



**CITY OF NEWPORT  
REGULAR COUNCIL MEETING  
NEWPORT CITY HALL  
August 5, 2021 – 5:30 P.M.**

MAYOR:	Laurie Elliott	City Administrator:	Deb Hill
COUNCIL:	Kevin Chapdelaine	Supt. of Public Works:	Bruce Hanson
	Tom Ingemann	Fire Chief:	Steven Wiley
	Marvin Taylor	Asst. to the City Admin:	Travis Brierley
	Rozlyn Johnson	Law Enforcement (WCSO):	Bill Harrell

**AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. PUBLIC COMMENTS - Visitors may share their concerns with the City Council on any issue, which is not already on the agenda, under Public Comments. Please give your name, address and your concern or comments. Each person will have 3 minutes to speak. Your comments must be addressed exclusively to the Mayor and City Council, not to any individual Council or staff member. The Mayor reserves the right to limit an individual's presentation if it becomes redundant, repetitive, irrelevant, or overly argumentative. All comments will be taken under advisement by the Council. No action will be taken at this time.
6. 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- July 15, 2021 Regular Council
  - B. Minutes- July 15, 2021 Council Workshop
  - C. Park Reservation Application with Liquor
  - D. Special Animal Permit
  - E. Parks Survey Contract
  - F. List of Bills- \$1,516,625.52
7. PRESENTATIONS
  - A. Beyond the Yellow Ribbon- Ray Kane
8. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT
9. FIRE CHIEF'S REPORT

10. ENGINEER'S REPORT

- A. Catherine Drive Utility Extension
  - 1. Partial Payment Request No. 8 (Final)
- B. 3M PFC Settlement

11. SUPERINTENDENT OF PUBLIC WORKS REPORT

- A. **Resolution No. 2021-37-** Accepting Donations

12. ADMINISTRATOR'S REPORT

- A. **Major Subdivision-** 1851 Century Ave
  - 1. **Resolution No. 2021-38-** Major Subdivision 1851 Century Ave
- B. **Ordinance No. 2021-09-** Tree Nuisances
- C. **Resolution No. 2021-36-** Sherri Buss Appreciation

13. MAYOR AND COUNCIL REPORTS

14. ADJOURNMENT



**CITY OF NEWPORT  
REGULAR COUNCIL MEETING MINUTES  
NEWPORT CITY HALL  
July 15, 2021**

**1. CALL TO ORDER**

Mayor Elliott called the City Council Meeting to order at 5:30 p.m. on July 15, 2021.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

Present (4): Mayor Laurie Elliott, Council Member Kevin Chapdelaine, Council Member Tom Ingemann, and Council Member Marvin Taylor.

Not Present (1): Council Member Rozlyn Johnson

**4. ADOPT AGENDA**

Mayor Elliott stated there is on addition to the agenda under the Administrators report. This is to establish our workshops as standing meetings.

Member Chapdelaine motioned to adopt the agenda as amended. Seconded by Member Ingemann. Approved 4-0.

**5. PUBLIC COMMENTS**

None.

**6. ADOPT CONSENT AGENDA**

- A. Minutes-** June 3, 2021, Council Workshop
- B. Minutes-** June 17, 2021, Regular Council
- C. Minutes-** June 17, 2021, Council Workshop
- D. Farm Animal Permit-** Brown
- E. EMWREP**
- F. Resolution No 2021-35-** CSAH 34 Trail
- G. List of Bills-** \$336,035.6
- H. June 2021 Financial Report**

Member Ingemann motioned to adopt the Consent Agenda. Seconded by Member Chapdelaine. Approved 4-0.

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

Washington County Sheriff Deputy Sergeant Bill Harrell stated there were concerns with the park hours for the pedestrian bridges. The established park hours include the landings of the pedestrian bridges, but not the actual bridge itself. This allows the deputies to stop people lingering at the park benches after hours. There has been vandalism/graffiti on the pedestrian bridges. Mayor Elliott stated 30 minutes after sunset, people should not congregate at the landings. If folks want to get onto the bridge to cross over Highway 61, that is ok. Sergeant Harrell stated that Public Works put up signage that makes it easier for Deputy's to enforce the parking lot issues.

Sergeant Harrell stated he appreciated the invite to the groundbreaking ceremony and is very grateful to the space they will have in the new building.

## **8. FIRE CHIEF'S REPORT**

Fire Chief Steve Wiley thanked everyone who came to the drive by Booya to support the Fire Department. The Booya was sold out between 1:00 p.m. - 1:30 p.m. and the feedback was positive.

## **9. ENGINEER'S REPORT**

### **A. 12<sup>th</sup> Avenue and 12<sup>th</sup> Street Improvements**

#### **1. Partial Payment Application No. 9**

City Engineer Jon Herdegen stated the A-1 Excavating finished up the service line repair on 12<sup>th</sup> Street. There are some areas of sparse vegetation in the boulevards that the contractor will touch up as we have not accepted the final restoration.

A-1 Excavating has submitted Partial payment No. 9 for consideration in the amount of \$7,129.21.

Member Chapdelaine motioned to approve Partial Payment Application No. 9 in the amount of \$7,129.21 for A-1 Excavating. Seconded by Member Taylor. Approved 4-0.

Member Taylor inquired who establishes the culverts along Century Avenue. Engineer Herdegen stated there are two culverts and one is in the county right-of-way. Engineer Herdegen stated they are working with the developer who is looking to do a major subdivision on the Newport side of Century to make sure they have the proper stormwater management facilities in place.

## **10. SUPERINTENDENT OF PUBLIC WORKS REPORT**

### **A. Request for Weekend Hours- H&U**

Superintendent of Public Works Bruce Hanson stated there is a request from H+U to extend weekend hours on Saturdays from 8:00 a.m. to 5:00 p.m. There was a delay with the panels coming in and they would like to keep the project moving.

Member Ingemann motioned to extend weekend hours on Saturdays from 8:00 a.m. – 5:00 p.m. to H+U for the construction of the new City Hall. Seconded by Member Chapdelaine. Approved 4-0.

### **B. Payment Request- H&U**

Superintendent Hanson stated H+U submitted Partial Payment Request No. 6 in the amount of \$336,270.72 which includes labor and materials.

Member Ingemann motioned to approve Pay Application No.6 in the amount of \$336,270.72 to H+U. Seconded by Member Chapdelaine. Approved 4-0.

Superintendent Hanson stated Public Works has seal coated the southwest portion of the city and will be sweeping up in the next few days.



## 11. ADMINISTRATOR'S REPORT

### A. RFP- City Website

Assistant to the City Administrator Travis Brierley stated there is a RFP for redesigning a new City website in the packet. The timeline to complete the project would be about 4-6 months. The current website uses an adobe software that has not been supported since 2012. The new website would be completed in conjunction with the new City Hall and new logo. If approved, the RFP would go out next week. The upgrades to a new website include ADA compliance along with the ability to do online forms. The RFP would be advertised on the League of MN Cities website, the city website, and the city Facebook page.

Member Chapdelaine motioned to direct Staff to issue the RFP for an updated City Website. Seconded by Member Taylor. Approved 4-0.

### B. Standing Workshops

Assistant Brierley stated workshop agendas need to be published at least three days in advance and items cannot be add to a workshop agenda within those three days. Assistant Brierley spoke to the League of Minnesota Cities and found a work around if the Council adopts the workshop as a regular meeting. This would allow the city some flexibility when items come up within those three days and need to be discussed. The Council would be able to discuss the item(s) but not take any formal action. Mayor Elliott stated this would allow us to be more efficient and keep things moving forward.

Mayor Elliott motioned to establish our workshops as standing regular meetings and direct staff to update the schedule. Seconded by Member Chapdelaine. Approved 4-0.

## 12. MAYOR AND COUNCIL REPORTS

Council discussed today's groundbreaking for the new City Hall and agreed it was a great ceremony.

Mayor Elliott wanted to recognize Mayor Dan Lund and Council Member Bill Sumner who played a large role in the new City Hall as they sat on the City Council in 2019 and 2020. Mayor Elliott also wanted to recognize all the Councils before them that approved studies, analysis, and evaluations.

Member Chapdelaine stated the co-trustees are still working on the final plan for the 3M drinking water which should come in August.

Member Taylor stated there will be two items coming to Council from the Planning Commission. One item is for a major subdivision on Century Avenue. The second item is an update to the tree ordinance in terms of tree replacement for new developments.

## 13. ADJOURNMENT

Member Chapdelaine motioned to adjourn the City Council Meeting. Seconded by Member Ingemann. Approved 4-0.

The City Council Meeting was adjourned at 6:07 p.m. on July 15, 2021.

Respectfully Submitted:  
Jill Thiesfeld,  
Administrative Assistant II

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



**CITY OF NEWPORT  
CITY COUNCIL WORKSHOP MINUTES  
NEWPORT CITY HALL  
July 15, 2021**

**1. CALL TO ORDER**

Mayor Elliott called the City Council Workshop to order at 6:13 p.m. on July 15, 2021.

**2. ROLL CALL**

Present (4): Mayor Laurie Elliott, Council Member Kevin Chapdelaine, Council Member Tom Ingemann, and Council Member Marvin Taylor.

Not Present (1): Council Member Rozlyn Johnson

**3. 2022 BUDGET**

City Administrator Deb Hill presented the 2022 preliminary budget to the Council. Noted items in the budget include higher revenue for the billboard monies, adjusted building permit fee revenue, upcoming election year, and assumption that LGA remains constant. Currently, our legal services have been trending lower than expected. Administrator Hill stated she had the appraiser out to review our current City Hall.

**4. PARKS SURVEY**

Mayor Elliott discussed hiring a survey company to conduct telephone interviews with residents to gauge what park amenities they would use and support. The survey company would take a random sampling of Newport residents and would help craft the interview questions. Council discussed letting residents know about the telephone survey on Facebook and Administrator Hill stated we could also put it in our newsletter.

**5. FUTURE AGENDA ITEMS**

Administrator Hill stated upcoming agenda items include televising for the sewer project, tree ordinance, major subdivision, and enterprise budgets.

**6. ADJOURNMENT**

Mayor Elliott adjourned the City Council Workshop at 6:59 p.m. on July 15, 2021.

Respectfully Submitted:  
Jill Thiesfeld,  
Administrative Assistant II

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

City of NEWPORT  
PARK PERMIT

Newport City Hall ♦ 596 7<sup>th</sup> Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Telephone 651-459-5677 ♦ Fax 651-459-9883

REQUESTER'S NAME: Barb Wilczek

ADDRESS: 1441 12th Ave Newport

PHONE # (HOME): [REDACTED] (WORK): —

PARK REQUESTED:

- **LOVELAND PARK (Glen Road)**
  - **Pavilion #1 (Large Pavilion w/water)**
  - Pavilion #2 (Between Ballfields)
  - Pavilion #3 (By Kids Play Area)
- **PIONEER PARK (4<sup>th</sup> Ave. & 6<sup>th</sup> St.)**
  - Pavilion #1 (Small Pavilion)
  - Pavilion #2 (Large Pavilion)
- **BAILEY SCHOOL FOREST (Wild Ridge Trail & Century Avenue)**
  - Michael J. Phillips Pavilion
- **LIONS PARK (2<sup>nd</sup> Ave. & 20<sup>th</sup> St.)**
- **BUSY BEAVER PARK (10<sup>th</sup> Ave. & 17<sup>th</sup> St.)**

**NOTE:** If you wish to use ball fields you must contact someone from the NAA to make sure they are available.

DATE RESERVED: 8/14/21 FROM: Park hours TO: —

PARK BEING USED FOR: Birthday Party

NUMBER OF PEOPLE ATTENDING: 20

The City provides portable toilets in each Park System. If your group is larger than 25 people, you will either need to contract with a company to provide more portable toilets or the City will take the cost of cleaning its portable toilets out of the \$100 deposit. If you contract with a company, you will need to provide proof to the City.

**DO YOU INTEND TO SERVE BEER?:**   ☐ YES      ☐ NO

**NOTE:** Beer in any quantity, may be possessed, transported to and from and consumed during the course of picnicking within those grounds specifically designated and equipped for such use, between the hours of 12:00 Noon and 11:00 P.M., by special permit which shall be issued by the City Council prior to the actual occasion. All applications for a special beer permit shall include proof of liquor liability insurance obtained by the applicant for the occasion naming the City as an additional insured, the location where the beer is to be consumed, the name and address of the applicant and other information required on the application. No permit shall be granted to any person under the legal drinking age in Minnesota or who within 5 years prior to the application has been convicted of a felony, or of violating any law of the State of Minnesota or local Ordinance relating to the manufacture, sale, distribution, or possession for sale or distribution of beer. Upon receiving a completed application along with proof of insurance, the City Park and Recreation Administrator shall present the application to the City Council for action to either grant or deny the special permit allowing the consumption of beer on a specified date in a City Park.

**The Grantee of a Park Permit shall be bound by Chapter 3. Section 300, Park System, of the Newport Code of Ordinances.**

**CERTIFICATE OF LIQUOR LIABILITY INSURANCE RECEIVED ON:** 7-20-21

**FEE OF:** \$50 for Beer    **DATE PAID:** 7-20-21    **CHECK #:** 10614    **RECEIPT #:** \_\_\_\_\_

**DAMAGE DEPOSIT:** \$100    **DATE PAID:** 7-20-21    **CHECK #:** 10615

**NON-RESIDENT FEE:** \$50    **DATE PAID:** \_\_\_\_\_    **CHECK #:** \_\_\_\_\_

**DEPOSIT REFUNDED:**

☒ **YES**    **DATE RETURNED:** \_\_\_\_\_

☐ **NO**    **REASON:** \_\_\_\_\_

Approved by the Newport City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**ATTEST:** \_\_\_\_\_  
City Administrator



**City of Newport, Minnesota  
ANNUAL FARM ANIMAL PERMIT**

Name of Applicant: Kim L Brown

Address: 1675 Kolff Street

Phone: 651-730-9803

Upon application made by the above name individual and approved by the Newport City Council at its regularly scheduled meeting of July 15, 2021, and subject to the requirements of Newport City Code Section 600.21, Kim L Brown has been granted this permit for the farm animals identified below for property located at: 1675 Kolff Street

The applicant has also provided the following information to the City:

- ☒ Site Plan of Property, identifying property lines, location and size of pasturage area and shelters (2016)
- ☒ Kind and number of animals to be kept: 9 Saddlebred Horses [adult/foals]
- ☐ If the applicant is keeping bees, a list of the property owners that were provided with written notification

Approved by the Newport City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
This license is valid until December 31, 20\_\_\_\_.

Kim L Brown

Applicant

City Administrator

Mayor

Fee: \$25

Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_ Cash: \_\_\_\_\_ Check #: \_\_\_\_\_

The Morris Leatherman Company  
3128 Dean Court  
Minneapolis, Minnesota 55416

June 23, 2021

Ms. Laurie Elliot  
City of Newport

Dear Laurie:

The Morris Leatherman Company is pleased to present this survey research proposal to you for the City of Newport. This prospectus is organized in three parts: a potential design; project schedule; and, estimated project costs. As you will see, I am certain that we can provide the City of Newport with the information it seeks in both a cost-effective and timely manner.

***DESIGN OF THE RESEARCH:***

The Morris Leatherman Company proposes to conduct a telephone survey of 250 randomly selected households in the City of Newport. A sample of 250 residents would provide results projectable to the entire city adult population within  $\pm 5.0$  percent in 95 out of 100 cases. The sample is also of sufficient size to permit the city to be divided into a maximum of three categories for more detailed analysis, such as age, mobility, home ownership, location of residence, presence of children, and other demographic characteristics.

To insure the integrity of the sample, the Morris Leatherman Company places the most exacting sampling standards in the industry on our procedures. MLC uses a mix of random digit dial landline and cell phone numbers. Before an alternate household is substituted for a designated target, at least ten tries are made to contact the initial households during a five-day period. The telephone calls take place during various times on weekday evenings and during the weekend. Our interviewers are also instructed to seek convenient appointments with interviewees, cutting our non-contact rate to less than five percent on average. An unbiased selection process is also used to identify the adult member of the household to be interviewed. To validate the completed sample, the latest United States Census updated population characteristics are utilized as a standard of comparison.

The questionnaire would be administered by company trained and supervised personnel. The computer analysis will be obtained from our in-house C-MENTOR and SPSS statistical analysis systems, insuring both access to the most current analysis programs and confidentiality of the data set.

The City of Newport will be presented with bound copies of the final report highlighting all the major findings of the study. The Morris Leatherman Company will also speak to any major differences from and similarities with the past studies of the community, when applicable, in addition to other communities. A volume of all computer-generated cross tabulations and other multivariate statistical techniques will also be included.

***PROJECT SCHEDULE:***

1. Planning with City Council Members, City Staff, and/or relevant individuals to establish the topics to be covered in the survey. Based on these topic concepts, the Morris Leatherman Company would word specific, neutral questions. This activity can be completed by a meeting, telephone and/or e-mail, depending on client wishes, within two weeks of the initiation of the contract.
2. Structuring of questions and final approval of the survey instrument. These activities are usually completed within three weeks of the discussion of topics to be covered in the survey.
3. Final determination of the field dates for interviewing.
4. Pre-testing and, if needed, approval of resulting revisions. This activity is usually completed by the second day of fieldwork.
5. Completion of all fieldwork within a two-to-three week period.
6. Computer analysis and preparation of written report. All analytical tests and commentary will be available within six weeks after completion of the fieldwork.
7. Delivery of the final written report to the City of Newport, including presentation graphics. Afterwards, telephone consultation, as the need arises, will be provided about the study's findings and implications.

***PROJECT COSTS:***

The cost of a survey is driven by two factors: sample size and questionnaire length. The cost to conduct a 40 to 50 question survey would not exceed \$12,000.00. Each additional question would be \$150.00.

As company policy, the Morris Leatherman Company requires one-half of the cost prior to the commencement of fieldwork; the remainder is due upon delivery of the final written report. Unless otherwise arranged, the Morris Leatherman Company invoices clients for the initial payment at the time of the initiation of the contract; the remainder is due at the time of the receipt of the final written report.

*City of Newport*  
*Residential Survey Research Proposal*  
*June 2021*

If you require any further information from us, feel free to contact me. We look forward to the opportunity to work with the City of Newport.

Sincerely,  
*Peter Leatherman*  
Peter Leatherman  
Managing Partner



## Recurring

Paid Chk#	001687E	UNITED STATES TREASURY	7/15/2021	\$8,870.89	SS, federal, and medicare
Paid Chk#	001688E	FURTHER	7/15/2021	\$518.45	HSPA
Paid Chk#	001689E	HEALTHPARTNERS	7/15/2021	\$8,561.09	Health insurance
Paid Chk#	001690E	MN REVENUE	7/15/2021	\$1,430.31	State taxes
Paid Chk#	001691E	MSRS	7/15/2021	\$4,104.19	HCSP & voluntary retirement
Paid Chk#	001692E	UNUM	7/15/2021	\$460.39	Long-term disability and life
Paid Chk#	001693E	COMCAST	7/22/2021	\$809.77	Voice service and phone rental
Paid Chk#	001694E	QUADIENT FINANCE USA, INC.	7/22/2021	\$164.97	Postal meter quarterly rental
Paid Chk#	001695E	WEX BANK	7/26/2021	\$1,854.26	Petrol
Paid Chk#	001696E	COMCAST	7/28/2021	\$176.14	Library Internet and cable
Paid Chk#	001697E	COMCAST	7/28/2021	\$140.92	Fire hall internet
Paid Chk#	001698E	COMCAST	7/28/2021	\$209.46	City hall Internet and cable
Paid Chk#	001699E	UNITED STATES TREASURY	7/28/2021	\$8,650.02	SS, Federal and Medicare
Paid Chk#	001700E	FURTHER	7/28/2021	\$618.45	HSPA
Paid Chk#	001701E	MN REVENUE	7/28/2021	\$1,424.73	State taxes
Paid Chk#	001702E	MSRS	7/28/2021	\$3,888.00	HCSP & voluntary retirement
Paid Chk#	023852	ATOMIC DATA, LLC	7/15/2021	\$714.69	Monthly IT support
Paid Chk#	023853	Cardmember Services	7/15/2021	\$5,583.98	Credit card purchases
Paid Chk#	023855	PERA	7/15/2021	\$5,050.30	Retirement
Paid Chk#	023856	PROPERTYKEY.COM INC	7/15/2021	\$0.00	Refund for overpayment
Paid Chk#	023857	BRUCE TIMM	7/15/2021	\$47.96	Reimbursement for overpayment
Paid Chk#	023858	XCEL ENERGY	7/15/2021	\$2,363.33	Natural gas and electricity
Paid Chk#	023860	ANCHOR SOLAR INVESTMENTS, LL	7/22/2021	\$358.02	Solar leasing
Paid Chk#	023861	NCPERS GROUP LIFE INS.	7/22/2021	\$32.00	Additional life insurance
Paid Chk#	023862	VERIZON	7/22/2021	\$426.11	Cell phones and hot spots
Paid Chk#	023863	XCEL ENERGY	7/22/2021	\$63.42	Electricity and natural gas
Paid Chk#	023864	MARCO INC.	7/26/2021	\$263.17	Printer contract
Paid Chk#	023865	Metropolitan Council	7/26/2021	\$19,681.20	SAC charges
Paid Chk#	023866	SAMS CLUB DIRECT	7/26/2021	\$103.88	Office and building supplies
Paid Chk#	023867	DEBORA HILL	7/28/2021	\$65.90	Mileage reimbursement
Paid Chk#	023868	PERA	7/28/2021	\$5,011.50	Retirement
Paid Chk#	023869	DEB SCHULZ	7/28/2021	\$132.88	Mileage and phone reimbursemen
Paid Chk#	023870	JILL THIESFELD	7/28/2021	\$38.28	Mileage reimbursement
Paid Chk#	023871	MATT YOKIEL	7/28/2021	\$174.71	LP gas-accidental charge on pe
		Staff		\$44,061.83	

## Non-recurring

Paid Chk#	023851	H & U CCONSTRUCTION	7/13/2021	\$472,300.71	City/Fire Hall payment applic
Paid Chk#	023854	H & U CCONSTRUCTION	7/15/2021	\$336,270.72	City/Fire Hall payment #6
Paid Chk#	023859	A-1 EXCAVATING	7/22/2021	\$7,129.21	12th and 1th partial pay #9
Paid Chk#	023872	ADVANCED GRAPHIX INC.	8/5/2021	\$570.00	Vehicle marking
Paid Chk#	023873	ALLIED BLACKTOP COMPANY	8/5/2021	\$62,983.80	Chip seal Southwest part of ci
Paid Chk#	023874	BADGER METER	8/5/2021	\$73.20	Monthly Beacon hosting
Paid Chk#	023875	BURGGRAFS ACE	8/5/2021	\$397.79	Shop supplies parks
Paid Chk#	023876	CINTAS	8/5/2021	\$536.20	Uniform cleaning
Paid Chk#	023877	CITY OF COTTAGE GROVE	8/5/2021	\$974.00	Code enforcement and rental in
Paid Chk#	023878	CRAWFORD DOOR SALES	8/5/2021	\$780.65	Fire hall door repair
Paid Chk#	023879	DAHLEN, DWYER, FOLEY & TINKER	8/5/2021	\$4,000.00	3 lots and city hall appraisal
Paid Chk#	023880	EHLERS	8/5/2021	\$500.00	Compliance update on 2021 G.O.
Paid Chk#	023881	FLAHERTY & HOOD, P.A.	8/5/2021	\$2,563.75	Legal fees
Paid Chk#	023882	HAWKINS	8/5/2021	\$5.00	Chlorine cylinder
Paid Chk#	023883	INSTRUMENTAL RESEARCH, INC.	8/5/2021	\$38.00	Water testing
Paid Chk#	023884	JOHNSON AUTO BODY	8/5/2021	\$8,808.16	F350 Paint
Paid Chk#	023885	MENARDS - COTTAGE GROVE	8/5/2021	\$946.11	Loveland trail bridges
Paid Chk#	023886	MN FIRE SERVICE CERT. BOARD	8/5/2021	\$120.00	Firefighter/state certificatio
Paid Chk#	023887	MSA PROFESSIONAL SERVICES, IN	8/5/2021	\$27,975.50	City engineering
Paid Chk#	023888	MUNICIPAL EMERGENCY SERVICE	8/5/2021	\$17,602.67	Structural Turnout Gear and Bo
Paid Chk#	023889	NORTHERN SAFETY TECH. INC.	8/5/2021	\$527.73	Truck flashlights
Paid Chk#	023890	RIVER COUNTRY COOPERATIVE	8/5/2021	\$193.30	Warming house fuel
Paid Chk#	023891	SCHLOMKAS PORTABLE RESTROO	8/5/2021	\$580.00	Port o potty
Paid Chk#	023892	SOUTH SUBURBAN RENTAL, INC.	8/5/2021	\$74.00	LP gas and street patching
Paid Chk#	023893	T.A. SCHIFSKY & SONS, INC.	8/5/2021	\$635.45	Asphalt
Paid Chk#	023894	TWIN CITIES PIONEER PRESS	8/5/2021	\$18.00	Publish notices
Paid Chk#	023895	VINELAND TREE CARE	8/5/2021	\$315.00	Oak tree at Pioneer Park treat
Paid Chk#	023896	WASHINGTON CONSERVATION DIS	8/5/2021	\$175.00	2nd quarter shared educator
Paid Chk#	023897	WASHINGTON CTY SHERIFF	8/5/2021	\$443,476.37	Jan-June Policing Contract
				\$1,516,625.52	

# **MSA** Engineer's Report

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

**From:** Jon Herdegen, P.E. City Engineer

**Date:** July 29, 2021 – For the August 5<sup>th</sup> City Council Meeting.

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## **Catherine Drive Utility Extension**

RL Larson has completed all punch list items and submitted the project closeout documentation. This project is ready to be closed. Enclosed for your review and consideration is a final payment application which includes the release of the remaining project retainage.

RL Larson has submitted Partial Payment Application No. 8 (Final) for your review and consideration. The original contract amount for this project is \$2,661,325.33. The value of the work completed to date is \$2,754,673.15. Less \$2,615,069.70 previously paid, the amount requested by RL Larson on this application is \$139,603.44. In our opinion, the work is satisfactory and the quantities requested accurately reflect the work completed.

**Action Requested:** We respectfully request the Council consider Partial Payment Application No. 8 (Final) requested by RL Larson for \$139,603.44.

Provided the application is accepted, please retain one copy of the enclosed application for City records, send one copy to RL Larson with payment and return one copy to MSA.

# PARTIAL PAY ESTIMAT NO. 8 - FINAL PAYMENT

FROM: December 27, 2018  
TO: January 31, 2021

COMPLETION DATE  
MILESTONE A: September 5, 2018  
MILESTONE B: June 29, 2019

AMOUNT OF CONTRACT  
ORIGINAL: \$2,661,325.33  
REVISED:

PROJECT: 2018 CATHERINE DRIVE UTILITY EXTENSION  
CITY PROJECT NO.

CONTRACTOR: R.L. LARSON EXCAVATING, INC.

ADDRESS: 2255 12TH STREET SE

OFFICE: 320-654-0709

FAX: 320-654-1021

OWNER: CITY OF NEWPORT

ITEM NO	SPEC NO.	ITEM DESCRIPTION	QTY TOTAL	UNIT	UNIT PRICE	THIS PERIOD QTY	THIS PERIOD TOTAL	TOTAL TO DATE QTY	TOTAL TO DATE TOTAL
<b>SCHEDULE 1.0 - STREET</b>									
1.	2021.501	MOBILIZATION	1	LS	\$ 310,000.00		\$ -	1.00	\$ 310,000.00
2.	2101.502	CLEARING & GRUBBING	2	AC	\$ 8,250.00		\$ -	2.05	\$ 16,912.50
3.	2104.501	REMOVE CONCRETE CURB	411	LF	\$ 4.00		\$ -	421.00	\$ 1,684.00
4.	2104.505	REMOVE BITUMINOUS PAVEMENT	4,580	SY	\$ 6.00		\$ -	5,263.00	\$ 31,578.00
5.	2104.505	REMOVE AGGREGATE SURFACING	120	SY	\$ 12.00		\$ -	120.00	\$ 1,440.00
6.	2104.509	REMOVE SIGN & POST	2	EACH	\$ 100.00		\$ -	2.00	\$ 200.00
7.	2104.511	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	760	LF	\$ 3.00		\$ -	717.00	\$ 2,151.00
8.	2104.523	SALVAGE SIGN & POST	19	EACH	\$ 200.00		\$ -	19.00	\$ 3,800.00
9.	2104.523	SALVAGE MAIL BOX	8	EACH	\$ 200.00		\$ -	11.00	\$ 2,200.00
10.	2105.503	ROCK EXCAVATION	200	CY	\$ 75.00		\$ -	15.00	\$ 1,125.00
11.	2105.523	COMMON BORROW (CV)	180	CY	\$ 25.00		\$ -	0.00	\$ -
12.	2105.601	DEWATERING	1	LS	\$ 0.01		\$ -	0.00	\$ -
13.	2118.502	AGGREGATE SURFACING, (LV), CLASS II (DRIVEWAY)	120	CY	\$ 40.00		\$ -	190.50	\$ 7,620.00
14.	2211.501	AGGREGATE BASE CLASS 5	3,220	TON	\$ 20.00		\$ -	3,471.00	\$ 69,420.00
15.	2232.501	MILL BITUMINOUS SURFACE (1.5")	390	SY	\$ 4.85	15.0	\$ 72.75	55.00	\$ 266.75
16.	2357.502	BITUMINOUS MATERIAL FOR TACK COAT	170	GAL	\$ 1.05	168	\$ 176.40	400.00	\$ 420.00
17.	2360.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (D/W)	140	TON	\$ 105.00		\$ -	205.34	\$ 21,560.70
18.	2360.501	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (STREET)	400	TON	\$ 63.00		\$ -	332.74	\$ 20,962.62
19.	2360.502	TYPE SP 12.5 NON-WEARING COURSE MIXTURE 2B (STREET)	540	TON	\$ 63.00	18.33	\$ 1,154.79	647.59	\$ 40,798.17
20.	2360.505	TYPE SP 9.5 BIT MIXTURE FOR PATCHING	40	TON	\$ 126.00		\$ -	31.00	\$ 3,906.00
21.	2360.505	TYPE SP 12.5 BIT MIXTURE FOR PATCHING	60	TON	\$ 126.00		\$ -	33.93	\$ 4,275.18
22.	2411.604	MODULAR BLOCK RETAINING WALL	120	FF	\$ 40.00	53.5	\$ 2,140.00	316.50	\$ 12,660.00
23.	2531.501	CONCRETE CURB & GUTTER DESIGN B618	240	LF	\$ 45.00		\$ -	574.00	\$ 25,830.00
24.	2540.602	INSTALL MAIL BOX SUPPORT, (RURAL) (SINGLE)	8	EACH	\$ 225.00		\$ -	0.00	\$ -
25.	2554.503	INSTALL TRAFFIC BARRIER, DESIGN 8307	58	LF	\$ 85.00		\$ -	62.50	\$ 5,312.50
26.	2563.601	TRAFFIC CONTROL	1	LS	\$ 9,500.00		\$ -	1.00	\$ 9,500.00
27.	2571.524	CONIFEROUS TREE 6' HT B&B	10	TREE	\$ 651.00		\$ -	13.00	\$ 8,463.00
28.	2571.502	DECIDUOUS TREE 4" CAL B&B	10	TREE	\$ 924.00	1.00	\$ 924.00	13.00	\$ 12,012.00
29.	2573.503	SILT FENCE, TYPE MACHINE SLICED	4,300	LF	\$ 2.10		\$ -	90.00	\$ 189.00
30.	2573.540	FIBER LOG	670	LF	\$ 2.40		\$ -	670.00	\$ 1,608.00
31.	2573.501	TEMPORARY ROCK CONSTRUCTION ENTRANCE	1	EACH	\$ 2,500.00		\$ -	1.00	\$ 2,500.00
32.	2574.525	COMMON TOPSOIL BORROW (LV)	2,560	CY	\$ 0.01		\$ -	0.00	\$ -
33.	2575.523	EROSION CONTROL BLANKET CATEGORY 0	1,500	SY	\$ 1.32		\$ -	0.00	\$ -
34.	2575.523	EROSION CONTROL BLANKET CATEGORY 3N	7,700	SY	\$ 1.21		\$ -	18,950.00	\$ 22,929.50
35.	2575.535	WATER	1,000	MGAL	\$ 0.01	25.6	\$ 0.26	25.60	\$ 0.26
36.	2575.561	BLOWN COMPOST SEEDING	10,100	SY	\$ 3.21		\$ -	6,650.00	\$ 21,346.50
37.	2575.562	HYDRAULIC STABILIZED FIBER MATRIX	9,500	LB	\$ 3.15		\$ -	9,600.00	\$ 30,240.00
38.	2575.601	SITE RESTORATION	1	LS	\$ 5,000.00		\$ -	1.00	\$ 5,000.00
39.	2575.601	EROSION & SEDIMENT CONTROL	1	LS	\$ 5,000.00		\$ -	1.00	\$ 5,000.00
39A	EXTRA	GEOGRID TYPE TX7	1,435	SY	\$ 6.50		\$ -	0.00	\$ -
39B	EXTRA	GEOTEXTILE FILTER TYPE V - 2511.515	2,000	SY	\$ 2.00		\$ -	0.00	\$ -
T		<b>SCHEDULE 1.0 - STREET - TOTAL</b>					<b>\$ 4,468.20</b>		<b>\$ 702,910.68</b>
<b>SCHEDULE 2.0 - SANITARY SEWER</b>									
40.	2104.525	ABANDON MANHOLE (SANITARY)	1	EACH	\$ 3,300.00		\$ -	1.00	\$ 3,300.00
41.	2104.525	ABANDON SEWER PIPE (SANITARY)	1	LS	\$ 1,600.00		\$ -	1.00	\$ 1,600.00
42.	2503.602	8" X 4" PVC WYE	12	EACH	\$ 508.00		\$ -	12.00	\$ 6,096.00
43.	2503.603	8" PVC SANITARY SEWER PIPE - SDR 26 (0'-12')	180	LF	\$ 52.00		\$ -	180.00	\$ 9,360.00
44.	2503.603	8" PVC SANITARY SEWER PIPE - SDR 26 (12'-16')	44	LF	\$ 74.00		\$ -	44.00	\$ 3,256.00
45.	2503.603	8" PVC SANITARY SEWER PIPE - SDR 26 (16'-20')	146	LF	\$ 80.00		\$ -	146.00	\$ 11,680.00
46.	2503.603	8" PVC SANITARY SEWER PIPE - SDR 26 (20'-24')	1,045	LF	\$ 110.00		\$ -	1,045.00	\$ 114,950.00
47.	2503.603	8" PVC SANITARY SEWER PIPE - SDR 26 (24'-28')	1,462	LF	\$ 155.00		\$ -	1,462.00	\$ 226,610.00
48.	2503.603	8" PVC SANITARY SEWER PIPE - C-900 (0'-12')	571	LF	\$ 90.00		\$ -	571.00	\$ 51,390.00
49.	2503.603	8" PVC SANITARY SEWER PIPE - C-900 (12'-16')	259	LF	\$ 130.00		\$ -	259.00	\$ 33,670.00
50.	2503.603	8" PVC SANITARY SEWER PIPE - C-900 (20'-24')	59	LF	\$ 325.00		\$ -	59.00	\$ 19,175.00
51.	2503.603	20" STEEL CASING PIPE (JACKED)	136	LF	\$ 0.01		\$ -	76.00	\$ 0.76
52.	2503.603	4" PVC SANITARY SEWER SERVICE PIPE - SDR 26	360	LF	\$ 51.00		\$ -	375.00	\$ 19,125.00
53.	2503.602	CONNECT TO EXISTING MANHOLES (SANITARY)	1	EACH	\$ 5,560.00		\$ -	1.00	\$ 5,560.00
54.	2506.602	CONSTRUCT SANITARY MANHOLE (0'-12' DEPTH)	21	EACH	\$ 5,492.00		\$ -	21.00	\$ 115,332.00
55.	2507.602	CONSTRUCT SANITARY MANHOLE (ADDITIONAL DEPTH)	158	VF	\$ 124.00		\$ -	159.50	\$ 19,778.00
56.	2506.602	CHIMNEY SEAL	22	EACH	\$ 486.00		\$ -	21.00	\$ 10,206.00
57.	2506.516	INSTALL CASTING ASSEMBLY	22	EACH	\$ 710.00		\$ -	20.00	\$ 14,200.00
58.	2506.602	ADJUST STRUCTURE (SANITARY)	1	EACH	\$ 1,200.00		\$ -	1.00	\$ 1,200.00
59.	2506.603	INSTALL 8" OUTSIDE DROP	6	VF	\$ 900.00		\$ -	19.50	\$ 17,550.00
T		<b>SCHEDULE 2.0 - SANITARY - TOTAL</b>					<b>\$ -</b>		<b>\$ 684,038.76</b>
<b>SCHEDULE 3.0 - WATERMAIN</b>									
60.	2504.602	CONNECT TO EXISTING WATERMAIN	1	EACH	\$ 4,250.00		\$ -	1.00	\$ 4,250.00
61.	2504.602	INSTALL HYDRANT	13	EACH	\$ 4,605.00		\$ -	10.00	\$ 46,050.00
62.	2504.602	6" GATE VALVE & BOX	11	EACH	\$ 1,600.00		\$ -	10.00	\$ 16,000.00
63.	2504.602	8" GATE VALVE & BOX	20	EACH	\$ 2,045.00		\$ -	17.00	\$ 34,765.00
64.	2504.602	1" CORPORATION STOP	10	EACH	\$ 418.00		\$ -	12.00	\$ 5,016.00
65.	2504.602	1" CURB STOP & BOX	10	EACH	\$ 626.00		\$ -	12.00	\$ 7,512.00
66.	2504.603	1" TYPE K COPPER PIPE	240	LF	\$ 36.00		\$ -	282.00	\$ 10,152.00
67.	2504.603	6" WATERMAIN DUCTILE IRON CL 52	72	LF	\$ 81.00		\$ -	80.00	\$ 6,480.00
68.	2504.603	8" WATERMAIN DUCTILE IRON CL 52	3,957	LF	\$ 46.00		\$ -	4,023.00	\$ 185,058.00
69.	2504.603	10" WATERMAIN DUCTILE IRON CL 52	10	LF	\$ 78.00		\$ -	12.50	\$ 975.00
70.	2504.603	10" WATERMAIN HDPE (DIRECTIONALLY DRILLED)	902	LF	\$ 80.00		\$ -	856.00	\$ 68,480.00
71.	2504.603	20" STEEL CASING PIPE (JACKED)	136	LF	\$ 0.01		\$ -	66.00	\$ 0.66
72.	2504.604	4" POLYSTYRENE INSULATION	130	SY	\$ 45.00		\$ -	110.00	\$ 4,950.00
73.	2504.608	WATERMAIN FITTINGS	4,800	LB	\$ 4.75		\$ -	2,199.00	\$ 10,445.25
T		<b>SCHEDULE 3.0 - WATERMAIN - TOTAL</b>					<b>\$ -</b>		<b>\$ 400,133.91</b>

**SCHEDULE 4.0 - STORM**

74.	2104.501	REMOVE SEWER PIPE (STORM)	291	LF	\$ 8.00	\$ -	291.00	\$ 2,328.00
75.	2104.521	SALVAGE PIPE CULVERT	177	LF	\$ 25.00	\$ -	177.00	\$ 4,425.00
76.	2501.511	12" CS PIPE CULVERT	98	LF	\$ 37.00	\$ -	40.00	\$ 1,480.00
77.	2501.511	15" CS PIPE CULVERT	153	LF	\$ 38.00	\$ -	153.00	\$ 5,814.00
78.	2501.511	18" CS PIPE CULVERT	131	LF	\$ 43.00	\$ -	131.00	\$ 5,633.00
79.	2501.511	24" CS PIPE CULVERT	68	LF	\$ 52.00	\$ -	68.00	\$ 3,536.00
80.	2503.541	12" RC PIPE SEWER DES 3006 CL III	68	LF	\$ 45.00	\$ -	57.00	\$ 2,565.00
81.	2501.515	12" CS PIPE APRON	4	EACH	\$ 402.00	\$ -	2.00	\$ 804.00
82.	2501.515	15" CS PIPE APRON	6	EACH	\$ 408.00	\$ -	6.00	\$ 2,448.00
83.	2501.515	18" CS PIPE APRON	4	EACH	\$ 420.00	\$ -	4.00	\$ 1,680.00
84.	2501.515	24" CS PIPE APRON	2	EACH	\$ 475.00	\$ -	2.00	\$ 950.00
85.	2501.515	12" RC PIPE APRON	2	EACH	\$ 826.00	\$ -	4.00	\$ 3,304.00
86.	2506.502	CONST DRAINAGE STRUCTURE DESIGN 48-4020	1	EACH	\$ 2,950.00	\$ -	1.00	\$ 2,950.00
<b>T SCHEDULE 4.0 - STORM - TOTAL</b>						<b>\$ -</b>		<b>\$ 37,917.00</b>

**SCHEDULE 5.0 - BOOSTER PUMPS AND CONTROLS**

87.	SPEC	BOOSTER PUMP STATION NO. 1 (COMPLETE)	1	LS	\$ 407,000.00	\$ -	1.00	\$ 407,000.00
88.	SPEC	BOOSTER PUMP STATION NO. 2 (COMPLETE)	1	LS	\$ 404,000.00	\$ -	1.00	\$ 404,000.00
89.	SPEC	ELECTRICAL SERVICE ALLOWANCE	1	LS	\$ 10,000.00	\$ -	0.42	\$ 4,200.00
90.	SPEC	GAS SERVICE ALLOWANCE	1	LS	\$ 10,000.00	\$ -	1.05	\$ 10,450.00
<b>T SCHEDULE 5.0 - BOOSTER PUMPS AND CONTROLS - TOTAL</b>						<b>\$ -</b>		<b>\$ 825,650.00</b>

**SCHEDULE 6.0 - CHANGE ORDER NO. 1 - CENTURY AVENUE**

91.	2105.507	SUBGRADE EXCAVATION EV	553	CY	\$ 6.00	\$ -	553.00	\$ 3,318.00
92.	2112.519	SUBGRADE PREPARATION	14.03	RST	\$ 350.00	\$ -	14.03	\$ 4,910.50
93.	2211.501	AGGREGATE BASE CLASS 5	2208	CY	\$ 20.00	\$ -	2,704.00	\$ 54,080.00
94.	CO1	GEOGRID TYPE TX7	1435	SY	\$ 6.50	\$ -	1,435.00	\$ 9,327.50
95.	CO1	GEOTEXTILE FILTER TYPE V - 2511.515	2712	SY	\$ 2.00	\$ -	2,712.00	\$ 5,424.00
96.	CO1	TOPSOIL STRIPPING	2048	CY	\$ 4.00	\$ -	2,048.00	\$ 8,192.00
<b>T SCHEDULE 6.0 - CHANGE ORDER NO. 1 - TOTAL</b>						<b>\$ -</b>		<b>\$ 85,252.00</b>

**SCHEDULE 7.0 - CHANGE ORDER NO. 2 - BOOSTER STATIONS**

97.	2105.507	COMMON EXCAVATION	425	CY	\$ 15.00	\$ -	425.00	\$ 6,375.00
98.	2112.519	SUBGRADE PREPARATION	4.92	RST	\$ 350.00	\$ -	4.92	\$ 1,722.00
99.	CO2	10" GATE VALVE & BOX	1	EA	\$ 3,050.00	\$ -	1.00	\$ 3,050.00
100.	CO2	6" HYDRANT EXTENSION	1	EA	\$ 1,336.80	\$ -	1.00	\$ 1,336.80
101.	CO2	HEAT TRACE	1	LS	\$ 3,400.00	\$ -	1.00	\$ 3,400.00
102.	CO2	CONCRETE PAD ALTERATIONS	1	LS	\$ 5,387.00	\$ -	1.00	\$ 5,387.00
<b>T SCHEDULE 7.0 - CHANGE ORDER NO. 2 - TOTAL</b>						<b>\$ -</b>		<b>\$ 21,270.80</b>

**SCHEDULE 8.0 - CHANGE ORDER NO. 3 - FRP COVER REPAIR**

103	CO3	FRP COVER REPAIR	1	LS	\$ 2,500.00	-1	<u>\$ (2,500.00)</u>	-1.00	<u>\$ (2,500.00)</u>
	T	SCHEDULE 8.0 - CHANGE ORDER NO. 3 - TOTAL					<u>\$ (2,500.00)</u>		<u>\$ (2,500.00)</u>

**BID SUMMARY**

T	SCHEDULE 1 - STREET - TOTAL	\$ 4,468.20	\$ 702,910.68
T	SCHEDULE 2 - SANITARY - TOTAL	\$ -	\$ 684,038.76
T	SCHEDULE 3 - WATERMAIN - TOTAL	\$ -	\$ 400,133.91
T	SCHEDULE 4 - STORM - TOTAL	\$ -	\$ 37,917.00
T	SCHEDULE 5 - BOOSTER PUMPS AND CONTROLS	\$ -	\$ 825,650.00
T	SCHEDULE 6.0 - CHANGE ORDER NO. 1 - TOTAL	\$ -	\$ 85,252.00
T	SCHEDULE 7.0 - CHANGE ORDER NO. 2 - TOTAL	\$ -	\$ 21,270.80
T	SCHEDULE 8.0 - CHANGE ORDER NO. 3 - TOTAL	\$ (2,500.00)	\$ (2,500.00)

AMOUNT EARNED	\$ 1,968.20	\$ 2,754,673.15
AMOUNT RETAINED	\$ (137,635.25)	\$ -
PREVIOUS PAYMENTS		\$ 2,615,069.70
<b>AMOUNT DUE</b>	<b>\$ 139,603.44</b>	

**CONTRACTOR'S CERTIFICATION**

The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.

Contractor **R.L. LARSON EXCAVATING, INC.**

By \_\_\_\_\_

Date \_\_\_\_\_

**ENGINEER'S CERTIFICATION**

The undersigned certifies that the work has been carefully observed and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.

Engineer: **MSA PROFESSIONAL SERVICES**

By \_\_\_\_\_

Date \_\_\_\_\_

**APPROVED BY OWNER**

Owner: **CITY OF NEWPORT**

By \_\_\_\_\_

Date \_\_\_\_\_

City of Newport, MN  
Resolution No. 2021-37  
A Resolution Accepting Donations

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

**WHEREAS,** The following persons and entities have offered to contribute the items set forth below to the City:

Individual/Business	Donated Item	Donated Amount
St. Paul Park-Newport Lions Club	Cash for Flag Pole at New City Hall and Public Safety Building	\$2,000

**WHEREAS,** The City Council finds that it is appropriate to accept the donations offered; and

**WHEREAS,** the donated item is a cash donation specifically for the use of paying for flag poles at the new City Hall and Public Safety Building located at 2060 1<sup>st</sup> Avenue; and

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

Adopted this 5<sup>th</sup> day of August 2021 by the Newport City Council.

Motion by: \_\_\_\_\_,                      Seconded by: \_\_\_\_\_

VOTE:	Elliott	_____
	Chapdelaine	_____
	Ingemann	_____
	Taylor	_____
	Johnson	_____

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

Attest: \_\_\_\_\_  
Deb Hill, City Administrator

# Planning Memorandum

<b>To:</b>	Newport City Council	<b>Reference:</b>	1851 Century Avenue -- Major Subdivision Application
<b>Copies To:</b>	Deb Hill, City Administrator		
	Travis Brierley, Assistant to the Administrator		
	Cody Olson, owner		
	Jon Herdeggen, City Engineer	<b>Project No.:</b>	2021--0014
	Bruce Hanson, Public Works Director		
<b>From:</b>	Sherri Buss, City Planner	<b>Routing:</b>	
<b>Date:</b>	July 26, 2021		

**SUBJECT:** 1851 Century Avenue Major Subdivision, Preliminary Plat

**MEETING DATE:** August 5, 2021

**LOCATION:** 1851 Century Avenue

**APPLICANT:** Cody Olson  
1851 Century Avenue, Newport

**OWNERS:** Cody Olson

**CURRENT ZONING:** RE/R-1 and Shoreland Overlay District

**120-DAY PERIOD:** October 1, 2021

**ITEMS REVIEWED:** Application, Plat and other items submitted June 2, 2021

## BRIEF DESCRIPTION OF THE REQUEST

The applicant, Cody Olson, has requested approval of a major subdivision of his property at 1851 Century Avenue. The 5.37-acre parcel is proposed to be subdivided into 5 lots with individual driveway access to Century Avenue.

The property is in the RE (Residential Estates) zoning district and within the Shoreland District of Ria Lake, a Natural Environment Lake. The subdivision must meet the standards of the Shoreland Overlay District ordinance for Natural Environment Lakes.

The city has recently extended sewer and water services along Century Avenue adjacent to this parcel with the development of Bailey Meadows, and the zoning ordinance requires that this subdivision be treated as an R-1 (Low-density Single Family Residential) District parcel and that it meets the dimensional standards of the R-1 zoning district.

Subdivision approval is completed in two steps—approval of a preliminary plat and a final plat.

The Planning Commission recommended approval of the preliminary plat with conditions at its meeting on July 13, 2021. The City Engineer reviewed the revised plans submitted by the applicant prior to the public hearing and has identified additional changes that are needed and conditions for approval of the Final Plat that are described in this report and his letter dated July 26, 2021.

## **I. EVALUATION OF THE PRELIMINARY PLAT FOR A MAJOR SUBDIVISION**

The sections that follow evaluate the proposed subdivision based on the requirements of the city's zoning ordinance and subdivision ordinance. The subdivision is classified as a major subdivision because it includes more than 3 new lots.

Chapter 28 of the Development Code governs the subdivision process and requirements. In order to recommend approval a Major Subdivision, the Planning Commission must find that:

1. The proposed subdivision is consistent with the City's Comprehensive Plan.
2. The proposed subdivision is consistent with the requirements of the zoning and subdivision ordinances.
3. The proposed site for the subdivision is physically suited for the proposed development—including factors such as topography, vegetation, susceptibility to erosion, flooding, and similar factors.
4. The design of the proposed subdivision will not cause substantial and irreversible environmental damage.
5. The subdivision will not be detrimental to public health, safety, and welfare.
6. The design of the subdivision will not conflict with easements on record.

### **1. *Consistency with the Goals and Policies of the Comprehensive Plan***

Newport's 2040 Comprehensive Plan included the parcel at 1851 Century Avenue in the Residential Estates (RE) Zoning District. The plan's goals for the RE District included:

- The Comp Plan supports residential land uses in the RE District.
- The Plan supports protection of the bluffs, surface waters, and natural resources of the area, including implementing the Shoreland Overlay District Ordinance.
- The Plan goals include extending municipal sewer and water services to support urban-density development in eastern Newport.

The proposed subdivision is consistent with the goals and policies of the 2040 Comprehensive Plan.



## **2. Consistency with the Standards of the Zoning and Subdivision Ordinances**

### **Density and Dimensional Standards**

The parcel at 1851 Century Avenue is in the Shoreland area of Ria Lake, which is classified as a Natural Environment Lake in the state's Shoreland Rules. It is also located in the RE zoning district. Sewer and water services were recently extended along Century Avenue, which is adjacent to the parcel proposed for subdivision. The zoning ordinance requires that parcels in the RE District that are adjacent to city sewer lines shall be connected to city sewer and water services and shall be considered R-1 lots. Therefore, the proposed subdivision is subject to the requirements of both the Shoreland Overlay Ordinance and the R-1 District standards in the zoning ordinance. When the Shoreland Overlay District and underlying zoning district include standards for the same item, such as setbacks, the stricter standard applies.

The standards that apply to this subdivision and the proposed lots are identified on the following table. Standards identified with an \* are Shoreland Overlay Ordinance standards. The other standards apply to lots in the R-1 district in the Zoning Ordinance.

<b>Standard</b>	<b>Minimum Requirement</b>	<b>Proposed Subdivision</b>
*Single family residential use	Permitted	5 single-family units
*Lot size	20,000 sf minimum	Each lot has a minimum area of 38,000 sf
*Lot width	125'	125' at each building setback line per ordinance definition of lot width
*OHWL setback	150'	Each lot is more than 300' from the OHWL of Ria Lake
*Bluff setback	30'	No bluffs located on the parcels
*Street ROW setback	20'	20 feet to front lot line
*Height of buildings	25'	TBD with building permits
Front yard	30'	40 feet
Side yard	10' primary structure (30' corner lot); 5' garage	20' (60' for the corner lot)
Rear yard	30' primary structure; 5' garage	50'
Municipal sewer and water services	Required	Included

The proposed use, lot sizes and dimensions of the proposed subdivision meet or exceed the requirements of the Shoreland Overlay ordinance and zoning ordinance.





### **3 and 4.      *Physical Suitability for Proposed Use and Potential for Environmental Impacts***

The site at 1851 Century Avenue is largely open and is currently developed with a single-family home and accessory buildings. There are no bluffs, steep slopes, or wetlands on the property. The site is located within the Shoreland area of Ria Lake, and therefore must comply with the requirements of the Shoreland Overlay District ordinance as well as the zoning and subdivision ordinances. There are no designated Floodplain areas on the property.

The sections below analyze the physical suitability of the proposed use and the potential environmental impacts of the proposed subdivision. The sections include city staff's recommended conditions that are needed to address potential environmental impacts.

#### **Military Road (CSAH 20)**

Military Road (CSAH 20) is a Washington County roadway that is adjacent to the northern boundary of the proposed subdivision. The owner is not proposing an access to Military Road. Washington County's Public Works' staff reviewed the subdivision plan and provided the following comments:

- The County appreciates that access for the parcels is provided from Century Avenue rather than Military Road, a county road.
- The Washington County 2040 Comprehensive Plan requires 150 feet of right-of-way to be preserved along this stretch of Military Road, so 75 feet from centerline would be needed.
- Washington County is exploring the possibility of extending Century Avenue from Carver Avenue down to Bailey Road which could eventually impact properties on the north side of Bailey Road in the future.

The City Engineer's comments also included a condition that the plat shall dedicate 75 feet of right-of-way along Military Road (County Road 20).

City staff have included the County and City Engineer's conditions related to Military Road in the proposed conditions for the approval of the subdivision.

#### **Local Streets, Right-of-Way, Easements, and Utilities**

The City Engineer reviewed the developer's plans for streets and related utilities. His letter dated June 22, 2021 and updated on July 26, provided direction to the applicant to make revisions and updates to the plans to address many issues related to proposed rights-of-way, easements, and utilities. The proposed conditions for approval of the subdivision required that the applicant address all of the Engineer's comments and required corrections prior to approval of the Final plans and plat.

#### **Sewer and Water Infrastructure**

The City Engineer and Public Works director reviewed the applicant's plans for municipal services and other infrastructure. The City's Engineer's letter (June 22, 2021 and updated July 26) included a list of items that needed to be revised on the Preliminary Plat and resubmitted for City review related to utilities and easements on the site.



The proposed conditions for approval of the subdivision required the applicant to revise the Preliminary Plat to address the City Engineer's comments in the letter dated July 26, 2021 and submit the revised plat for review by the Engineer prior to approval of the Final Plat.

### Stormwater and Wetlands

The subdivision will need to meet the stormwater standards of the city and the South Washington Watershed District (SWWD). The City Engineer's memo dated June 22, 2021 and updated July 26 included detailed comments on the applicant's storm water management report, Storm Water Pollution Prevention Plan (SWPPP), the Preliminary Plat, and plan sheets. Most of the comments require the applicant to update, correct, or provide additional analysis. The proposed conditions for approval of the Preliminary Plat required that the applicant address the comments from the City Engineer prior to approval of the Final Plat.

City staff recommend the following stormwater and wetland-related conditions for approval of the Preliminary Plat:

- The applicants shall update plans and provide additional information as needed to address all of the comments in the City Engineer's letter dated July 26, 2021, prior to approval of the Final Plat and Development Agreement.
- The applicants shall obtain all required permits and approvals for stormwater and wetland management from the SWWD and City prior to the start of construction.
- The applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport ordinances and the South Washington Watershed District rules.
- All permanent stormwater facilities shall be contained within a drainage and utility easement.
- All storm water infrastructure and connecting pipe shall be privately owned and maintained.

The City sent a copy of the Preliminary Plat with a request for comments to the SWWD, but did not receive any comments on the proposed subdivision.

### Natural Features

The significant natural features on or near the site include Ria Lake, La Lake, and existing trees. Other sections of this report evaluate the proposed development's compliance with the Shoreland Ordinance standards and the landscape requirements of the Subdivision Ordinance and recommend conditions for protection of these natural features.

### Landscaping

The applicant provided a landscape plan for the subdivision (Sheet L1.0) and Sheet C1.0 "Removals" indicates the trees that are proposed to be saved and removed as the site is developed.

The Subdivision Ordinance requires that all areas of land not covered by structures or pavement shall be landscaped with sod, mulch, or rock materials, and landscaped to include:

- At least one overstory tree in the front yard for each 50 feet of lot frontage.



- At least one tree for every 1,000 square feet of non-impervious surface area within the lots.
- The ordinance includes additional landscaping requirements such as types and sizes of planting materials.

The Landscape Plan proposes planting a mix of deciduous and coniferous trees. Most of the tree species are native to the Twin Cities area. The proposed number, location, species, and sizes of trees are consistent with the Subdivision Ordinance requirements. The Landscape Plan and tree protection plans meet the ordinance requirements.

#### Open Space and Park Dedication

The Zoning Ordinance requires that all subdivisions that have not provided park dedication previously shall “convey to the city or dedicate to the public use for park, playground, open space or trail a minimum of 10 percent of the gross area subdivided to meet open space requirements.” The City Council will approve the required park dedication, which may include a cash payment in lieu for part of all of the land dedication. The cash in lieu payment may be based on the fair market value of the land or the city’s established fee of \$3,400 per dwelling unit for single family homes.

The proposed subdivision is not included in an area proposed for new parks in the City’s Comprehensive Plan. It is close to the existing Bailey Forest and Woodbury’s La Lake Park. The City has typically required payment of the cash in lieu fee for new residential units when no park is proposed within the subdivision.

- *Potential Trail Easement on Century Avenue*

The city could request an easement to develop a trail in the future along Century Avenue. The County has proposed a future trail on Military Road, and a trail on Century Avenue could provide a future link from the trails in La Lake Park and Bailey Meadows to Bailey School Forest Park using trails on Military Road and Century.

The City Engineer noted that the applicant is proposing to dedicate 30 feet of right-of-way for utilities along Century Avenue, and he suggested that the city should require 33 feet of right-of-way dedication to fully encompass existing utilities. He calculated that the minimum easement width needed for a trail would be an additional 17 feet (50 feet total from the centerline of Century Ave), and he would propose an additional 20-foot easement for a trail if requested by the City Council. He noted that based on their current grading/stormwater plan, a 20-foot easement may impact the applicant’s proposed stormwater filtration basins, requiring modification of the basin designs. The value of the easement area could be considered as part of the required park dedication for the subdivision.

The Planning Commission discussed the potential trail easement and recommended that the Council require that the applicant dedicate the easement area for a future trail along Century Avenue as part of the applicant’s required park dedication.

The recommendation for approval of the Major Subdivision includes a condition that the applicant shall meet the City’s Park Dedication requirement.



## **5. Health, safety, and welfare of the community**

The staff analysis of the proposed subdivision did not identify any issues that would negatively impact the health, safety, or welfare of the community if the proposed conditions are met by the applicant. The Planning Commission held a public hearing on July 13 to listen to community comments and concerns about the proposed subdivision and potential impacts to the neighborhood or community.

## **6. Easements on record**

The City Engineer reviewed the easements on record for the area of the proposed plat and included comments regarding easement requirements in his comment letter. The applicant was required to update the plat to address the Engineer's comments regarding easements for the Final Plat.

# **II. PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATIONS**

The Planning Commission held a public hearing to receive comments on the proposed subdivision at its meeting on July 13. The Commission received one verbal comment at the hearing and two written comments prior to the hearing. The comments and responses are summarized as follows:

### 1. Mr Vang, 4405 Century

*Comment:* Mr. Vang expressed concerns about flooding that occurred on his property last year and concerns that the new subdivision will increase the stormwater flows toward his property from an existing culvert under Century Avenue.

*Response:* The City Engineer and South Washington Watershed District staff reviewed the flooding issues from Ria Lake that affect the Vang property and the potential for the subdivision to impact the Vang property with Mr. Vang in 2020 and in 2021 for the subdivision application. The City sent these responses to Mr. Vang in 2020 after meeting with him at the site and again in 2021 after his comment at the public hearing:

- *City Engineer (2020 and 2021):* "This email is intended as a follow-up to our meeting onsite this morning to review the flooding that is occurring on your property. I can certainly understand your concern and frustration regarding the stormwater inundating your property. However, I can assure you that the utility extension along the south side of Military Road performed by the City of Newport (2018) did not cause the flooding. All of the disturbed area within the construction limits was returned to pre-construction elevations. The two (2) culverts under Century Avenue were removed and reinstalled at the preconstruction elevations. As we observed this morning, the water level of Ria Lake has reached the elevation of the culvert under Military Road to the ditch on the south side of the County Road and is discharging toward/across your property. This culvert was not altered as part of Newport's utility extension project. Although the water level of Ria Lake has not been this high in many years, the culvert is the natural outlet for the lake. This is one of many examples of flooding issues scene across south Washington County as a result of one of the wettest periods on record. "



- *SWWD staff (2020 and 2021)*: “I indicated to Mr. Vang in my response yesterday that the City of Newport cannot address his flooding issues.”
- *City Engineer (2021)*: “The City is working with the owner of 1851 Century Avenue to manage stormwater from the new development to prevent new impacts to your property. The City Engineer’s comments are the following:
  - The City of Newport received construction plans and stormwater management design calculations from the applicant for the property located at 1851 Century Avenue. We are aware of the localized flooding on the property located at 4405 Century Avenue (east of the subject property) that resulted from the high-water levels in Ria Lake. We included in our plan review comments a strong recommendation that the applicant consider directing stormwater discharge away from the existing culvert under Century Avenue toward 4405 Century Avenue and under no circumstances can the peak runoff rate increase to that location. MSA included several additional comments pertaining to stormwater including modeling the stormwater runoff discharging onto the subject property. The applicant has since submitted documentation responding to our comments and we are in the process of review their response.
  - The Engineer’s review of the revised plans found that the applicant did not adequately address the stormwater, grading and utility issues, particularly the issues related to the culvert under Century Avenue. The Engineer’s letter dated July 26 and conditions for approval of the Preliminary Plat require the applicant to address all of the stormwater issues and resubmit the plans for review prior to approval of the Final Plat.

### 2. Brian and Jacqueline Krech, 4504 Wild Canyon Drive

*Comment:* The Krech’s commented that they believe the proposed subdivision is not consistent with the covenants for the Wild Canyon Estates and Wild Ridge Estates developments south of the proposed subdivision, allows smaller lots than those subdivisions, and will create additional traffic impacts to Military Road.

*Response:* The proposed subdivision is not located within Wild Canyon Estates or Wild Ridge Estates and is not subject to the covenants for those neighborhoods. The lot sizes and design of the proposed subdivision are consistent with the requirements of Newport’s zoning and subdivision ordinances. The County did not identify a traffic concern or mitigation requirements for the five new single-family lots.

### 3. George Dorn, 1396 Military Road

*Comment:* Mr. Dorn expressed concerns about a potential loss of wildlife habitat as a result of the subdivision and noted that his wife hand-feeds deer. He asked about whether the landscape business on the property and Highland Sanitation are permitted by Newport’s zoning ordinance.

*Response:* The property is currently developed for a residential use and storage for a landscape business; the conversion to large lot single-family homes will have minimal impact on wildlife habitat and will be consistent with the land uses in the general area. City staff noted that the City discourages feeding deer.



The Planner responded that existing business is a nonconforming use that must end when the applicant files the final plat and the new lots are created. Highland Sanitation is a legal nonconforming use in that zoning district.

#### Planning Commission Recommendations

The Planning Commission reviewed the proposed subdivision after the close of the Public Hearing. The Commission recommended approval of the major subdivision, with conditions.

### **III. FINDINGS FOR THE PRELIMINARY PLAT REQUEST**

The Planning Commission's findings for the Preliminary Plat request, based on the analysis of the applicant submittals, Subdivision Ordinance requirements, and public hearing include:

1. The proposed subdivision is consistent with the City's Comprehensive Plan.
2. With the required conditions for approval, the proposed subdivision is consistent with the requirements of the Subdivision Ordinance, the Shoreland Overlay District ordinance, and the Zoning Ordinance.
3. The proposed site for the subdivision is physically suited for the proposed development—including factors such as topography, vegetation, susceptibility to erosion, flooding, and similar factors. The conditions for approval require protection of existing vegetation and surface waters to meet the standards of the City's Subdivision Ordinance, Stormwater Ordinance, and Engineering Standards.
4. With implementation of the conditions for approval, the design of the proposed subdivision will not cause substantial and irreversible environmental damage.
5. With implementation of the conditions of approval, the subdivision will not have negative impacts on the health, safety, or welfare of the community.
6. With the changes to the survey and Preliminary Plat identified by the City Engineer in his letter dated July 26, 2021 and required by the conditions for approval of the Final Plat, the design of the subdivision will not conflict with easements on record.

The findings support approving the Major Subdivision, with conditions.

### **IV. ACTION REQUESTED**

The City Council can take the following actions for the subdivision request:

1. Approval
2. Approval with conditions
3. Denial with findings
4. Table the request

### **IV. PLANNING COMMISSION RECOMMENDATIONS**

The Planning Commission recommends that the City Council approve the Preliminary Plat for the Major Subdivision at 1851 Century Avenue, with the following conditions that shall apply to the applicant, the project developer and builder(s):



1. The applicant shall revise the Preliminary Plat, plan sheets, and survey and create the Final Plat to address the comments in the City Engineer's letter (July 26, 2021), Washington County's comments (June 22, 2021), and staff report. The applicant shall submit the revised documents to the City for approval prior to approval of the Final Plat.
2. The applicant shall identify and protect the locations of existing vegetation identified on the Preliminary Tree Preservation Plan during construction.
3. The applicant shall obtain all required permits and approvals from the SWWD and provide copies to the City and to Washington County.
4. The applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport Ordinances and the South Washington Watershed District rules.
5. All permanent stormwater facilities shall be contained within a drainage and utility easement.
6. All storm water infrastructure and connecting pipe shall be privately owned and maintained.
7. The applicant shall dedicate 33 feet of public right-of-way as measured from and parallel to the centerline of Century Avenue.
8. The applicant shall dedicate 75 feet of public right-of-way as measured from and parallel to the centerline of Military Road (County Road 20).
9. The applicant shall satisfy the City's park dedication requirements. The City Council shall specify the land area and/or cash in lieu dedication requirements.
10. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's Engineer.
11. The Final Plat approval shall be contingent on meeting all the requirements of the Newport City Code.
12. All standard front, rear, and side yard lot easements shall be shown on the Final Plat.
13. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property.
14. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements shall be granted to the City at no cost or paid for by the Developer.
15. The applicant shall receive written approval that all obligations have been completed prior to dedicating all outlots. All future tax obligations shall be paid by the applicant/developer.
16. The applicant must provide a title commitment detailing encumbrances, mortgages, etc. on the property.
17. The applicant must obtain a waiver of trespass or right of entry to perform any work on private property.



18. The Preliminary Plat shall be valid for one year from the date that it is approved by the City Council unless the Council grants an extension. The approved Final Plat shall be effective for two years from the date of approval by the City Council.
19. The Applicant shall pay all fees and escrows related to this application.





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**To:** Ms. Deb Hill, City Administrator  
Ms. Sherri Buss, City Planner

**From:** Jon Herdegen, P.E. – City Engineer

**Subject:** 1851 Century Avenue - Plan Review

**Updated:** July 29, 2021

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We have prepared the following plan review comments for the 1851 Century Avenue Subdivision submittal package submitted 06/30/2021 prepared by Civil Site Group and Harry S. Johnson Co. Inc . Land Surveyors. The submittal set included land title survey, preliminary plat, a final plat, removal plans, site plans, grading plan, utility plan, civil details, landscape plan, a SWPPP including existing and proposed conditions, narrative, attachments, and a stormwater report, and responses to MSA's previous comments.

This memo has been divided into three parts, Part One is a list of conditions for approval that should be included as provisions in the developer's agreement, Part Two are comments on constructability pertaining to the submitted materials, and Part Three is additional documentation that will be required by the city following final construction plan approval.

**Part 1 – Conditions for Approval**

1. The applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport Ordinances and the South Washington Watershed District rules.
2. The applicant must provide a title commitment detailing encumbrances, mortgages, etc. on the property.
3. All permanent stormwater facilities shall be contained within a drainage and utility easement.
4. All storm water infrastructure and connecting pipe shall be privately owned and maintained.
5. The applicant must obtain a waiver of trespass or right of entry to perform any work on private property.
6. The applicant shall dedicate 33 feet of public right-of-way as measured from and parallel to the centerline of Century Avenue.
7. The applicant shall dedicate 75 feet of public right-of-way as measured from and parallel to the centerline of Military Road (County Road 20).

## MEMO

June 22, 2021

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### **Part 2 – Constructability**

#### **Title Sheet C.O**

- ~~1. Add a note to identify the applicable governing specifications:~~
  - ~~a. MnDOT Standard Specification for Construction (latest addition)~~
  - ~~b. City Engineer's Association of Minnesota (CEAM) Construction Standard Specifications~~
  - ~~c. Minnesota Manual on Uniform Traffic Control Devices (MMUTCD)~~
  - ~~d. City of Newport Public Works Design Manual.~~

#### **Land Title Survey V1.0**

2. Add the existing culvert under Century Avenue approximately 15 feet south from the south edge of Military Road (County Road 22).
  - a. Add culvert to all sheets including the Land Title Survey.*

#### **Preliminary Plat V2.0**

- ~~3. A minimum of 33 feet of right-of-way must be dedicated east side of the property as measured from and parallel to the centerline of Century Avenue. It is currently indicated on the plans as 30 feet.~~
- ~~4. The Washington County 2040 Comprehensive Plan identifies a total of 150 feet of right-of-way along the portion of County Road 22 adjacent to the subject property. The plat must dedicate a minimum of 75 feet as measured from and parallel to the centerline of County Road 22. It is currently indicated on the plans as 50 feet.~~
- ~~5. All stormwater facilities including detention basins and piping must be fully contained within a dedicated drainage and utility easement.~~
  - ~~a. Verify all drainage and utility easement are wide enough to accommodate the depth and size of the utility they are covering.~~
- ~~6. Include a table listing the developer, designer and surveyor with corresponding contact information.~~
- ~~7. There is an additional line near the centerline of Century Avenue that must be removed.~~
- ~~8. There is an additional line near the centerline of Military Road that must be removed.~~

#### **Final Plat V3.0**

- ~~9. A minimum of 33 feet of right-of-way must be dedicated east side of the property as measured from and parallel to the centerline of Century Avenue. It is currently indicated on the plans as 30 feet.~~
- ~~10. The Washington County 2040 Comprehensive Plan identifies a total of 150 feet of right-of-way along this portion of County Road 22. The plat must dedicate a minimum of 75 feet as measured from and parallel to the centerline of County Road 22.~~
- ~~11. There is an additional line near the centerline of Century Avenue that must be removed.~~
- ~~12. There is an additional line near the centerline of Military Road that must be removed.~~
- ~~13. Add proposed drainage and utility easements to be dedicated.~~

#### **Removal Plans C1.0**

## MEMO

June 22, 2021

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- ~~14. Provide inlet protection detail for existing driveway and centerline culverts (Century Ave) and reference location on removal plans.~~

### Site Plan C2.0

- ~~15. Retaining walls exceeding four (4) feet in height must be designed by an engineer licensed in the State of MN.~~
- ~~16. Show all proposed driveway culverts and FES on the site plan.~~
- ~~17. Match proposed driveway aprons to city standard detail.~~
- ~~18. Show the proposed utility and drainage easements on the site plan.~~
19. Add the existing culvert under Century Avenue approximately 15 feet south from the south edge of Military Road (County Road 22).

### Grading Plan C3.0

- ~~20. Provide proposed lot corner elevations.~~
21. Provide proposed grade drainage arrows, where applicable, and proposed driveways grades,
- a. The driveway grades have not been labeled and grade drainage arrows do not label the proposed grade.*
- ~~22. Show proposed culverts on the grading plan.~~
23. Provide inlet elevations on all FES.
- a. Labels have not been added for proposed FES.*
- ~~24. The proposed grade contours extend beyond the construction limits indicated on the plan. The applicant must obtain a waiver of trespass or right of entry to perform any work on private property.~~
25. The line work for the filtration basin on lot 5 is not consistent with the other basins. Add the line type to the legend on the grading plan to indicate what it represents.
- a. The linetype has not been added to the legend.*
26. Add the existing culvert under Century Avenue approximately 15 feet south from the south edge of Military Road (County Road 22).
27. Contours along the north side of Lot 1 do not tie in correctly, as currently shown Century Avenue could accept runoff from Military Road.
- a. Close the 970 contour around the existing culvert inlet under Century Avenue immediately south of Military Road to prevent runoff from leaving the military Road ditch and discharging to the ditch on the west side of Century Avenue.*
28. Contours in the northwesterly corner of Lot 3 and the west side of Lots 4 and 5 do not tie in correctly.
- a. There are still several proposed contours that terminate at a different existing contour elevation.*

### Utility Plan C4.0

29. The line work for the filtration basin on lot 5 is not consistent with the other basins. Add the line type to the legend on the utility plan to indicate what it represents.
- a. The linetype has not been added to the legend.*
30. Show the proposed locations of the water and sewer connections from the existing stubs to the buildings.

## MEMO

June 22, 2021

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*a. The stub connections have been shown but not the lateral locations to the building.*

31. Show the proposed utility and drainage easements on the utility plan.

*a. The drainage and utility easements were provided on other sheets but not the utility plan.*

~~32. Adjust the filtration basin labels and contour labels on lot 2 and 4 for clarity.~~

### Civil Details C5.0-C5.1

~~33. Provide a detail for proposed driveway aprons that is consistent with the city standard detail.~~

### Landscape Plan L1.0

34. No comment.

### SWPPP SW1.0-SW1.5

#### 35. Existing Conditions SW1.0

- ~~a. Note calls for inlet protection at catch basins, but points to FES. Update callout.~~
- ~~b. Notes at driveway to existing house overlap. Move notes for clarity.~~
- ~~c. Legend calls for stabilized construction entrance and erosion control blanket. Show these on the plan or remove from legend.~~

#### 36. Proposed Conditions SW1.1

- ~~a. Same comments as 34.a. and 34.c. above.~~
- ~~b. Silt fence should encompass the proposed grading limits. Adjust the construction limits to include the grading on the north side of the property.~~
- ~~c. Show the outlet pipes for the filtration basins.~~

#### 37. Details SW1.2

- ~~a. Provide an inlet protection detail for existing FES.~~
- ~~b. Sediment bio-roll not shown on plan sheets SW1.0 or SW1.1. Indicate location on plan sheets or remove from detail sheet.~~

#### 38. Narrative SW1.3

- ~~a. Sequencing calls out temporary sediment basin. Please note location on the plans or note that proposed filtration basins will be used as sediment basins during construction.~~
- ~~b. Mulch is called out for slopes flatter than 3:1 and blankets are called out for slopes steeper than 3:1; the note says to see plan for more detailed treatments. Indicate on the plans which slopes are steeper than 3:1 and require a blanket. Add mulched areas to the plan and legend on sheets SW1.0 and SW1.1. (This can be done with a note calling describing the conditions, or callouts to the plan.)~~
- ~~c. Update Erosion Control Quantities with blankets (if needed) and inlet protection for FES.~~
- ~~d. Add 24 hour emergency contractor contact person on final plans.~~

#### 39. Attachments SW1.4-SW1.5

- ~~a. Provide maintenance plan and/or maintenance agreement with the City of Newport.~~

### Stormwater Report

40. Per City Ordinances, rate control must meet the existing conditions 2-yr, 10-yr, and 100-yr storm peak discharges; maintain existing total phosphorus loads not to exceed 1.65 lbs/ac/yr; reduce total suspended solids as compared to existing conditions; and reduce stormwater runoff volume by 1.0" for all new impervious surfaces. At this time, approval cannot be recommended because some items are missing from the submittal. See the comments below.
- ~~41. Staff encourages the applicant to minimize stormwater runoff directed toward the existing culvert under Century Avenue north of the existing building entrance (sloped west to east). Under no circumstances can the peak runoff rate or volume directed toward this culvert increase.~~
- ~~42. Report does not include proposed conditions HydroCAD modeling, only results tables. Include proposed conditions input/output summary.~~
- ~~43. Include the building and parking lot on the south side of the lot in the existing conditions site description (section 2.2).~~
- ~~44. Add a note that the existing house shall be maintained in the proposed condition.~~
- ~~45. Drainage boundaries do not match the contours shown. Sheet SW1.0 from the plans shows the existing house as the high point. Redraw the drainage boundaries to represent existing contours.~~
46. Drainage area from existing HydroCAD model (460,541 sf) does not match the drainage area from the proposed HydroCAD model (461,178 sf). Ensure these areas match.
- a. Drainage areas are closer, but do not match.*
- ~~47. Offsite drainage area, per LIDAR contours, is 6.15 ac; however only 1.97 ac is accounted for in the model. Indicate how the additional area will be routed through or around the property. (Note that this area does not need to be accounted for with regards to water quality treatment.)~~
48. Drainage areas in HydroCAD models vs. drainage map:
- ~~a. Drainage areas EX2A, PR2B, PR2E, PR2F, PR2G, PR3B, PR3D, and PR3F (southernmost PR2F on map) from the maps do not match the drainage areas used in the HydroCAD models. Update to ensure the areas match.~~
- ~~b. Drainage Area PR1D from the model is not shown on the map. Add the area to the map.~~
- ~~c. The proposed drainage area map includes four areas named PR2E and two named PR2F—rename these to match the HydroCAD model.~~
- d. Drainage area EX2B-OFFSITE shows total as 39,376 sf. Model shows total as 39,366 sf.*
- e. Drainage area PR3A-OFFSITE shows pervious as 27,767 sf and total as 36,064 sf. Model shows pervious as 28,205 sf and total as 36,502 sf.*

## MEMO

June 22, 2021

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- ~~49. Existing conditions include forested area (especially to the south and offsite). Update the HydroCAD model to include the forested area.~~
- ~~50. Calculate out time of concentration, rather than using 10 minutes for every sub-watershed. No more than 100 ft of sheet flow shall be used. Also note connected vs. unconnected impervious.~~
- 51. *10-Year existing flow rate for south along Century Ave and total are shown as 5.98 cfs and 10.63 cfs, respectively. The model shows the 10-year for Century Ave and total as 5.89 cfs and 10.54 cfs, respectively.*
- 52. Provide Total Phosphorus (TP) and Total Suspended Solids (TSS) calculations for water quality requirements using WinSLAMM (preferred) or MIDS calculator.
  - a. Calculations provided. However, narrative states 4.3 acres disturbed while MIDS shows a total of 4.46 ac.*

### **Part 3 – Additional Documentation**

The items below shall be submitted for the City's records:

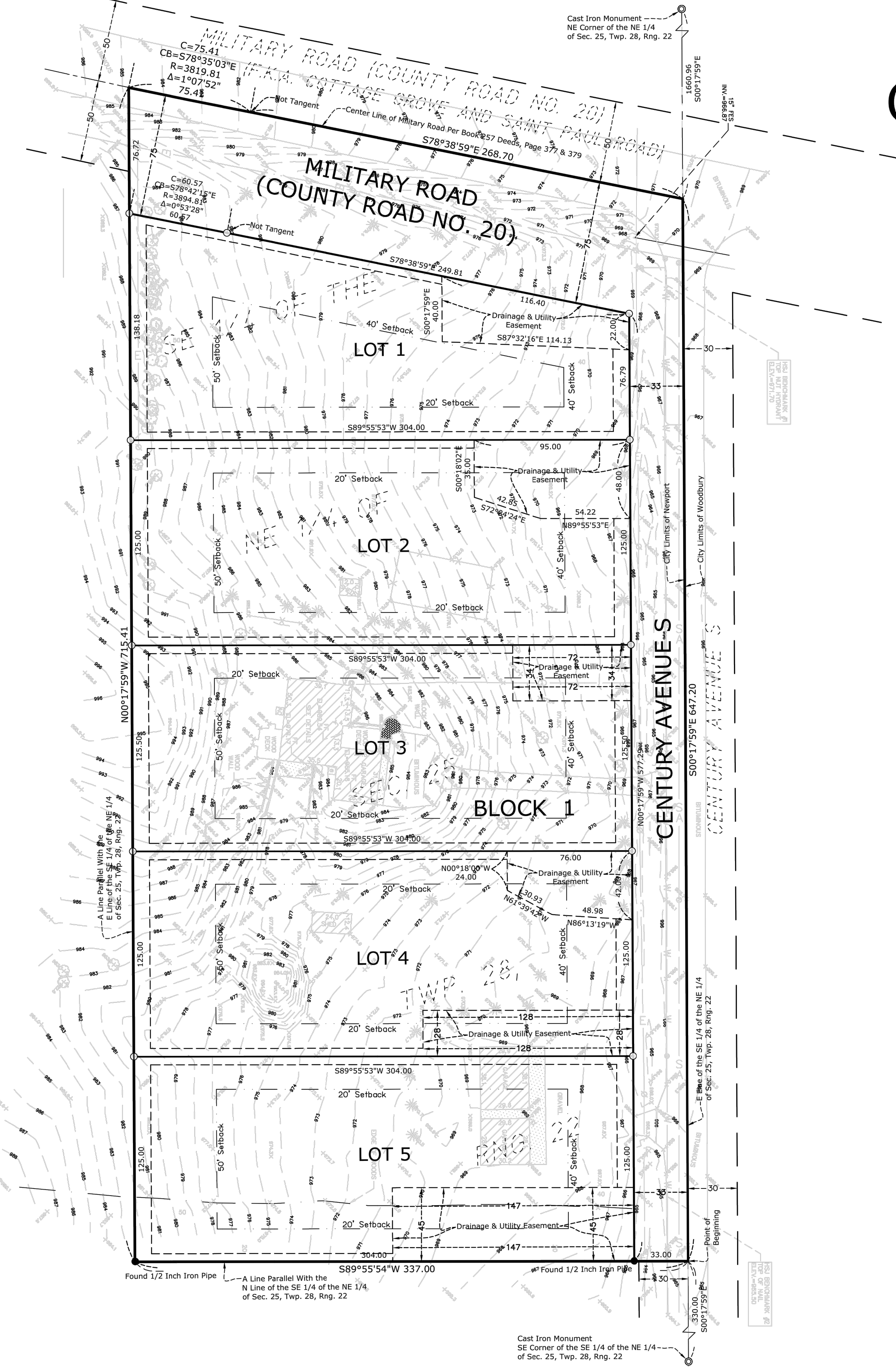
1. Prior to commencement of any construction activities, the applicant shall:
  - a. Obtain an MPCA General Construction Stormwater Permit.
  - b. Install all erosion control BMP's in accordance with the SWPPP and MPCA Permit.
  - c. Coordinate a Gopher State One Call to locate all existing public/private utilities adjacent to the site.
2. Prior to issuance of the certificate of occupancy, the applicant shall:
  - a. Submit an as-built survey that demonstrates the constructed improvements are consistent with the approved construction plans and design modeling.
  - b. Submit an approved maintenance agreement for all permanent stormwater BMP's

Please contact me directly at 612-548-3124 or [jherdegen@msa-ps.com](mailto:jherdegen@msa-ps.com) with questions. Thank you.



PRELIMINARY PLAT:  
OLSON CENTURY ADDITION

CivilSite  
GROUP  
Civil Engineering • Surveying • Landscape Architecture  
4931 W. 35th Street, Suite 200  
St. Louis Park, MN 55416  
civilsitegroup.com 612-615-0060



PRELIMINARY PLAT GENERAL NOTES

**PROPERTY DESCRIPTION:**  
That part of the Northerly 30 acres of the Southeast Quarter of the Northeast Quarter of Section 25, Township 28, Range 22, excepting therefrom the Westerly 1/3 or 10 acres, Washington County, Minnesota, described as follows:  
Commencing at the Southeast corner of said Southeast Quarter of Northeast Quarter, running thence North on the East line of said Southeast Quarter of Northeast Quarter a distance of 330.00 feet to the point of beginning of the land being conveyed herein; thence West on a line drawn parallel to the North line of said Southeast Quarter of Northeast Quarter a distance of 337.00 feet; thence North on a line drawn parallel to the East line of said Southeast Quarter of Northeast Quarter to the middle line of the Cottage Grove and Saint Paul Road; thence Southeasterly along the aforesaid middle line of said road to the point where it intersects the East line of said Southeast Quarter of Northeast Quarter; thence South along said East line to the point of beginning.

**DATE OF PREPARATION:**  
5-21-2021  
  
Note: Background survey information per survey by Harry S. Johnson Co., Inc. dated January 25, 2021

**DEVELOPER/PROPERTY OWNER:**  
C.A.M Builders  
1851 Century Avenue  
Newport, MN 55055  
Contact: Cody Olson  
651-334-3878

**ENGINEER/LANDSCAPE ARCHITECT:**  
Civil Site Group  
4931 W 35th Street, Suite 200  
St. Louis Park, MN 55416  
Contact: Matt Pavak  
612-615-0060

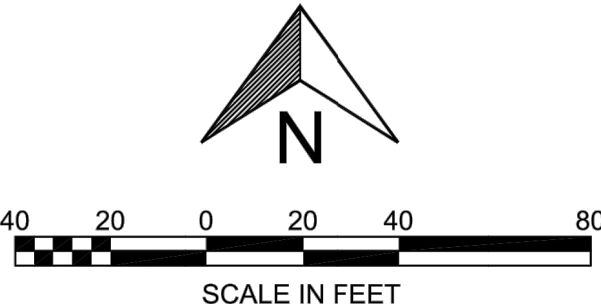
**LAND SURVEYOR:**  
Civil Site Group  
4931 W 35th Street, Suite 200  
St. Louis Park, MN 55416  
Contact: Rory Synsteliien  
612-615-0060

**ZONING:**  
RE/R-1 (With City Services)  
  
Setbacks  
Front- 40 Feet  
Side - 20 Feet  
Rear - 50 Feet

**AREAS:**  
Proposed Lot 1 = 32,678 Sq. Ft. or 0.750 Acres  
Proposed Lot 2 = 38,001 Sq. Ft. or 0.872 Acres  
Proposed Lot 3 = 38,153 Sq. Ft. or 0.876 Acres  
Proposed Lot 4 = 38,000 Sq. Ft. or 0.872 Acres  
Proposed Lot 5 = 38,000 Sq. Ft. or 0.872 Acres  
Proposed Dedicated Right of Way = 44,748 Sq. Ft. or 1.028 Acres  
Total Property Area = 229,580 Sq. Ft. or 5.270 Acres

**FLOOD ZONE:**  
This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27163C340E, effective date of February 3, 2010.

Rory L. Synsteliien  
rory@civilsitegroup.com  
Minnesota License No. 44565



PROJECT  
**1851 Century Avenue**

Newport, Washington County, Minnesota 55055

CLIENT  
**C.A.M Builders**

1851 Century Avenue, Newport, MN 55055

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT 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.

RORY L. SYNSTELIEN  
DATE 5-21-2021 LICENSE NO. 44565

QA/QC	
FIELD CREW	
DRAWN BY	CJ
REVIEWED BY	RS
UPDATED BY	



REVISION SUMMARY	
DATE	DESCRIPTION
6-28-21	City Comments

PROJECT NO.: 21080

PRELIMINARY PLAT

V2.0

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PRELIMINARY:  
NOT FOR  
CONSTRUCTION

PROJECT  
**1851 CENTURY AVE.**  
1851 CENTURY AVE, NEWPORT, MN 55055  
**C.A.M. BUILDERS, LLC**  
1851 CENTURY AVE, NEWPORT, MN 55055

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.

KEVIN TEPPEN  
DATE: 8/3/2021 LICENSE NO. 26980

ISSUE/SUBMITTAL SUMMARY	
DATE	DESCRIPTION
06/11/2021	CITY SUBMITTAL
06/30/2021	CITY RESUBMITTAL
8/3/2021	CITY RESUBMITTAL

DRAWN BY: MW, KW, KT REVIEWED BY: MP  
PROJECT NUMBER: 21080

REVISION SUMMARY	
DATE	DESCRIPTION

SITE PLAN

C2.0

LOT TABLE:

	LOT NO.	LOT AREA (SF)	BLDG HC (SF)	LOT PVMT HC (SF)	SF PATIO HC (SF)	TOTAL LOT HC	% LOT HC
BLOCK 1	1	32697	3840	3200	600	7640	23.37%
	2	38000	3250	2500	600	6350	16.71%
	3	38152	2756	3100	600	6456	16.92%
	4	38000	3250	2000	600	5850	15.39%
	5	38000	3250	2300	600	6150	16.18%
OVERALL TOTAL		184849	16346	13100	3000	32446	17.55%

SITE DATA:

SITE AREA CALCULATIONS		EXISTING CONDITION		PROPOSED CONDITION	
BUILDING COVERAGE		4,734 SF	2.6%	16,346 SF	8.8%
ALL PAVEMENTS		4,363 SF	2.4%	16,100 SF	8.7%
ALL NON-PAVEMENTS		175,752 SF	95.1%	152,403 SF	82.4%
TOTAL SITE AREA		184,849 SF	100.0%	184,849 SF	100.0%

IMPERVIOUS SURFACE		EXISTING CONDITION		PROPOSED CONDITION	
EXISTING CONDITION		9,097 SF	4.9%		
PROPOSED CONDITION		32,446 SF	17.6%		
DIFFERENCE (EX. VS PROP.)		23,349 SF	12.6%		

Gross Site Area:	4.46 Ac.
Existing Wetland Area:	0.00 Ac.*
ROW Tacking:	0.22 Ac.
Net Developable Area:	4.24 Ac.
(Lots & Local Roads, Ponds)	

Zoning:	
Existing Zoning:	RE / R-1 (With City Services)
2040 Land Use Guide:	R-4
Proposed Zoning/Land Use:	RE / R-1 (With City Services)

Shoreland Overlay District Requirements:	
Required Openspace:	0% of site
Min. Lot size:	20,000 sf / 125' Wide
Max. hardcover:	25%
Building FFE:	3' above OHW
Area in Overlay District:	4.24 Ac.
Max Impervious Allowed:	25%
Proposed Impervious:	25%

Overall Residential Units:	5 lots (1.12 u/a)
Villa SF lots 58' x 120' min:	5 lots

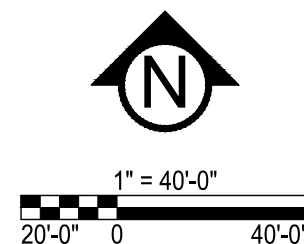
Straight Zoning w/ Overlay Allowed Units: 5 lots (125' width; 20,000 sf)

SITE PLAN LEGEND:

	HEAVY DUTY BITUMINOUS PAVEMENT (IF APPLICABLE). SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & WEAR COURSE DEPTH, SEE DETAIL.
	CONCRETE PAVEMENT (IF APPLICABLE) AS SPECIFIED (PAD OR WALK) SEE GEOTECHNICAL REPORT FOR AGGREGATE BASE & CONCRETE DEPTHS, SEE DETAIL.
	PROPERTY LINE
	CONSTRUCTION LIMITS
	CURB AND GUTTER-SEE NOTES (T.O.) TIP OUT GUTTER WHERE APPLICABLE-SEE PLAN
	FILTRATION BASIN
	TRAFFIC DIRECTIONAL ARROW PAVEMENT MARKINGS (IF APPLICABLE)
	SIGN AND POST ASSEMBLY (IF APPLICABLE). SHOP DRAWINGS REQUIRED. NP = NO PARKING FIRE LANE ST = STOP

PARK CALCULATIONS:

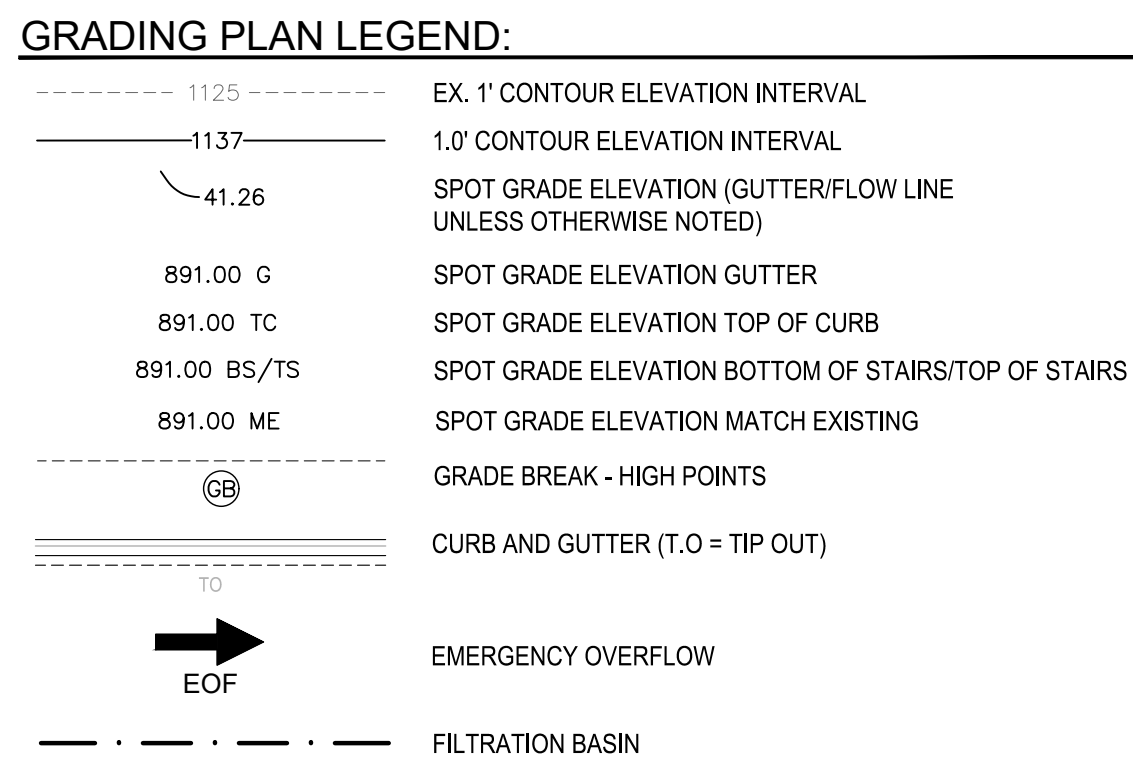
- RESERVED FOR CITY SPECIFIC NOTES.



CITY OF NEWPORT SITE SPECIFIC NOTES:

- RETAINING WALLS EXCEEDING FOUR (4) FEET IN HEIGHT MUST BE DESIGNED BY AN ENGINEER LICENSED IN THE STATE OF MN.





1. ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
2. SEE SITE PLAN FOR HORIZONTAL LAYOUT & GENERAL GRADING NOTES.
3. THE CONTRACTOR SHALL COMPLETE THE SITE GRADING CONSTRUCTION (INCLUDING BUT NOT LIMITED TO SITE PREPARATION, SOIL CORRECTION, EXCAVATION, EMBANKMENT, ETC.) IN ACCORDANCE WITH THE REQUIREMENTS OF THE OWNER'S SOILS ENGINEER. ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
4. GRADING AND EXCAVATION ACTIVITIES SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REQUIREMENTS & PERMIT REQUIREMENTS OF THE CITY.
5. ALL EXISTING UTILITY LOCATIONS SHOWN ARE APPROXIMATE. CONTACT "GOPHER STATE ONE CALL" (651-454-0002 OR 800-252-1166) FOR UTILITY LOCATIONS, 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
6. PROPOSED SPOT GRADES ARE FLOW-LINE FINISHED GRADE ELEVATIONS, UNLESS OTHERWISE NOTED.
7. GRADES OF WALKS SHALL BE INSTALLED WITH 5% MAX. LONGITUDINAL SLOPE AND 1% MIN. AND 2% MAX. CROSS SLOPE, UNLESS OTHERWISE NOTED.
8. PROPOSED SLOPES SHALL NOT EXCEED 3:1 UNLESS INDICATED OTHERWISE ON THE DRAWINGS. MAXIMUM SLOPES IN MAINTAINED AREAS IS 4:1
9. PROPOSED RETAINING WALLS, FREESTANDING WALLS, OR COMBINATION OF WALL TYPES GREATER THAN 4' IN HEIGHT SHALL BE DESIGNED AND ENGINEERED BY A REGISTERED RETAINING WALL ENGINEER. DESIGN DRAWINGS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF GRADE STAKES THROUGHOUT THE DURATION OF CONSTRUCTION TO ESTABLISH PROPER GRADES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR A FINAL FIELD CHECK OF FINISHED GRADES ACCEPTABLE TO THE ENGINEER/LANDSCAPE ARCHITECT PRIOR TO TOPSOIL AND SODDING ACTIVITIES.
11. IF EXCESS OR SHORTAGE OF SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL TRANSPORT ALL EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.
12. EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR RESPREADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS, OUTSIDE OF BUILDING PADS, ROADWAYS AND PARKING AREAS. THE CONTRACTOR SHALL SUBCUT AREAS, WHERE TURF IS TO BE ESTABLISHED, TO A DEPTH OF 6 INCHES. RESPREAD TOPSOIL IN AREAS WHERE TURF IS TO BE ESTABLISHED TO A MINIMUM DEPTH OF 6 INCHES.
13. FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL UNIFORMLY GRADE AREAS WITHIN LIMITS OF GRADING, INCLUDING ADJACENT TRANSITION AREAS, PROVIDE A SMOOTH FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING GRADES. AREAS THAT HAVE BEEN FINISH GRADED SHALL BE PROTECTED FROM SUBSEQUENT CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME RUTTED BY TRAFFIC OR ERODED BY WATER OR HAS SETTLED BELOW THE CORRECT GRADE. ALL AREAS DISTURBED BY THE CONTRACTOR'S OPERATIONS SHALL BE RESTORED TO EQUAL OR BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.
14. PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL WILL BE REQUIRED ON THE STREET AND/OR PARKING AREA SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS OF THE STREET OR PARKING AREA ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER. NO TEST ROLL SHALL OCCUR WITHIN 10' OF ANY UNDERGROUND STORM RETENTION/DETENTION SYSTEMS.
15. TOLERANCES
  - 15.1. THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.30 FOOT ABOVE, OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.
  - 15.2. THE STREET OR PARKING AREA SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
  - 15.3. AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED OTHERWISE BY THE ENGINEER.
  - 15.4. TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.
16. MAINTENANCE
  - 16.1. THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.
  - 16.2. CONTRACTOR SHALL REPAIR AND REESTABLISH GRADES IN SETTLED, ERODED AND RUTTED AREAS TO SPECIFIED TOLERANCES. DURING THE CONSTRUCTION, IF REQUIRED, AND DURING THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDED AND MULCHED.
  - 16.3. WHERE COMPLETED COMPACTED AREAS ARE DISTURBED BY SUBSEQUENT CONSTRUCTION OPERATIONS OR ADVERSE WEATHER, CONTRACTOR SHALL SCARIFY, SURFACE, RESHAPE, AND COMPACT TO REQUIRED DENSITY PRIOR TO FURTHER CONSTRUCTION.

1. RESERVED FOR CITY SPECIFIC GRADING NOTES

SEE SWPPP ON SHEETS SW1.0 - SW1.5

GRADING PLAN LEGEND:

City of Newport, MN  
Resolution No. 2021-38  
A Resolution Approving A Major Subdivision Located at  
1851 Century Avenue, Newport, MN 55055

**WHEREAS**, Cody Olson, 1851 Century Ave has submitted for the approval of a Major Subdivision;  
and

**WHEREAS**, the parcel is located on the Southwest portion of Military Road and Century Ave,  
Newport, Minnesota, 55055, PIDs: 25.028.22.14.0001; and

**WHEREAS**, the property is zoned as RE/R-1 and Shoreland Overlay District and

**WHEREAS**, The Subdivision Ordinance requires that subdivisions and the subdivision process meet  
the following standards:

1. The proposed subdivision is consistent with the City's Comprehensive Plan.
2. The proposed subdivision is consistent with the requirements of the zoning and subdivision ordinances.
3. The proposed site for the subdivision is physically suited for the proposed development—including factors such as topography, vegetation, susceptibility to erosion, flooding, and similar factors.
4. The design of the proposed subdivision will not cause substantial and irreversible environmental damage.
5. The subdivision will not be detrimental to public health, safety, and welfare.
6. The design of the subdivision will not conflict with easements on record.

and;

**WHEREAS**, the Planning Commission held a public hearing on July 13, 2021 and reviewed the  
proposed subdivision based on the standards in the Subdivision Ordinance and made the following  
findings:

1. The proposed subdivision is consistent with the City's Comprehensive Plan.
2. With the required conditions for approval, the proposed subdivision is consistent with the requirements of the Subdivision Ordinance, the Shoreland Overlay District ordinance, and the Zoning Ordinance.
3. The proposed site for the subdivision is physically suited for the proposed development—including factors such as topography, vegetation, susceptibility to erosion, flooding, and similar factors. The conditions for approval require protection of existing vegetation and surface waters to meet the standards of the City's Subdivision Ordinance and Engineering Standards.
4. With implementation of the conditions for approval, the design of the proposed subdivision will not cause substantial and irreversible environmental damage.
5. With implementation of the conditions of approval, the subdivision will not have negative impacts on the health, safety, or welfare of the community.
6. With the changes to the survey and Preliminary Plat identified by the City Engineer in his letter dated June 23, 2021 and required by the conditions for approval of the Final Plat, the design of the subdivision will not conflict with easements on record.

and;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council approves the proposed major  
subdivision of the parcels located at 1851 Century Avenue with the following conditions:

1. The applicant shall revise the Preliminary Plat, plan sheets, and survey and create the Final Plat to address the comments in the City Engineer's letter (July 26, 2021), Washington County's comments (June 22, 2021), and staff report. The applicant shall submit the revised documents to the City for approval prior to approval of the Final Plat.
2. The applicant shall identify and protect the locations of existing vegetation identified on the Preliminary Tree Preservation Plan during construction.
3. The applicant shall obtain all required permits and approvals from the SWWD and provide copies to the City and to Washington County.
4. The applicant must provide permanent stormwater management facilities that achieve applicable requirements of the City of Newport Ordinances and the South Washington Watershed District rules.
5. All permanent stormwater facilities shall be contained within a drainage and utility easement.
6. All storm water infrastructure and connecting pipe shall be privately owned and maintained.
7. The applicant shall dedicate 33 feet of public right-of-way as measured from and parallel to the centerline of Century Avenue.
8. The applicant shall dedicate 75 feet of public right-of-way as measured from and parallel to the centerline of Military Road (County Road 20).
9. The applicant shall satisfy the City's park dedication requirements. The City Council shall specify the land area and/or cash in lieu dedication requirements.
10. The Final Plat shall include all necessary easements to match the utility plans being prepared by the City's Engineer.
11. The Final Plat approval shall be contingent on meeting all the requirements of the Newport City Code.
12. All standard front, rear, and side yard lot easements shall be shown on the Final Plat.
13. The Developer shall be financially responsible for 100 percent of all storm sewer, sanitary sewer and water main area and connection charges applicable to the property.
14. All permanent easements and rights-of-way (ROW) necessary for existing and proposed street and utility improvements shall be granted to the City at no cost or paid for by the Developer.
15. The applicant shall receive written approval that all obligations have been completed prior to dedicating all outlots. All future tax obligations shall be paid by the applicant/developer.
16. The applicant must provide a title commitment detailing encumbrances, mortgages, etc. on the property.
17. The applicant must obtain a waiver of trespass or right of entry to perform any work on private property.

18. The Preliminary Plat shall be valid for one year from the date that it is approved by the City Council unless the Council grants an extension. The approved Final Plat shall be effective for two years from the date of approval by the City Council.
19. The Applicant shall pay all fees and escrows related to this application.

Adopted this 5<sup>th</sup> day of August 2021 by the Newport City Council.

Motion by: \_\_\_\_\_,                      Seconded by: \_\_\_\_\_

VOTE:	Elliott	_____
	Chapdelaine	_____
	Ingemann	_____
	Taylor	_____
	Johnson	_____

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

Attest: \_\_\_\_\_  
Deb Hill, City Administrator

# Planning Memorandum

<b>To:</b>	<u>Newport City Council</u>	<b>Reference:</b>	<u>Tree Preservation Ordinance</u>
<b>Copies To:</b>	<u>Deb Hill, City Administrator</u>		
	<u>Travis Brierley, Assistant to the Administrator</u>		
	<u>Jon Herdeggen, City Engineer</u>	<b>Project No.:</b>	<u>N2019-0002</u>
	<u>Harry Davis, new Planner</u>		
<b>From:</b>	<u>Sherri Buss, City Planner</u>	<b>Routing:</b>	
<b>Date:</b>	<u>July 27, 2021</u>		

## **Proposed Ordinance: Tree Replacement and Protection Requirements for Developing Properties**

The Planning Commission has been working on updates to the Tree Ordinance during 2021. The Commission previously updated the sections of the ordinance related to tree diseases and the City Council adopted the Commission's recommended ordinance updates to that section in May.

The Commission has also worked on a new ordinance section that includes tree replacement and protection requirements for developing properties. Most cities, including Newport's neighbors (Cottage Grove, Maplewood, and Woodbury) have requirements in their ordinances for tree replacement when trees or woodland areas are removed for development. Newport has not had such requirements in its ordinance in the past. Staff reviewed tree replacement ordinances from other communities and provided drafts of an ordinance for Newport that were modified to fit development and tree/woodland conditions in Newport.

The Planning Commission held a public hearing on the proposed ordinance at its meeting on July 13. The Commission received one comment at the hearing from former Council Member Bill Sumner in support of the ordinance and city efforts to protect trees and woodlands.

Some key sections of the ordinance include:

- A definitions section that defines key terms for tree replacement such as "significant tree" and "significant woodland."
- The description of required Tree Preservation Plans, including the types of projects that require the plans, exceptions that do not require plans, and a list of the required elements of a Tree Preservation Plan
- The draft ordinances proposes that 30% of the significant trees on a development site may be removed without replacement. This is a typical percentage allowed in the ordinances reviewed. Some communities permit a higher level of allowable removal for land uses such as multifamily home development or industrial and commercial development. In Newport, the developable areas of the city with significant tree cover are likely to be developed largely with residential uses based on the 2040 Comprehensive Plan. The commercial and industrial areas of Newport have largely been developed and cleared of most tree cover.

- The options for mitigation of trees that would be removed, including replacement on the site of the development project, replacement on another city-designated site, or cash mitigation to the city.
- Tree replacement calculation and replacement schedule.
- Tree protection measures that must be implemented with development and warranty requirements.

After the Public Hearing, the Commission recommended that the City Council adopt the tree replacement and protection ordinance.

### **Request for Council Action**

The Planning Commission recommends that the City Council adopt Section 18-42, Tree protection and replacement standards for developing properties, as part of the City Code.

## Ordinance No. 2021-09

Sec. 18-42. - Tree protection and replacement standards for developing properties.

### (a) Findings and purpose

The city desires to protect the trees and woodlands in Newport because trees and woodlands provide numerous environmental, economic, and scenic benefits. It is therefore the city's intent to protect, preserve, and enhance the trees and woodlands of Newport and to encourage a resourceful and prudent approach to development in the city thereby promoting and protecting the public health, safety, and welfare of its citizens including future residents. The purpose of this division is to establish tree preservation, protection, and replacement regulations to protect existing trees and require the replacement of trees removed for development, including the following goals:

- (1) Preserve the natural character of neighborhoods in developed and undeveloped areas.
- (2) Ensure the health and wellbeing of Newport's urban forest.
- (3) Protect the health and safety of residents.
- (4) Protect water quality and minimize stormwater runoff.
- (5) Help prevent erosion, sedimentation, and flooding.
- (6) Assure orderly development within wooded areas to minimize tree loss and environmental degradation.
- (7) Establish minimum standards for tree preservation, replacement, and mitigation of environmental impacts resulting from tree removal.
- (8) Ensure the city's urban forest has a good age distribution, from young trees through large old specimen trees.
- (9) Promote the planting of trees to provide these benefits to present and future generations.

### (b) Definitions.

The following words, terms, and phrases, as used in this division, shall have the meanings ascribed to them in this section:

*Applicant* means developer, builder, contractor, or owner who applies for a woodlot alteration, land use, grading, or building permit.

*Caliper inch* means a measurement used for nursery stock. It is the unit of measurement for defining the diameter of the tree trunk measured six (6) inches above the soil surface for tree trunks four (4) diameter inches or less and measured twelve (12) inches above the soil surface for tree trunks greater than four (4) diameter inches.

*Certified arborist* means an arborist with up-to-date certification by the International Society of Arborists.

*City forester* means a forester who is employed by the city, or another agent or independent contractor designated by the city.

*Conifer tree* means a woody plant that is a member of the division Pinophyta and at maturity is at least twelve (12) feet or more in height. Conifers are cone bearing and most in Minnesota's climate keep their leaves (also called needles) year-round. Tamarack (*Larix laricina*) is the conifer that is native to Minnesota that drops its needles in the fall.

*Deciduous tree* means a woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.

*Diameter* is a measurement used for trees in the landscape. It is the diameter of a tree trunk as measured at a height of four and one-half (4.5) feet above ground. To determine diameter, measure the circumference of the tree trunk at four and one-half feet above ground and divide by 3.14.

## Ordinance No. 2021-09

*Hardwood deciduous tree* means all deciduous tree species except those listed as softwood deciduous trees below.

*Hazard tree* means a tree that has structural defects that may cause the tree or tree part to fail, and the city forester determines that such failure could cause property damage or personal injury.

*Invasive species* means species that are not native to Minnesota and cause economic or environmental harm or harm to human health.

*Minor home addition* means an addition on a single- or double-dwelling lot of which the addition or accessory building is less than a sixty (60) percent increase in the footprint of the single- or double-dwelling structure on said lot.

*Native prairie* means a landscape or planting that consists predominantly of grasses, flowers, and sedges that are native to Minnesota prairie ecosystems.

*Shade tree* means a woody perennial that at maturity is at least fifteen (15) feet in height and grown primarily for aesthetic or environmental purposes.

*Significant tree* means a healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for conifer trees, twelve (12) inches in diameter for softwood deciduous trees, and specimen trees. Buckthorn or other invasive or noxious woody plants or trees as determined by the city are not considered a significant tree species at any diameter.

*Softwood deciduous tree* means the following tree species: box elder, cottonwood, elm, poplar, aspen, silver maple, and willow.

*Specimen tree* means a tree of any species that is twenty-eight (28) inches in diameter or greater, except invasive species. Specimen trees must have a life expectancy of greater than ten (10) years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen trees are valued for their size and their legacy.

*Structure* means anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures.

*Tree preservation plan* is a plan that shows all trees in the area to be developed or within the property and includes the information that is required by this Section.

*Utility* means electric, telephone, cable television, water, sanitary or storm sewer, solid waste, gas, or similar service operations.

*Wetland* has the meaning given under MSA §103G.005.

*Woodlot or woodland* means a treed area of at least one-quarter acre on a vacant lot, which includes significant and/or specimen tree(s).

### (c) *Prohibited Tree Removal:*

The removal of significant trees or woodlot(s) on any property by means of clear cutting or in a systematic removal method shall be prohibited, except in accordance with a city-approved tree preservation plan unless it is excepted pursuant to subsection (d).

### (d) *Tree preservation plan applicability.* A tree preservation plan shall be required for the following:

- (1) New development in any zoning district.
- (2) New building construction in any zoning district.
- (3) Expansion of any existing commercial, industrial, or institutional building or impervious surface by ten percent or greater, where an approved tree preservation plan is not on file with the city.
- (4) Any project for which a city land disturbance permit is required.
- (5) Removal of any healthy Specimen Tree on any parcel.



**Ordinance No. 2021-09**

- (6) Removal of more than thirty (30) percent of the diameter inches of the significant trees on any parcel.
- (e) *Exemptions.* The following are exceptions and are exempt from the requirements of the tree preservation plan:
- (1). Minor home additions, general home improvements, and construction of accessory buildings (i.e., garage, shed).
  - (2) Tree removal related to public improvement projects to existing roadways, sewers, parks, and utility/infrastructure work or repair.
  - (3) Emergency removal of a tree(s) to protect public health.
  - (4) Tree removal related to public improvement projects to restore or enhance woodlands, savannas, or prairies.
  - (5) Commercial tree nursery and landscape operations.
  - (6) Removal of dead or dying trees unless those trees were planted as part of tree replacement in which case they shall be replaced based on the approved plan.
  - (7) Removal of nonnative trees that the city deems invasive species.
- (f) *Tree preservation plan applications.* Applicants for projects that require a tree preservation plan shall submit a plan prepared in accordance with the provisions of this section for approval by the city before any tree removal or other disturbance occurs on the site. The tree preservation plan shall reflect the developer's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that that the fewest significant trees are destroyed or damaged.
- (g) *Tree preservation plan requirements.* The tree preservation plan shall be a separate plan sheet(s) that includes the following information:
- (1) The name(s), telephone number(s), and address(es) of the person(s) responsible for tree preservation during the development project.
  - (2) A tree inventory, indicating the size, species, general health, and location of all existing significant trees and woodlots located within the area to be developed or within the parcel of record. All significant trees must be tagged in the field for reference on the tree preservation plan. These significant trees should be identified on the plan sheet in both graphic and tabular form.
  - (3) A listing of the total diameter inches of healthy significant trees inventoried in subsection (2) above. Dead, diseased, or dying trees do not need to be included in the totals.
  - (5) A listing of the total diameter inches of healthy significant trees proposed to be removed, total diameter inches of healthy hardwood deciduous trees proposed to be removed, total diameter inches of healthy coniferous/evergreen trees proposed to be removed, the total diameter inches of common trees removed, and the total area of woodlot(s) proposed to be removed.
  - (6) Outer boundary of all contiguous wooded areas, with a general description of trees not meeting the significant tree size threshold.
  - (7) Locations of the proposed buildings, structures, or impervious surfaces.
  - (8) Delineation of all areas to be graded and limits of land disturbance.
  - (9) Identification of all significant trees proposed to be removed within the construction area. These significant trees should be identified in both graphic and tabular form.
  - (10) Measures to protect significant trees.

## Ordinance No. 2021-09

- (11) Size, species, number, and location of all replacement trees proposed to be planted on the property in accordance with the tree replacement schedule (item n).
- (12) Signature of the person(s) preparing the plan.
- (h) *Requirements for sites with large woodland areas.*

For sites containing a large woodland tract within which no qualifying trees will be disturbed, an alternative inventory meeting the following requirements may be provided:

  - (1) Trees within undisturbed large woodland tracts are not required to be inventoried individually. Instead, the area of the undisturbed tract may be measured in square feet (on site or by means of an aerial photo) and divided by sixty (60) to produce a proxy that shall be counted as the number of inches the tract contributes to the total qualifying inches.
  - (2) All qualifying trees located on the site but outside of an undisturbed large woodland tract shall be inventoried as described in (a) above.
  - (3) The site's total existing qualifying inches shall be the sum of the inches contributed by undisturbed large woodland tracts and by qualifying trees outside the tract.
- (i) *Submission requirements.* The tree preservation plan shall be submitted with any preliminary subdivision plan or site plan as required by the subdivision regulations of this Code; incorporated as a part of any landscape plan as required by the zoning regulations of this Code; or incorporated as part of a land disturbance plan and an application for any land disturbance permit as required by this Code. All tree preservation plans must be certified by a forester or landscape architect retained by the applicant.
- (i) *City Review and Modification of Plan:* The tree preservation plan shall be reviewed by the city to assess the best layout to preserve qualifying trees and to enhance the efforts to minimize damage to qualifying trees. The applicant shall meet with city staff prior to submission of the development application or prior to application for the grading permit, whichever is first, to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage, and other physical features, in order that the fewest qualifying trees are destroyed or damaged. During the modification process, the city has the following options:
  - (1) The city may require modification to a tree preservation plan if the proposed tree removal exceeds what is allowed by this section.
  - (2) The city may declare an application requiring a tree preservation plan incomplete based on the lack of required submittal information. Such application will be rejected.
  - (3) The city may deny an application requiring a tree preservation plan if it is incomplete, lacks sufficient detail, if the tree removal exceeds what is allowed, or the applicant is unwilling to modify the plan to comply with this section.
  - (4) The city may require a dedication of a deed restricted conservation easement designed to ensure that specific tree preservation areas are not negatively impacted or destroyed.
  - (5) The city may require relocation of proposed private and public utilities, hard surface, and structures to increase preservation opportunities within the site.
- (k) *Implementation.* All sites shall be staked, as depicted in the approved tree preservation plan, and the required tree protection fencing shall be installed before land disturbance is to commence. The city shall inspect the construction site prior to the beginning of the land disturbance to ensure that protective fencing and other protective measures are in place. No encroachment, land disturbance, trenching, filling, compaction, or change in soil chemistry shall occur within the fenced areas protecting the critical root zone of the trees to be saved.
- (l) *Allowable tree removal.* Up to thirty (30) percent of the diameter inches of significant trees on any parcel of land being developed may be removed without replacement requirements. Replacement according to the tree replacement schedule is required when removal exceeds more than thirty (30) percent of the total significant tree diameter inches.

The following types of trees do not need to be included as part of the tally of tree removals:

## Ordinance No. 2021-09

- (1) Dead, diseased, or dying trees;
- (2) Trees that are transplanted from the site to another appropriate area within the city;
- (3) Trees that were planted as part of a commercial business such as a tree farm or nursery; or
- (4) Trees that were planted by the current property owner. In making such determination, the city shall consider consistency of the age of the trees, any patterns in the location of the trees, historical aerial photography, and evidence of intentional planting such as invoices, formal planting plans, or cost sharing agreements.

### (m) *Mitigation.*

- (1) In any development where the allowable tree removal is exceeded, the applicant shall mitigate the tree loss by either:
  - a. Planting replacement trees in appropriate areas within the development in accordance with the tree replacement schedule;
  - b. Planting replacement trees on city property under the direction of the parks and recreation director, city forester or another city designee; or
  - c. Paying to the city a cash mitigation, based on the diameter inches of required replacement in accordance with the tree replacement schedule. The fee per diameter inch of required replacement is set forth in the city's fee schedule. The payment shall be deposited into an account designated specifically for tree planting.
- (2) The form of mitigation to be provided by the applicant shall be determined by the city.
- (3) The planting of trees for mitigation on residential projects shall be in addition to any other landscape requirements of the city.
- (4) All trees, except ornamental trees, planted as landscaping on commercial projects may be counted towards tree replacement requirements.

### (n) *Tree replacement calculations.*

The following calculation procedure must be used to determine tree replacement requirements:

- (1) Tally the total number of diameter inches of significant trees on the site.
- (2) Calculate thirty (30) percent of the total diameter inches of significant trees on the site. This is the allowable tree removal limit, or the number of inches that can be removed without replacement.
- (3) Tally the total diameter inches of common trees that will be removed and subtract this number from the allowable tree removal limit.
- (4) If there are any allowable inches left, tally the total diameter inches of coniferous/evergreen tree species that will be removed, and subtract this number from the remaining allowable inches.
- (5) If there are any allowable inches left, tally the total diameter inches of hardwood deciduous tree species that will be removed, and subtract this number from the remaining allowable inches.

If at any point in the above calculation procedure the number of inches to be removed exceeds the thirty (30) percent allowable removal limit, the remaining inches of removal above the allowable limit must be replaced according to the tree replacement schedule in subsection (o).

### (o) *Tree replacement schedule.* Tree removals over the allowable tree removal limit on the parcel shall be replaced according to the following schedule:

- (1) Common tree species shall be replaced with new trees, at a rate of one-eighth ( $\frac{1}{8}$ ) the diameter inches removed. Replacement trees must be a minimum of one (1) inch in diameter.
- (2) Coniferous/evergreen species shall be replaced with new trees, either coniferous or deciduous, at a rate of one-fourth ( $\frac{1}{4}$ ) the diameter inches removed. Replacement trees must be a minimum

## Ordinance No. 2021-09

of one (1) inch in diameter. Since coniferous species are often sold by height rather than diameter inch, the following conversion formula can be used:

Height of replacement coniferous tree/2 = Diameter inches of credit.

- (3) Hardwood deciduous tree species shall be replaced with new hardwood deciduous trees at a rate of one-half ( $\frac{1}{2}$ ) the diameter inches removed. Replacement trees must be a minimum of one (1) inch in diameter.
- (p) *Species requirement.* The city must approve all species used for tree replacement. Ornamental trees are not acceptable for use as replacement trees. Where ten or more replacement trees are required, not more than thirty (30) percent of the replacement trees shall be of the same species of tree.
- (q) *Warranty requirement.* Any replacement tree which is not alive or healthy, as determined by the city, or which subsequently dies due to construction activity within two (2) years after the date of project closure shall be removed by the applicant and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of removal.
- (r) *Required protective measures.* The tree preservation plan shall identify and require the following measures to be utilized to protect significant trees:
  - (1) Installation of snow fencing or polyethylene laminate safety netting placed at the drip line or at the perimeter of the critical root zone, whichever is greater, of significant trees, specimen trees, and significant woodlands to be preserved. No grade change, construction activity, or storage of materials shall occur within this fenced area.
  - (2) Identification of any oak trees requiring pruning between April 15 and July 1. Any oak trees so pruned shall be required to have any cut areas sealed with an appropriate nontoxic tree wound sealant.
  - (3) Prevention of change in soil chemistry due to concrete washout and leakage or spillage of toxic materials, such as fuels or paints.
  - (4) Removal of any nuisance trees located in areas to be preserved.
- (s) *Additional protective measures.* The following tree protection measures are suggested to protect significant trees that are intended to be preserved according to the submitted tree preservation plan, and may be required by the city:
  - (1) Installation of retaining walls or tree wells to preserve trees.
  - (2) Placement of utilities in common trenches outside of the drip line of significant trees or use of tunneled installation.
  - (3) Use of tree root aeration, fertilization, and/or irrigation systems.
  - (4) Therapeutic pruning.
- (t) *Compliance with the plan.* The applicant shall implement the tree preservation plan prior to and during any construction. The tree protection measures shall remain in place until all land disturbance and construction activity is terminated or until a request to remove the tree protection measures is made to, and approved by, the city.
  - (1) No significant trees shall be removed until a tree preservation plan is approved and except in accordance with the approved tree preservation plan as approved by the city. If a significant tree(s) intended to be preserved is removed or damaged to the point that city staff believes the tree will not survive, a cash mitigation, calculated per diameter inch of the removed/damaged tree in the amount set forth in the city fee schedule, shall be remitted to the city.
  - (2) The city shall have the right to inspect the development and/or building site to determine compliance with the approved tree preservation plan. The city shall determine whether compliance with the tree preservation plan has been met.

**Ordinance No. 2021-09**

- (u) *Specimen trees*. Removal of any specimen tree shall require a special permit in addition to the other requirements in section 27-40.

(Ord. No. 1839, § 1839.01, 3-9-2011)

City of Newport, MN  
Resolution No 2021-36

A Resolution of Appreciation to Sherri Buss, City Planner, For Her Years of  
Service to the City of Newport

**WHEREAS**, Sherri Buss has served as the City Planner for the City of Newport since 2007; and

**WHEREAS**, Sherri Buss has provided dedicated service always considering the best interests of the City and residents at the forefront; and

**WHEREAS**, Sherri Buss has guided the City through numerous planning and zoning applications for conditional use permit, subdivisions, variances, and planned unit developments; and

**WHEREAS**, Sherri Buss has provided the City with expert advice and direction during the development of the 2030 and 2040 Comprehensive Plans; and

**WHEREAS**, Sherri Buss's expertise has resulted in positive growth within the City to include a major development with the Bailey Meadows subdivision of almost 200 homes and redevelopment of the old Public Works site resulting in a dozen homes being added to the City in; and

**WHEREAS**, Sherri Buss has guided the City through large commercial projects including expansions to Newport Cold Storage, the redevelopment of Raceway to Fun, and Wings of Newport; and

**WHEREAS**, Sherri Buss's commitment to the future of the City persuaded her to only semi-retire by continuing to be the Newport City Planner for 3 years after her retirement from TKDA; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Newport expresses its sincere gratitude and appreciation to Sherri Buss for her 14 years of commitment, loyalty, and dedication to the City of Newport and its residents.

Adopted this 5<sup>th</sup> day of August 2021 by the Newport City Council.

Motion by: \_\_\_\_\_,                      Seconded by: \_\_\_\_\_

VOTE:	Elliott	_____
	Chapdelaine	_____
	Ingemann	_____
	Taylor	_____
	Johnson	_____

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

Attest: \_\_\_\_\_  
Deb Hill, City Administrator