



CITY OF NEWPORT  
2060 1<sup>ST</sup> Avenue  
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**CITY COUNCIL MEETING MINUTES  
May 18, 2023**

**1. CALL TO ORDER**

Mayor Elliott called the City Council Meeting to order at 5:30 p.m. on May 18, 2023.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Present (5): Mayor Laurie Elliott, Council Member Kevin Chapdelaine, Council Member Tom Ingemann, Council Member Marvin Taylor, and Council Member Bill Sumner.

Not Present (0): None.

**4. ADOPT AGENDA**

Member Sumner motioned to adopt the agenda. Seconded by Member Chapdelaine. Approved 5-0.

**5. PUBLIC COMMENTS**

Anita Wasmundt, residing at 1480 10<sup>th</sup> Avenue, address the Council. Ms. Wasmundt commented on a prior infrastructure project for relieving standing water south of the 10<sup>th</sup> Avenue Pond. Mayor Elliott suggested Ms. Wasmundt share her ideas with the City Administrator, Joe Hatch. City Engineer Jon Herdegen responded with a history of the project.

**6. ADOPT CONSENT AGENDA**

- A. Minutes- April 20, 2023 Council Workshop
- B. Minutes- May 4, 2023 Regular Council
- C. Chicken Permit- 1655 2<sup>nd</sup> Ave
- D. Chicken Permit- 1540 Wild Ridge Ct N
- E. Resolution No 2023-28- Liquor Licenses 2023/2024
- F. List of Bills- \$171,736.82
- G. Financial Statement- April 2023

Member Ingemann motioned to adopt the Consent Agenda. Seconded by Member Chapdelaine. Approved 5-0.

**7. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT**

Washington County Sheriff's Deputy Sergeant Bill Harrell reminded the public to slow down as kids are outside and on bikes.

Administrator Hatch stated he attended a peace officers memorial ceremony in Washington County with Sergeant Harrell and thanked all the peace officers for their work.

**8. FIRE CHIEF'S REPORT**

Fire Chief Steve Wiley had no formal report.

## 9. ENGINEER'S REPORT

### A. Resolution No 2023-25- Allowing Assessments of Private Sewer Laterals

Engineer Herdegen informed the Council the Resolution No. 2023-25 allows residents the option to extend the liner further up the lateral to their home and have the costs assessed to their property taxes. Mayor Elliott summarized prior Council discussions for this item.

Member Ingemann motioned to adopt Resolution No. 2023-25 – Allowing Assessments of Private Sewer Laterals. Seconded by Member Chapdelaine. Approved 5-0.

### B. Ordinance No 2023-03- Reduction of Clear Water in the sanitary sewer system

Engineer Herdegen stated he revised Ordinance 34-16, Reduction of clear water into the sanitary sewer system. Engineer Herdegen explained that language was added which allows the city to use the televised inspections from the lining project for five years as well as granting 10-year waivers to residents who complete additional lining for the point-of-sale requirements. The draft ordinance is included in the packet. Mayor Elliott inquired about the five-year and ten-year certification differences. Engineer Herdegen explained if residents go through the normal process to get their lines televised for the point-of-sale requirement and it passes, they will receive a 10-year certification. For the parcels included in this project, the city can use the televised videos within five years for preparation of a 10-year point of sale certification.

Member Chapdelaine motioned to adopt Ordinance No. 2023-03 as amended and explained by staff. Seconded by Member Taylor. Approved 5-0.

Engineer Herdegen gave Council an update on the lateral lining project. The contractor is almost finished televising and has sent the city the first batch of videos. There are intrusions, roots, and cracks which the contractor expected. The city will look at these videos and share them with property owners. A project newsletter is being mailed to residents and they should receive that information early next week. The project website has been updated which includes an interactive map, FAQ's, a timeline, etc. The deadline for residents who wish to do additional lining is June 30. Mayor Elliott reminded the public that this project is partially funded by a 2-million-dollar grant from the state. The intention and purpose of this project is to reduce the amount of storm and ground water getting into our sanitary sewer.

Engineer Herdegen gave Council an update on the County Road 38 Trail. The county had opened bids and the bids came in under the engineers estimate which was great news. This means the city's estimated cost should be going down as well. More information will be hopefully provided in June.

## 10. SUPERINTENDENT OF PUBLIC WORKS REPORT

Superintendent of Public Works Matt Yokiell stated they are working with the Watershed to install a grit chamber at 16<sup>th</sup> Street and Cedar Lane. The structure is being installed on Tuesday, so there could be disruption in the area. The purpose of the chamber is to separate sediment and keep it from entering the river. Superintendent Yokiell stated the vac truck that was a partnership with the Watershed and St. Paul Park is expected to arrive tomorrow. The river is going back up and is currently about five feet below the crest from two weeks ago. It is expected to rise two feet over the next few days to a week. Residents should be aware the water is moving fast and to be careful. Superintendent Yokiell stated they have a date for the abatement of the asbestos in the Cedar Lane property the city recently purchased as well as a date to seal the well.

Mayor Elliott stated the city's share for the vac truck is approximately \$100,000 and is being paid with federal dollars received from the American Rescue Plan Act (ARPA). The Watershed's cost share for the vac truck is over \$350,000.

Superintendent Yokiell stated the Federal Emergency Management Agency (FEMA) declared an emergency for the April 1<sup>st</sup> storm. The city will be submitting for reimbursements. Our main costs include labor, fuel, and equipment hours.

Member Sumner inquired about the compost site. Superintendent Yokiell stated the compost site is open regular hours but is no longer free. Residents can pick up free woodchips behind public works Monday through Friday from 7am – 3pm, but you must load yourself.

## 11. ADMINISTRATION REPORT

City Planner Nathan Fuerst presented the Conditional Use Permit (CUP) amendment request for bioLawn and the CUP request for Kor Fitness. The three parcels include 1144 Hastings Avenue, 1139 Tibbets Place, and 862 12<sup>th</sup> Street. The zoning is MX-3 general mixed use. bioLawn received a CUP last year for all three parcels. Kor Fitness would like to use the northern parcel at 862 12<sup>th</sup> Street. Staff recommended a few conditions for the bioLawn CUP amendment request. Member Chapdelaine inquired if bioLawn ever combined the three parcels. Planner Fuerst stated those parcels have not been combined, but should this amendment get approved, there will be a timeframe included for bioLawn to combine the southern two parcels.

Planner Fuerst stated the Kor Fitness CUP was reviewed for land use, noise impacts, parking, and site access. Kor Fitness does group fitness classes, personal training, nutrition, and sports team training. Staff recommended several conditions for the Kor Fitness CUP. The city can approve, approve with conditions, deny, or table (action must be taken by 6/10/2023). At the Planning Commission meeting on May 9<sup>th</sup>, there were two public hearings held for these requests. No public comments were made for either request. The Planning Commission voted unanimous to recommend approval for both requests. There was a fair amount of discussion about noise impacts but ultimately the Planning Commission was satisfied after hearing from the applicant and reading the proposed conditions that were included in the staff report. Council discussed noise impacts and wanted to ensure they were being reasonable. There was a suggestion to review the noise ordinance in our city code. Member Taylor suggested that condition number eight for the outdoor fitness activities be clarified that they can use the outdoor trails. Member Sumner stated that Kor Fitness is currently in his neighborhood and recalls past outdoor events Kor Fitness held and wanted to clarify if this will restrict them from doing outdoor events.

Braeden Cordts, owner of Kor Fitness, stated he and Administrator Hatch had a conversation about decibel levels and found you can take a decibel reading with an iPhone or Apple watch. Mr. Cordts went to the site and found the ambient noise reading to be 70 decibels at 5:30 p.m. Mr. Cordts stated the previous owner received noise complaints at the current location, he has not received any noise complaints since taking ownership. Mr. Cordts stated they have plans to host competitions in the future but will have more room inside the building at their new location.

### A. Resolution No 2023-26- Conditional Use Permit Amendment bioLawn

Member Sumner motioned to adopt Resolution No. 2023-26 – approving the CUP Amendment request by bioLawn with the findings and conditions proposed by staff. Seconded by Member Chapdelaine. Approved 5-0.

### B. Resolution No 2023-27- Conditional Use Permit Application KOR Fitness & Performance

Member Chapdelaine motioned to adopt Resolution No. 2023-27 – approving the CUP request by Kor Fitness & Performance with the findings and conditions proposed by staff. Seconded by Member Ingemann. Approved 5-0.

**12. MAYOR AND COUNCIL REPORTS**

Mayor Elliott reminded residents not to mow into the street as the grass clippings will wash down and can pollute the river.

Member Sumner stated he attended the Heritage Preservation Commission (HPC) training session as well as a HPC lecture on early agriculture. Member Sumner attended a school facility planning event where he confirmed the school district will not close Newport Elementary. There will be another facility planning meeting at East Ridge on May 23<sup>rd</sup> from 6:30 p.m. to 8:00 p.m. Member Sumner attended the law enforcement memorial service in Stillwater along with Sergeant Harrell and Administrator Hatch. Member Sumner attended several other water and tree related events on behalf of Newport.

**13. ADJOURNMENT**

Member Chapdelaine motioned to adjourn the City Council Meeting. Seconded by Member Ingemann. Approved 5-0.

The City Council Meeting was adjourned at 6:45 p.m. on May 18, 2023.

Respectfully Submitted:  
Jill Thiesfeld,  
Administrative Assistant II

Signed: \_\_\_\_\_  
Laurie Elliott, Mayor