for satisfactory job performance while taking into consideration applicable Federal and State regulations.

City of Newport implemented three levels of driver qualification criteria. Use of any or all of these criteria is dependent upon the nature and scope of the driving requirements.

- State-regulated driver qualification parameters must be met. Regulatory information will be obtained from applicable state departments of transportation and motor vehicle services.
- Where applicable, drivers will comply with D.O.T. Commercial Driver License (CDL) regulations.
- Drivers involved in interstate or foreign commerce in vehicles with Gross Motor Vehicle Weight Rating (GMVR) of 10,001 pounds or more, designed to transport 16 or more passengers, including the driver, or used in the transportation of hazardous materials in a quantity requiring placarding under the D.O.T. Hazardous Materials Regulations, are subject to the requirements of the D.O.T. Federal Highway Administration's Federal Motor Carrier Safety Regulations.

D. Driver Eligibility Standards

Employee must have a valid driver's license in order to operate a company vehicle. The following standards apply to all drivers of company and/or customer vehicles.

Employees with one of the following serious violations within the last 3 years will not be allowed to drive company vehicles; which may include, any company owned vehicle, any customer vehicle in the care of City of Newport or a personal vehicle for company purposes.

- Any vehicle-related drinking or drug violation; including DWI, DUI, implied consent, complied consent-test, open bottle, implied consent refusal, careless or reckless driving with implied consent.
- Reckless/careless or negligent driving.
- Homicide, negligent homicide, or involuntary manslaughter by vehicle.
- Fleeing or attempting to elude police officers.
- Driving without a license or while license is suspended or revoked.
- Hit and Run.
- Evading responsibility of an accident.

4. DRIVER SELECTION (cont.)

D. Driver Eligibility Standards (cont.)

Employees with 2 or more of the following administrative occurrences during the past 3 years will not be permitted to drive company owned vehicles; including any customer vehicle in the care of City of Newport, or a personal vehicle for company purposes.

- Expired License
- Expired Vehicle Tags
- Unregistered Motor Vehicle
- Driving without insurance

Employees with 3 or more of the following occurrences during the past 3 years will not be permitted to drive company owned vehicles; including any customer vehicle in the care of City of Newport, or a personal vehicle for company purposes.

- Speeding
- Speed greater than reasonable or prudent for conditions
- Failure to yield
- Failure to obey traffic signal
- Tailgating
- Red light violation
- Other moving violations
- At-fault accident

Employees with more than 4 of the following occurrences during the past 3 years will not be permitted to drive company owned vehicles; including any customer vehicle in the care of City of Newport, or a personal vehicle for company purposes.

- Equipment ticket
- Oversize or overweight vehicle
- Other equipment/vehicle condition violations
- Not at-fault accident

These standards may be changed, modified or adjusted at any time at the sole discretion of the administrator of City of Newport.

E. Progressive Discipline for City of Newport Drivers

Warning Letters

If a routine MVR check, done on any driver, shows any of the following:

- Involved in an at-fault accident
- Accumulation of two (2) moving violations (with conviction) within any 18-month period

Probation

A driver may face a mandatory six (6) month probationary period for the following reasons:

- Involved in one (1) at-fault accident within a 12-month period
- Accumulation of two (2) moving violations (with convictions) within any 12-month period

If during the six (6) month probation period, any violation occurs, employee may be suspended from use of City of Newport vehicles for a minimum of one (1) year, or as driving standards warrant. This includes all City of Newport owned vehicles, customer cars in the care of City of Newport or personal vehicles used for company business.

Suspension from use of company vehicles (including use of personal vehicles for company business) for a minimum of 1 year or as driving standards warrant may occur for any of the following reasons:

- If routine MVR check shows driver out of compliance with driver eligibility standards.
- Failure to report a vehicular accident.
- Driving while under suspended license.
- Unauthorized use of a company vehicle for non-business use.
- Driving while under influence of drugs/alcohol while on company time.
- Reckless or careless driving while on company time.

Termination of Employment

An associate may be terminated from employment for any combination of the above in addition to:

- Revocation of operator's license.
- Supply inaccurate information or misrepresenting driving history to personnel at any time.
- Conviction of driving under the influence of alcohol/illegal drugs charge on company time or with company vehicle.

5. ACCIDENT RECORDKEEPING, REPORTING AND ANALYSIS

City of Newport considers elimination of motor vehicle accidents as a major goal. To meet this objective, all accidents will be reported to management, investigated,

Driving Program

documented and reviewed by the Company Accident Review Board. The investigation identifies need for:

- A more intensive driver training and/or remedial training.
- Improved driver selection procedures.
- Improved vehicle inspection and/or maintenance activities.
- Changes in traffic routes.

Motor vehicle accident record keeping procedures consist of the following components:

- Documentation of causes and corrective action.
- Management review to expedite corrective action.
- Analysis of accidents to determine trends, recurring problems and the need to further control measures.

Implementation of procedures remains the responsibility of both the driver and the manager.

- Since the driver is the first person at the accident scene, he/she will initiate the information gathering process as quickly and thoroughly as is feasible.
- Management will obtain accident data from the driver through the Transportation Accident Report form and/or by verbal communication. It is important for management to determine the extent of the accident, especially if it involves injury or death to the driver, passengers, or other parties.
- Management will immediately proceed with formal investigation to determine the underlying causes as well as what can be done to prevent similar occurrences. The accident report will be forwarded to the insurance claims office along with any additional support data (e.g., witness statements, photographs, police reports, etc.).

If a vehicle is involved in an accident, which is determined preventable, driver reimbursement to the company should be as follows:

- The first 50% of the repair cost, up to a maximum reimbursement of \$250 per accident, if the vehicle is repairable, will be charged back to the driver.
- If the vehicle is a total loss, the driver will be charged \$250.

5. ACCIDENT RECORDKEEPING, REPORTING AND ANALYSIS (cont.)

The following definitions relate to motor vehicle accidents:

A **motor vehicle accident** is defined as “any occurrence involving a motor vehicle which results in death, injury or property damage, unless such vehicle is properly parked. Who was injured, what property was damaged and to what extent, where the accident occurred, or who was responsible, are not relative factors”.

A **preventable accident** is defined as “any accident involving the vehicle, unless properly parked, which results in property damage or personal injury and in which the driver failed to do everything he/she **reasonably** could have done to prevent or avoid the accident”.

Note 1: A properly parked motor vehicle is one that is completely stopped and parked where it is legal and prudent to park such a vehicle or to stop to load/unload property. Vehicles stopped to load/unload passengers are not considered parked.

Note 2: Parking on private property will be governed by the same regulations that apply on public streets and highway. A vehicle stopped in traffic in response to a sign, traffic signal or the police are not considered parked.

The determination of preventability of an accident is the function of the Company Accident Review Board.

6. EMPLOYEE ACCIDENT REPORTING PROCEDURE

Employees will take the following actions when there are injuries to persons and/or damage to other vehicles or property:

- If possible, move the vehicle to a safe location out of the way of traffic. Call for medical attention if anyone is hurt.
- Secure the names and addresses of drivers and occupants of any vehicles involved, their operator’s license numbers, insurance company names and policy numbers, as well as the names and addresses of other injured persons and witnesses. Record this information on the Transportation Accident Report form. **Do not discuss fault with, or sign anything for anyone except an authorized representative of City of Newport, a police officer, or a representative of City of Newport’s insurance company.**
- Immediately notify the Vehicle Safety Coordinator at **(telephone number)**. If any injuries were involved and the Vehicle Safety Coordinator is not available, contact your supervisor immediately.

6. EMPLOYEE ACCIDENT REPORTING PROCEDURE (cont.)

- You will be contacted by the Vehicle Safety Coordinator to advise you how to arrange for repairs to the vehicle. Do not have the vehicle repaired until you receive authorization from the Vehicle Safety Coordinator.

When there is theft of or damage to your vehicle only:

- If you did not witness the damage to the vehicle, you must notify the local police department immediately.
- Immediately notify the Vehicle Safety Coordinator at **(telephone number)**.
- You will be contacted by the Vehicle Safety Coordinator to advise you how to arrange for repairs to or replacement of the vehicle. Do not have the vehicle repaired until you receive authorization from the Vehicle Safety Coordinator.
- Send a copy of the police report, along with a memo outlining any additional information, to the Vehicle Safety Coordinator.

7. COMPANY ACCIDENT REVIEW BOARD

The Board will consist of four members from management and two from the drivers. Those members are (recommendations by title):

- Corporate Manager of Human Resources, EEOC & Safety
- Assistant Treasurer/Risk Manager
- Corporate Counsel (on advisory basis)
- Vehicle Safety Coordinator

The Board will meet monthly to:

- Review all vehicle accidents, related personal injury and determine the preventability of each accident. The Board will also make a recommendation as to whether the employee will participate in collision repair costs when the driver's preventability has been established by the Company Accident Review Board. Items used to determine preventability are citation, traffic court, conviction or driver's admission, or any other evidence such as violation of defensive driver's techniques, data from police reports or witnesses' comments, or in the event of trends, frequency, or other factors where there is questionable fault.
- Review driving records of any driver receiving two moving violations or one DWI conviction within any one-year period, and make recommendations for driving school attendance, loss of driving privileges or appropriate action. This report will be made available to the immediate supervisor.

7. COMPANY ACCIDENT REVIEW BOARD (cont.)

The theory behind the Review Board is that it will determine to what degree the driver contributed to the accident. The basic premise being that if the employee contributed **in some way** to the accident, the accident should be considered **preventable**.

The standards that govern the determination of preventability in any accident situation are much more demanding than those which govern the determination of courtroom liability. The objective of the Review Board is simply to get the facts and to instruct the employees regarding the errors they made which led them in to an accident.

Letters should be sent to all employees involved in an accident, indicating their accidents were either preventable or non-preventable. Errors made should be highlighted and corrective action should be spelled out.

Minutes of the Company Accident Review Board's proceeding will be kept and published to appropriate levels of management.

8. VEHICLE SELECTION, INSPECTION AND MAINTENANCE

A. Introduction

Proper selection and maintenance of equipment are important aspects of this program. Reduced operational costs and accidents from vehicle defects are the direct result of a well implemented maintenance policy.

B. Vehicle Selection

Selection of vehicles begins with understanding that the wrong equipment can result in excessive breakdowns, create hazards to personnel, incur costly delays and contribute to poor service and customer complaints. City of Newport will purchase vehicles designed for their intended use.

C. Vehicle Maintenance

Vehicle maintenance can take the form of three distinct programs: preventative maintenance, demand maintenance and crisis maintenance. While all three types have their role in the Motor Vehicle Safety Program, the most cost effective control is preventative maintenance. The groundwork for a good preventive maintenance program starts with management. A review of manufacturer's specifications and recommendations for periodic preventive maintenance should be integrated with the actual experience of the vehicles.

8. VEHICLE SELECTION, INSPECTION AND MAINTENANCE (cont.)

C. Vehicle Maintenance (cont.)

- Preventive Maintenance (PM) is performed on a mileage or time basis. Typical PM includes oil/filter changes, lubrication, tightening belts and components, engine tune-ups, brake work, tire rotation, hose inspection/replacement and radiator maintenance.
- Demand Maintenance is performed only when the need arises. Some vehicle parts are replaced only when they actually fail. These include light bulbs, window glass, gauges, wiring, air lines, etc. Other “demand maintenance” items involve vehicle components that are worn based on information from the vehicle condition report. These include tires, engines, transmissions, universal joints, bushings, batteries, etc. Since these situations are identified through periodic vehicle inspection, they can actually be classified within the PM program.
- Crises Maintenance involves a vehicle breakdown while on the road. While a situation of this type may happen regardless of the quality of the PM program, it is an expensive alternative to not having an effective preventive maintenance program at all. Crisis maintenance situations should be minimized through proper PM procedures.

D. Recordkeeping

City of Newport vehicle selection, inspection and maintenance program is only as good as its recordkeeping procedures. Employees will forward all vehicle maintenance records for maintenance performed each quarter as an attachment to the Motor Vehicle Safety form.

9. DRIVER TRAINING

Drivers hired by City of Newport to operate a motor vehicle will have the basic skills and credentials necessary to perform this function as confirmed through the driver selection process.

New employees, contractors, and temporary hires will receive a copy of this program as part of their initial orientation. A copy of this program will be kept in the vehicle.

License Suspension - Drivers must notify the Vehicle Safety Coordinator if their license has been suspended or revoked.

9. DRIVER TRAINING (cont.)

Remedial Training - **Drivers will be required to attend a safety driving school (National Safety Council Defensive Driving course or equivalent) on their own time and at their own expense if a review of the driver's MVR indicates:**

- Two or more violation convictions within any one-year period, or
- A conviction for driving while under the influence of alcohol or drugs or any other serious violation listed in the Driver Eligibility Standards section.

10. DRIVER SAFETY REGULATIONS

A. Safety Belts

The driver and all occupants are required to wear safety belts when the vehicle is in operation or while riding in a vehicle. The driver is responsible for ensuring passengers wear their safety belts. Children less than four years of age or under 40-pounds in weight must be secured in a D.O.T. approved child safety seat.

B. Impaired Driving

The driver must not operate a vehicle at any time when his/her ability to do so is impaired, affected, influenced by alcohol, illegal drugs, prescribed or over-the-counter medication, illness, fatigue or injury.

C. Traffic Laws

Drivers must abide by all Federal, State and local motor vehicle regulations, laws and ordinances.

D. Vehicle Condition

Drivers are responsible for ensuring the vehicle is maintained in safe driving condition. Drivers of daily rentals should check for obvious defects before leaving the rental office/lot and, if necessary, request another vehicle if the first vehicle is deemed unsafe by the employee. Drivers are encouraged to rent vehicles equipped with air bags and ABS brakes, when available.

10. DRIVER SAFETY REGULATIONS (cont.)

E. *Cell Phones and iPods*

The following procedures apply to employees driving on company business who wish to use mobile devices in the vehicle.

- External speaker or microphone must be included to allow hands-free operation.
- Phone number memory and programming capabilities are to be included.
- Drivers are to refrain from placing outgoing calls while the vehicle is in motion.
- Incoming calls should be limited.
- For any vehicle equipped with a cell phone that does not meet the above equipment specifications, use of the phone is authorized ONLY when the vehicle is safely parked.
- Employees are prohibited from using an iPod or similar device while operating a motor vehicle.

F. *Motorcycles*

Employees are prohibited from using motorcycles when traveling on company business.

G. *General Safety Rules*

Employees are not permitted to:

- Pick up hitchhikers.
- Accept payment for carrying passengers or materials.
- Use any radar detector, laser detector or similar devices.
- Push or pull another vehicle or tow a trailer.
- Transport flammable liquids or gases unless a D.O.T. or Underwriter's Laboratories approved container is used, and only then in limited quantities.
- Use of burning flares will be discouraged. The preferred method is the use of reflective triangles.
- Assist disabled motorists or accident victims beyond their level of medical expertise. If a driver is unable to provide the proper medical care, he/she must restrict his/her assistance to calling the proper authorities. Your safety and well-being is to be protected at all times.

H. *Company and Personal Property*

Employees are responsible for company property such as computers, work papers and equipment under their control. City of Newport will not reimburse the employee for stolen personal property.

City of Newport
VEHICLE CONDITION CHECKLIST

Driving Program

Issuance Return

Operator		Date
Vehicle Make/Model		Mileage
License Plate #	VIN	Stock #

Upon the issuance or return of a City of Newport owned vehicle to/from any employee, the vehicle condition checklist must be properly filled out. Make any comments about the vehicle at the time of issuance/return in the space provided below. Check the condition of all listed items below.

Interior Condition

- Carpet
- Seats/Fabric/Leather
- Dashboard
- Lighter
- Ash Tray
- Glove Box
- Seat Belts
- Controls
- Trunk
- Audio/Speakers
- Signal/Hazard Lights
- First Aid/Bloodborne Pathogen kit
- Driver's Accident Report Kit

Exterior Condition

- Body Condition
*Dents/Scratches
- Paint
- Head/Driving Lights/Turn Signals
- Tail/Brake Lights/Turn Signals
- Windows
- Tire/Wheel Condition
*Spare
- Exhaust
- Suspension
- Windshield Wipers
- Emergency Kit

Insurance

- Vehicle Insurance Card
- Vehicle License Tabs Current

Maintenance

- Repairs Made
- No Repairs Needed

Remarks:

Reporting Operator

Date

Vehicle Inspector

Date

City of Newport
VEHICLE MAINTENANCE CHECKLIST

Driving Program

Operating Properly Not Operating Properly Date _____

INSIDE

- Horn
- W/S Wiper/Washer & Blade Operation
- Heater and Defroster
- Mirrors
- Windows (cleanliness)
- Steering Wheel (excess play)
- Seat Belts
- Emergency Devices (flares & extinguisher)
- Start Engine (idle)
- Oil Pressure
- Apply Parking Brake
- Apply Brakes (with unit moving, under 5 mph – repeat testing)
- Dashboard Lights

OUTSIDE-FRONT

- Headlights
- Turn Signals
- Identification Lights
- Tires and Wheels (alignment & wear)
- Engine Water Level
- Transmission Fluid
- Anti-freeze (in season)

OUTSIDE-REAR

- Taillights
- Turn Signals
- Reflectors, Doors, Tailgate, misc.
- Wheels & Tires (alignment & wear)

EMERGENCY EQUIPMENT

- Fire Extinguishers
- Flags, Standards, Warning Lights
- Spare Fuses
- Spare Bulbs
- Chains in Season
- First-Aid Kit

MECHANICAL OPERATION

- Engine Knocks, Misses, Overheats, etc.
- Clutch Skips, Grabs, Other...
- Transmission Noisy, Hard Shifting, Jumps Out of Gear, Other...
- Axles-noisy, Other...
- Steering Loose, Shimmy, Hard
- Air, Oil, Water, Leaks
- Springs Broken, Other...
- Brakes-noisy, Pulls, Soft, Other...

FLUIDS

- | | |
|---|---------------------|
| <input type="checkbox"/> Oil | <u>Amount Added</u> |
| <input type="checkbox"/> Anti-freeze | _____ |
| <input type="checkbox"/> Transmission | _____ |
| <input type="checkbox"/> W/S Fluid | _____ |
| <input type="checkbox"/> Power Steering | _____ |
| <input type="checkbox"/> Brakes | _____ |

GENERAL REPAIRS OR SERVICE NEEDED

Vehicle Make	Date of Prior Inspection	Mileage
Driver	Repair(s) Made By	Date

- 1. EMERGENCY ACTION PLAN**
 - A. Purpose
 - B. Emergency Action Plan
- 2. FIRE EVACUATION**
 - A. Purpose
 - B. Procedure
- 3. CHEMICAL RELEASE**
 - A. Purpose
 - B. On-Site Procedure
- 4. SEVERE WEATHER**
 - A. Purpose
 - B. Procedure
- 5. MEDICAL EMERGENCY**
 - A. Purpose
 - B. Procedure
- 6. NATURAL GAS LEAK**
 - A. Purpose
 - B. Procedure

1. EMERGENCY ACTION PLAN

A. Purpose

The purpose of this plan is to guide the actions of management, supervisors and employees, in the event of an emergency situation. This Emergency Action Plan will include emergency action guidelines for potential emergencies the City of Newport may encounter.

B. Emergency Action Plan

This Emergency Action Plan contains the emergency responses for the following events:

- Fire Evacuation
- Toxic Chemical Release
- Severe Weather Situations
- Medical Emergencies
- Natural Gas Leak

This Emergency Action Plan contains:

- Emergency escape procedures and emergency escape routes. The emergency procedures will be listed out by type of emergency in the following pages. An evacuation map is included in this plan and has evacuation routes and emergency equipment designated.
- Procedures to be followed by employees who remain to operate critical plant operations before they evacuate (if necessary).
- Procedures to account for all employees once evacuation has taken place.
- Duties for all employees in regards to emergency evacuation, including rescue or medical duties.
- The alarm system(s) that will be used to alert employees of potential emergency situations.
- Names of employees who will coordinate/implement the emergency action plan, and make sure the plan is updated as needed.

2. FIRE EVACUATION

A. Purpose

To establish safety procedures that will be followed in the event of a fire within the facility.

B. Procedure

In the event of an evacuation due to fire the following procedures will be followed:

- Any employee that notices a fire will immediately notify the front office via telephone or word of mouth. At this time the decision will be made to dial 911 for the fire department. If it is questionable whether the use of a fire extinguisher will be effective in putting the fire out, the fire department is to be called immediately.
- All employees on site will be notified of the fire via the P.A. system or by voice commands.
- All employees will evacuate the building through any available exit at the time of the alarm and make their way to the evacuation-meeting point. All employees **MUST** go directly to the evacuation-meeting place for a head count.
- A head count will be taken once at the evacuation location to determine if all employees have evacuated the facility. All employees must be accounted for. City of Newport's evacuation location facility emergency coordinator is . , or an additional member of the safety committee, will be responsible for the head count.
- will be responsible for coordinating emergency response with the local fire department and emergency services. No employee may go back into the facility until an all clear has been declared by or the safety committee.

and the safety committee will be responsible for implementing this emergency action plan and updating the plan as needed.

3. CHEMICAL RELEASE

A. Purpose

To establish safety procedures to be followed in the event of a chemical release on-site.

B. On-Site Procedure

In the event of a chemical release anywhere on-site the following procedures are to be followed.

- Any employee that detects a chemical release will notify a member of the safety committee and or the emergency coordinator, , immediately. Information to be relayed to the safety committee member and or the emergency coordinator should include:
 - Chemical released
 - Amount of chemical released
 - Location of release
- The safety committee member or emergency coordinator will determine the need for emergency response from an outside source. The size and location of the spill and the type of chemical spilled will determine whether outside sources may be needed and also the need for evacuation of the facility.
- All employees will be notified via the P.A. system or by voice commands if it is determined that an evacuation must take place due to the chemical release. The type of chemical released and the amount of chemical released will determine evacuation meeting place for chemical releases. Only certain chemicals would require an off-site evacuation due to their toxicity. In the event of an OFF-SITE evacuation all employees will meet at . It is likely that no chemical releases at City of Newport will require an evacuation of the facility.
- The chemical release will be mitigated/cleaned-up. City of Newport has material and equipment available to deal with small chemical releases.
- Once the spill has been mitigated/cleaned-up a member of the safety committee will complete an incident report. All agencies (state or federal) that need to be notified per regulations will be contacted as soon as possible after the incident.

4. SEVERE WEATHER

A. Purpose

To establish safety procedures for all personnel to follow in the event of severe weather conditions (Severe Thunderstorms, High Wind, and Tornadoes).

B. Procedure

In the event of imminently dangerous weather conditions, all personnel within the facility will take the following measures.

- Office staff will monitor weather conditions via Weather Radio and Local Radio for storm watches and warnings.
- If a storm watch or warning is issued for the area all personnel within the facility will be notified to stay on the alert and be ready to seek shelter in case of imminent danger.
- Management officials will determine the need to seek shelter in case of imminent danger.
- Imminent Danger safety procedure:
 - All personnel will stop work immediately
 - Machinery and equipment should be shut down if time allows
 - All personnel will proceed quickly and safely to the .
 - All personnel must be prepared to protect themselves within the severe weather shelter area by sitting down with back to the wall, placing their head between their knees and covering their head with their arms (crash position). All personnel should keep safety glasses on.
 - If any personnel are caught outside of the facility they will find the nearest ditch or depression and lie flat on the ground and cover their head to avoid being hit by flying debris.
 - All personnel will wait for the “all clear” signal before leaving the severe weather shelter area.
- An inspection of the buildings will be conducted by the emergency coordinator, , and the safety committee prior to any personnel going back to their work stations.
- Management will notify personnel if work will resume. All personnel will be accounted for prior to work resuming.
- IT IS THE RESPONSIBILITY OF ALL PERSONNEL TO FOLLOW THIS SEVERE WEATHER PROCEDURE IN THE EVENT OF IMMINENT DANGER WEATHER CONDITIONS.

5. MEDICAL EMERGENCY

A. Purpose

To establish safety procedures that will be followed in the event of a medical emergency on-site.

B. Procedure

In the event of a medical emergency on-site the following procedures will be followed:

- Any employee who is a first responder to a serious medical emergency will immediately notify the main office. Emergency services will be called at this time via 911. It may be appropriate to transport the victim by personal vehicle to the nearest emergency center. **Never move any person with a head, neck, or back injury.**
- If the first responder is trained/certified in first aid, he/she will administer first aid to the victim appropriate to his/her level of training. (Administer first-aid to level of training only.)
- If the first responder is not specifically trained in first aid, the employee will provide what aid is deemed appropriate for the incident. Minimum aid can be provided such as stopping the flow of bleeding with direct pressure, comforting victim, covering victim with blanket to prevent shock. (Do not make the situation worse by trying to do something you are not specifically trained to do.)
- The first responder shall remain available for the incident investigation.

6. NATURAL GAS LEAK

A. Purpose

To establish emergency procedures in the event of a Natural Gas Leak within or near the facility.

B. Procedure

In the event of a Natural Gas Leak within the facility or in the general area of the facility the following procedures are to be followed.

- Any employee that notices a gas leak will immediately notify the front office. At this time the decision will also be made to dial 911 for the fire department. The Gas Company will be notified immediately.
- All employees on site will be notified of the gas leak via the P.A. system or by voice commands.
- All employees will evacuate any building they are in at the time of the alarm and make their way to the . All employees MUST go directly to the evacuation-meeting place for a head count.
- will be responsible for coordinating emergency response with the local fire department and emergency services of the Gas Company. No employee may go back into the facility until the Safety Committee or has declared an all clear.

and the Safety Committee will be responsible for implementing this emergency action plan and updating the plan as needed.

Hazard Communication Program Outline

1. **PURPOSE**
2. **RESPONSIBILITIES**
3. **GENERAL PROGRAM INFORMATION**
4. **EMPLOYEE TRAINING**
5. **NON-ROUTINE TASKS**
6. **OFF-SITE USE OR TRANSPORTATION OF CHEMICALS**
7. **GENERAL CHEMICAL SAFETY**
8. **TASK EVALUATION**
9. **CHEMICAL STORAGE**
10. **CONTAINER LABELS**
11. **EMERGENCIES AND SPILLS**
12. **HOUSEKEEPING**
13. **CONTRACTORS**
14. **DEFINITIONS**
15. **MSDS INFORMATION**
16. **UNIFORM LABELING SYSTEM**

1. PURPOSE

This document serves as City of Newport's Hazard Communication Program. It provides detailed safety guidelines and instructions for receipt, use and storage of chemicals at our facility by employees and contractors. Reference: OSHA Standard 1910.1200.

2. RESPONSIBILITIES

Management

- A. Ensure compliance with this program
- B. Conduct immediate corrective action for deficiencies found in the program
- C. Maintain an effective Hazard Communication training program
- D. Make this plan available to employees or their designated representative

Shipping & Receiving Manager

- A. Ensure all received containers are properly labeled and that labels are not removed or defaced
- B. Ensure all shipped containers are properly labeled
- C. Ensure shipping department employees are properly trained in spill response
- D. Ensure received Material Safety Data Sheets (MSDS) are properly distributed

Purchasing Agent

- A. Obtain, from the manufacturer, MSDS for chemicals purchased from retail sources

Safety Manager

- A. Maintain a list of hazardous chemicals using the identity that is referenced on the MSDS
- B. Monitor the effectiveness of the program
- C. Conduct annual audit of the program
- D. Monitor employee training to ensure effectiveness
- E. Keep management informed of necessary changes
- F. Ensure MSDSs are available as required
- G. Monitor facility for proper use, storage and labeling of chemicals

2. RESPONSIBILITIES (cont.)

Company Nurse

- A. Ensure MSDSs are available for emergency medical personnel when treating exposed employees
- B. Provide information, as requested, concerning health effects and exposure symptoms listed on MSDSs

Supervisors

- A. Comply with all specific requirements of the program
- B. Provide specific chemical safety training for assigned employees
- C. Ensure chemicals are properly used, stored & labeled
- D. Ensure only the minimum amount necessary is kept at work stations
- E. Ensure up to date MSDSs are readily accessible to all employees, on all shifts

Employees

- A. Comply with chemical safety requirements of this program
- B. Report any problems with storage or use of chemicals
- C. Immediately report spills of chemicals
- D. Use only those chemicals for which they have been trained
- E. Use chemicals only for specific assigned tasks in the proper manner

Contractors

- A. Comply with all aspects of this program
- B. Coordinate information with the Safety Manager
- C. Ensure Contractor employees are properly trained
- D. Notify the Safety Manager before bringing any chemicals into City of Newport property or facilities
- E. Monitor and ensure proper storage and use of chemicals by Contractor employees

3. GENERAL PROGRAM INFORMATION

This written Hazard Communication Plan (HAZCOM) has been developed based on OSHA Hazard Communication Standard and consists of the following elements:

- Identification of Hazardous Materials
- Product Warning Labels
- Material Safety Data Sheets (MSDS)
- Written Hazard Communication Program
- Effective Employee Training

Some chemicals are explosive, corrosive, flammable, or toxic. Other chemicals are relatively safe to use and store but may become dangerous when they interact with other substances. To avoid injury and/or property damage, persons who handle chemicals in any area of City of Newport must understand the hazardous properties of the chemicals. Before using a specific chemical, safe handling methods and health hazards must always be reviewed. Supervisors are responsible for ensuring that the equipment needed to work safely with chemicals is accessible and maintained for all employees on all shifts.

4. EMPLOYEE TRAINING

A. Initial Orientation Training

All new employees shall receive safety orientation training covering the elements of the HAZCOM and Right to Know Programs. This training will consist of general training covering:

- Location and availability of the written Hazard Communication Program
- Location and availability of the List of Chemicals used in the workplace
- Methods and observation used to detect the presence or release of a hazardous chemical in the workplace
- The specific physical and health hazard of all chemicals in the workplace
- Specific control measures for protection from physical or health hazards
- Explanation of the chemical labeling system
- Location and use of MSDS

4. EMPLOYEE TRAINING (cont.)

B. Job Specific Training

Employees will receive on the job training from their supervisor. This training will cover the proper use, inspection and storage of necessary personal protective equipment and chemical safety training for the specific chemicals they will be using or will be working around.

C. Annual Refresher Training

Annual Hazard Communication refresher training will be conducted as part of the company's continuing safety training program.

D. Immediate On-the-Spot Training

This training will be conducted by supervisors for any employee that requests additional information or exhibits a lack of understanding of the safety requirements.

5. NON-ROUTINE TASKS

Non-routine tasks are defined as working on, near, or with unlabeled piping, unlabeled containers of an unknown substance, confined space entry where a hazardous substance may be present and/or a one-time task using a hazardous substance differently than intended (example: using a solvent to remove stains from tile floors).

Steps for Non-Routine Tasks

- Step 1: Hazard Determination
- Step 2: Determine Precautions
- Step 3: Specific Training & Documentation
- Step 4: Perform Task

All non-routine tasks will be evaluated by the Department Supervisor and Safety Department before the task commences, to determine all hazards present. This determination will be conducted with quantitative/qualitative analysis (air sampling, substance identification/analysis, etc., as applicable).

Once the hazard determination is made, the Department Supervisor and Safety Department will determine the necessary precautions needed to either remove the hazard, change to a non-hazard, or protect from the hazard (use of personal protective equipment) to safeguard the Employees present. In addition, the Department Supervisor or Safety Department will provide specific safety training for Employees present or affected and will document the training using the *Chemical Safety Training Checklist* form which shall be marked "**Non-Routine Task Training**".

6. OFF-SITE USE OR TRANSPORTATION OF CHEMICALS

An MSDS will be provided to employees for each chemical and each occurrence of use or transport away from the company facilities. All State and Federal DOT Regulations will be followed including use of certified containers, labeling & marking, securing of containers and employee training.

7. GENERAL CHEMICAL SAFETY

Assume all chemicals are hazardous. The number of hazardous chemicals and the number of reactions between them is so large that prior knowledge of all potential hazards cannot be assumed. Use chemicals in as small of a quantity as possible to minimize exposure and reduce possible harmful effects.

The following general safety rules shall be observed when working with chemicals:

- Read and understand the Material Safety Data Sheets.
- Keep the work area clean and orderly.
- Use the necessary safety equipment.
- Carefully label every container with the identity of its contents and appropriate hazard warnings.
- Store incompatible chemicals in separate areas.
- Substitute less toxic materials whenever possible.
- Limit the volume of volatile or flammable material to the minimum needed for short operation periods.
- Provide means of containing the material if equipment or containers should break or spill their contents.

8. TASK EVALUATION

Each task that requires the use of chemicals should be evaluated to determine the potential hazards associated with the work. This hazard evaluation must include the chemical or combination of chemicals that will be used in the work, as well as other materials that will be used near the work. If a malfunction during the operation has the potential to cause serious injury or property damage, a Safe Operational Procedure (SOP) should be prepared and followed. Operations must be planned to minimize the generation of hazardous wastes.

9. CHEMICAL STORAGE

The separation of chemicals (solids or liquids) during storage is necessary to reduce the possibility of unwanted chemical reactions caused by accidental mixing. Explosives should be stored separately outdoors. Use either distance or barriers (e.g., trays) to isolate chemicals into the following groups:

- Flammable Liquids: store in approved flammable storage lockers.
- Acids: treat as flammable liquids
- Bases: do not store bases with acids or any other material
- Other liquids: ensure other liquids are not incompatible with any other chemical in the same storage location.
- Lips, strips, or bars are to be installed across the width of storage shelves to restrain the chemicals in case of earthquake.

Chemicals will not be stored in the same refrigerator used for food storage. Refrigerators used for storing chemicals must be appropriately identified by a label on the door.

10. CONTAINER LABELS

It is extremely important that all containers of chemicals are properly labeled. This includes every type of container from a 5000 gallon storage tank to a spray bottle of degreaser. The following requirements apply:

- All containers will have the appropriate label, tag or marking prominently displayed that indicates the identity, safety and health hazards.
- Portable containers which contain a small amount of chemical need not be labeled if they are used immediately during that shift, but must be under the strict control of the employee using the product.
- All warning labels, tags, etc., must be maintained in a legible condition and not be defaced. Facility weekly supervisor inspections will check for compliance of this rule.
- Incoming chemicals are to be checked for proper labeling.

11. EMERGENCIES AND SPILLS

In case of an emergency, implement the proper Emergency Action Plan

- Evacuate people from the area.
- Isolate the area.
- If the material is flammable, turn off ignition and heat sources.
- Only personnel specifically trained in emergency response are permitted to participate in chemical emergency procedures beyond those required to evacuate the area.
- Call for Emergency Response Team assistance if required.

12. HOUSEKEEPING

- Maintain the smallest possible inventory of chemicals to meet immediate needs.
- Periodically review stock of chemicals on hand.
- Ensure that storage areas, or equipment containing large quantities of chemicals, are secure from accidental spills.
- Rinse empty bottles that contain acids or inflammable solvents before disposal.
- Recycle unused laboratory chemicals, wherever possible.
- **DO NOT** Place hazardous chemicals in salvage or garbage receptacles.
- **DO NOT** Pour chemicals onto the ground.
- **DO NOT** Dispose of chemicals through the storm drain system.
- **DO NOT** Dispose of highly toxic or malodorous chemicals down sinks or sewer drains.

13. CONTRACTORS

All outside contractors working inside City of Newport Facilities are required to follow the requirements of this program. City of Newport will provide Contractors information concerning:

- Location of MSDS
- Precautions to be taken to protect contractor employees
- Potential exposure to hazardous substances
- Chemicals used in or stored in areas where they will be working
- Location and availability of Material Safety Data Sheets
- Recommended Personal Protective Equipment
- Labeling system for chemicals

14. DEFINITIONS

Chemical - any element, chemical compound or mixture of elements and/or compounds.

Combustible liquid - means any liquid having a flash point at or above 100 deg. F (37.8 deg. C), but below 200 deg. F (93.3 deg. C), except any mixture having components with flash points of 200 deg. F (93.3 deg. C), or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

Compressed gas - any compound that exhibits:

- A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70 deg. F.
- A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130 deg. F. regardless of the pressure at 70 deg. F.
- A liquid having a vapor pressure exceeding 40 psi at 100 deg. F.

Container - any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems, and engines, fuel tanks, or other operating systems in a vehicle, are not considered to be containers.

Employee - a worker who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies. Workers such as office workers or bank tellers who encounter hazardous chemicals only in non-routine, isolated instances are not covered.

14. DEFINITIONS (cont.)

Employer - a person engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

Explosive - a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

Exposure or exposed - an employee is subjected, in the course of employment, to a chemical that is a physical or health hazard, and includes potential (e.g. accidental or possible) exposure. Subjected in terms of health hazards includes any route of entry (e.g. inhalation, ingestion, skin contact or absorption.)

Flammable - a chemical that falls into one of the following categories:

- "Aerosol, flammable" means an aerosol that yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;
- "Gas, flammable" means: (A) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen (13) percent by volume or less; or (B) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve (12) percent by volume, regardless of the lower limit;
- "Liquid, flammable" means any liquid having a flash point below 100 deg. F., except any mixture having components with flash points of 100 deg. F. or higher, the total of which makes up 99 percent or more of the total volume of the mixture.
- "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flash point - the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite.

Hazardous chemical - any chemical which is a physical hazard or a health hazard.

14. DEFINITIONS (cont.)

Hazard warning - any words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which conveys the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s). (See the definitions for "physical hazard" and "health hazard" to determine the hazards which must be covered.)

Health hazard - a chemical for which there is evidence that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

Identity - any chemical or common name which is indicated on the Material Safety Data Sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

Immediate use - the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

Label - any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

Material safety data sheet (MSDS) - written or printed material concerning a hazardous chemical which is prepared in accordance with OSHA Standard 1910.1200 requirements.

Mixture - any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

Oxidizer - means a chemical other than a blasting agent or explosive as defined in 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

Physical hazard - a chemical that is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

14. DEFINITIONS (cont.)

Pyrophoric - a chemical that will ignite spontaneously in air at a temperature of 130 deg. F. or below.

Specific chemical identity - the chemical name, Chemical Abstracts Service (CAS) Registry Number, or any other information that reveals the precise chemical designation of the substance.

Unstable (reactive) - a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use - to package, handle, react, emit, extract, generate as a byproduct, or transfer.

Water-reactive - a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

Work area - room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Workplace - an establishment, job site, or project, at one geographical location containing one or more work areas.

15. MSDS INFORMATION

Material Safety Data Sheets are provided by the chemical manufacturer to provide additional information concerning safe use of the product. Each MSDS provides:

- Common Name and Chemical Name of the material
- Name, address and phone number of the manufacturer
- Emergency phone numbers for immediate hazard information
- Date the MSDS was last updated
- Listing of hazardous ingredients
- Chemical hazards of the material
- Information for identification of chemical and physical properties

15. MSDS INFORMATION (cont.)

Information Chemical Users must know:

Fire and/or Explosion Information

- Material Flash Point, auto-ignition temperature and upper/lower flammability limits
- Proper fire extinguishing agents to be used
- Fire fighting techniques
- Any unusual fire or explosive hazards

Chemical Reaction Information

- Stability of Chemical
- Conditions and other materials which can cause reactions with the chemical
- Dangerous substances that can be produced when the chemical reacts

Control Measures

- Engineering Controls required for safe product use
- Personal protective equipment required for use of product
- Safe storage requirements and guidelines
- Safe handling procedures

Health Hazards

- Permissible Exposure Limit (PEL) and Threshold Limit Value (TLV)
- Acute or Chronic symptoms of exposure
- Main routes of entry into the body
- Medical conditions that can be made worse by exposure
- Cancer causing properties, if any
- Emergency and First Aid treatments

Spill & Leak Procedures

- Clean up techniques
- Personal Protective Equipment to be used during cleanup
- Disposal of waste & cleanup material

15. MSDS INFORMATION (cont.)

Employee Use of MSDS

For MSDS use to be effective, employees must:

- Know the location of the MSDS
- Understand the major points for each chemical
- Check MSDS when more information is needed or questions arise
- Be able to quickly locate the emergency information on the MSDS
- Follow the safety practices provided on the MSDS

16. UNIFORM LABELING SYSTEM

Note: Place examples of labels and Color / PPE codes in this section

1. **PURPOSE**
2. **RESPONSIBILITIES**
3. **HAZARDS**
4. **HAZARD CONTROLS**
5. **PRE-QUALIFICATION**
6. **TRAINING**
7. **SAFE OPERATING PROCEDURES (SOP) AND RULES**
8. **CHANGING AND CHARGING STORAGE BATTERIES**
9. **TRUCKS AND RAILROAD CARS**
10. **OPERATIONS**
11. **TRAVELING**
12. **LOADING**
13. **FUELING SAFETY**
14. **MAINTENANCE OF POWERED INDUSTRIAL TRUCKS**
15. **SAFE OPERATION PROCEDURE FOR CHARGING LPG TANK**
16. **POWERED INDUSTRIAL TRUCK PRE-USE CHECKLIST**

1. PURPOSE

Material handling is a significant safety concern. During the movement of products and materials there are numerous opportunities for personal injury and property damage if proper procedures and caution are not used. This chapter applies to all powered industrial trucks, hoists & lifting gear. The information in this chapter shall be used to train prospective industrial truck operators and provide the basis for refresher and annual retraining. OSHA reference for Powered Industrial Trucks is 1910.178.

2. RESPONSIBILITIES

Management

- A. Provide adequate training in safe operation of all equipment used to move or access materials
- B. Provide equipment that is safe to operate
- C. Implement an "Out of Service" program for damaged equipment
- D. Not allow modification to equipment except those authorized in writing by the equipment manufacturer
- E. Establish safe operating rules and procedures

Supervisors

- A. Monitor safe operations of material handling equipment
- B. Ensure all equipment is safety checked daily
- C. Tag "Out of Service" any damaged equipment

Employees

- A. Operate only that equipment for which they have been specifically trained and authorized
- B. Conduct required daily pre-use inspections
- C. Report any equipment damage or missing safety gear
- D. Follow all safety rules and operating procedures

3. HAZARDS

- Falling loads
- Overloading of equipment
- Impact with equipment
- Piercing of containers
- Loading dock roll off
- Chemical contact - battery acid
- Fires during refueling

4. HAZARD CONTROLS

- Control of equipment keys
- Authorized fueling & recharge areas
- Proper palletizing of material
- Marked travel lanes
- Equipment warning lights
- Seat belts
- Mounted fire extinguishers

5. PRE-QUALIFICATION

All candidates for Powered Industrial Truck (PIT) operators must meet the following basic requirements prior to starting initial or annual refresher training:

- Must have no adverse vision problems that cannot be corrected by glasses or contacts
- No adverse hearing loss that cannot be corrected with hearing aids
- No physical impairments that would impair safe operation of the PIT
- No neurological disorders that affect balance or consciousness
- Not taking any medication that affects perception, vision, or physical abilities

6. TRAINING

A. Training for Powered Industrial Truck (PIT) Operators

Training shall be conducted by an experienced operator, selected by Management. All operational training shall be conducted under close supervision. All training and evaluation must be completed before an operator is permitted to use a Powered Industrial Truck (forklift, etc) without continual & close supervision. Training consists of:

1. Trainees may operate a powered industrial truck only:

- Under the direct supervision of persons, selected by management, who have the knowledge, training, and experience to train operators and evaluate their competence; and
- Where such operation does not endanger the trainee or other employees.

2. Training Content

Training consists of a combination of formal instruction, practical training (demonstrations performed by the trainer and practical exercises performed by the trainee), and evaluation of the operator's performance in the workplace.

3. Initial Training

Powered industrial truck operators shall receive initial training in the following topics:

Truck-related training topics:

- Operating instructions, warnings, and precautions for the types of truck the operator will be authorized to operate
- Differences between the truck and the automobile
- Truck controls and instrumentation: where they are located, what they do, and how they work
- Engine or motor operation
- Steering and maneuvering
- Visibility (including restrictions due to loading)
- Fork and attachment adaptation, operation, and use limitations
- Vehicle capacity
- Vehicle stability
- Any vehicle inspection and maintenance that the operator will be required to perform
- Refueling and/or charging and recharging of batteries

6. TRAINING (cont.)

Truck-related training topics (cont.):

- Operating limitations
- Any other operating instructions, warnings, or precautions listed in the operator's manual for the types of vehicle that the employee is being trained to operate.

Workplace-related topics:

- Surface conditions where the vehicle will be operated
- Composition of loads to be carried and load stability
- Load manipulation, stacking, and unstacking
- Pedestrian traffic in areas where the vehicle will be operated
- Narrow aisles and other restricted places where the vehicle will be operated
- Hazardous (classified) locations where the vehicle will be operated
- Ramps and other sloped surfaces that could affect the vehicle's stability
- Closed environments and other areas where insufficient ventilation or poor vehicle maintenance could cause a buildup of carbon monoxide or diesel exhaust
- Other unique or potentially hazardous environmental conditions in the workplace that could affect safe operation

Refresher training and evaluation

Refresher training, including an evaluation of the effectiveness of that training, shall be conducted to ensure that the operator has the knowledge and skills needed to operate the powered industrial truck safely. Refresher training in relevant topics shall be provided to the operator when:

- The operator has been observed to operate the vehicle in an unsafe manner
- The operator has been involved in an accident or near-miss incident
- The operator has received an evaluation that reveals that the operator is not operating the truck safely
- The operator is assigned to drive a different type of truck
- A condition in the workplace changes in a manner that could affect safe operation of the truck
- Once every 3 years an evaluation will be conducted of each powered industrial truck operator's performance

7. SAFE OPERATING PROCEDURES (SOP) AND RULES

- Only authorized and trained personnel will operate PITs.
- All PITs will be equipped with a headache rack, fire extinguisher, rotating beacon, back-up alarm and seat belts. Seat belts will be worn at all times by the Operator.
- The operator will perform daily pre- and post-trip inspections.
- Any safety defects (such as hydraulic fluid leaks; defective brakes, steering, lights, or horn; and/or missing fire extinguisher, lights, seat belt, or back-up alarm) will be reported for immediate repair or have the PIT taken "Out of Service".
- Operators will follow the proper recharging or refueling safety procedures.
- Loads will be tilted back and carried no more than 6 inches from the ground. Loads that restrict the operator's vision will be transported backwards.
- PITs will travel no faster than 5 mph or faster than a normal walk.
- Hard hats will be worn by PIT Operators in high lift areas.
- Operator will sound horn and use extreme caution when meeting pedestrians, making turns and cornering.
- Passengers may not ride on any portion of a PIT. Only the operator will ride PITs. "NO PASSENGERS" decals will be affixed on all PITs.
- If PITs are used as a man lift, an appropriate man lift platform (cage with standard rails and toe-boards) will be used.
- Aisle will be maintained free from obstructions, marked and wide enough (six foot minimum) for vehicle operation.
- Lift capacity will be marked on all PITs. Operator will assure load does not exceed rated weight limits.
- When un-attended, PITs will be turned off, forks lowered to the ground and parking brake applied.
- All PITs (with exception of pallet jacks) will be equipped with a multi-purpose dry chemical fire extinguisher. (Minimum rating; 2A:10B: C).
- Operators are instructed to report all accidents, regardless of fault and severity, to Management. Management will conduct an accident investigation.
- When loading rail cars and trailers, dock plates will be used. Operators will assure dock plates are in good condition and will store on edge when not in use.
- Rail cars and trailers will be parked squarely to the loading area and have wheels chocked in place. Operators will follow established Docking/Un-Docking Procedures.

8. CHANGING AND CHARGING STORAGE BATTERIES

- Battery charging installations shall be located in areas designated for that purpose.
- Facilities shall be provided for flushing and neutralizing spilled electrolyte, for fire protection, for protecting charging apparatus from damage by trucks, and for adequate ventilation for dispersal of fumes from gassing batteries.
- A conveyor, overhead hoist, or equivalent material handling equipment shall be provided for handling batteries.
- Reinstalled batteries shall be properly positioned and secured in the truck.
- A carboy tilter or siphon shall be provided for handling electrolyte.
- When charging batteries, acid shall be poured into water; water shall not be poured into acid.
- Trucks shall be properly positioned and brake applied before attempting to change or charge batteries.
- Care shall be taken to assure that vent caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.
- Smoking is prohibited in the charging area.
- Precautions shall be taken to prevent open flames, sparks, or electric arcs in battery charging areas.
- Tools and other metallic objects shall be kept away from the top of uncovered batteries.

9. TRUCKS AND RAILROAD CARS

- The flooring of trucks, trailers, and railroad cars shall be checked for breaks and weakness before they are driven onto.
- The brakes of highway trucks shall be set and wheel chocks placed under the rear wheels to prevent the trucks from rolling while they are boarded with powered industrial trucks.
- Wheel stops or other recognized positive protection shall be provided to prevent railroad cars from moving during loading or unloading operations.
- Fixed jacks may be necessary to support a semi-trailer and prevent upending during the loading or unloading when the trailer is not coupled to a tractor.
- Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

10. OPERATIONS

- If at any time a powered industrial truck is found to be in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.
- Trucks shall not be driven up to anyone standing in front of a bench or other fixed object.
- No person shall be allowed to stand or pass under the elevated portion of any truck, whether loaded or empty.
- Unauthorized personnel shall not be permitted to ride on powered industrial trucks.
- Arms or legs shall not be placed between the uprights of the mast or outside the running lines of the truck.
- When a powered industrial truck is left unattended, load engaging means shall be fully lowered, controls shall be neutralized, power shall be shut off, and brakes set. Wheels shall be blocked if the truck is parked on an incline.
- A safe distance shall be maintained from the edge of ramps or platforms while on any elevated dock, or platform or freight car. Trucks shall not be used for opening or closing freight doors.
- There shall be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.
- An overhead guard shall be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.
- A load backrest extension shall be used whenever necessary to minimize the possibility of the load or part of it from falling rearward.
- Trucks shall not be parked so as to block fire aisles, access to stairways, or fire equipment.

11. TRAVELING

- All traffic regulations shall be observed, including authorized speed limits. A safe distance shall be maintained approximately three truck lengths from the truck ahead, and the truck shall be kept under control at all times.
- The right of way shall be yielded to ambulances, fire trucks, or other vehicles in emergency situations.
- Other trucks traveling in the same direction at intersections, blind spots, or other dangerous locations shall not be passed.
- The driver shall be required to slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing.
- Railroad tracks shall be crossed diagonally wherever possible. Parking closer than 8 feet from the center of railroad tracks is prohibited.
- The driver shall be required to look in the direction of, and keep a clear view of the path of travel.
- Grades shall be ascended or descended slowly. When ascending or descending grades in excess of 10 percent, loaded trucks shall be driven with the load upgrade. On all grades the load and load engaging means shall be tilted back if applicable, and raised only as far as necessary to clear the road surface.
- Under all travel conditions the truck shall be operated at a speed that will permit it to be brought to a stop in a safe manner.
- Stunt driving and horseplay shall not be permitted.
- The driver shall be required to slow down for wet and slippery floors.
- Dockboard or bridgeplates, shall be properly secured before they are driven over. Dockboard or bridgeplates shall be driven over carefully and slowly and their rated capacity never exceeded.
- Running over loose objects on the roadway surface shall be avoided.
- While negotiating turns, speed shall be reduced to a safe level by means of turning the hand steering wheel in a smooth, sweeping motion. Except when maneuvering at a very low speed, the hand steering wheel shall be turned at a moderate, even rate.

12. LOADING

- Only stable or safely arranged loads shall be handled. Caution shall be exercised when handling off-center loads which cannot be centered.
- Only loads within the rated capacity of the truck shall be handled.
- The long or high (including multiple-tiered) loads which may affect capacity shall be adjusted.
- Trucks equipped with attachments shall be operated as partially loaded trucks when not handling a load.
- A load engaging means shall be placed under the load as far as possible; the mast shall be carefully tilted backward to stabilize the load.
- Extreme care shall be used when tilting the load forward or backward, particularly when high tiering. Tilting forward with load engaging means elevated shall be prohibited except to pick up a load. An elevated load shall not be tilted forward except when the load is in a deposit position over a rack or stack. When stacking or tiering, only enough backward tilt to stabilize the load shall be used.

13. FUELING SAFETY

- Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.
- Spillage of oil or fuel shall be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.
- No truck shall be operated with a leak in the fuel system until the leak has been corrected.
- Open flames shall not be used for checking electrolyte level in storage batteries or gasoline level in fuel tanks.

14. MAINTENANCE OF POWERED INDUSTRIAL TRUCKS

- Any power-operated industrial truck not in safe operating condition shall be removed from service. All repairs shall be made by authorized personnel.
- Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated for such repairs.
- Trucks in need of repairs to the electrical system shall have the battery disconnected prior to such repairs.
- All parts of any such industrial truck requiring replacement shall be replaced only by parts equivalent as to safety with those used in the original design.
- Industrial trucks shall not be altered so that the relative positions of the various parts are different from what they were when originally received from the manufacturer, nor shall they be altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts. Additional counter-weighting of fork trucks shall not be done unless approved by the truck manufacturer.
- Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily. Where industrial trucks are used on a round-the-clock basis, they shall be examined prior to use each shift. Defects when found shall be immediately reported and corrected.
- When the temperature of any part of any truck is found to be in excess of its normal operating temperature, thus creating a hazardous condition, the vehicle shall be removed from service and not returned to service until the cause for such overheating has been eliminated.
- Industrial trucks shall be kept in a clean condition, free of lint, excess oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100 deg. F.) solvents shall not be used. High flash point (at or above 100 deg. F.) solvents may be used.

15. SAFE OPERATION PROCEDURE FOR CHARGING LPG TANK

1. No Smoking.
2. Move LPG PIT outside for refueling.
3. Turn off PIT.
4. LPG tanks will be removed in the following order:
 - shut off service valve
 - disconnect tank from hose
 - unbuckle and remove tank from bracket
5. LPG tanks will be replaced in to following order:
 - place tank in bracket and re-buckle
 - reconnect hose to tank and tighten firmly
 - open valve slowly and assure proper seal

NOTE: Federal Law Prohibits dispensing an improper fuel type into any vehicle or into a non-approved fuel container.

In Case of LPG Leaks or Tank Rupture

1. DO NOT start or move the PIT.
2. If fuel hose is leaking, close valve immediately and place PIT "Out of Service" until repaired.
3. If tank ruptures, warn other, immediately leave the area (at least 50 feet) and notify Management. Do not re-enter the area until cleared by Management.

16. POWERED INDUSTRIAL TRUCK PRE-USE CHECKLIST

A check of the following items (as applicable) is to be conducted by the operator prior to use each shift.

- Lights
- Horn
- Brakes
- Leaks
- Warning Beacon
- Backup Warning Alarm
- Fire Extinguisher

If any deficiencies are noted, the unit is to be placed OUT OF SERVICE until the problem has been corrected. Additionally, it is the operator's responsibility to notify the immediate supervisor and fill out a maintenance request.



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: November 5, 2012

SUBJECT: Emergency Management Plans

BACKGROUND

Attached for your review is the City's Emergency Operations Plan and Resolution No. 2012-42 adopting Washington County's All-Hazard Mitigation Plan.

DISCUSSION

Earlier this year, the City was notified that Washington County would be updating their All-Hazard Mitigation Plan and as such the City's Plan should be reviewed and updated if needed. City staff reviewed the Plan and feels that no changes are needed at this time. Furthermore, Washington County requested that the City adopt the updated All-Hazard Mitigation Plan. Please note that Washington County has requested that the Plan remain confidential as it contains private information.

RECOMMENDATION

It is recommended that the City Council approve the attached Emergency Operations Plan and Resolution No. 2012-42 adopting Washington County's All-Hazard Mitigation Plan.

CONFIDENTIAL

CITY OF NEWPORT



EMERGENCY OPERATIONS PLAN

RESOLUTION NO. 2012-42

A RESOLUTION TO ADOPT THE WASHINGTON COUNTY ALL-HAZARD MITIGATION PLAN

WHEREAS, the City of Newport has participated in the hazard mitigation planning process as established under the Disaster Mitigation Act of 2000, and

WHEREAS, the Act establishes a framework for the development of a multi-jurisdictional County Hazard Mitigation Plan; and

WHEREAS, the Act as part of the planning process requires public involvement and local coordination among neighboring local units of government and businesses; and

WHEREAS, the Washington County Plan includes a risk assessment including past hazards, hazards that threaten the County, an estimate of structures at risk, a general description of land uses and development trends; and

WHEREAS, the Washington County Plan includes a mitigation strategy including goals and objectives and an action plan identifying specific mitigation projects; and

WHEREAS, the Washington County Plan includes a maintenance or implementation process including plan updates, integration of the plan into other planning documents and how Washington County will maintain public participation and coordination; and

WHEREAS, the Plan has been shared with the Minnesota Division of Homeland Security and Emergency Management and the Federal Emergency Management Agency for review and comment; and

WHEREAS, the Washington County All-Hazard Mitigation Plan will make the county and participating jurisdictions eligible to receive FEMA hazard mitigation assistance grants; and

WHEREAS, this is a multi-jurisdictional Plan and cities that participated in the planning process may choose to also adopt the County Plan.

NOW THEREFORE BE IT RESOLVED that the City of Newport supports the hazard mitigation planning effort and wishes to adopt the Washington County All-Hazard Mitigation Plan.

Adopted this 15th day of November, 2012 by the Newport City Council.

Motion by: _____, Seconded by: _____

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

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Brian Anderson, City Administrator



MEMO

TO: Mayor and City Council
 Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: November 8, 2012

SUBJECT: Requirements for Solicitors and Wagon Peddlers

BACKGROUND

City staff found some discrepancies between the City Code of Ordinances and the Fee Schedule when reviewing the requirements for solicitors. According to Section 455.08, solicitors are required to register with the City, free of charge. However, the City's fee schedule states that solicitors are required to pay a fee of \$50 per day or \$300 per year, along with a \$50 non-refundable investigation fee. Additionally, Section 455.08 does not require wagon peddlers to register with the City; however the City's fee schedule states that wagon peddlers are required to pay a fee of \$50 per day or \$250 per year, along with a \$50 non-refundable investigation fee.

Staff reviewed the City's past fee schedules and found that a fee for solicitors was added to the fee schedule sometime between 1984 and 1989 and the fee for wagon peddlers was added in 2001. Staff also reviewed the past ordinances and found that ordinance regarding peddlers, solicitors, transient merchants and wagon peddlers was approved prior to 1997; staff could not find the specific ordinance.

DISCUSSION

Upon finding this discrepancy, staff researched other municipalities and found that the requirements vary. Below are the requirements for 13 different municipalities.

City	Register/Permit Required for Solicitor	Fee for Registering	Register/Permit Required for Wagon Peddler
Apple Valley	Yes	Annual - \$100 Temp - \$75 (Good for 14 days)	No – City Code does not mention wagon peddlers
Bayport	Yes	License - \$30 (Good for 60 days) Background - \$30	No – City Code does not mention wagon peddlers
Bloomington	Yes	License - \$30 (Good for 6 months)	No – City Code does not mention wagon peddlers
Burnsville	Yes	\$50 per person per year	No – City Code does not mention wagon peddlers
Cottage Grove	Yes	\$0.00	No – City Code does not mention wagon peddlers
Hastings	Yes	\$0.00	No – City Code does not mention wagon peddlers
Inver Grove Heights	Yes	\$0.00	No – City Code does not mention wagon peddlers
Lakeville	Yes	\$0.00	No – City Code does not mention wagon peddlers
Oakdale	Yes	\$0.00	No – City Code does not mention wagon peddlers
St Paul Park	Yes	\$50 per person per day	No – City Code does not mention wagon peddlers
Stillwater	Yes	\$15 per person per year	No – City Code does not mention wagon peddlers

West St Paul	Yes	Annual License - \$85 Annual Registration - \$78 Photo Badge - \$12 New Background - \$135 Renewal Background - \$100	No – City Code does not mention wagon peddlers
Woodbury	Yes	\$0.00	No – City Code does not mention wagon peddlers

The City Council will need to discuss whether or not it would like to amend Section 455 and require solicitors to pay a fee. Based on the other municipalities, staff is recommending that solicitors be required to pay the fee that is currently on the fee schedule. Additionally, it will need to discuss whether or not wagon peddlers should be required to register and pay a fee. Based on the other municipalities, staff is recommending that that wagon peddlers be removed from the ordinance and fee schedule. Attached, for your review, is a draft amendment to Section 455 requiring solicitors to pay a fee and removing wagon peddlers.

RECOMMENDATION

It is recommended that the City Council approve Ordinance No. 2012-13 amending Section 455 to require solicitors to pay a fee and removing wagon peddlers.

Section 455 - Peddlers, Solicitors, & Transient Merchants & ~~Wagon Peddlers~~

455.01 Definitions and Interpretation. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter, and vice-versa the term "shall" means mandatory and the term "may" is permissive. The following terms shall have the definitions given to them:

Subd. 1 Person. "Person" shall mean any natural individual, group, organization, corporation, partnership, or association. As applied to groups, organizations, corporations, partnerships, and associations, the term shall include each member, officer, partner, associate, agent, or employee.

Subd. 2 Peddler. "Peddler" shall mean a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise, or other personal property, that the person is carrying or otherwise transporting. The term peddler shall mean the same as the term hawker.

Subd. 3 Solicitor. "Solicitor" shall mean a person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place, for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property, or services, of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this provision if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed above. The term solicitor shall mean the same as the term canvasser.

Subd. 4 Transient Merchant. "Transient Merchant" shall mean a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise, or other personal property, and who does not remain or intend to remain in any one location for more than 14 consecutive days.

Subd. 5 Regular Business Day. "Regular Business Day" shall mean any day during which the City Hall is normally open for the purpose of conducting public business. Holidays defined by State law shall not be counted as regular business days.

~~**Subd. 6 Wagon Peddler.** "Wagon Peddler" shall mean a person who sells ice cream, popcorn, candy, soft drinks, or other similar food items from a pushcart, wagon, self-propelled vehicle, trailer, or similar vehicle, directly to the consumer.~~

455.02 Exceptions to Definitions. For the purpose of the requirements of this Section, the terms "peddler," "solicitor," and "transient merchant" shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property, to a retailer of the item(s) being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route. In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multi-person bazaar or flea market, shall be exempt from the definitions of peddlers,

solicitors, and transient merchants, as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court ordered sale. Exemption from the definitions for the scope of this Section shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

455.03 Licensing.

Subd. 1 County License Required. No person shall conduct business as a peddler, solicitor, or transient merchant within the City limits without first having obtained the appropriate license from the County as required by Minn. Stat. Chapter 329 as amended.

Subd. 2 City License Required. Except as otherwise provided for by this Section, no person shall conduct business as ~~either~~ a peddler, **solicitor** or a-transient merchant without first having obtained a license from the City.

Subd. 3 Application. Application for a City license to conduct business as a peddler, **solicitor** or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the City Clerk-Administrator. All applications shall be signed by the applicant. All applications shall include the following information:

- A. Applicant's full legal name.
- B. All other names under which the applicant conducts business or to which applicant officially answers.
- C. A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, etc.) Supported by a recent photograph, at least two inches by two inches, of the applicant, showing at least the applicant's head and face from the shoulders up.
- D. Full address of applicant's permanent residence.
- E. Telephone number of applicant's permanent residence.
- F. Full legal name of any and all business operation(s) owned, managed, or operated by applicant, or for which the applicant is an employee or agent.
- G. Full address of applicant's regular place of business (if any).
- H. Any and all business related telephone number(s) of the applicant.
- I. The type of business for which the applicant is applying for a license.
- J. Whether the applicant is applying for an annual or daily license.
- K. The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the City. (Maximum 30 consecutive days)
- L. Any and all address(es) and telephone number(s) where the applicant can be reached while conducting business within the City, including the location where a transient merchant

intends to set up business.

- M. A statement as to whether or not the applicant has been convicted within the last five years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses.
- N. A list of the most recent locations where the applicant has conducted business as a peddler, **solicitor** or transient merchant.
- O. Proof of any required county license.
- P. Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant.
- Q. A general description of the items to be sold or services to be provided, and the source of the items.
- R. If a vehicle is to be used, a general description of the vehicle including year, model, make, color, and license number.
- S. All additional information deemed necessary by the City Council.

Subd. 4 Fee. All applications for a license under this Section shall be accompanied by the fee established in the City's fee schedule as adopted from time to time by an ordinance passed by the Council.

Subd. 5 Procedure. Upon receipt of the completed application and payment of the license fee, the City Clerk-Administrator shall forward the application to the Council within two (2) regular business days of receipt. An application shall be determined to be complete only if all required information is provided. The City Clerk-Administrator, within two regular business days of receipt, shall determine if the application is complete. If the Clerk-Administrator determines that the application is incomplete, the Clerk-Administrator shall inform the applicant of the required necessary information which is missing. The Council shall review the application and order any investigation, including background checks, necessary to verify the information provided with the application. Within ten (10) regular business days of receiving the application from the City Clerk-Administrator, the Council shall vote whether or not to issue the license. If the Council approves the application, the Clerk-Administrator shall be instructed to issue a license to the applicant. If the Council rejects the application, the applicant shall be notified in writing of the Council's decision, the reason for the denial, and of his or her right to appeal the denial by requesting, within twenty (20) days of receiving the Council's notice of rejection, a public hearing to be heard by the City Council within twenty (20) days of the date of the request. The final decision of the Council following the public hearing shall be appealable by petitioning the Minnesota Court of Appeals for a Writ of Certiorari.

Subd. 6 Duration. An annual license granted under this Section shall be valid for the calendar year of the year of issue. All other licenses granted under this Section shall be valid only during the time period indicated on the license.

455.04 License Exemptions. No license shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm. No license shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when such activity is for the purpose of exercising that

person's State or Federal Constitutional rights (i.e., freedom of speech, press, religion etc.) except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity. Professional fund raisers working on behalf of an otherwise exempt person or group shall not be exempt from the licensing requirements of this Section.

455.05 Ineligibility for License. The following shall be grounds for denying a license under this Section:

- A. The failure of the applicant to obtain and show proof of having obtained any required County license.
- B. The failure of the applicant to truthfully provide any of the information requested by the City as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application.
- C. The conviction of the applicant within the past five years from the date of application, for any violation of any Federal or State statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner or that will not adversely affect the health, safety, and welfare of the residents of the City. Such violations shall include but not be limited to: burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- D. The revocation within the past five years of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor, or transient merchant.
- E. The applicant is determined to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than 3 complaint(s) against the applicant with the Better Business Bureau, the Attorney General's Office, or other similar business or consumer rights office or agency, within the preceding twelve (12) months, or 5 such complaints filed against the applicant within the preceding five (5) years.

455.06 Suspension and Revocation. Any license issued under this Section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

- A. Fraud, misrepresentation, or incorrect statements on the application form.
- B. Fraud, misrepresentation, or false statements made during the course of the licensed activity.
- C. Conviction of any offense for which granting of a license could have been denied under this Section.
- D. Violation of any provision of this Section.

The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers, **solicitors** or transient merchants on behalf of the licensee, shall serve as a suspension or revocation of each such authorized person's authority to conduct business as a peddler, **solicitor** or transient merchant on behalf of the licensee whose license is suspended or revoked.

Subd. 1 Notice. Prior to revoking or suspending any license issued under this Section, the City shall provide the license holder with written notice of the alleged violation(s) and inform the licensee of his

or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.

Subd. 2 Public Hearing. Upon receiving the notice provided in Subdivision 1, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the City Clerk-Administrator within ten (10) regular business days following the service of the notice, the City may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated timeframe, a hearing shall be scheduled within twenty (20) days from the date of the request. Within three (3) regular business days of the hearing, the City Council shall notify the licensee of its decision.

Subd. 3 Emergency. If in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler, **solicitor** or transient merchant licensed under this Section, the Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in Subdivision 2 of this Section.

Subd. 4 Appeals. Any person whose license is suspended or revoked under this Section shall have the right to appeal that decision in court.

455.07 Transferability. No license issued under this Section shall be transferred to any person other than the person to whom the license was issued.

~~**455.08 Registration.** All solicitors, and any person exempt from the licensing requirements of this Section under Subsection 455.04, shall be required to register with the City. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the City Clerk Administrator shall issue to the registrant a Certificate of Registration as proof of the registration. Certificates of Registration shall be non-transferable.~~

~~**455.098 Prohibited Activities.** No peddler, solicitor, or transient merchant shall conduct business in any of the following manners:~~

- A. Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- B. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk, or other public right-of-way.
- C. Conducting business in such a way as to create a threat to the health, safety, and welfare of any individual or the general public.
- D. Conducting business before seven o'clock in the morning (7:00 a.m.), or after nine o'clock at night (9:00 p.m.)
- E. Failing to provide proof of license or registration, and identification, when requested; or using the license or registration of another person.
- F. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor, or transient merchant shall claim to have

the endorsement of the City solely based on the City having issued a license or certificate of registration to that person.

- G. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating, or abusive.

455.109 Exclusion by Placard. No peddler, solicitor, or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor, or transient merchant when the property is marked with a sign or placard at least three and three-quarter (3-3/4) inches long and three and three-quarter (3-3/4) inches wide with print of at least 48 point in size stating "No Peddlers, Solicitors, or Transient Merchants," or "Peddlers, Solicitors, and Transient Merchants Prohibited," or other comparable statement. No person other than the property owner or tenant shall remove, deface, or otherwise tamper with any sign or placard under this Section.

455.1110 Violations and Penalties. Any person who violates any provision of this Section shall be guilty of a misdemeanor and upon conviction of any violation shall be subject to a fine not to exceed seven hundred dollars (\$700) or a jail sentence not to exceed ninety (90) days, or both, plus the cost of prosecution. Each day a violation exists shall constitute a separate violation for the purposes of this Section.

**CITY OF NEWPORT
ORDINANCE 2012-13**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, AMENDING THE CITY
CODE OF ORDINANCES CHAPTER 4, LICENSING**

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

Section 455 - Peddlers, Solicitors, & Transient Merchants

455.01 Definitions and Interpretation.

Subd. 1 Person.

Subd. 2 Peddler.

Subd. 3 Solicitor.

Subd. 4 Transient Merchant. "Transient Merchant" shall mean a person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty store front for the purpose of exposing or displaying for sale, selling or attempting to sell, and delivering, goods, wares, products, merchandise, or other personal property, and who does not remain or intend to remain in any one location for more than 14 consecutive days.

Subd. 5 Regular Business Day.

455.03 Licensing.

Subd. 2 City License Required. Except as otherwise provided for by this Section, no person shall conduct business as a peddler, solicitor or a transient merchant without first having obtained a license from the City.

Subd. 3 Application. Application for a City license to conduct business as a peddler, solicitor or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the City Council and available from the office of the City Clerk-Administrator. All applications shall be signed by the applicant. All applications shall include the following information:

- N. A list of the most recent locations where the applicant has conducted business as a peddler, solicitor or transient merchant.

455.06 Suspension and Revocation.

The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers, solicitors or transient merchants on behalf of the licensee, shall serve as a suspension or revocation of each such authorized person's authority to conduct business as a peddler, solicitor or transient merchant on behalf of the licensee whose license is suspended or revoked.

Subd. 3 Emergency. If in the discretion of the City Council, imminent harm to the health or safety of the public may occur because of the actions of a peddler, solicitor or transient merchant licensed under this Section, the Council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in Subdivision 2 of this Section.

455.08 Prohibited Activities.

455.09 Exclusion by Placard.

455.10 Violations and Penalties.

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 15th day of November, 2012.

Signed: _____
Tim Geraghty, Mayor

Attest: _____
Brian Anderson, City Administrator