



CITY OF NEWPORT
2060 1ST Avenue
Newport, MN 55055
(651) 459-5677
ci.newport.mn.us

MAYOR: Laurie Elliott
COUNCIL: Kevin Chapdelaine
Tom Ingemann
Marvin Taylor
Bill Sumner

City Administrator: Joe Hatch
Supt. of Public Works: Matt Yokiel
Fire Chief: Steven Wiley
Asst. to the City Admin: Travis Brierley
Law Enforcement (WCSO): Bill Harrell

CITY COUNCIL AGENDA February 2, 2023- 5:30 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. STATE OF THE CITY
6. 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.
7. 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- December 15, 2022 Regular Council
 - B. Minutes- January 5, 2023 Regular Council
 - C. Lawful Gambling Application- St Thomas Aquinas Church
 - D. Liability Coverage- Does Not Waive Tort Limits
 - E. **Resolution No 2023-12-** Restricted Parking Hastings Avenue
 - F. **Resolution No 2023-14-** Well Two Maintenance
 - G. **Resolution No 2023-15-** Off-Sale Liquor License LOS Liquor Inc (Newport Liquor)
 - H. List of Bills- \$79,523.00
8. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT
9. FIRE CHIEF'S REPORT
10. ENGINEER'S REPORT
 - A. Lateral Lining Improvements
 1. **Resolution No 2023-13-** Approving Plans and Specifications and Ordering Advertisements for Bids
11. SUPERINTENDENT OF PUBLIC WORKS REPORT

12. ADMINISTRATION REPORT

A. **Temporary Ordinance No 2023-01-** Moratorium

13. MAYOR AND COUNCIL REPORTS

14. ADJOURNMENT



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CITY COUNCIL MEETING MINUTES December 15, 2022

1. CALL TO ORDER

Mayor Elliott called the City Council Meeting to order at 5:30 p.m. on December 15, 2022.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Not Present (0): None.

4. ADOPT AGENDA

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

5. PUBLIC COMMENTS

Bill Sumner, residing at 737 21st Street, addressed the Council. Mr. Sumner expressed his excitement to be on the City Council for a new term and support for the Friends In Need food shelf.

6. ADOPT CONSENT AGENDA

- A. Minutes-** November 17, 2022 Regular Council
- B. Minutes-** November 17, 2022 Council Workshop
- C. Gambling Application-** Knight of Columbus
- D. Kennel License-** Kaldenberg
- E. List of Bills -** \$196,516.45

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

7. AWARDS

A. Mayor's Award- Independent School District 833 Parent Teacher Organization

Mayor Elliott presented the Mayor's Award to the Parent Teacher Organization of School District 833. Jennifer McDonough, Matt McDonough, Grace, Addy, Lori Bertrand, Amy Kestner, Sara Bonine, Marien Razo, Nicole Kogler, Leo, and Finn were present to accept the award. Mayor Elliott expressed her congratulations the parents and teachers of ISD 833 for their work to keep Newport Elementary in the City. Mayor Elliott expressed her and the City's gratitude of the parents and teachers who took part in preserving this important school within the City.

B. Business of the Year- Ten-E Packaging

Mayor Elliott presented the business of the year award to Ten-E Packaging. Larry Anderson, President, and Bob Gindorff, CFO of Ten-E Packaging, were present to accept the award. Mayor Elliott expressed her gratitude to Ten-E Packaging as they have and continue to support the City in various ways including significant donations supporting the success of Pioneer Day.

8. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT

No formal report.

9. FIRE CHIEF'S REPORT

Fire Chief Steve Wiley gave an update on the successful food and toy drive where about \$1,500 in cash donations and over 2 trucks filled with toys. Chief Wiley publicly thanked residents and everyone who helped make the drive successful.

10. ENGINEER'S REPORT

City Engineer Jon Herdegen stated there are two resolutions in the packet and both pertain to priority projects the city has identified in past workshops and Council meetings. These two projects are on the west side of Highway 61. These projects have been identified for several reasons including I/I, general pavement conditions, and water main breaks. The city is pursuing bonding bill money in the 2023 state legislature and our state representatives have asked us to prepare cost estimates, project descriptions, and a formal resolution in support of pursuing the bonding bill dollars. The priority one project area is 2nd Avenue, 3rd Avenue, and 17th Street. The priority two project area is a continuation of 2nd Avenue, a portion of 3rd Avenue, Cedar Lane, and 12th Street. Mayor Elliott stated we recently had a zoom meeting with our new legislative group as well as Karla Bigham and they had requested these resolutions of support to help move these projects through for approval. The Priority one project is for 7-million dollars. This is the pass-through funding of the Federal 1.3 trillion-dollar infrastructure act. It is a competitive process for cities to get approval. The second priority is for 5.162-million dollars. Mayor Elliott is hopeful we will receive this funding and can make some big I/I improvements

A. Resolution No 2022-50-Capital Budget Request from Minnesota Management and Budget Priority 1

Member Ingemann motioned to adopt Resolution No. 2022-50 – Capital Budget Request from Minnesota Management and Budget for Priority One Project. Seconded by Member Johnson. Approved 5-0.

B. Resolution No 2022-51-Capital Budget Request from Minnesota Management and Budget Priority 2

Member Chapdelaine motioned to adopt Resolution No. 2022-51 – Capital Budget Request from Minnesota Management and Budget for Priority Two Project. Seconded by Member Johnson. Approved 5-0.

Engineer Herdegen stated they have completed the plans and specifications for the lining project and will be sending them into the MPCA for review this week. They are expecting comments back sometime in January and then bidding the project in March.

11. SUPERINTENDENT OF PUBLIC WORKS REPORT

A. H&U Pay Request- \$117,901.45

Superintendent of Public Works Matt Yokiell stated the first item is Pay Request No. 23 for H+U. The epoxy floors were redone in both bathrooms and most of the punch list items have been completed. Most of this payment is retainage that the city held until substantial completion of the building was met.

Member Chapdelaine motioned to approve Pay Request No. 23 in the amount of \$117,901.45 to H+U. Seconded by Member Ingemann. Approved 5-0.

B. Authorization to Purchase Sanitary Sewer Camera and Vehicle

Superintendent Yokiell requested authorization to purchase a camera and vehicle up to \$87,000 for sanitary sewer televising. They are looking at a used ambulance as an option for the vehicle. Mayor Elliott stated this is being funded through the American Rescue Plan Act funds and not tax dollars.

Member Ingemann motioned to authorize purchase of the sanitary sewer camera and vehicle. Seconded by Member Johnson. Approved 5-0.

Superintendent Yokiell stated they started flooding the rink at Loveland, but it is not ready yet. They also started removing trees infected with emerald ash borer. If the tree is in front of a residential property, they will attempt to knock on the door and/or leave a door hanger with information on who to contact with questions. Superintendent Yokiell reminded residents to keep garbage cans out of the street so Public Works can plow safely and effectively.

12. ADMINISTRATOR'S REPORT

A. Resolution No 2022-47- 2023 Levy and Budget (Final)

City Administrator Joe Hatch stated in September the Council approved a preliminary levy increase of 13.87%. Staff and Council reduced that amount by about \$220,000 and a levy increase of 7.11% was presented at the truth and taxation hearing in December. Significant factors for the budget include market valuation increases, a decrease of about \$75,000 in local government aid (LGA), increase in our operating expenses, and an increase in our law enforcement contract. Staff recommends Council approve a final levy of \$3,486,781 or 7.11%. Mayor Elliott stated they had many discussions for the budget, CIP, and enterprise funds, and are hoping to get LGA funding back.

Member Chapdelaine motioned to adopt Resolution NO. 2022-47 – Levy and Budget for 2023. Seconded by Member Johnson. Approved 5-0.

B. Resolution No 2022-48- Non-Union Pay

Administrator Hatch stated each year we propose a resolution establishing salaries for full-time, part-time, and non-union positions. For 2023, the proposed cost of living increase for non-union employees is 4.5%. Mayor Elliott inquired if the step change is supposed to be July 1st. Assistant to the City Administrator Travis Brierley stated the step changes should be for July 1, 2023 and he will make that change

Member Ingemann motioned to adopt Resolution No. 2022-48 – Non-Union Pay with cost-of-living effective January 1, 2023 and step changes effective July 1st, 2023. Seconded by Member Johnson. Approved 5-0.

C. Resolution No 2022-49- 2023 Polling Location

Assistant Brierley stated this resolution assigns the polling location for the next calendar year for the city. The past several years elections have been held at the elementary school and prior to that they were held at the fire department. With the new building staff would like to hold the elections at City Hall. There are space concerns that can be tested with the school district election in the fall prior to the presidential general election the following year. Voters will be notified of their polling location. Member Taylor inquired if the elections would be held in the training room. Assistant Brierley stated yes. Member Taylor is concerned that elections are on Tuesdays, which is the same day as Fire Department training.

Member Chapdelaine motioned to adopt Resolution No. 2022-49 – 2023 Polling Location. Seconded by Member Johnson. Approved 4-1 (Taylor).

D. 2023 Meetings of City Council and Commissions

Assistant Brierley stated the next item is to set the schedule for public meetings for 2023. The Planning Commission meetings were changed to the 2nd Tuesday of each month, and staff proposes we amend this to the Tuesday after the 1st Council meeting. Staff also proposes we have NEDA meetings set as a regular meeting to follow Council workshops. Everything else would remain the same as 2022.

Member Taylor motioned to approve the 2023 Meetings of City Council and Commissions. Seconded by Member Ingemann. Approved 5-0.

Administrator Hatch stated he attended the Planning Commission and the Heritage Preservation Commission meeting, and they were both interesting and informative.

13. MAYOR AND COUNCIL REPORTS

Mayor Elliott stated we submitted an earmark request and have made it through competitive rounds. The funding is contingent on being included in a federal government bill and signed into law. If we receive this funding, it would be used to finish the Cedar Lane area with parking, and potentially a canoe/kayak launch. There are also funding requests to work on the 10th Street Overlook area.

Member Taylor stated he attended the Planning Commission Meeting where they discussed two CUP applications. Kube's CUP was recommended for denial, and Keller Fence's CUP was a 3-2 vote to recommend denial. There was good discussions and public feedback.

Member Johnson thanked the Council and Staff as this is her last day serving on the Council. She also thanked Assistant Brierley for helping her. Mayor Elliott thanked Member Johnson for stepping into her Council seat when she was elected to the mayor position. Mayor Elliott appreciated her business point of view during discussions and thanked her for her service to the community. Member Chapdelaine stated this is Member Johnsons second two-year appointment on Council and she has been impressive. She hit the ground running and brought the business communities opinions to the table. Member Ingemann would be more than happy to welcome Member Johnson back anytime. Member Taylor stated he enjoyed working with Member Johnson.

14. ADJOURNMENT

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

The City Council Meeting was adjourned at 6:26 p.m. on December 15, 2022.

Respectfully submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Laurie Elliott, Mayor



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CITY COUNCIL MEETING MINUTES
January 5, 2023

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. OATH OF OFFICE

A. Tom Ingemann

Council Member Elect Tom Ingemann was not present.

B. Bill Sumner

City Administrator Joe Hatch swore Council Member Bill Sumner into office.

4. ROLL CALL

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

Not Present (1): Council Member Elect Tom Ingemann.

5. ADOPT AGENDA

Member Chapdelaine motioned to adopt the agenda. Seconded by Member Sumner. Approved 4-0.

6. PUBLIC COMMENTS

Washington County Commissioner Karla Bigham congratulated Member Sumner. Commissioner Bigham stated she is available and can help with the partnership between Newport and Washington County. Mayor Elliott inquired what the county has coming in the next 12-24 months. Commissioner Bigham discussed priorities and upcoming projects.

7. ADOPT CONSENT AGENDA

- A. Minutes-** December 1, 2022 Regular Council
- B. Minutes-** December 1, 2022 Council Workshop
- C. Resolution No 2023-01-** Official Depository
- D. Resolution No 2023-02-** Safety Deposit Box
- E. Resolution No 2023-03-** Official Newspaper
- F. Resolution No 2023-04-** 2023 Fee Schedule
- G. Resolution No 2023-05-** 2023 Utility Rates
- H. Resolution No 2023-06-** Gambling Application St. Paul Park-Newport Lion's Club
- I. Resolution No 2023-08-** Accepting Donations
- J. Council and Citizen Appointments**
- K. Kennel License-** Buetow
- L. List of Bills-** \$3,050,007.84
- M. Financial Statement-** November 2022

A resident requested removal of Resolution No. 2023-05- 2023 Utility Rates.

Member Sumner motioned to adopt the Consent Agenda with the removal of Resolution No. 2023-05- 2023 Utility Rates. Seconded by Member Chapdelaine. Approved 4-0.

Pauline Schottmuller, residing at 97 10th Street, requested an explanation why the utility rates continue to rise and what projects the city is anticipating. Mayor Elliott stated our utility study rate was done by Ehlers who assumed a 6% rate increase. The city is impacted by fees from the Met Council. The city uses the fees for road construction projects, which can be expensive. The city has plans for an I/I project and water work on 21st Street next summer. City Engineer Jon Herdegen stated it will cost \$300,000-\$350,000 to replace the water main on 21st street between 1st Avenue and 7th Avenue.

Member Chapdelaine motioned to adopt Resolution No. 2023-05 – for the 2023 Utility Rates. Seconded by Member Sumner. Approved 4-0.

8. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT

Washington County Sheriff's Deputy Sergeant Bill Harrell complimented Public Works Superintendent Matt Yokiel and his staff for their great work plowing the roads. Mayor Elliott inquired if there were any accidents in town. Sergeant Harrell stated we did not have any accidents in town and there was also nothing of consequence on the highway. Mayor Elliott thanked the residents for driving careful.

9. FIRE CHIEF'S REPORT

Fire Chief Steve Wiley stated the Fire Department responded to twenty fire calls in December where three of those calls were structure fires in surrounding communities. They took a total of 186 calls in 2022. The three most common incident types were motor vehicle accidents, structure fires, and medical assists. Last year they responded to 28 mutual aid calls, where 20 of those calls were structure fires. Chief Wiley reminded residents to check their hydrants and shovel a 3-foot area around the hydrant.

Mayor Elliott inquired if Chief Wiley could discuss carbon monoxide (CO) alarms. Chief Wiley stated there are various brands, such as Nighthawk, that make plug in versions of CO detectors. Chief Wiley stated one CO call in town had a CO reading of almost 120 PPM, which could be fatal. Chief Wiley reminded folks to test batteries and check the dates on their CO detectors, as most are good for 5-7 years depending on the manufacturer.

Member Sumner inquired how the fire department would handle a high-wind event fire in the bluffs. Chief Wiley stated it would depend on if it was a structure or brush fire. Chief Wiley stated they have portable units they can use to fight a brush fire. The DNR has a crew that is on call during the high-risk season. Member Sumner inquired what level sets off a CO detector. Chief Wiley stated around 30 PPM.

10. ENGINEER'S REPORT

Engineer Herdegen did not have a formal report. Mayor Elliott inquired the status of the lateral lining project. Engineer Herdegen stated they have plans ready to send into PCA for their review and are hoping to solicit bids in February.

11. SUPERINTENDENT OF PUBLIC WORKS REPORT

Superintendent of Public Works Matt Yokiell stated they have been busy plowing streets. The city has already received 45.5 inches of snow and the average snowfall in a full season is 51.2 inches. Public Works needs to push the snow back to keep the catch basins open which will put additional snow on the sidewalks. Superintendent Yokiell inquired how Council would address this issue as it is not fair to expect residents to shovel that much snow. Mayor Elliott inquired what our legal obligations are and if we have flexibility. City Attorney Alissa Harrington stated section 18-3 of the Newport City Code states that snow and ice needs to be removed from the sidewalks within 12 hours. The penalty is a public nuisance, but the standard used is whether the action has been reasonable or unreasonable. As Superintendent Yokiell pointed out, it is unreasonable to expect someone to move 6-12 feet of snow within 12 hours. Secondly, there is discretion for the city on how to enforce. Minnesota Statute 466.03 Subdivision 4 grants immunity for cities for the sidewalks that do not abut public parking lots or buildings. Member Sumner inquired where these sidewalks are located. Superintendent Yokiell stated most sidewalks are in Bailey Meadows. Public Works needs to push the snow back to a decent width to get fire trucks, garbage trucks, and the plow trucks through.

Member Sumner inquired how the Public Works crew is holding up. Superintendent Yokiell stated their crew is small therefore everyone gets called with each storm. They typically start at 4:00 a.m. during a storm event and plow until they are done. If they are short staffed, it makes for a longer day. The more cars off the streets, the faster and more efficient they can be plowing the streets. Superintendent Yokiell stated the Sheriff has done an excellent job of putting warnings out early in the season as they do not like to tow vehicles. Mayor Elliott thanked the entire Public Works staff for their hard work.

Superintendent Yokiell stated the library restoration project is stalled due to back-ordered glazing for the windows. The flooding of the ice rink was also delayed this year due to the Public Works busy plowing roads and asked residents to be patient.

12. ADMINISTRATION REPORT

A. Resolution No 2023-07- Keller Fence CUP

City Planner Nathan Fuerst stated the city received a Conditional Use Permit (CUP) request from Keller Fence. The subject property is located on 7th Avenue. There are four parcels the applicant is proposing to combine and redevelop. The existing buildings and materials would be removed as part of this project. The zoning is B-2 General Business, and the future land use is mixed commercial and residential. The site is approximately three and a half acres in size and a site plan was included with this request. There will be office space, warehouse space, and outdoor storage that is screened from view. The use that is being proposed is building materials and services. Staff reviewed the design/site plan for building materials, lighting, parking/loading, landscaping, screening, and site access. Engineer Herdegen stated the site will be connected to the city's public storm sewer. Planner Fuerst stated the Planning Commission held a public hearing on November 15th. Comments were received both in writing and in person at the hearing. The nature of the comments and the concerns were related primarily to traffic impacts, fleet vehicles, screening, lighting, and design compatibility. Resolution 2004-55 limits the gross vehicle weights to 10,000 pounds on 7th Avenue between 2nd Street and the Glen Road interchange. In 2004, the council clarified that deliveries such as furniture and moving vans were acceptable. The applicant stated they have ten F450's, two cab overs, are open to routing trucks to the south, and typically received deliveries one day per week.

Staff proposed several findings that would support an approval of the project as the concerns can be mitigated through conditions for approval. On November 15th, the Planning Commission voted unanimously to table the review until staff could address their questions. On December 13th, it was brought back to the Planning Commission where they voted 3-2 to recommend denial of the CUP due to concerns with health and safety impacts as well as concerns for traffic. The Council can choose to approve, approve with conditions, deny, or table. Planner Fuerst stated there are 24 proposed conditions included in the staff report for the Council to consider should they choose to approve this CUP.

Mayor Elliott stated if the Council does not address the CUP request, the CUP would be automatically approved even with a denial recommendation from the Planning Commission. Mayor Elliott inquired why the hours of operation are 7:00 a.m. to 7:00 p.m. when the city limited Absolute Towing's hours from 8:00 a.m. to 8:00 p.m. Planner Fuerst stated this could be changed to be consistent with Absolute Towing. Typically, the hours should be consistent with the city's construction requirements.

Member Chapdelaine stated the 10,000-pound weight restriction in Resolution 2004-55 was due to the residential neighborhood. Member Chapdelaine inquired if Council would need to drop Resolution 2004-55 to approve the CUP, and how the city can enforce some of the proposed conditions. Attorney Harrington explained the conditions need to be reasonable. If the conditions are reasonable, there is a reasonable likelihood they will be followed.

Member Taylor inquired what types of alarms are on the fleet and delivery vehicles, and if there is fencing that could potentially reduce the site noise. Attorney Harrington stated you can set conditions for sound reduction or sound buffering and mitigation options for screening.

Member Sumner stated this proposed site is next to the railroad that operates 24/7 and produces a significant amount of noise and vibration from the trains. Member Sumner believes most concerns expressed have been addressed with reasonable conditions.

Mayor Elliott stated when looking at the criteria that needs to be met for a CUP, it says the city needs to evaluate traffic based on driveway locations, existing and proposed capacity of adjacent roads, and sidewalk and trail connections and asked if Planner Fuerst could talk through his evaluation on this criteria. Planner Fuerst stated they look at what transportation options are available in this area. Mayor Elliott inquired what the city's obligation is from a safety perspective since we do not have sidewalks. Attorney Harrington stated when looking at a quasi-judicial decision, we are looking at what is currently there and what is already in place versus a legislative change.

Mayor Elliott would like to clarify condition number 17 to include no parking on 4th Street and 5th Street or changed it to no parking on any city street. Mayor Elliott discussed adding additional criteria such as no subleasing on the site without a meeting with city staff, and utilities/taxes must be paid. Attorney Harrington stated we would need to make sure these conditions were specifically tied to concerns with the criteria.

Tim Dyrhaug, owner of Keller Fence, addressed the Council. Mr. Dyrhaug stated this business has been in his family for 36 years and he has owned it for the past 9 years. Mr. Dyrhaug stated there are similar businesses along 7th and he believes this will be a big improvement to what is currently on those parcels. He understands the emotion about the traffic. Their drivers are trained and thankfully have not had any accidents to date. Any redevelopment of this property would bring more traffic. Their equipment and materials will be stored behind their fencing. Their crews start at 7:00 a.m. and are typically done at 3:30 p.m. They are a seasonal business and have reduced traffic in the winter.

Member Taylor inquired what kind of alarms his fleet vehicles have. Mr. Dyrhaug stated they have tonal alarms but have no opposition to the alarms Planner Fuerst discussed. Member Taylor inquired about using fencing to mitigate sound. Mr. Dyrhaug stated they want to screen their storage and are open to various fencing options. Member Sumner inquired the cost of the building. Mr. Dyrhaug stated over two-million dollars.

Mayor Elliott invited members of the public who feel like the Council is missing something or have not asked the right questions to approach the podium.

Mark McKenzie, residing at 999 7th Avenue, addressed the Council. Mr. McKenzie discussed concerns with noise and traffic on 7th Avenue and believes it will be hard to enforce. Mr. McKenzie stated that attendance at the Planning Commission was important to understanding the concerns of the residents and Planning Commission members. Mr. McKenzie stated the side lane on 7th has been used as a path for both walking and bike riding. Mr. McKenzie expressed concerns about Keller Fence enlarging their business. He believes if the state builds a bike trail in this corridor it may not be consistent with this CUP. Planner Fuerst stated if the business wanted to expand or intensify their use, they would have to go through the CUP amendment process.

Ms. Schottmuller addressed the Council. Ms. Schottmuller agrees that a development over two million dollars would be an improvement. Ms. Schottmuller stated that Resolution's intent was that 7th Avenue would not become a truck corridor. Ms. Schottmuller stated a business with outdoor storage should be in an industrial area.

Mayor Elliott stated at the Planning Commission meeting, there was an audience member that spoke in favor of this business and was concerned with a different business going in this location. At that meeting Planner Fuerst provided a list of businesses that would not require a CUP.

Member Chapdelaine stated he is not in favor due to traffic concerns and the resolution he voted for in 2004. Attorney Harrington stated traffic concerns can be used for denial as it is one of the issues looked at however the question becomes whether it can be appropriately mitigated.

Mayor Elliott stated Council requested three changes to the conditions for approval to the CUP regarding fence screening, no subleasing without meeting city staff, and no parking from this business on city streets.

Member Sumner motioned to adopt Resolution 2023-07 approving the Keller Fence Conditional Use Permit with conditions of approval, 1-24, as proposed by staff, and amended by the City Council. Seconded by Member Taylor. Approved 3-1 (Chapdelaine).

13. MAYOR AND COUNCIL REPORTS

Mayor Elliott stated she has good news on the congressional directed funding request she put in last May. It passed through several hurdles and was finally approved by congress. This funding of \$350,000 is for flood mitigation and recreational components that will bring a new type of access to the Mississippi River.

Member Sumner stated he attended the swearing in of the county officers at the County Courthouse in Stillwater.

14. ADJOURNMENT

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

The City Council Meeting was adjourned at 8:18 p.m. on January 5, 2023.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Laurie Elliott, Mayor

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

If total raffle prize value for the calendar year will be \$1,500 or less, contact the Licensing Specialist assigned to your county by calling 651-539-1900.

Application Fee (non-refundable)

Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.

Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: St Thomas Aquinas Church

Previous Gambling Permit Number: X-82018-20

Minnesota Tax ID Number, if any: 9034412

Federal Employer ID Number (FEIN), if any: 41-0747178

Mailing Address: 920 Holley Ave

City: St Paul Park State: MN Zip: 55071 County: Washington

Name of Chief Executive Officer (CEO): Fr J Anthony Andrade

CEO Daytime Phone: 651-450-2131 CEO Email: skinsman1@st-thomas-aquinas.com

(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

☐ Fraternal ☒ Religious ☐ Veterans ☐ Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

☐ **A current calendar year Certificate of Good Standing**

Don't have a copy? Obtain this certificate from:

MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103

Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767

☒ **IRS income tax exemption (501(c)) letter in your organization's name**

Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

☐ **IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**

If your organization falls under a parent organization, attach copies of both of the following:

1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): TINUCCI'S RESTAURANT

Physical Address (do not use P.O. box): 396 21ST STREET

Check one:

☒ City: Newport Zip: 55055 County: Washington

☐ Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): March 25, 2023

Check each type of gambling activity that your organization will conduct:

☒ Bingo ☐ Paddlewheels ☐ Pull-Tabs ☐ Tipboards ☒ Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
<input type="checkbox"/> The application is acknowledged with no waiting period. <input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city). <input type="checkbox"/> The application is denied.	<input type="checkbox"/> The application is acknowledged with no waiting period. <input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days. <input type="checkbox"/> The application is denied.
Print City Name: _____	Print County Name: _____
Signature of City Personnel: _____	Signature of County Personnel: _____
Title: _____ Date: _____	Title: _____ Date: _____
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	
<p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p>	
Print Township Name: _____	
Signature of Township Officer: _____	
Title: _____ Date: _____	

CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: Fr J Anthony Andrade Date: 1/11/2023
 (Signature must be CEO's signature; designee may not sign)

Print Name: Fr J Anthony Andrade

REQUIREMENTS	MAIL APPLICATION AND ATTACHMENTS
<p>Complete a separate application for:</p> <ul style="list-style-type: none"> all gambling conducted on two or more consecutive days; or all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Financial report to be completed within 30 days after the gambling activity is done: A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>Mail application with:</p> <p>_____ a copy of your proof of nonprofit status; and</p> <p>_____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota.</p> <p>To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>

<p>Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the</p>	<p>application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Depart-</p>	<p>ment of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.</p>
---	--	--

This form will be made available in alternative format (i.e. large print, braille) upon request.

An equal opportunity employer

LIABILITY COVERAGE – WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to psstech@lmc.org.

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.*
- *If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.*
- *If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.*

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name: _____

Check one:

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).
- The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: _____

Signature: _____ Position: _____

City of Newport, MN
Resolution No. 2023-12
A Resolution Restricting Parking on Hastings Avenue

WHEREAS, the City of Newport recognizes parking concerns of large commercial vehicles along Hastings Avenue impact local business parking, and

WHEREAS, the parking of semi and semi combinations along Hastings Avenue limits parking areas for patrons of local businesses, and

WHEREAS, the Newport City Code currently restricts parking of large vehicles on residential streets, and

WHEREAS, Newport City Code “Sec. 32-40 No parking zones” authorizes the City Council to adopt certain parking restrictions, and

WHEREAS, limiting parking of semi and semi-combinations along Hastings Avenue between the southern corporate line of the City of Newport and Bailey Road will reduce congestion created by parked commercial vehicles, and

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Newport, Washington County, Minnesota shall restrict parking along Hastings Avenue between the southern corporate limit of the City of Newport and Bailey Road with the following restrictions and conditions:

1. Time limit of 1 hour for vehicles primarily used for commercial purposes.
2. Time limit of 1 hour for commercial vehicles with a gross weight of 10,000 lbs or more.
3. Time limit of 1 hour for semi-trucks.
4. No Parking of any uncoupled trailer.

Adopted this 2nd day of February, 2023 by the Newport City Council.

Motion by: _____, Seconded by: _____

VOTE:	Elliott	_____
	Chapdelaine	_____
	Ingemann	_____
	Taylor	_____
	Sumner	_____

Signed: _____
Laurie Elliott, Mayor

Attest: _____
Joe Hatch, City Administrator

City of Newport, MN
Resolution No. 2023-14
A Resolution Requesting Funding For Maintenance Of Well Two

WHEREAS, the City of Newport operates two municipal wells which supply the drinking water for the residents of Newport; and

WHEREAS, wells require regular inspections, general maintenance and replacement of wear parts; and

WHEREAS, Well two requires packing box maintenance; and

WHEREAS, American Rescue Plan Act funding has been provided to the City and is available to cover this maintenance cost; and

WHEREAS, the total cost of the maintenance for well two is estimated to be as much as \$37,000; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Newport hereby authorizes up to \$37,000 of American Rescue Plan Act funding be allocated for the maintenance of well two to the benefit of Newport residents.

Adopted this 2nd day of February, 2023 by the Newport City Council.

Motion By: _____ Seconded: _____

VOTE:	Elliott	_____
	Chapdelaine	_____
	Ingemann	_____
	Taylor	_____
	Sumner	_____

Signed: _____
Laurie Elliott, Mayor

Attest: _____
Joe Hatch, City Administrator

City of Newport, MN
Resolution No. 2023-15
A Resolution Approving Liquor License For LOS Liquor Inc

WHEREAS, The City of Newport requires a license to be issued for the sale of alcohol; and

WHEREAS, applications have been submitted by the listed liquor establishments for the listed liquor licenses; and

- LOS Liquor Inc- Off-Sale at 1638 Hastings Avenue

; and

WHEREAS, the effective dates of all liquor licenses shall expire on June 30, 2023; and

WHEREAS, this is a new liquor business in Newport; and

WHEREAS, this liquor license will require approval from the City prior to the required inspections by Alcohol and Gambling, and

WHEREAS, this liquor business is in the process of signing a lease and transitioning the purchase from Newport Liquor, and

WHEREAS, the business has successfully passed an alcohol background check, and

WHEREAS, the business is required to provide proof of liquor insurance along with workers' compensation insurance set to expire on June 30th and prove the ability to operate of its location, and

WHEREAS, the business will be subject to a review from Alcohol and Gambling prior to operation, and

NOW, THEREFORE BE IT RESOLVED, that the City of Newport, Minnesota, approves the application LOS Liquor Inc and grants a liquor license for off-sale liquor with the following conditions:

1. Provide a lease document for the operational space at 1638 Hastings Avenue
2. Provide proof of liquor liability insurance
3. Provide proof of workers' compensation insurance or appropriate form waiving this insurance requirement

Adopted this 2nd day of February 2022 by the Newport City Council.

Motion by: _____, Seconded by: _____

VOTE:	Elliott	_____
	Chapdelaine	_____
	Taylor	_____
	Ingemann	_____
	Sumner	_____

Signed: _____
Laurie Elliott, Mayor

Attest: _____
Joe Hatch, City Administrator

Recurring

2095e	COMCAST	26-Jan-23	\$463.78	Phones service and rental
2096e	COMCAST	26-Jan-23	\$176.28	Library Internet and cable
2097e	UNITED STATES TREASURY	26-Jan-23	\$8,644.05	SS, Federal & Medicare
2098e	MN REVENUE	26-Jan-23	\$1,500.08	State taxes
2099e	MSRS	26-Jan-23	\$3,626.77	HCSP & voluntary retirement
2100e	QUADIENT FINANCE USA, INC.	26-Jan-23	\$358.94	Quarterly leasing postage machine-2 quarters
2101e	UNUM	26-Jan-23	\$544.97	Long-term disability and life insurance
2102e	WEX HEALTH	26-Jan-23	\$33.00	Monthly fee
2103e	WEX HEALTH	26-Jan-23	\$744.97	HSPA
25299	ANCHOR SOLAR INVESTMENTS, LL	26-Jan-23	\$387.07	Solar leasing
25300	INTERNATIONAL UNION OF OP. EN	26-Jan-23	\$210.00	Union dues
25301	KENDRICK ELECTRIC	26-Jan-23	\$125.00	Reimburse electrical permit
25302	MARCO TECHNOLOGY LLC	26-Jan-23	\$268.70	Copier contract
25303	MN BUILDING PERMIT TECH. ASSO	26-Jan-23	\$100.00	Membership dues
25304	PERA	26-Jan-23	\$4,964.32	Retirement
25305	GLEN AND/OR DEANNA SHAVER	26-Jan-23	\$114.30	Overpayment of final water bill
25306	BRANDON AND/OR KAILEY STACKE	26-Jan-23	\$190.76	Overpayment of final water bill
25307	VERIZON	26-Jan-23	\$269.88	Cell phones and hot spots
25308	XCEL ENERGY	26-Jan-23	\$177.23	
	Staff		\$20,853.20	

Non-recurring

25309	ATOMIC DATA, LLC	02-Feb-23	\$112.25	Cisco AnyConnect
25310	BANYON DATA SYSTEMS, INC.	02-Feb-23	\$2,950.00	UB & Fund Acct. support and modules
25311	BIFFS INC.	02-Feb-23	\$7.00	Loveland port o potty
25312	CAPITAL CITY FIREFIGHTER ASSOC	02-Feb-23	\$50.00	2023 Memebership dues
25313	CITY OF COTTAGE GROVE	02-Feb-23	\$11,347.55	Building permit and plan review
25314	GOPHER STATE ONE-CALL	02-Feb-23	\$50.00	Dig markings
25315	GRAINGER PARTS	02-Feb-23	\$284.13	Container and wipes for fitness area
25316	GREEN LEAF TREE SERVICE	02-Feb-23	\$4,400.00	Emerald Ash tree removal-grant reimbursed
25317	HAWKINS	02-Feb-23	\$433.00	Chlorine cylinder
25318	INSTRUMENTAL RESEARCH, INC.	02-Feb-23	\$47.10	Water testing
25319	LUBE TECH & PARTNERS, LLC	02-Feb-23	\$187.00	Greas for public works
25320	MEDICINE WOOD LLC	02-Feb-23	\$7,990.00	Library window restoration
25321	TINUCCIS RESTAURANT	02-Feb-23	\$829.92	Volunteer appreciation dinner
25322	TWIN CITIES PIONEER PRESS	02-Feb-23	\$63.58	Notice publishing
25323	VIKING ELECTRIC SUPPLY	02-Feb-23	\$1,361.47	Bulb for PW and street lights
25324	WASHINGTON CONSERVATION DIS	02-Feb-23	\$185.71	4th quarter shared educator
25325	WASHINGTON CTY PROPERTY REC	02-Feb-23	\$1,760.53	Truth in Taxation and Election maintenance
25326	WASHINGTON CTY PUBLIC SAFETY	02-Feb-23	\$3,000.60	Quarter 4 2022 radio bill
25327	WASHINGTON CTY SHERIFF	02-Feb-23	\$270.00	Code red system
25328	WATER CONSERVATION SERVICE	02-Feb-23	\$360.13	Leak locate
25329	ZEP SALES & SERVICE	02-Feb-23	\$79.73	Brake cleaner
			\$79,523.00	



MSA Engineer's Report

To: Honorable Mayor and City Council Members
Mr. Joe Hatch, City Administrator

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

Subject: Lateral Lining Improvements

Date: January 26, 2023 for the February 2nd City Council Meeting

MSA has completed the construction plans and specifications for the Lateral Lining Improvements project. A copy of the construction plans can be downloaded using the link below: The construction documents have been submitted to MPCA and approved. The next step is to advertise the project and solicit bids.

Action Requested: We respectfully request the Council consider the enclosed draft resolution approving the plans and specifications and ordering advertisement for bids.

Here is an anticipated project schedule moving forward:

Publish Advertisement for Bid in Pioneer Press	2/3/2023 & 2/10/2023
Pre-Bid Meeting	2/13/2023
Open Bids.....	2/28/2023
Council Considers Awarding Contract	3/16/2023
Construction Begins	4/3/2023
Televising Work Complete/Property Owner Review Period Begins	5/12/2023
Property Owner Review Period Ends	6/30/2023
Lining Work Complete.....	11/1/2023
Final Project Completion	12/1/2023
Assessment Hearing (Tentative).....	12/7/2023

Attachments

Draft Resolution Approving the Plans and Specifications and Ordering Advertisement for Bids

Draft Advertisement for Bids

Construction Plans (Link: <https://msa.filegenius.com/downloadPublic/glxewetbhzbom6p>)

City of Newport, MN
Resolution No. 2023-13
A Resolution Approving Plans and Specifications and Ordering
Advertisement For Bids

WHEREAS, pursuant to resolution 2022-35 of the council adopted August 31, 2022, City Engineer has prepared plans and specifications for the Lateral Lining Improvements project, an improvement of the municipal sanitary sewer collection system by installing cast-in-place-pipe (CIPP) liners on the lateral services for each property connected to the collection system on the following street segments:

<u>Street</u>	<u>From</u>	<u>To</u>
2 nd Avenue	Unity Boulevard	21 st Street
3rd Avenue	Unity Boulevard	21 st Street
21 st Street	1 st Avenue	7 th Avenue
1 st Avenue	21 st Street	17 th Street
17 th Street	1 st Avenue	Cedar Lane
Cedar Lane	17 th Street	2 nd Avenue
16 th Street	2 nd Avenue	Cedar Lane
15 th Street	2 nd Avenue	Cedar Lane
2 nd Avenue	Cedar Lane	South Terminus (4 th Street)*
Easement	Cedar Lane	10 th Street (Lying west of 2 nd Avenue)*
15 th Street	2 nd Avenue	Mississippi River
11 th Street	3 rd Avenue	2 nd Avenue
3 rd Avenue	11 th Street	Park Place*
10 th Street	2 nd Avenue	Mississippi River
9 th Street	4 th Avenue	2 nd Avenue
Park Place	3 rd Avenue	2 nd Avenue
5 th Street	2 nd Avenue	Mississippi River
9 th Avenue	12 th Street	Tibbetts Place
Tibbetts Place	Hastings Avenue	9 th Avenue

*Included unimproved right-of-way, and

WHEREAS, the City Engineer has presented such plans and specifications to the Council for approval.

NOW, THEREFORE, BE IT RESOLVED,

1. Such plans and specifications, a copy of which is attached hereto and made a part thereof, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 21 days, shall specify the work to be done, shall state that bids will be received by the Administrator until a date specified by the City Administrator, at which time they will be publicly opened in the council chambers of the City Hall by the City Administrator and Engineer, will then be tabulated, and will be considered by the council at a date specified by the City Administrator, in the council chambers of the City Hall. Any bidder whose responsibility is questioned during the consideration of the bid will be given an opportunity to address the council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash

deposit, cashier's check, bid bond or certified check payable the City Administrator for 5% of the amount of such bid.

Adopted this 2nd of February, 2023__ by the Newport City Council.

Motion by: _____, Seconded by: _____

VOTE:	Elliott	_____
	Taylor	_____
	Chapdelaine	_____
	Ingemann	_____
	Sumner	_____

Signed: _____
Laurie Elliott, Mayor

Attest: _____
Joe Hatch, City Administrator

1 ADVERTISEMENT FOR BIDS
2 2023 LATERAL LINING IMPROVEMENTS
3 CITY OF NEWPORT
4 WASHINGTON COUNTY, MN
5

6 The City of Newport will receive and accept bids ONLY through QuestCDN.com via the online
7 electronic bid service (QuestvBid) for the construction of 2023 LATERAL LINING
8 IMPROVEMENTS until 10:00 am on 02/28/2023. All bids will be downloaded and publicly read
9 aloud during a virtual public bid opening that will be held at the day and time of the bid closing.
10 All planholders will receive information via Quest on how to join the virtual meeting prior to the
11 bid opening.
12

13 A pre-Bid conference will be held at 1:00 p.m., local time on 02/13/2023 at Newport City Hall,
14 2060 1st Avenue, Newport, MN 55055. Representatives of OWNER and ENGINEER will be
15 present to discuss the Project. Bidders are encouraged to attend and participate in the conference.
16

17 The work for which bids are asked includes cleaning and televising 146 sanitary sewer laterals,
18 installing of 146 CIPP sanitary sewer lateral liners (10-foot length), installing 21 CIPP spot repair
19 sleeves and 135 mainline end seals on previously lined mainline sanitary sewer pipe. Additional
20 lateral lining work may be included upon completion of televised inspections. Ancillary work
21 includes installation of sanitary cleanouts (via hydro excavation), driveway restoration
22 (bituminous and concrete), boulevard restoration and traffic control.
23

24 The anticipated substantial completion date is 11/01/2023 and final completion date is 12/01/2023.
25

26 Planholders list will be updated interactively on our web address at <http://www.msa-ps.com> under
27 Bidding.
28

29 Copies of the BIDDING DOCUMENTS are available at www.questcdn.com. QuestCDN Vbid
30 system requires Bidders to purchase BIDDING DOCUMENTS from QuestCDN. You may
31 download the digital plan documents for \$45.00 by inputting Quest eBidDoc #8330063 on the
32 website's Project Search page. Please contact QuestCDN.com at 952-233-1632 or
33 info@questcdn.com for assistance in free membership registration, downloading, and working
34 with the digital project information.
35

36 No proposal will be accepted unless accompanied by a certified check or bid bond equal to at least
37 5% of the amount bid, payable to the OWNER as a guarantee that, if the bid is accepted, the bidder
38 will execute and file the proper contract and bond within 15 days after the award of the contract.
39 60 Plato Boulevard East, Suite 140, St. Paul, MN 55107-1835 The certified check or bid bond will
40 be returned to the bidder as soon as the contract is signed, and if after 15 days the bidder shall fail
41 to do so, the certified check or bid bond shall be forfeited to the OWNER as liquidated damages.
42

43 No bid may be withdrawn within 60 days after the actual date of the opening thereof.
44

45 **Non-Discrimination.** The Public Entity agrees to not engage in discriminatory employment
46 practices regarding the Project, or operation or management of the Real Property and, if applicable,

1 Facility, and it shall, with respect to such activities, fully comply with all of the provisions
2 contained in Chapters 363A and 181 of the Minnesota Statutes that exist as of the date of this
3 Agreement and as such may subsequently be amended, modified or replaced from time to time.
4

5 **Worker's Compensation.** The Public Entity agrees to comply with all of the provisions relating
6 to worker's compensation contained in Minn. Stat. §§ 176.181, subd. 2 and 176.182, as they may
7 be amended, modified or replaced from time to time, with respect to the Project and the operation
8 or management of the Real Property and, if applicable, Facility.
9

10 **Prevailing Wages.** The Public Entity agrees to comply with all of the applicable provisions
11 contained in Chapter 177 of the Minnesota Statutes, and specifically those provisions contained in
12 Minn. Stat. §§ 177.41 through 177.435, as they may be amended, modified or replaced from time
13 to time with respect to the Project and the operation of the Governmental Program on or in the
14 Real Property and, if applicable, Facility. By agreeing to this provision, the Public Entity is not
15 acknowledging or agreeing that the cited provisions apply to the Project or the operation of the
16 Governmental Program on or in the Real Property and, if applicable, Facility.
17

18 **Six Good Faith Efforts.** Prime Contractors must follow and document their good faith efforts in
19 both the procurement process and by complying with specific contract language. The Six Good
20 Faith Efforts in the project technical specification are to ensure that DBEs have the opportunity to
21 participate in procurements, by increasing DBE awareness of procurement efforts, and outreach.
22

23 OWNER reserves the right to waive any informalities or to reject any or all bids.
24

25 Published by the authority of the City of Newport.
26

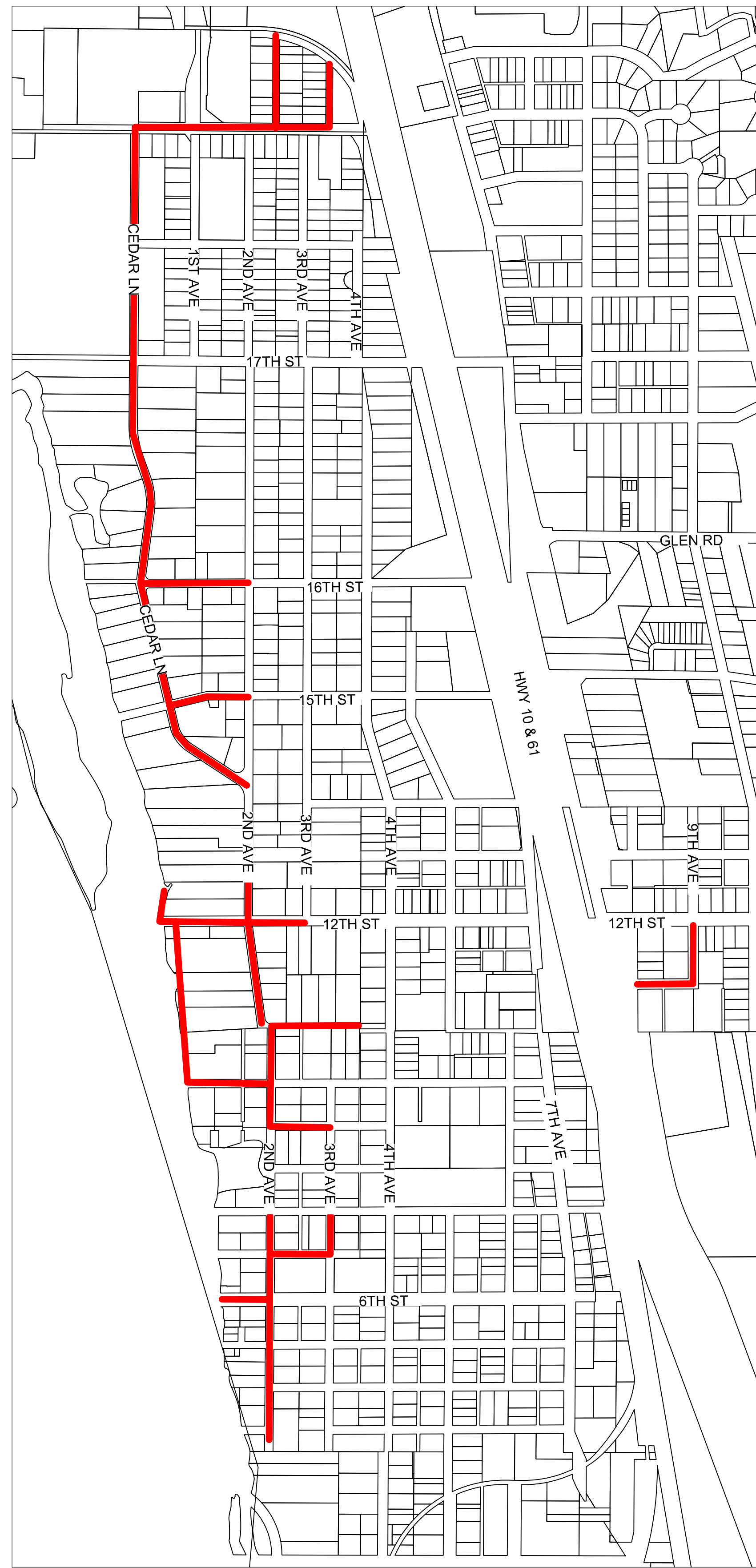
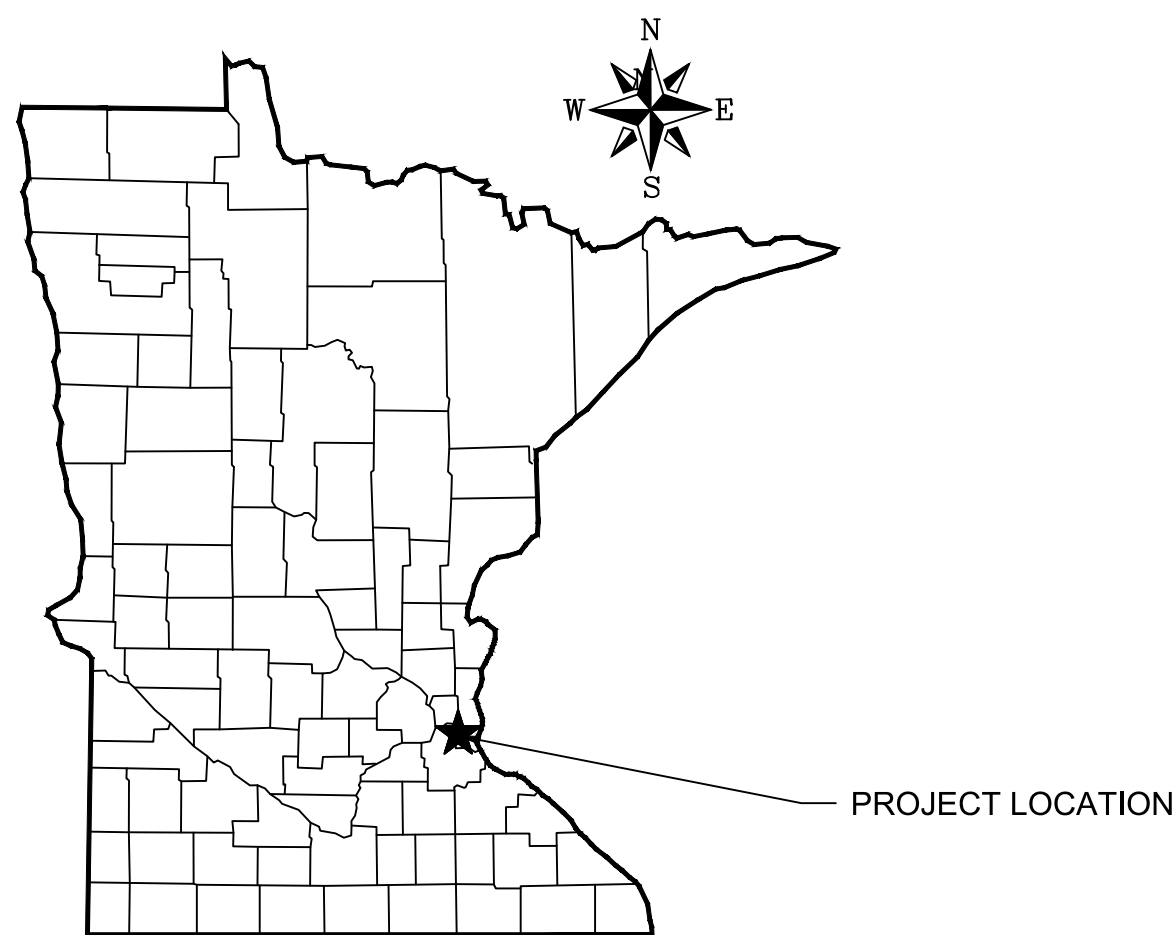
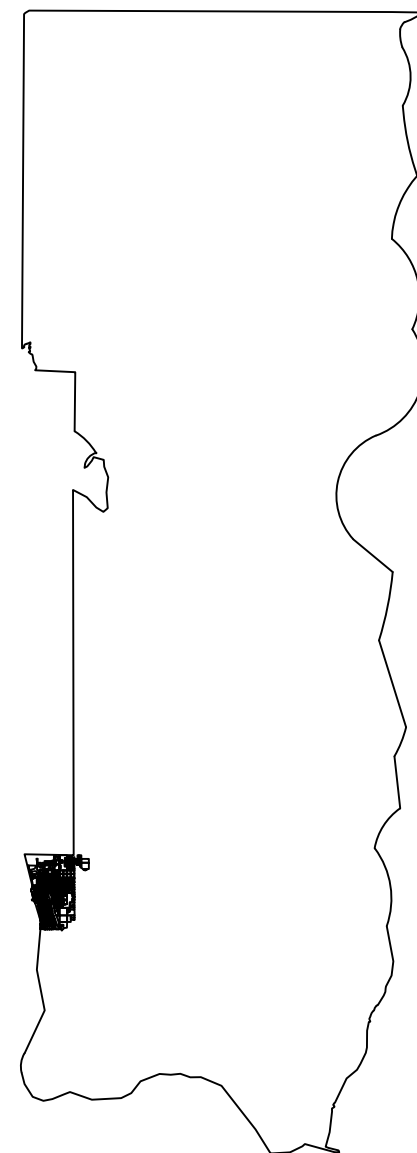
27 CONSULTING ENGINEER:
28 MSA Professional Services, Inc.
29 60 Plato Blvd. E., Suite 140
30 St. Paul, MN 55107
31 Jon Herdegen, PE, P.E.
32 612-548-3124

LEGEND

	EXISTING WATER MAIN
	EXISTING GATE VALVE & HYDRANT
	WATER SERVICE & CURB STOP
	PROPOSED WATERMAIN, VALVE, & HYDRANT
	PROPOSED WATER SERVICE & CURB STOP
	EXISTING SANITARY SEWER & MANHOLE
	EXISTING FORCEMAIN
	EXISTING STORM SEWER & INLET
	PROPOSED STORM SEWER & INLET
	PROPOSED STORM SEWER & MANHOLE
	PROPOSED SANITARY SEWER & MANHOLE
	BURIED ELECTRIC
	BURIED GAS & VALVE
	BURIED CABLE TELEVISION
	BURIED TELEPHONE
	BURIED FIBER OPTICS
	OVERHEAD UTILITY
	RAILROAD TRACKS
	EXISTING CURB & GUTTER
	PROPOSED CURB & GUTTER
	EXISTING SIDEWALK
	PROPOSED SIDEWALK
	EXISTING CULVERT PIPE
	PROPOSED CULVERT PIPE
	FENCE LINE
	DRAINAGE ARROW
	SILT FENCE
	RIGHT-OF-WAY
	BASELINE
	PROPERTY LINE
	TREE LINE
	BENCHMARK
	IRON PIPE
	IRON ROD
	CONTROL POINT
	UTILITY POLE & GUY
	SOIL BORING
	LIGHT POLE
	PEDESTAL
	STREET SIGN
	MAILBOX
	FLAGPOLE
	TREE - DECIDUOUS
	TREE - CONIFEROUS
	TREE TO BE REMOVED

WARNING:
LOCATION OF UNDERGROUND UTILITIES TO BE
VERIFIED BY CONTRACTOR. CALL BEFORE DIGGING.
GOPHER STATE ONE CALL 1-800-252-1166 REQUIRED
BY LAW

CONSTRUCTION PLANS FOR: CIPP LATERAL LINERS CIPP SPOT REPAIRS & END SEALS



0 25.4 50.8

Feet

CEAM CONSTRUCTION STANDARD SPECIFICATION (2013)

Sheet List Table	
Sheet Number	Sheet Title
GENERAL SHEETS	
G.1	TITLE SHEET
G.2	PROJECT LAYOUT
G.3	SEQ
G.4	CONSTRUCTION CHARTS 1
G.5	CONSTRUCTION CHARTS 2
G.6	CONSTRUCTION CHARTS 3
SITE PLANS	
S.1	SHEET 1
S.2	SHEET 2
S.3	SHEET 3
S.4	SHEET 4
S.5	SHEET 5
S.6	SHEET 6
S.7	SHEET 7
S.8	SHEET 8
S.9	SHEET 9
S.10	SHEET 10

UTILITIES

CIVIL ENGINEER:
60 PLATO BOULEVARD EAST
SUITE 140
ST. PAUL, MN 55107-1835
TEL: 612.548.3124
FAX: 763.786.4574
CONTACT: JON HERDEGEN

PUBLIC WORKS DEPARTMENT:
1100 BAILEY ROAD
NEWPORT, MN 55055
TEL: 651.459.2475
FAX: 651.459.2043
CONTACT: MATT YOKIEL

CENTURYLINK
STEPHANIE HELLQUIST
(TERRA TECHNOLOGIES LLC)
SHELLQUIST@TECHLLC.NET
TEL: 651-283-6774


XCEL ENERGY (GAS)
JOSH METZ
JOSH.E.METZ@XCELENERGY.COM
OFFICE: 651-229-5518
CELL: 651-319-1562

XCEL ENERGY (ELECTRIC)
JEREMY MOORE
JEREMY.A.MOORE@XCELENERGY.COM
OFFICE: 651-458-1265

COMCAST
BRAD GRENWALDT
BGREEN5883@GMAIL.COM

		NO.	DATE	REVISION		BY
PROJECT DATE: .	DRAWN BY: SJA	.	.	AGENCY REVIEW		.
	DESIGNED BY: JDH	.	.			.
	CHECKED BY: JDH	.	.			.
PLOT DATE: 1/16/2023 1:31 PM, G:\101036\103616075\CADD\Construction Documents\10316075 Title Sheet.dwg						

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

1/16/2023 46288
Date License No.

JON HERDEGEN



ENGINEERING | ARCHITECTURE | SURVEYING
FUNDING | PLANNING | ENVIRONMENTAL
60 Plato Blvd East, St. Paul MN 55107-1835
(612) 548-3132 www.msa-ps.com
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2023 LATERAL LINING IMPROVEMENTS
CITY OF NEWPORT
WASHINGTON COUNTY

TITLE SHEET

PROJECT NO.
0316075

SHEET
G.1

MEMORANDUM

To: The Honorable Laurie Elliott and the City of Newport City Councilmembers

From: Alissa Harrington, Assistant City Attorney

CC: Joe Hatch, City Administrator

Date: February 2, 2023

Re: **Moratoria and Interim Ordinance Implementation**

During January 19, 2023, work session, the City of Newport City Council (the “Council”) regular meeting, the Council considered several options to allow the City of Newport (the “City”) time to evaluate and amend the City’s Zoning Code, particularly as it relates to the non-residential uses in Non-Residential Districts.

Staff presented several options, including several ideas, including variations of an interim ordinance and moratorium on certain types of development within the Non-Residential Districts of the City. This memorandum discusses (1) generally how the Council may design and implement moratoria and interim ordinances; (2) the specific implications of the drafted proposal (the “Draft Interim Ordinance”); and (3) Council options.

I. Interim Ordinances

Under the Minnesota Municipal Planning Act,¹ the Council may enact an interim ordinance to temporarily change land use regulations, for up to one year. The City must also either (a) study the issue identified in the interim ordinance or (b) consider an amendment to the comprehensive plan/official land use controls.²

Preliminary findings must be made demonstrating the legal justification for the interim ordinance³ and directly tie the interim ordinance to “protecting the planning process and the health, safety, and welfare of its citizens.”⁴

Often referred to as a “moratorium,” an interim ordinance may contain **a regulation, restriction, or prohibition on any use, development, or subdivision, within all or a part of the City.**⁵

¹ Minn. Stat. §§ 462.351-.365 (2022).

² Minn. Stat. § 462.355, subd. 4(a) (2022).

³ Failure to provide adequate legal justification could lead to a court finding the interim ordinance is a compensable government taking. *See Woodbury Place Partners v. Woodbury*, 492 N.W.2d 258 (Minn. Ct. App. 1993).

⁴ Minn. Stat. § 462.355, subd. 4(a) (2022).

⁵ *Id.*

A moratorium can often be described as having three operative parts:

- (1) Where will the interim use be applicable?**
- (2) What uses will be treated differently than the status quo?**
- (3) How will those uses be “regulated, restricted, or prohibited”?**

Such moratoria must be tied to the specific preliminary findings of the Council demonstrating the need to deviate from the current land use regulations. A moratorium may not be so specific as to be considered discriminatory but may only apply to specific uses in specific areas of the City if applied across the board. Once an interim ordinance is in place, the City must follow the interim ordinance in all applicable cases until it is either amended, repealed, or expires. Failure to do so may result in claims of discrimination.

Process

Unlike other zoning ordinances, which require a public hearing, an interim ordinance does not require a public hearing or notice under most circumstances.⁶

II. The Draft Interim Ordinance

Based on the feedback received at the Council work session, staff has drafted a short-term ordinance covering a wider array of areas of and uses, to allow the City time to study which specific areas and uses should be included in the longer studies and planning process. The Draft Interim Ordinance would:

- **Prohibit** (not accept or process any applications or permits related to plans or building)
- **All new construction or development of non-residential uses** (see use tables in City Code)
- **Located in B, I, and MX districts**
- **For up to three months**

The justification for this is:

- Current land use regulations do not account for:
 - The full results of restricted access on Hwy 61;
 - The changed patterns in work and home spurred by the pandemic; and
 - Technological advancements changing the types of businesses seeking to move to Newport.
- The short-term (three-month) moratorium is necessary to:
 - Allow the City to identify specific areas and uses that must be reviewed.

⁶ Interim ordinances restricting or prohibiting livestock production require a public hearing in accordance with Minn. Stat. §462.355, subd. 4(b). Additionally, a public hearing and other procedural steps are required for an interim ordinance related to a specific housing proposal that has come before the City Council for approval. Minn. Stat. §462.355, subd. 4(c).

- Allow the establishment of a baseline of current uses.
- Maintain maximum flexibility in the planning process.

III. Council options

The Council may consider the following options at tonight's meeting:

1) Do Nothing. This would leave the current zoning scheme in place.

2) Adopt the Draft Interim Ordinance, as written. A council member may make the following motion to pass the Draft Interim Ordinance without changes:

"I move the Council adopt the Interim Ordinance, establishing a three-month study period and moratorium on new non-residential uses in the B, I, and MX districts."

3) Amend and Adopt the Draft Interim Ordinance. A council member may make a motion to amend the Draft Interim Ordinance prior to the motion for passage. Generally, the amendments should be focused on the following policy decision areas:

- Districts or Areas impacted.
- Uses.
- Type of restriction/regulation/prohibition.
- Length of moratorium (up to 12 months).

If any member of the Council has any questions or wishes to discuss language for an amendment, please feel free to contact me prior to the meeting. I am happy to discuss this memorandum, the attached draft ordinance, or how to craft an amendment to further your policy goals.

Thank you,

AMH

**INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES
SECTION 462.355, SUBDIVISION 4, ESTABLISHING A SHORT TERM
STUDY PERIOD AND MORATORIUM ON NEW NON-RESIDENTIAL
USES IN B, I, AND MX DISTRICTS**

THE CITY COUNCIL OF THE CITY OF NEWPORT DOES ORDAIN THAT:

Section 1. Purpose and Intent. The purpose and intent of this Ordinance is to prohibit new construction or development of all non-residential uses in the B-1, B-2, I-1, I-2, I-S, MX-1, MX-2, MX-3, and MX-4 Districts (the “B, I, and MX Districts”), as defined by the City of Newport City Code, Sec. 36-241. The City last reviewed the comprehensive plan in 2019. Since this review, the patterns of work and home have changed due to access to Highway 61, the COVID-19 pandemic, and technological advances. For these reasons, the City Council seeks additional time to study which areas of the B, I, and MX Districts should be studied to align the vision of the residents of Newport with the Newport Zoning Code.

Section 2. Preliminary Findings. The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium. These preliminary findings serve as the reasons why it is in the public interest for the City to declare a moratorium by virtue of this Ordinance:

1. The current regulations and controls applicable to non-residential uses in the B, I, and MX Districts may not adequately address the impacts of such uses on neighboring properties, may limit the opportunities for true comprehensive plan review, and may not provide sufficient guidance to newer types of businesses, unfairly stopping their development in the City.
2. To serve the public interest, the City needs to determine which areas and uses in the existing City regulatory framework should be reviewed to ensure the utmost protection of the public health, safety, and welfare of the community.
3. A moratorium is necessary to allow the City to establish a baseline of current non-residential uses and preserve the largest flexibility in future comprehensive planning efforts.
4. The public interest and public health, safety, and welfare require that the City study, analyze, and evaluate the impacts and effectiveness of non-residential uses within B, I, and MX Districts for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City’s comprehensive plan, are necessary or appropriate.
5. This moratorium will ensure ordinance changes will be carefully considered and evaluated; all the issues, including, but not limited to, density, parking, traffic, pedestrian safety measures, and land use, among other issues, can be fully

examined; and the protection of the City's planning process and public health, safety, and welfare during the moratorium period.

Section 3. Moratorium Declaration. Until the City has completed a study related to the aforementioned findings, the City shall not accept or process applications, issue permits for, or allow new construction or development of any new non-residential uses within the Non-Residential Districts of the City.

Section 4. Study. During the period of this moratorium, City staff will conduct a study to determine what specific non-residential uses in B, I, and MX Districts should be further reviewed; such study to help determine the regulatory controls that may need to be adopted or revised to protect the public's health, safety, and welfare related to the aforementioned purpose, intent, and findings. In addition, the City staff shall study the comprehensive plan to determine whether an amendment to the comprehensive plan is necessary or appropriate.

Section 5. Duration. Unless otherwise provided in this section, this Ordinance shall expire, without further City Council action, three months from the effective date of this Ordinance following its passage by the City Council pursuant to Minn. Stat. § 462.355, subd. 4; or it may be repealed earlier if the Council determines that no further study is necessary, that no further action is necessary, and/or any revisions of the City Code or Comprehensive Plan have been adopted by the City Council and are effective. The duration of this Ordinance may be extended by the adoption of a subsequent Ordinance for a total time not to exceed the statutory limits in Minn. Stat. § 462.355, subdivision 4.

Section 6. Separability. Every section, provision, or part of this Ordinance is declared separable from every other section, provision, or part; and if any section, provision, part thereof, or action taken under this ordinance is held to be invalid, it shall not affect any other section, provision, part, or action taken hereunder.

Section 7. Effective Date. That this ordinance shall take effect upon its publication.

Passed by the City Council of the City of Newport, Minnesota, this 2nd day of February, 2023.

Mayor

Attested By:

City Administrator