



**CITY OF NEWPORT
CITY COUNCIL WORKSHOP
NEWPORT CITY HALL**

**April 1, 2021 – IMMEDIATELY FOLLOWING THE REGULAR COUNCIL MEETING
May Be Held Electronically From Remote Locations**

Zoom Meeting Link <https://us02web.zoom.us/j/81555137620> Meeting ID: 815 5513 7620 PW: Newport

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. ROLL CALL
3. COUNTY 38 TRAIL
4. CITY LOGO
5. RIVER ISLANDS PRESENTATION
6. BUILDING INSPECTIONS CONTRACT
7. SUMMER REC PROGRAMS
8. LIQUOR LICENSE RATES
9. FUTURE AGENDA ITEMS
10. ADJOURNMENT

Donald J. Theisen, P.E., Director
Wayne H. Sandberg, P.E., Deputy Director,
County Engineer

Memorandum

Date: 3/25/25

To: Newport City Council

From: County State Aid Highway 38 (7th Avenue/21st Street) Multi-Use Trail Project Management Team

Subject: County State Aid Highway 38 (7th Avenue/21st Street) Multi-Use Trail City Council Work-Session Update

Purpose:

Washington County was awarded \$460,800 in federal funding through the 2018 Metropolitan Council's Regional Solicitation to construct an off-road multi-use trail on County State Aid Highway (CSAH) 38 between 20th Street and 21st Street. Since September of 2020 Washington County, in partnership with the City of Newport, has been working through a public engagement, preliminary engineering, and environmental documentation phase for this long-sought connection. As a part of this process a two-week online engagement event was held in December 2020 to introduce the project (and project team) and receive feedback on the corridor from area residents and affected businesses. This event was well attended with 676 total visits, 11 completed surveys, and three online map comments. The project team encourages the City Council to review the Online Engagement Summary posted on the project website (<https://www.co.washington.mn.us/County38Trail>).

Following this first engagement event, the Project Management Team developed eight alternatives (including several sub-alternatives) that met the high level project intent of completing the off-road multi-use trail connection on CSAH 38 between 20th Street and 21st Street. Based on the feedback received at this first engagement event the project team was able to screen those alternatives down to only the responsible alternatives that will be presented to the public for feedback,

Once the two-week window for the second online engagement event has closed, the Project Management Team will review the feedback received, then agree on a recommended alternative to be presented to the Newport City Council for a Resolution of Support. This formal support will provide the project team confidence to move into the Final Design and Right-of-Way Acquisition phase setting the project up for scheduled construction in 2023.

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MEMO

TO: Newport City Council

FROM: Deb Hill, City Administrator

DATE: April 1, 2021

SUBJECT: Peacebunny Island

Background: The City of Newport is looking for a way to either acquire or obtain access to the island that is directly across from the Cedar Lane properties the city owns.

Currently the island is under the ownership of Peacebunny Island. The main contact is Stephanie Hope Smith.

Discussion: Staff has contacted Stephanie Hope Smith on occasion to inquire whether the Peacebunny organization would be interested in selling or possibly leasing the island (either a part of it or all).

The last time staff was in contact with Stephanie (about a month ago) she said her board did not have any interest in the proposition, but she would still be open to discuss in the future.

:



Island Evolution and Ownership in Newport

Marvin Taylor

July 2017

Revised: March 2021

Henry Lewis, “Red Rock Prairie” (ca. 1846-7)



H. Lewis del.

Lith. J. Van Der Burgh

ROTHE FELSSEN PRAIRIE.

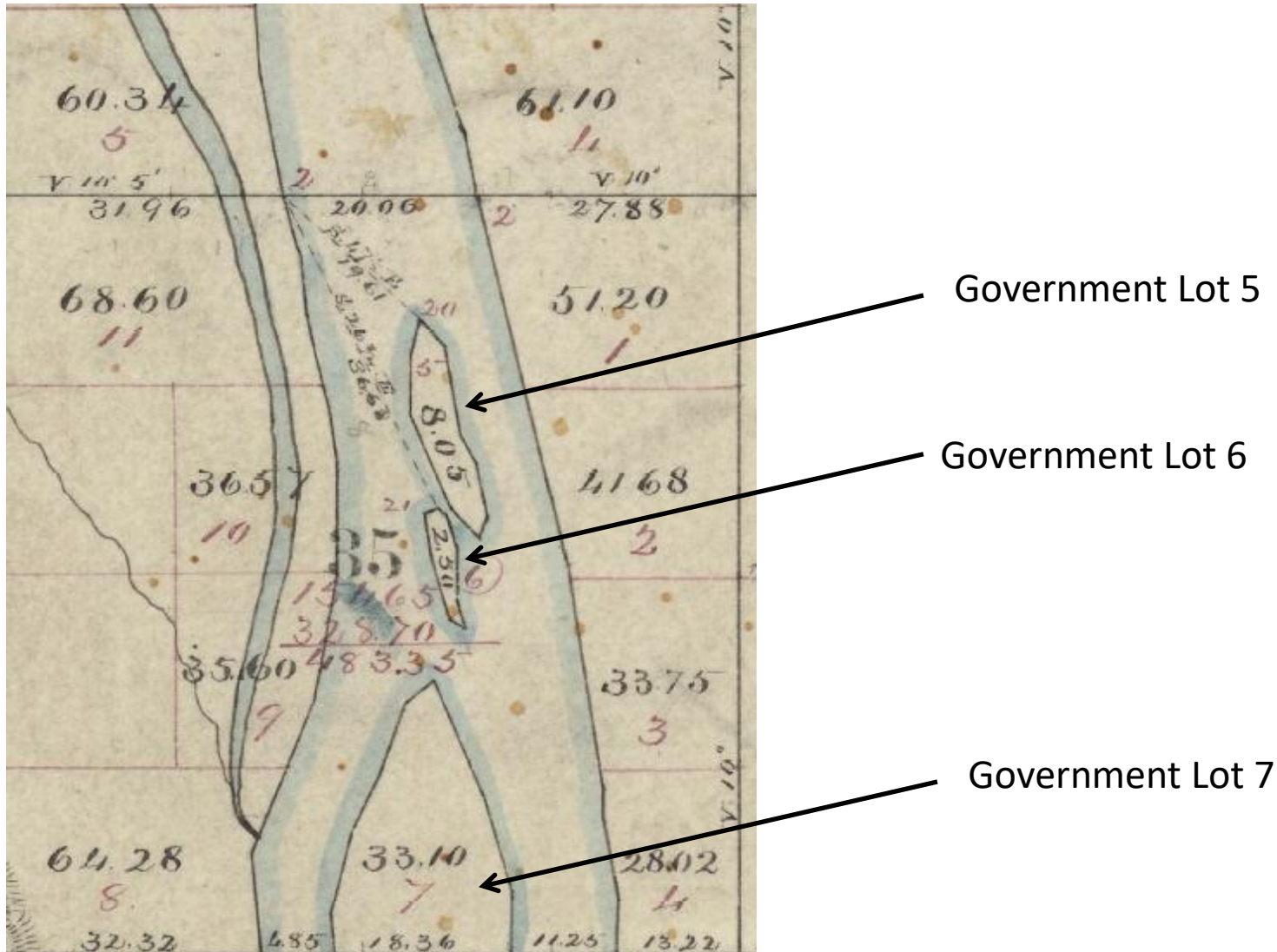
Interpretation:

Early Red Rock settlement on east side of river

Native Americans on island now known as 'Newport Island'

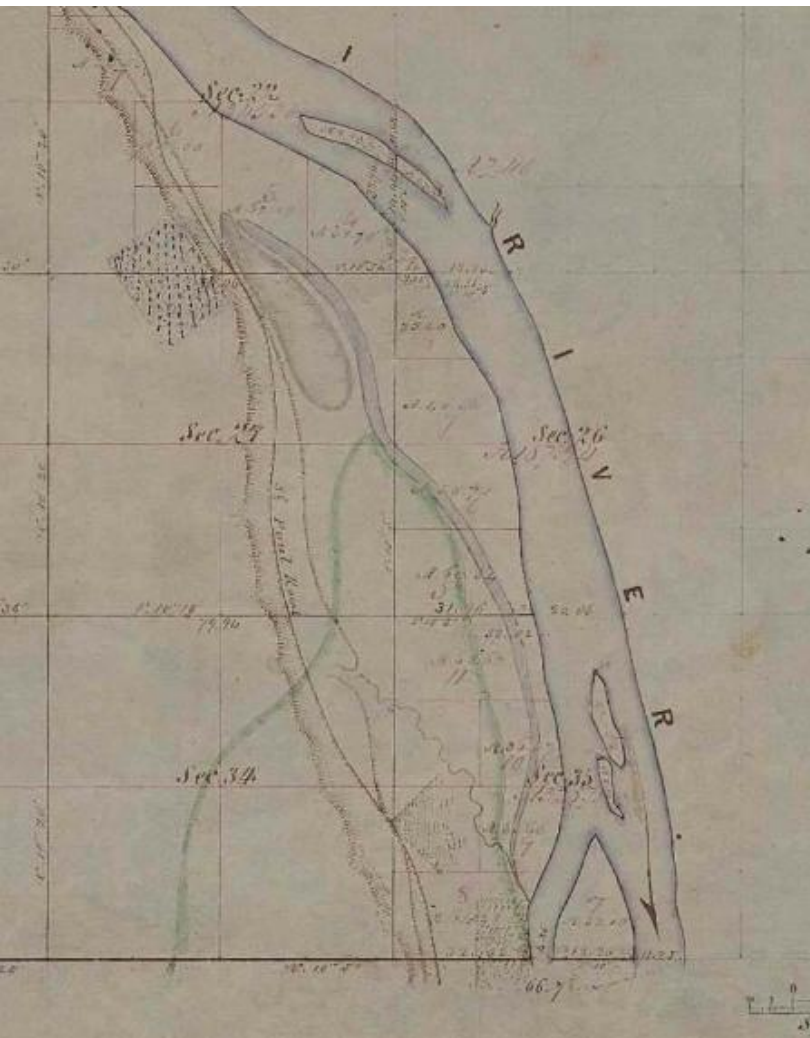
Two islands upstream

Public Land Survey (ca. late 1840s, early 1850s)

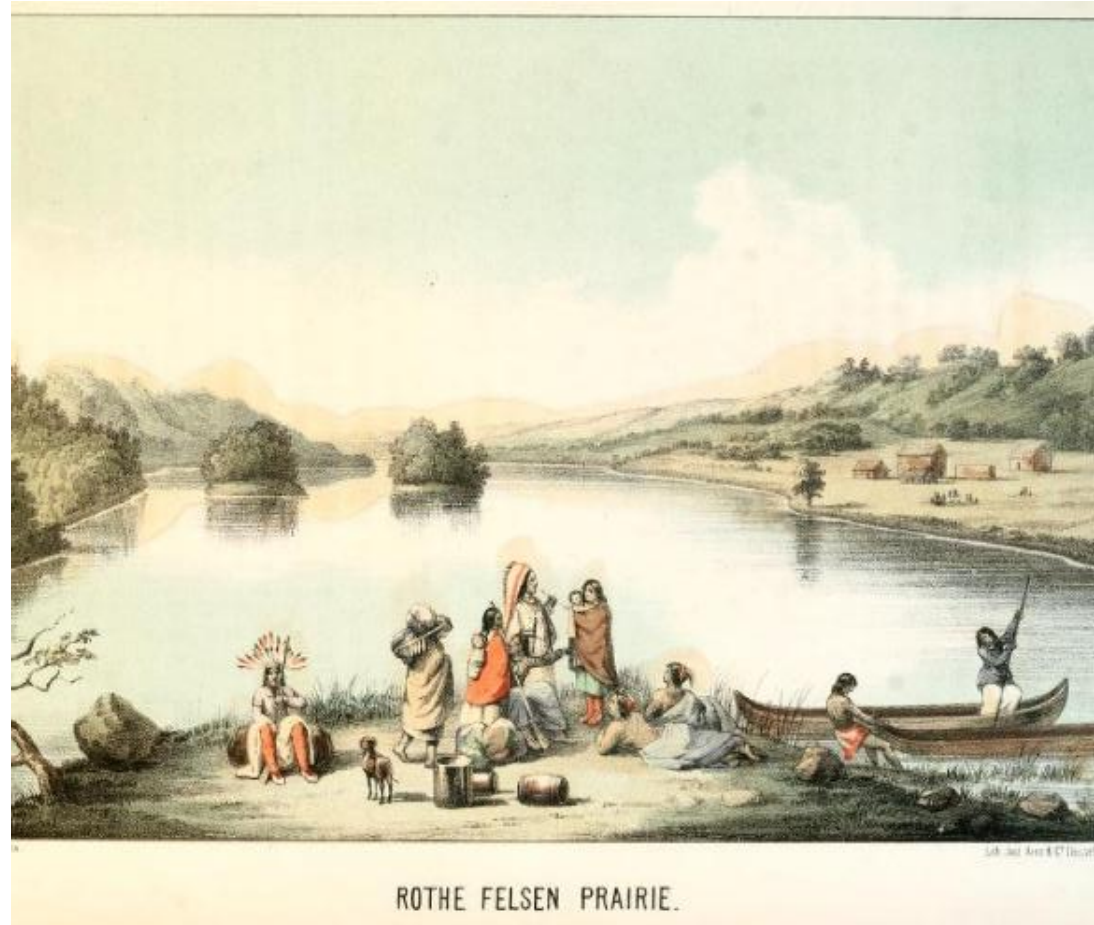


Where is the 'main channel'?

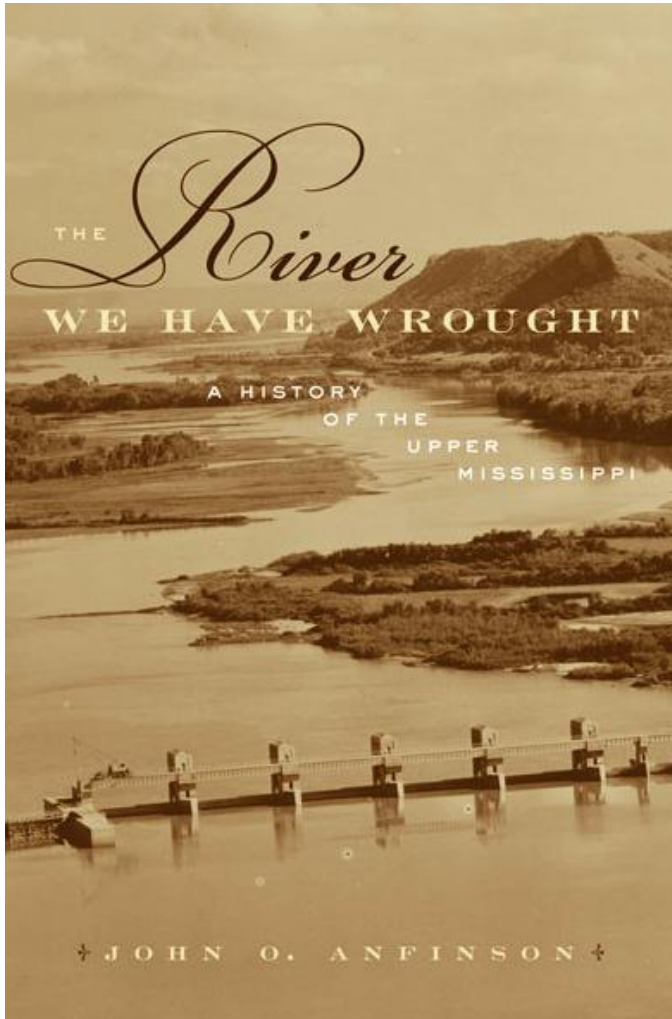
Public Land Survey (ca. 1850)



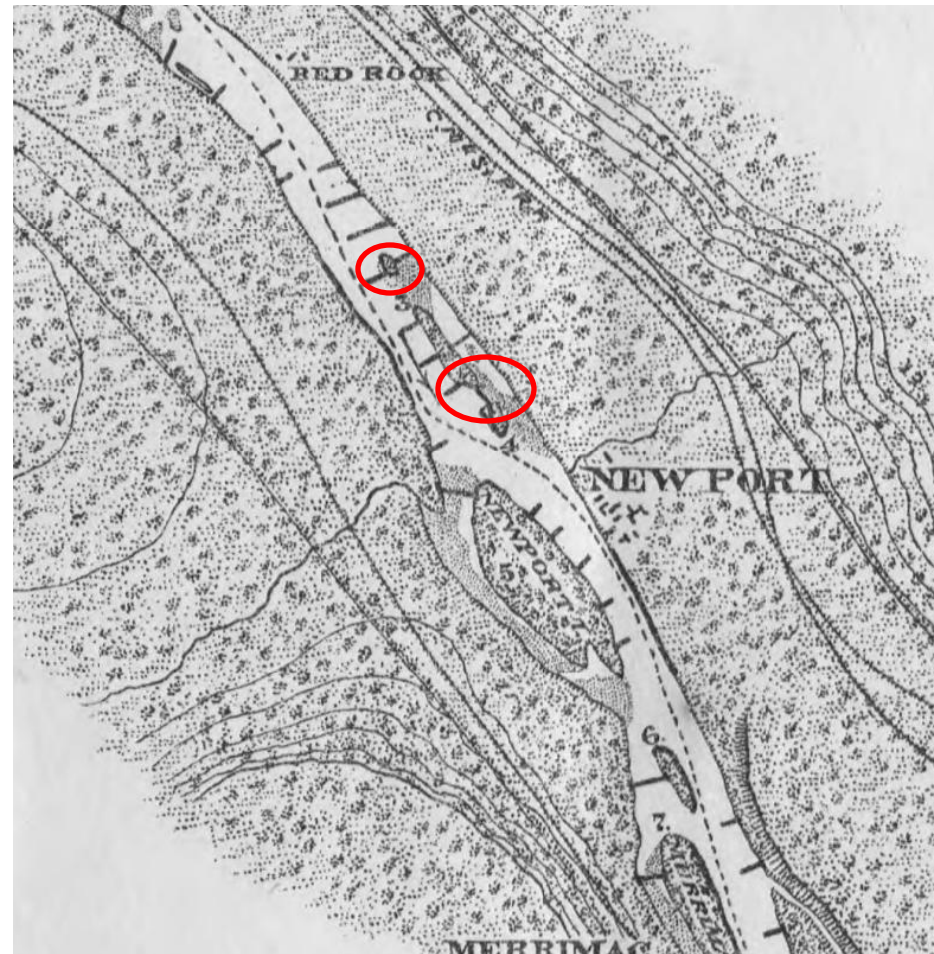
Henry Lewis illustration (ca. 1846-7)



Channelization



“As the Corps learned more about the upper Mississippi River as the limits of dredging and scraping became manifest, the Corps turned to channel constriction. In 1873, when high water prevented the *Montana* from dredging, the Corps decided to **build two experimental closing dams**. First, they went to the channel at **Pig’s Eye Island**, 5 miles below downtown St. Paul. The island divided the river, and **the navigation channel sometimes ran on the east side and sometimes on the west**. **Below the island no deep channel** existed at low water. To eliminate the problem, the Corps closed the east channel by driving two tiers of piles, 9 feet apart, and filling them with willow brush. They placed sandbags on top to weigh the brush down. They knew the brush would trap the river’s sediment and form a solid barrier.” (p.44)



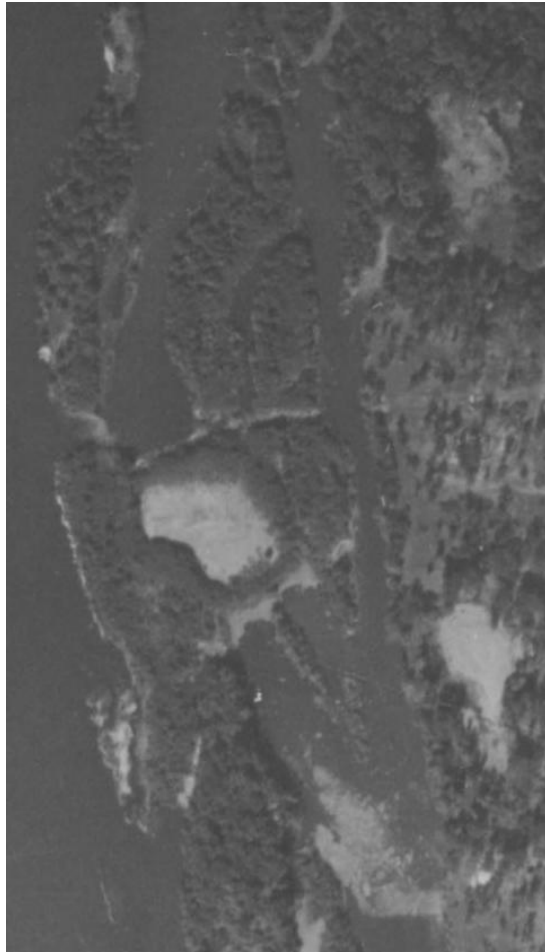
1887 (w/ survey data ca. 1877-78)

‘Channelization’ efforts were being aggressively implemented by 1890, including a dam between government lots 5 & 6. Islands begin to form north of government lot 5.

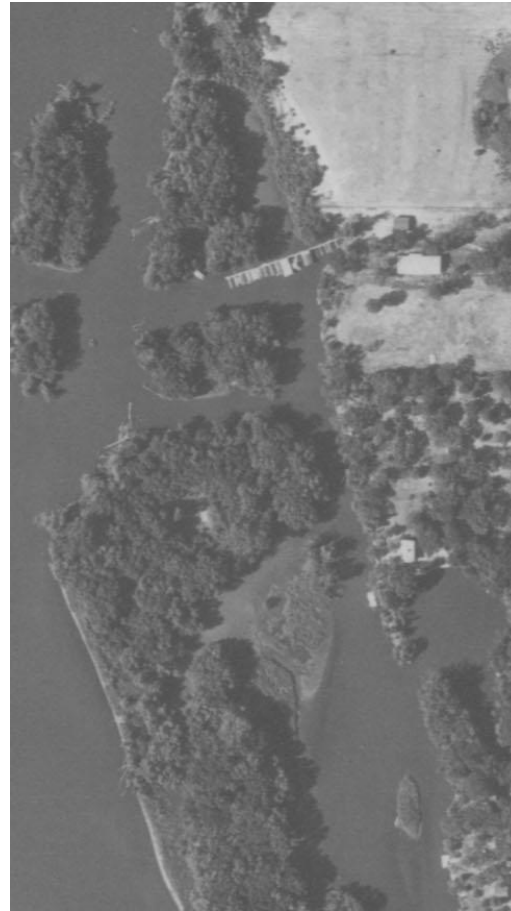
Where is northern limit of Govt. Lot 5?



1890



1937



1964



Present

The Legal Question

Unsurveyed Islands

Whether the United States may hold islands as unsurveyed public domain, subject to survey and sale or other disposition under the public land laws and regulations, or whether ownership is controlled by state laws, depends upon the date of formation of the island.

If the island was in existence, separate and distinct from the opposing mainland and above the mean high-water elevation of a meandered body of either navigable or non-navigable water on the date of that state's admission into the Union, then it may be held as public lands of the United States even though the United States may have parted with its title to the opposing mainland (49). That is because such an island was not a part of the bed of those waters and therefore its title remained in the United States after admission of the state. It would therefore be subject to survey and disposal when so identified. However, the land Department may refuse to survey islands considered insignificant (50). If the land Department refuses to survey the island, no citizen can overrule the action of the land Department (51).

If the island has formed since the date of statehood by the depositing of materials, either by man or nature, or has been uncovered by the lowering of the mean, high-water elevation of the body of water, then it may not be held as public domain (52). Its ownership would then rest in the state and be governed by state laws through the state's inherent sovereign rights to the beds of navigable waters.

Islands have been claimed as public domain and surveyed in navigable streams (53), navigable lakes (54), nonnavigable streams (55) and tide water (56).

The Legal Question



December 4, 2018

VIA EMAIL

Marv Taylor

Dear Mr. Taylor,

Thank you for your email dated November 5, 2018, and for the detailed summary you provided.

I believe you are correct that title to any island in the Mississippi River that formed after Statehood vests in the State of Minnesota. There is also some legal support for the proposition that such title remains in the State even if a post-Statehood island is later joined to a government lot through accretion. These issues are discussed in an excerpt from the treatise *Patton and Palomar on Land Titles*, which I have enclosed.

That said, this situation poses difficult legal and factual questions as Government Lots 5 and 6 and several smaller post-Statehood islands have all joined together. Even if the State does hold title to a portion of the joined island, determining where that boundary is located would be difficult and would likely require a court order.

The City of Newport may want to consult with its attorney about this issue.

Thanks again for your correspondence.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Langner', with a stylized flourish at the end.

Robert Langner, PLS
DNR Land Survey Unit
Phone: 218.203.4403



MEMO

TO: Newport City Council

FROM: Deb Hill, City Administrator
Travis Brierley, Assistant to the City Administrator

DATE: April 1, 2021

SUBJECT: Building Inspection Contract

Background: The City of Newport has retained the building inspection services from the City of Cottage Grove for over 10 years. They currently also provide rental inspections and code enforcement services. The staff from Cottage Grove has been very easy to work with and they provide excellent service. St. Paul Park uses their services and utilizes the same contract.

Cottage Grove is looking to a significant change to the contract in the line item of the building review fee. The reason given was not so much that the monies received are not covering expenses but that if we contracted with a private entity we would be paying as much if not more.

The cost of inspection is based on the line item fees charged by Newport when issuing a permit. The proposed change by Cottage Grove is to charge 75% of the "Plan Review" fee collected by Newport. This amount is currently 28%.

If this change was applied to the New Home Permits issued in 2020, the increased cost of inspections for Newport would have been an additional \$416.29 per home or \$27,475.14.

Discussion: Staff sent the contract to our city attorney for review – several contract revisions were added which includes that the amount of time spent on each review be recorded. This will give Newport information on actual time and dollars spent on review which will help us with future planning.

The extra dollars spent on Cottage Grove reviews will not break our bank.

Recommendation: Staff recommends council approve the contract with Cottage Grove for inspection services.



MEMO

TO: Newport City Council

FROM: Travis Brierley, Assistant to the City Administrator

DATE: April 1, 2021

SUBJECT: Newport Summer Rec

Background: Due to the COVID-19 pandemic, the City Council elected to cancel Summer Rec for 2020.

Discussion: Summer Rec programs in Newport generally support a 2 day a week program for kids up to the age of 12-14. Attendance fluctuates day to day with some days having no kids participate.

Staff has not started the process to hire a person to run the program. In the past it has become more difficult to find someone to be in charge of the Summer Rec program.

COVID-19 currently restricts sporting events for high school kids and younger. It is unknown what restrictions might be place by the State this summer.

Woodbury has chosen to move forward with a summer rec program. A catalogue was sent to all Newport residents. Copies are also available at City Hall for residents. Newport and Woodbury have an agreement that Newport residents are only charged the residential rate for several programs that are apart of Woodbury Summer Rec. Newport has a policy for reduced fees based on income.

Recommendation: It is the recommendation of staff that the City Council formally cancel Newport's Summer Rec program for 2021 and evaluate options for 2022 at a later date.



MEMO

TO: Newport City Council

FROM: Travis Brierley, Assistant to the City Administrator

DATE: April 1, 2021

SUBJECT: Liquor Licenses 2021/2022

Background: Due to the COVID-19 pandemic, the City Council elected to only charge \$1 for on-sale liquor licenses. Alcohol and Gambling has sent renewal forms for Newport liquor licenses for 2021/2022.

Discussion: Currently, the State of Minnesota has set restrictions on bars and restaurants to be 75% capacity and no more than 6 persons at a table. Standing or sitting at a bar is still restricted.

Renewal fees for the 2021/2022 liquor licenses are:

	Full	75%	50%
• Newport Liquor-	\$240		
• Cloverleaf-	\$2,700	\$2,025	\$1,350
• Tinucci's-	\$2,700	\$2,025	\$1,350
• Speedway-	\$30		
• Opinion-	\$2,940	\$2,265	\$1,590

The restrictions have an effect on the number of patrons at the Cloverleaf and Opinion Brewing as table seating is limited by the design of the establishment. Tinucci's business model includes banquet dining which also is limited by the number of persons allowed to attend and seating is limited by the 75% restriction.

Currently Newport Liquor is in the process of selling. The new owners have submitted for a liquor license and paid for a full year. By City Ordinance, they were only required to pay a prorated amount of \$80 on their application.

Recommendation: Staff recommends that Council considers reducing the amount owed for liquor license renewals for on-sale liquor and charge the full amounts due for off-sale. In addition, if approved for liquor license, the new owners of Newport Liquor have the fee reduced by \$80.