



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
May 18, 2023- 5:30 PM

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- April 20, 2023 Council Workshop
 - B. Minutes- May 4, 2023 Regular Council
 - C. Chicken Permit- 1655 2nd Ave
 - D. Chicken Permit- 1540 Wild Ridge Ct N
 - E. **Resolution No 2023-28**- Liquor Licenses 2023/2024
 - F. List of Bills- \$171,736.82
 - G. Financial Statement- April 2023
7. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT
8. FIRE CHIEF'S REPORT
9. ENGINEER'S REPORT
 - A. **Resolution No 2023-25**- Allowing Assessments of Private Sewer Laterals
 - B. **Ordinance No 2023-02**- Reduction of Clear Water in the sanitary sewer system
10. SUPERINTENDENT OF PUBLIC WORKS REPORT

11. ADMINISTRATION REPORT

- A. **Resolution No 2023-26-** Conditional Use Permit Amendment bioLawn
- B. **Resolution No 2023-27-** Conditional Use Permit Application KOR Fitness & Performance

12. MAYOR AND COUNCIL REPORTS

13. ADJOURNMENT



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COUNCIL WORKSHOP MINUTES

April 20, 2023

1. CALL TO ORDER

Mayor Elliott called the City Council Workshop to order at 7:03 p.m. on April 20, 2023.

2. ROLL CALL

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

Not Present (0): None.

3. LINING PROJECT

City Attorney Alissa Harrington stated the city can assess for additional lining improvements through an agreement. The assessment allows the homeowner to pay for the improvements over several years if they choose. City Engineer Jon Herdegen explained the financial impact to the city depends on how many residents choose to do additional lining. The city may be able to use our enterprise funds, or we may need to bond for this project. City Administrator Joe Hatch stated the enterprise funds can cover the minimum fees, but we may need to bond if we have full participation. Engineer Herdegen stated we should know by June 30th the number of residents who will be participating in the additional lining. The first 10 feet of the parcels within the project area will be lined which will be a tremendous benefit. If the property owner chooses to extend the liner to their house for an even greater benefit, then Council should discuss the certification criteria. Mayor Elliott summarized we would allow homeowners to extend the lining to their house and we would be able to assess. By consensus we would either use the balance in the enterprise fund or look at bonding options if necessary.

Engineer Herdegen stated he missed one property owner for this improvement project. He spoke to Attorney Harrington who explained we need to hold another improvement hearing and get this noticed. There will be a resolution at the next meeting to call for the hearing, and Engineer Herdegen will reach out to the homeowner.

4. PRELIMINARY CONCEPT PLAN REVIEW- Red Rock Villas

City Planner Nathan Fuerst stated the purpose of the concept plan review process is to provide feedback to the developer prior to them investing a significant amount of money into their project. This is only an advisory process, and no formal decisions can be made. Planner Fuerst gave Council a brief overview of the Red Rock Villas concept plan. The site is located at 1680 and 1696 4th Avenue. The zoning is MX-3 General Mixed-Use, and the future land use is Mixed Commercial/Residential. The proposal is to build four apartment buildings ranging from 30-42 units each over two phases. Council should consider how the site is designed and if the building locations make sense. Council should also consider if this meets the intent and goals of the comprehensive plan. Member Chapdelaine inquired why this project would be a Planned Unit Development (PUD). Planner Fuerst stated because the city code limits one principal structure or principal building per lot.

Michial Mularoni, who is the applicant and developer of the Red Rock Villa project, gave Council an overview of his concept plan. Mr. Mularoni explained there would be two types of units in this project. The first type is a one-story villa, and the second type is a two-story row house. This is a 100% net zero project and about two-thirds of the parking is enclosed. Each building has its own secure foyer, postal room, elevator to promenade, dog wash, bike repair area, flexible social room, outdoor kitchen, public bathroom, trash chutes, etc. The promenade is landscaped, paved, has its own drains, and snow melt system. The promenade area has K-9 turf, bocce ball, seating area, gas grills, fire tables, etc. Mayor Elliott inquired about the timing between phase one and phase two. Mr. Mularoni stated it would be continuous. Member Chapdelaine inquired about the snow melt system on the promenade. Mr. Mularoni stated each building would have an air-to-air heat pump system. Council agreed this is a well thought out plan and appreciates the outreach for this project.

5. FUTURE MEETING AGENDA ITEMS

City Administrator Joe Hatch stated future meeting agenda items include abatement process, infrastructure projects / priorities, County 38 Trail, and Emergency Response Planning.

6. ADJOURNMENT

Mayor Elliott adjourned the City Council Workshop at 8:32 p.m. on April 20, 2023.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Laurie Elliott, Mayor



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**CITY COUNCIL AGENDA MEETING MINUTES
May 4, 2023**

1. CALL TO ORDER

Mayor Elliott called the City Council Meeting to order at 5:30 p.m. on May 4, 2023.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

Not Present (0): None.

4. ADOPT AGENDA

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

5. SPECIAL ORDER OF BUSINESS

A. Proclamation No. 2023-01- Preservation Month

Mayor Elliott read Proclamation No. 2023-01 for National Preservation month into the record.

6. PUBLIC COMMENTS

No public comments were made.

7. COUNTY ROAD 38 TRAIL

A. Presentation- Kevin Peterson, Washington County Public Works

Kevin Peterson, Design Engineer for Washington County, gave Council an update on the County Road 38 multi-use trail project. This project is slated for construction starting this summer through December. The cost for this trail will be paid for with federal funding, Washington County, and the City of Newport. The city will also complete watermain work in conjunction with this trail project. Mr. Peterson explained the traffic challenges that will come with this project. Mayor Elliott inquired the length of the trail. Mr. Peterson stated the trail will be 0.3 miles in length. Member Sumner inquired about potential speed limits on this road once construction is completed. Mr. Peterson stated MnDot sets the speed limits, but it would most likely remain around 35mph.

City Engineer Jon Herdegen stated the city purchased the watermain equipment associated with this project, so once the contract is awarded, we can move forward with the watermain work. The city will see a cost savings benefit by combining the watermain work into this county trail project.

B. Cost Share and Maintenance Agreement

Member Sumner motioned to approve a Cooperative Agreement between the City of Newport and Washington County for construction costs of County State Aid Highway (CSAH) 38 Multi-Use Trail Project. Seconded by Member Chapdelaine. Approved 5-0.

C. Resolution No. 2023-24- Night Work for County Highway 38 Trail

Mr. Peterson stated they are requesting a variance to the City's noise ordinance to allow overnight work for up to three nights to minimize disruption to traffic and safety.

Member Ingemann motioned to adopt Resolution No. 2023-24 – Night Work for County Highway 38 Trail. Seconded by Member Chapdelaine. Approved 5-0.

8. ADOPT CONSENT AGENDA

- A. Minutes-** April 20, 2023 Regular City Council
- B. Memo-** Purchasing Hockey Boards
- C. Resolution No. 2023-22-** Deed Correction
- D. List of Bills-** \$272,441.65

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

9. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT

City Administrator Joe Hatch stated Sergeant Bill Harrell is unable to attend tonight, but wanted to mention we received training from Sergeant Harrell on the automated external defibrillators (AED's). The AED's will be placed at City Hall, Public Works, and the library.

10. FIRE CHIEF'S REPORT

Fire Chief Steve Wiley stated they had twenty-seven calls in April. The biggest call was a fire at Tinucci's. Other calls included a large electrical fire in the power grid off Maxwell Avenue. There was no danger to the community as it went out once the area was de-energized. Chief Wiley stated the Washington County airboat is now in service. One week after training they were called to do a search on the Mississippi River. Chief Wiley stated they are trying something new with Booya this year. The plan is to hold an in-person Booya on September 17th at the new Fire Station.

11. ENGINEER'S REPORT

A. Lateral Lining Improvements

Engineer Herdegen stated Steve Anderson, who is an engineer with MSA and helps Engineer Herdegen with many design projects for Newport, is in the audience. Engineer Herdegen gave Council an update on the lateral lining project. The pre-construction meeting was last week with Musson Brothers, Inc. (MBI) and their televising subcontractor Equix. The sewer televising work is scheduled to begin this week and will continue for about four weeks. Equix will provide videos weekly to staff who will in turn notify residents so they can consider additional lining work. Superintendent of Public Works Matt Yokiel stated residents may notice green stakes in their yard, which they should leave in place as it shows where the lateral is located. Mayor Elliott reminded residents that the goal of this project is to reduce the rainwater getting into our sewer lines that we pay the Met Council to treat. Engineer Herdegen stated he will update the project website with pictures of the vehicles/trucks, so residents know what to look for. The city will be able to assess the cost of further lining on the private, residential pipe. Engineer Herdegen would like a motion to ask residents if they want to extend the lining and allow for the costs to be assessed. He will prepare a resolution or memo to bring back to Council.

1. Resolution No. 2023-23 Calling for Improvement Hearing

Engineer Herdegen stated the preliminary assessment role did not include one property within the project area. This property is located at 381 7th Street. To assess this property for the lateral lining improvement, they would need to be noticed and we would need to hold a separate improvement hearing. Superintendent Yokiell stated this property may be excluded from the project due to a unique situation. Engineer Herdegen stated Council should postpone calling for the improvement hearing until after the lines are televised.

Engineer Herdegen stated they are meeting with the Minnesota Pollution Control Agency (MPCA) next week regarding the interconnect projects.

12. SUPERINTENDENT OF PUBLIC WORKS REPORT

Superintendent Yokiell stated the river crested last week. The river has subsided by four feet and is projected to drop another three and a half feet over the next week. He warned residents to stay clear of the river as it is still dangerous. Public Works completed the curbside pickup of residential brush from the April 1st storm and is now sweeping streets and flushing hydrants. Superintendent Yokiell stated the 16th and Cedar grit chamber project has started. This is a watershed project to keep sediment and phosphorus from reaching the river and will be completed in one to two months. Public works will start pothole patching next week.

Member Sumner inquired if this was the second grit chamber to be installed. Superintendent Yokiell stated yes as there is a grit chamber located at 15th and Cedar.

13. ADMINISTRATION REPORT

Administrator Hatch stated he spoke to the Director of Public Works in Woodbury to discuss the interconnects and also has a tentative meeting planned with Cottage Grove. Administrator Hatch stated last week was Administrative Professionals Day and next week is Public Service Appreciation Week.

14. MAYOR AND COUNCIL REPORTS

Mayor Elliott stated the Park Board is hosting Summer Family Fun Night on June 6th from 6:00 p.m. to 8:00 p.m. at Loveland Park. There will be games the ice cream truck will be stopping by around 7:00 p.m. if you wish to purchase a treat.

Mayor Elliott stated she attended the 3M priority two meeting for protecting the environment and enhancing outdoor recreational opportunities. There is approximately \$20 million dollars of 3M settlement funds set aside for these items.

Mayor Elliott stated if residents have ice skates they no longer need, they can be dropped off at City Hall. The donated ice skates will be used during the winter at the Newport rinks.

Member Sumner extended an invitation to the Heritage Preservation Commission (HPC) training session on May 10th at 5:00 p.m. After the training session there will be a special lecture on early agriculture in South Washington County.

15. ADJOURNMENT

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

The City Council Meeting was adjourned at 6:30 p.m. on May 4, 2023.

Respectfully Submitted:
Jill Thiesfeld,
Administrative Assistant II

Signed: _____
Laurie Elliott, Mayor



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ANNUAL CHICKEN PERMIT

Name of Applicant: Charissa Vazquez
Address: 1655 2nd Ave. Newport MN 55055
Phone: 651-983-1162

Upon application made by the above name individual and approved by the Newport City Council at its regularly scheduled meeting of _____, and subject to the requirements of Newport City Code Section 600.20, _____ has been granted this permit for the keeping of chickens for property located at: _____.

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

- ☐ Site Plan of Property, identifying property lines, location and size of chicken coop and run
- ☐ Number of chickens to be kept
- ☐ Written consent from 75% of property owners situated within 150 feet from the chicken coop

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

[Signature]
Applicant

City Administrator

Mayor

Fee: \$25

Receipt #: 1506 Date: 3/30/23 Cash: 25.00 Check #: _____









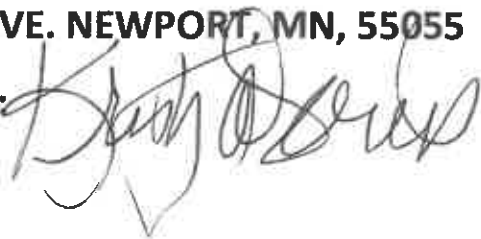
Chicken Approval

I, the surrounding homeowners agree on, the home of
1655 2ND Ave. Newport, MN, 55055, to have chickens at
their property.

Front 2ND Ave.

1668 2ND AVE. NEWPORT, MN, 55055

SIGNATURE:

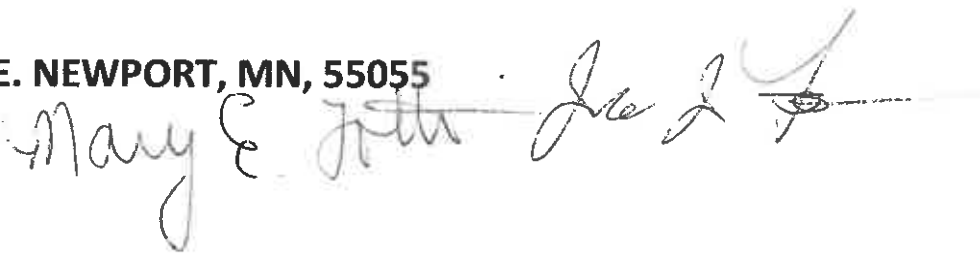


1664 2ND AVE. NEWPORT, MN, 55055

SIGNATURES:

1656 2ND AVE. NEWPORT, MN, 55055

SIGNATURE:



1650 2ND AVE. NEWPORT, MN, 55055

SIGNATURE:



1646 2ND AVE. NEWPORT, MN, 55055

SIGNATURE:



1640 2ND AVE. NEWPORT, MN, 55055

SIGNATURE: 

2ND Ave.

1673 2ND Ave. Newport, MN, 55055

SIGNATURE:

1657 2ND Ave. Newport, MN, 55055

SIGNATURE: 

1645 2ND Ave. Newport, MN, 55055

SIGNATURE:



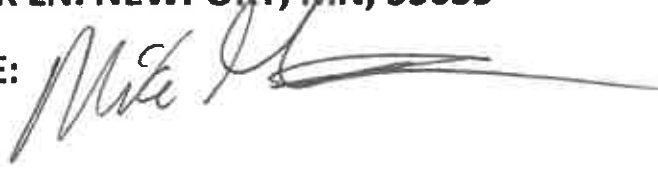
CEDER LN.

1676 CEDAR LN. NEWPORT, MN, 55055

SIGNATURE: 

1664 CEDAR LN. NEWPORT, MN, 55055

SIGNATURE:

A handwritten signature in dark ink, appearing to read "Mike H.", with a long horizontal flourish extending to the right.

1652 CEDAR LN. NEWPORT, MN, 55055

SIGNATURE:

A handwritten signature in dark ink, appearing to read "Jeanette Leseman", with a long horizontal flourish extending to the right.

1640 CEDAR LN. NEWPORT, MN, 55055

SIGNATURE:

A handwritten signature in dark ink, appearing to read "Daniel D. Frang", with a long horizontal flourish extending to the right.



City of Newport, Minnesota ANNUAL CHICKEN PERMIT

Jeremy & Amber Adam
1540 Wild Ridge Court North
Newport, Minnesota 55055

Name of Applicant: Amber Adam

Address: 1540 Wild Ridge Ct. N Newport

Phone: 651-308-0997

Upon application made by the above name individual and approved by the Newport City Council at its regularly scheduled meeting of _____, and subject to the requirements of Newport City Code Section 600.20, _____ has been granted this permit for the keeping of chickens for property located at: _____.

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

- ☐ Site Plan of Property, identifying property lines, location and size of chicken coop and run
- ☐ Number of chickens to be kept
- ☐ Written consent from 75% of property owners situated within 150 feet from the chicken coop

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

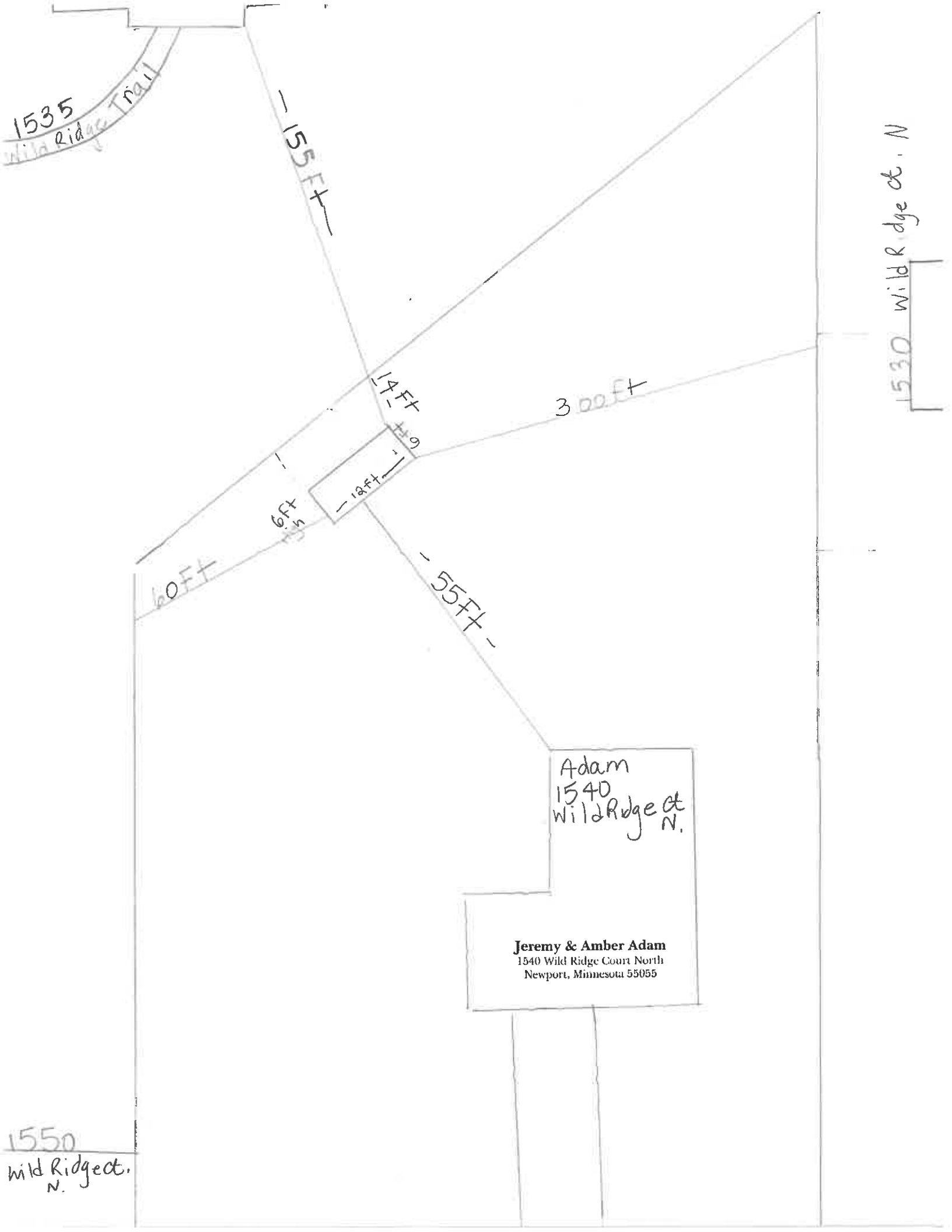
Applicant

City Administrator

Mayor

Fee: \$25

Receipt #: _____ Date: _____ Cash: _____ Check #: _____



1535

Wild Ridge Trail

155 FT

14 FT

300 FT

6 FT
high

12 FT

55 FT

60 FT

Adam
1540
Wild Ridge Ct. N.

Jeremy & Amber Adam
1540 Wild Ridge Court North
Newport, Minnesota 55055

1530 Wild Ridge Ct. N.

1550

Wild Ridge Ct. N.

I John Approve of Jeremy & Amber Adam 1540 Wild Ridge Ct.
N. Newport, having up to 4 backyard hens.

Signature John J. Thiele (John L. Thiele)
Address 1535 Wild Ridge Dr.
Newport 58055

I DAN MATTHEW S Approve of Jeremy & Amber Adam 1540 Wild Ridge Ct.
N. Newport, having up to 4 backyard hens.

Signature

Address

1550 WILD RIDGE CT N
NEWPORT, MN 55055

Jeremy Adam
1540 Wild Ridge Court North
Newport, MN 55055



City of Newport, MN
Resolution No. 2023-28
A Resolution Approving Annual Liquor Licenses

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 (Newport Liquor): Off-Sale
- Cloverleaf Bar and Grill Inc. (Cloverleaf Bar and Grill): On-Sale and Sunday On-Sale
- Opinion Brewing Co LLC (Opinion Brewing Company): Off-Sale, On-Sale and Sunday On-Sale
- Northern Tier Retail LLC (Speedway #4459): 3.2 Off-Sale
- Loupat Corp. (Tinucci's): On-Sale and Sunday On-Sale

; and

WHEREAS, the effective dates of all liquor licenses shall be from July 1, 2023 until June 30, 2024; and

NOW, THEREFORE BE IT RESOLVED, that the City of Newport, Minnesota, approves the applications of Newport Liquor, Cloverleaf Bar and Grill, Opinion Brewing Company, Speedway #4459, and Tinucci's after the following conditions have been met:

1. Provide proof of liquor liability insurance
2. Provide proof of workers' compensation insurance or appropriate form waiving this insurance requirement
3. Successful completion of a background check
4. Renewal fee is paid

Adopted this 18th day of May, 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

Recurring

2162e	MIDWESTONE BANK	03-May-23	\$75.11	Positive pay
2163e	COMCAST	04-May-23	\$161.27	Phone lines and Internet pw building
2164e	COMCAST	04-May-23	\$189.10	Phone lines and Internet City Hall
2165e	UNITED STATES TREASURY	04-May-23	\$11,633.18	SS, Federal & Medicare
2166e	MN REVENUE	04-May-23	\$1,826.27	State taxes
2167e	MSRS	04-May-23	\$3,884.77	HCSP & voluntary retirement
2168e	WEX HEALTH	04-May-23	\$745.73	HSPA
2169e	PSN	11-May-23	\$273.65	Monthly fee for ACH payments on utility bills
2170e	WEX HEALTH	11-May-23	\$33.00	Monthly fees
2171e	WEX BANK	11-May-23	\$3,429.84	Petrol
2172e	HEALTHPARTNERS	11-May-23	\$13,396.13	Health insurance
25588	ATOMIC DATA, LLC	04-May-23	\$694.16	IT support
25589	TRAVIS BRIERLEY	04-May-23	\$229.25	Mileage reimbursement
25590	JOE HATCH	04-May-23	\$387.80	Mileage and lodging reimburseent
25591	SARA-MARIE MALEWITZ	04-May-23	\$105.17	Library mileage and purchases for projects reissue 25222 lost
25592	ALICIA MENDEZ GONZALES	04-May-23	\$337.24	Reimburse overpayment of water utility bill
25593	Metropolitan Council	04-May-23	\$28,864.99	Sewer water cleaning
25594	PERA	04-May-23	\$5,171.24	Retirement
25595	TENNIS SANITATION LLC	04-May-23	\$59.67	PW garage and city hall garbage
25596	WALSH, JAMES AND PATRICIA	04-May-23	\$6,792.00	Reimbursement for state taxes withheld in excess
25597	XCEL ENERGY	04-May-23	\$11,497.47	Natural gas and electricity
25598	MENARDS - COTTAGE GROVE	04-May-23	\$351.72	April 1st storm, 5th Street lift station dehumidifier
25599	TINA LOCKNER	11-May-23	\$83.08	Overpayment of final water bill
	Staff		\$35,288.20	

Non-recurring

25600	ATOMIC DATA, LLC	18-May-23	\$758.23	Monthly IT support
25601	BAUER BUILT, INC	18-May-23	\$965.68	Tires
25602	BOLTON & MENK, INC.	18-May-23	\$2,465.00	City planning
25603	Cardmember Services	18-May-23	\$6,414.40	Credit card purchases
25604	CENTURY COLLEGE	18-May-23	\$975.00	Quarter 2 CEU program
25605	CINTAS	18-May-23	\$588.92	Uniform cleaning
25606	COMPANION ANIMAL CONTROL	18-May-23	\$300.00	Dog catching contract
25607	ECKBERG LAMMERS, P.C.	18-May-23	\$2,202.40	Legal fees
25608	FAIR OFFICE WORLD	18-May-23	\$246.84	Office supplies
25609	FEDERAL SIGNAL CORP SSG	18-May-23	\$15,650.00	Warning siren
25610	FLAHERTY & HOOD, P.A.	18-May-23	\$5,232.50	Legal fees
25611	GERTENS	18-May-23	\$224.00	Grass seed
25612	GOPHER STATE ONE-CALL	18-May-23	\$81.00	Dig markings
25613	GRAINGER PARTS	18-May-23	\$80.02	Spanner wrench
25614	HAWKINS	18-May-23	\$742.50	Water treatment
25615	HKGI	18-May-23	\$3,066.25	Area downtown study
25616	INSTRUMENTAL RESEARCH, INC.	18-May-23	\$51.00	Water testing
25617	INTERNATIONAL UNION OF OP. EN	18-May-23	\$210.00	PW union dues
25618	KREMER SERVICES, LLC	18-May-23	\$896.10	Toolcat arms
25619	LEAGUE OF MINNESOTA CITIES	18-May-23	\$1,810.00	League annual conference 4 attendees
25620	LUBE TECH & PARTNERS, LLC	18-May-23	\$256.50	Lift inspections
25621	MACQUEEN EMERGENCY	18-May-23	\$93.93	Brush 1 nozzle
25622	MCMULLEN INSPECTIONS, INC.	18-May-23	\$655.20	Electrical inspections
25623	MENARDS - COTTAGE GROVE	18-May-23	\$50.85	Water
25624	MINNESOTA DEPARTMENT OF HEA	18-May-23	\$23.00	Marson operator license renewal
25625	MN DEPT. OF TRANSPORTATION	18-May-23	\$15.50	Temporary traffic control
25626	MN OCCUPATIONAL HEALTH	18-May-23	\$68.00	Random testing
25627	MN POLLUTION CONTROL AGENCY	18-May-23	\$45.00	Greten waste water certification
25628	NAPA AUTO PARTS	18-May-23	\$170.48	Rachet tie down
25629	OXYGEN SERVICE CO.	18-May-23	\$24.11	Oxygen supplies
25630	PATHFINDER CRM, LLC	18-May-23	\$1,500.00	Heritage preservation consultant
25631	RUMPCA COMPANIES INC.	18-May-23	\$286.00	Storm cleanup
25632	SAFE-FAST, INC.	18-May-23	\$32.37	Uniform allowance
25633	WASHINGTON CTY PROPERTY REC	18-May-23	\$46.00	Recording abstract
			\$171,736.82	

Wiley	EZCaterSubway	Subway box meals	\$ 173.02	yes
	Amazon Marketplace	Batteries	\$ 74.40	yes
	Amazon Marketplace	Ink	\$ 95.78	yes
	Amazon Marketplace	Flash light, google and utility box	\$ 133.96	yes
	Smartsigns	Die cut lettering and numbers	\$ 145.56	yes
Schulz	Minnesota Govt Fiance Officers	Membership dues	\$ 70.00	yes
	Amazon Marketplace	Desk mat	\$ 68.71	yes
	Target	First aid for office	\$ 27.69	yes
	Menards	Door stops	\$ 33.63	yes
Brierley	Dept. of Labor and Industry	4th quarter 2022 building permit surcharge	\$ 1,264.68	yes
	Dept. of Labor and Industry	1st quarter 2023 building permit surcharge	\$ 697.51	yes
	Amazon Marketplace	Book for library	\$ 19.36	yes
	Adobe Acropro	Monthly software fee	\$ 21.46	yes
	USPS	Postage	\$ 9.56	yes
	Amazon Marketplace	Cups for library project	\$ 16.17	yes
	JoAnn Stores	Supplies for library projects	\$ 52.88	yes
	Adobe Acropro	Monthly software fee	\$ 21.56	yes
	Adobe Acropro	Monthly software fee	\$ 21.46	yes
	Amazon Marketplace	Ziploc bags for library	\$ 47.54	yes
	Amazon Marketplace	Ziploc bags for library	\$ 23.52	yes
Yokiel	Duffy's Minnoco	LP gas	\$ 42.40	yes
	Duffy's Minnoco	LP gas	\$ 75.00	yes
	Duffy's Minnoco	LP gas	\$ 75.00	yes
	Duffy's Minnoco	LP gas	\$ 75.00	yes
	Duffy's Minnoco	LP gas	\$ 67.63	yes
	Duffy's Minnoco	LP gas	\$ 75.00	yes
	Duffy's Minnoco	LP gas	\$ 75.00	yes
	Duffy's Minnoco	LP gas	\$ 64.53	yes
	Duffy's Minnoco	LP gas	\$ 75.00	yes
	Duffy's Minnoco	LP gas	\$ 75.00	yes
Marson	Office Depot	Return Ink	\$ (126.09)	yes
	Office Depot	Return sales tax	\$ (8.05)	yes
	VCN Bulletin	Taxes and tabs on purchase of Vac truck	\$ 1,873.65	yes
	Office Depot	Ink	\$ 79.31	yes
	Tractor Supply	Weed killer	\$ 169.99	yes
	Adobe Acropro	Monthly software fee	\$ 21.46	yes
	Adobe Acropro	Monthly software fee	\$ 16.10	yes
	VCN Bulletin	Replacement plates	\$ 21.52	yes
	Northern Tool Equipment	Batteries	\$ 398.00	yes
	Sams Club	Supplies	\$ 100.22	yes
	United States Flag.com	Flag replacement	\$ 147.31	yes



City of Newport, MN

Financial Status Report

Period ended April 30, 2023

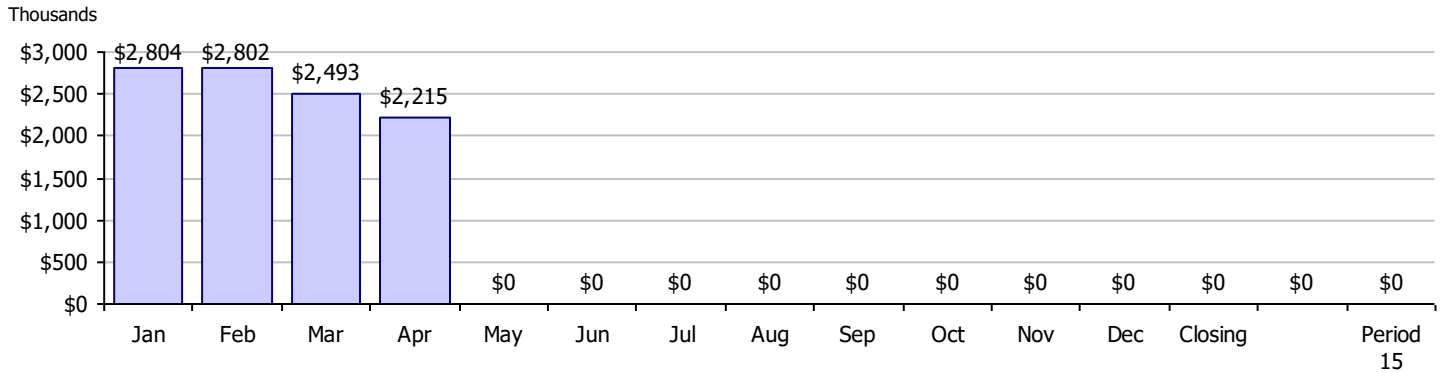
(Un-Audited)

Prepared by:
Administration Department

CITY OF NEWPORT
***Check Reconciliation©**
MidWest One
10100 CASH
April 2023

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Page 1



Account Summary

Beginning Balance o	4/1/2023	\$2,507,031.55
+ Receipts/Deposits		\$374,772.41
- Payments (Checks and Withdrawals)		\$663,069.83
Ending Balance as of	4/30/2023	\$2,218,734.13

Cleared	\$2,218,734.13
Statement	\$2,218,734.13
Difference	\$0.00

Cash Balance

Active	101-10100 GENERAL FUND	\$227,248.74
Active	201-10100 PARKS SPECIAL FUND	\$187,844.85
Active	204-10100 HERITAGE PRESERVATION COMM	\$4,040.38
Active	205-10100 RECYCLING	\$26,357.43
Active	206-10100 FIRE ENGINE	\$0.00
Active	208-10100 BUY FORFEITURE	\$1,319.44
Active	210-10100 CARES: CORONAVIRUS RELIEF FUND	-\$0.18
Active	211-10100 AMERICRESCPLAN	\$208,774.92
Active	225-10100 PIONEER DAY	\$29,542.31
Active	270-10100 EDA	-\$60,405.80
Active	301-10100 2010A G.O. CAPITAL IMP. PLAN	\$3.27
Active	302-10100 2018 BAILEY MEADOWS DEVELOP.	\$9,741.18
Active	303-10100 2012 STREET NORTH RAVINE	\$19,818.88
Active	304-10100 2016B GO BOND WATER RESEVOIR	-\$5,950.25
Active	305-10100 2013 STREET ASSESSMENT	-\$139,722.97
Active	306-10100 2014 STREET ASSESSMENT	-\$26,804.19
Active	307-10100 2016A GO BOND STREET ASSESS.	\$31,154.10
Active	308-10100 CERIFICATES OF INDEBTEDNESS	\$0.00
Active	312-10100 2020 12TH ST & 12TH AVE PROJ	\$68,030.27
Active	313-10100 2000B GO IMP BOND	\$0.22
Active	315-10100 2002A \$690,000 BOND	-\$0.12
Active	316-10100 PFA/TRLF REVENUE NOTE	\$1.29
Active	318-10100 CITY/FIRE HALL	\$73,893.40
Active	321-10100 2006A EQUIP CERTIFICATE	\$0.00

Beginng Balance	\$2,507,031.55
+ Total Deposits	\$374,756.60
- Checks Written	\$666,949.03
Check Book Balance	\$2,214,839.12
Difference	\$0.00

Active	322-10100 2011A GO BONDS	\$116,015.09
Active	401-10100 EQUIPMENT REVOLVING	\$404,864.58
Active	402-10100 2018 BAILEY MEADOWS DEVEL	\$3,975.61
Active	405-10100 T.H. HWY 61	\$2.54
Active	407-10100 2016B GO BOND (WATER RESEVOIR)	\$0.00
Active	408-10100 2016A GO BOND STREET CONST.	\$73,593.77
Active	409-10100 2013 STREET RECON.	\$0.00
Active	410-10100 2014 STREET RECON.	\$3,587.73
Active	411-10100 BUILDING FUND	\$221,755.61
Active	412-10100 2020 12TH ST & 12TH AVE PROJ	\$36,562.69
Active	416-10100 4TH AVENUE RAVINE	\$12,864.40
Active	417-10100 NORTH RAVINE	\$12,624.54
Active	418-10100 CITY/FIRE HALL	-\$126,131.47
Active	422-10100 FEMA-17TH STREET & CEDAR LANE	\$0.00
Active	423-10100 2011A EQUIPMENT CAPITAL	\$0.00
Active	601-10100 WATER FUND	\$207,880.76
Active	602-10100 SEWER FUND	\$375,787.48
Active	603-10100 STREET LIGHT FUND	\$119,620.21
Active	604-10100 STORM WATER FUND	\$96,948.41
	Cash Balance	\$2,214,839.12

INVESTMENTS

Apr-23

RBC-Weath Management

ENERBank USA	7/22/2019	7/21/2023	1,456	125,000	2.30%	123,958.75	101
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Texas Ex. Bank	6/19/2020	6/19/2025	1,820	120,000	1.00%	110,085.60	101
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Accrued Interest	all CDs in Investment	1,207.43
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Sub-total Investments GASB 40	235,251.78
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RBC-Wealth Management

Forbright Bank	11/2/2022	11/2/2026	1,460	150,000	4.60%	148,473.00	401
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Accrued Interest	all CDs in Reserve Investment	548.22
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Sub-total Reserve Investments GASB 40	149,021.22
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Ehlers Inv-TDAmeritrade

Money Market	2/15/2019	N/A	8,350,000	Var.	8,362,396.17
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CENTRAL BANK

Checking	2,218,734.13
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Total Cash, Investments and CD's	10,965,403.30
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Ehlers Inv by Acct.	101-\$2,250,000	201-\$420,000	225-\$20,000	270-\$2,050,000
	306-\$500,000	410-\$170,000	411-\$425,000	
	601-\$890,000	602-\$1,365,000	603-\$160,000	604-\$100,000

CITY OF NEWPORT
***Cash Balance Investments**
Cash Account: 10100
April 2023

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Fund	Begin 2023	Receipts	Disbursements	-----Transfers-----		JE Payroll	Balance NO Investments	Investments	Balance	
				Rec/Disb	Journal Entries					
10100 - MidWest One										
101 - GENERAL FUND	\$1,032,874.24	\$480,453.85	(\$1,175,609.95)	0	\$0.00	(\$110,469.40)	\$227,248.74	\$2,493,595.03	\$2,720,843.77	In Balance
201 - PARKS SPECIAL FU	\$190,844.39	\$31.46	(\$3,031.00)	0	\$0.00		\$187,844.85	\$430,881.00	\$618,725.85	In Balance
204 - HERITAGE PRESER	\$7,039.56	\$0.82	(\$3,000.00)	0	\$0.00		\$4,040.38		\$4,040.38	In Balance
205 - RECYCLING	\$22,324.39	\$8,017.64	(\$3,291.00)	0	\$0.00	(\$693.60)	\$26,357.43		\$26,357.43	In Balance
208 - BUY FORFEITURE	\$1,319.30	\$0.14		0	\$0.00		\$1,319.44		\$1,319.44	In Balance
210 - CARES: CORONAVIR	(\$0.18)			0	\$0.00		(\$0.18)		(\$0.18)	In Balance
211 - AMERICRESCPLAN	\$357,720.67		(\$148,945.75)	0	\$0.00		\$208,774.92	\$0.00	\$208,774.92	In Balance
225 - PIONEER DAY	\$28,657.53	\$1,434.78	(\$550.00)	0	\$0.00		\$29,542.31	\$20,676.00	\$50,218.31	In Balance
270 - EDA	\$280,469.51	\$2,843.30	(\$343,718.61)	0	\$0.00		(\$60,405.80)	\$2,059,817.89	\$1,999,412.09	In Balance
301 - 2010A G.O. CAPITAL	\$3.27			0	\$0.00		\$3.27		\$3.27	In Balance
302 - 2018 BAILEY MEADO	\$234,717.69	\$1.62	(\$224,978.13)	0	\$0.00		\$9,741.18	\$459.00	\$10,200.18	In Balance
303 - 2012 STREET NORT	\$19,815.58	\$3.30		0	\$0.00		\$19,818.88	\$0.00	\$19,818.88	In Balance
304 - 2016B GO BOND WA	(\$5,850.25)		(\$100.00)	0	\$0.00		(\$5,950.25)		(\$5,950.25)	In Balance
305 - 2013 STREET ASSES	(\$41,853.27)		(\$97,869.70)	0	\$0.00		(\$139,722.97)	\$0.00	(\$139,722.97)	In Balance
306 - 2014 STREET ASSES	\$167,875.85	\$172.47	(\$194,852.51)	0	\$0.00		(\$26,804.19)	\$513,536.00	\$486,731.81	In Balance
307 - 2016A GO BOND ST	\$74,963.91	\$5.19	(\$43,815.00)	0	\$0.00		\$31,154.10		\$31,154.10	In Balance
312 - 2020 12TH ST & 12T	\$150,339.31	\$1,215.96	(\$83,525.00)	0	\$0.00		\$68,030.27	\$0.00	\$68,030.27	In Balance
313 - 2000B GO IMP BOND	\$0.22			0	\$0.00		\$0.22		\$0.22	In Balance
315 - 2002A \$690,000 BON	(\$0.12)			0	\$0.00		(\$0.12)		(\$0.12)	In Balance
316 - PFA/TRLF REVENUE	\$1.29			0	\$0.00		\$1.29		\$1.29	In Balance
318 - CITY/FIRE HALL	\$431,101.10	\$12.30	(\$357,220.00)	0	\$0.00		\$73,893.40	\$0.00	\$73,893.40	In Balance
322 - 2011A GO BONDS	\$115,995.79	\$19.30		0	\$0.00		\$116,015.09		\$116,015.09	In Balance
401 - EQUIPMENT REVOL	\$402,055.13	\$2,809.45		0	\$0.00		\$404,864.58	\$161,490.00	\$566,354.58	In Balance
402 - 2018 BAILEY MEADO	\$3,974.94	\$0.67		0	\$0.00		\$3,975.61	\$80,237.77	\$84,213.38	In Balance
405 - T.H. HWY 61	\$2.54			0	\$0.00		\$2.54	\$0.00	\$2.54	In Balance
408 - 2016A GO BOND ST	\$73,581.51	\$12.26		0	\$0.00		\$73,593.77		\$73,593.77	In Balance
410 - 2014 STREET RECO	\$3,587.13	\$0.60		0	\$0.00		\$3,587.73	\$175,753.00	\$179,340.73	In Balance
411 - BUILDING FUND	\$240,610.37	\$1,295.52	(\$20,150.28)	0	\$0.00		\$221,755.61	\$426,325.00	\$648,080.61	In Balance
412 - 2020 12TH ST & 12T	\$36,916.59	\$6.10	(\$360.00)	0	\$0.00		\$36,562.69	\$0.00	\$36,562.69	In Balance
416 - 4TH AVENUE RAVIN	\$12,862.25	\$2.15		0	\$0.00		\$12,864.40		\$12,864.40	In Balance
417 - NORTH RAVINE	\$12,622.43	\$2.11		0	\$0.00		\$12,624.54	\$447.00	\$13,071.54	In Balance
418 - CITY/FIRE HALL	\$86,628.84		(\$212,760.31)	0	\$0.00		(\$126,131.47)	\$0.00	(\$126,131.47)	In Balance
601 - WATER FUND	\$122,067.70	\$333,516.34	(\$203,895.24)	0	\$0.00	(\$43,808.04)	\$207,880.76	\$890,370.00	\$1,098,250.76	In Balance
602 - SEWER FUND	\$297,000.85	\$401,338.50	(\$277,547.97)	0	\$0.00	(\$45,003.90)	\$375,787.48	\$1,368,717.12	\$1,744,504.60	In Balance
603 - STREET LIGHT FUN	\$111,535.51	\$31,927.35	(\$19,212.27)	0	\$0.00	(\$4,630.38)	\$119,620.21	\$162,984.00	\$282,604.21	In Balance

CITY OF NEWPORT
***Cash Balance Investments**
Cash Account: 10100
April 2023

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Fund	Begin 2023	Receipts	Disbursements	-----Transfers-----		JE Payroll	Balance NO Investments	Investments	Balance	
				Rec/Disb	Journal Entries					
604 - STORM WATER FUN	\$146,260.43	\$60,034.91	(\$102,511.24)	0	\$0.00	(\$6,835.69)	\$96,948.41	\$100,000.00	\$196,948.41	In Balance
	\$4,618,066.00	\$1,325,158.09	(\$3,516,943.96)	\$0.00	\$0.00	(\$211,441.01)	\$2,214,839.12	\$8,885,288.81	\$11,100,127.93	

City of Newport, MN
Resolution No. 2023-25
A Resolution Allowing Assessment of Private Improvements

WHEREAS, pursuant to resolution 2022-35 adopted August 31, 2022 the City of Newport ordered the Lateral Lining Improvements (City Project No. 2022-01), an improvement to 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
3 rd 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, according to Section 34-14 of the City Code, the owner, occupant, or user of the premises shall be responsible for all maintenance and repair from the structure up to the sanitary sewer main and including the service wye, tap, or break-in for unlined sanitary sewer main. The owner, occupant or user of the premises assumes responsibility for lateral lines replaced or lined as part of a public improvement project following final completion of the public improvements project or the expiration of the project warrantee (whichever date is later). When the sanitary sewer main has been previous lined, the city is responsible for repair and maintenance from the outside edge of liner, and

WHEREAS, the contractor for the Lateral Lining Improvements project, Musson Brothers, Inc., has provided unit costs to perform additional lateral lining between the termination of the public project and the existing structure, and

WHEREAS, the City of Newport recognizes that additional CIPP lining on the private portion of sanitary sewer lateral will further reduce the volume of clear water entry into its municipal sanitary sewer collection system, and

WHEREAS, the City and the landowner may enter into an agreement that simultaneously (1) petitions the City for the improvement; (2) waives any irregularities or rights to appeal; and (3) gives the City the right to assess the property for the cost of the sewer project under Minn. Stat. Ch. 429.

NOW, THEREFORE, BE IT RESOLVED,

1. The council will consider petitions from landowners to install additional CIP lateral liners and associated equipment and assess 100% of the additional cost to the benefiting property owner improvement pursuant to Minnesota Statutes, Chapter 429.

Adopted this 18th day of May, 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
Ordinance No. 2023-03

An Ordinance Amending Chapter 34- Utilities, Article II- In General, Section
34-16- Reduction of clear water in the sanitary sewer system

THE CITY COUNCIL OF THE CITY OF NEWPORT DOES ORDAIN THAT (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted, sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. City of Newport City Code, Chapter 34, Article II- In general

Sec. 34-16. Reduction of clear water in the sanitary sewer system.

The city council finds that the discharge of water from roof, surface, groundwater, sump pump, footing tile or swimming pool, or other natural precipitation into the municipal sanitary sewer system has the potential to cause property damage and overload the municipal and regional sanitary sewer systems. The city council therefore finds it essential for the maintenance of health, minimization of property damage, and to maintain the life and capacity of the wastewater treatment system that the provisions of this section be strictly enforced.

- (1) *Applicability.* This article shall apply to all water entering the sanitary sewer system unless explicitly exempted by the city. The city and its representatives are authorized to administer, implement, and enforce the provisions of this article.

- (2) *Definitions.* For the purpose of this article, the following terms are defined:

Clear water means storm water, natural precipitation, melting snow, ground water, roof drainage, ground surface and subsurface drainage, down spout, yard drain, sump pump, foundation drain, yard fountain, pond, swimming pool, cistern overflow, well water, water from industrial or commercial air conditioning systems or any other water that is not required to be treated by state or federal law. Swimming pool water that is required to be treated in accordance with city, county or state regulations shall not be considered clear water.

Sewer service lateral means all sewer service pipes that extend from the municipal sewer main to the structure that it serves.

- (3) *Compatibility with other regulations.* This article is not intended to modify or repeal any other article, rule, regulation, or other provision of law. The requirements of this article are in addition to the requirements of any other article, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other article, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall apply.
- (4) *Prohibition against discharge into the sanitary sewer system.* No person shall discharge or cause to be discharged into the municipal sanitary sewer collection system, or infiltrate into the sanitary sewer system any clear water because of a sump pump, defective plumbing, a defective sewer service lateral or by any other means.
- (5) *Sump pump method of installation.* For all new construction, buildings shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least ten feet away from the inside sanitary floor drain.

A permanent discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe) one inch inside diameter minimum. The discharge pipe must have a check valve within one foot of the floor grade and a union or other approved coupling for easy disconnection for repair or replacement. The discharge shall extend at least three feet outside of the foundation wall.

(6) *Alternate methods of installation.*

- a. The discharge pipe may be connected directly to the municipal underground storm sewer system upon written approval from the superintendent of public works. Connections will only be allowed if the discharge is at a higher elevation than the normal flow level and that an approved backflow prevention device is installed.
- b. The discharge may be connected directly to the municipal curb and gutter system upon written approval from the superintendent of public works. Connections will only be allowed if the pipe is placed under the sidewalk or boulevard and through the back of the curb and that an approved backflow prevention device is installed.

(7) *Inspection.* No property that is connected to the city's sanitary sewer shall be sold unless the seller or buyer has provided a point of sale certification to the city at least two business days prior to closing. The certification shall certify that the property has been inspected and is in compliance with the requirements of this article. Certifications shall be valid for ~~five~~ **ten (10)** years from the date of signature.

The certification shall be in the form provided by the city and requires one digital copy of the televising report be provided to the city along with the written report.

The inspection and certification of sanitary sewer lines must be completed by a qualified person. A qualified person is a plumber licensed by the State of Minnesota or another sewer professional pre-approved by the city.

The fee for inspection and preparation of the certification by the contractor shall be paid by the buyer or seller. There shall be no fee paid to the city.

The superintendent of public works and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties, regardless of the status of the certificate of compliance, for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.

Televised inspections conducted as part of a City-initiated improvements project may, at the sole discretion of the superintendent of public works, be used for preparation of a certification for a period of up to five (5) years from the date of inspection.

(8) *Corrections.* Upon notice that the discharge of clear water on a property is not in compliance with this article, the owner or occupant of the property shall cease from discharging clear water in violation of this article and shall make the necessary repairs and corrections to discharge the clear water in accordance with this article. Discharge of clear water in compliance with this article shall be completed within 90 days of the date of notice of noncompliance, or as determined by the superintendent of public works. A second inspection of the property will be completed by the superintendent of public works or designated representative after 120 days following the notice of noncompliance.

Any deficiencies discovered during a point of sale inspection shall be disclosed prior to closing and shall be corrected within 90 days from the closing. The seller shall provide proof to the city that funds were placed in an escrow account at closing to cover the required repairs.

- (9) *Violations.* A surcharge in an amount duly adopted by the city council and set forth in the city's fee schedule shall be assessed against any property on which clear water is discharged in violation of this article. The surcharge will be charged on the property's municipal utility billing statement if one or more of the following conditions apply:
- a. An inspection as required herein has not been allowed by the property owner or occupant;
 - b. The property owner or occupant fails to make the sewer line cleanout readily available for the inspection;
 - c. The necessary corrections have not been made within the time specified.

A surcharge will be assessed for every day during which the property is not in compliance. If the property owner or occupant reconnects a clear water discharge line to the municipal sanitary sewer system after it has been previously disconnected at the city's or a court's direction, the surcharge shall be increased as described in the fee schedule.

- (10) *Temporary waivers.* The city may grant a temporary waiver from the provisions of this article where strict enforcement would cause a threat of damage or harm to other property, the environment, or public safety because of circumstances unique to the individual property or due to weather conditions. A written request for a temporary waiver must be first submitted to the superintendent of public works specifying the reasons for the temporary waiver.

If a temporary waiver is granted, the property owner shall pay an additional fee for sewage service charges based on the number of gallons discharged into the city's sanitary sewer system as estimated by the superintendent of public works.

The superintendent of public works may set conditions to the temporary waiver. The superintendent of public works may terminate the temporary waiver upon a failure to comply with any conditions imposed on the temporary waiver. The superintendent of public works must give a five-calendar day written notice of the termination to the property owner and occupant setting forth the reasons for the termination. After expiration or termination of a temporary waiver, the property owner shall comply with the provisions of this article.

If, as part of a City-initiated improvements project, the property owner elects to install a cured in place pipe (CIPP) liner within the sanitary sewer lateral from the point of connection to the sewer main to the principal structure, the property will be granted a temporary waiver of the provisions of this article for a period of fifteen (15) years.

- (11) *Appeals.* Applications for appeal of any administrative determination made pursuant to this article shall be addressed in writing to the city administrator within 30 days of the determination.

Applications shall at a minimum identify the property for the appeal is sought, the name of the property owner, and describe in detail the determination which is being appealed. Within 60 days of receipt of the application, the city council shall make its decision on the matter and send a written copy of such decision to the property owner by mail.

- (12) *Severability and validity.* The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances be declared by a court of competent jurisdiction to be

invalid, such invalidity shall not affect the validity of other provisions or application of this article.

(Ord. No. 2019-04, 11-7-2019)

Editor's note(s)—Ord. No. 2019-04, adopted Nov. 7, 2019, repealed § 34-16, and enacted a new § 34-16 as set out herein. The former § 34-16 pertained to discharge of stormwater or surface water into a public utility prohibited and derived from 1997 Code, § 1000.16.

Adopted this 18th day of May, 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



Ph: (952) 890-0509
Fax: (952) 890-8065
Bolton-Menk.com

Since moving into the building on the parcels addressed 1144 Hastings Ave & 1139 Tibbets Pl, the bioLawn staff have made a number of improvements to the structure as described in the narrative attached to this report. According to the Applicants, the cost of the improvements to the building has been high and resulted in consideration for how to bring in additional income to continue the remaining planned improvements.

In early 2023, City staff were approached by KOR Fitness, another locally operated business seeking space that was properly zoned for the use, which is a Fitness Center. An opportunity was identified by the bioLawn team for the use of the structure located at 862 12th Street South (PID 3602822310067) and a request for consideration of that use was made to the City.

Upon Staff review of the request, it was identified that several specific approvals would be required in order to facilitate this proposal.

1. **Requirement to amend the bioLawn CUP** (Resolution 2022-18) – The City’s approval of the bioLawn request in 2022 allowed bioLawn to use all three parcels on the block bound by Hastings Ave., Tibbets Pl., 9th Ave., and 12th St. One condition of approval was that all three parcels be combined to consolidate the land uses onto one property governed by the CUP.
2. **CUP Requirement for KOR Fitness** – City code requires a Conditional Use Permit for the use “Fitness and recreation centers, in a mixed-use building”

These required requests have been made to the City and a review follows.

bioLawn CUP Amendment

As stated above, Resolution 2022-18 approved the establishment of the use “Contracting offices” on PID’s 3602822310120, 3602822310066, and 3602822310067. The Conditional Use Permit is attached to this staff report, however one condition of approval impacting this request is listed below:

4. *PIDs 3602822310120, 3602822310066, and 3602822310067 will be combined into one parcel, to which this Conditional Use Permit will be recorded at the expense of the applicant.*

The Applicant has not yet combined the parcels as required in Resolution 2022-18. There was no required time limit for the combination, but staff suggest that a time limit be provided should the City wish to approve this request.

The following City Code requirements guide staff’s interpretation of how to process this proposal. Staff comments are provided in *italics* to the summarized code requirements.

- Section 36-11 of the City code prohibits lots from having more than one Principal Structure.

Staff Comment: *This code section prevents the use of the northern building by any other tenant. Any permitted or conditional use would be a principal use and cause an interpretation that the structure is a principal structure, which violates the City Code standard above.*

- Section 36-45 of the City code requires that uses be established on the site for which a CUP has been granted within one year or the CUP will become null and void.

Staff Comment: *This code section also suggests that bioLawn has to use the northern building property or the CUP will not apply to that area.*

- Section 36-242 of the City Code, as amended by the Council through Ordinance 2022-03 at the request of the Applicant, requires that land for Contracting Offices be at least one acre in size.

Staff Comment: *This code section requires that the bioLawn use occupy at least one acre. The two parcels that will be combined subject to Resolution 2022-18 are one acre in size according to data from Washington County.*

Staff have therefore identified that the simplest way to permit the request from bioLawn and KOR Fitness is to amend the existing bioLawn CUP. The amendment would remove the northern parcel addressed 862 12th Street (PID 3602822310067), leaving the bioLawn CUP to govern the one acre of land that the use is currently established on.

The KOR Fitness CUP, if approved, would then govern the use of the northern parcel separately. In the event bioLawn wishes to resume the use of that parcel they would be required to request another CUP amendment, and would then be required to combine the parcel in with their existing property.

KOR Fitness CUP Review

Kor Fitness & Performance is a business local to the City of Newport. According to the Applicant's narrative, the business was purchased in 2021 and has since experienced growth, necessitating a new location.

Land Use Review

City Code Section 36-241, Uses in Nonresidential Districts, permits "Fitness and recreation centers, in a mixed-use building" through a CUP. In this case, the request is not to locate a fitness center in a mixed use building, but staff find that this requested use is acceptable on the following basis:

- Section 36-48 allows the City to approve "substantially similar uses". This use literally applies but for the location in a mixed use building.
- Fitness centers are just as commonly located in their own building as in a multi-use building. Fitness centers require space which is proportional to the services that they provide. The City will have an opportunity to mitigate concerns it may have through the CUP process.

Business Services

Per the Applicants narrative, KOR Fitness and Performance provides the following services:

- Group Fitness Classes (ie. CrossFit)
- Personal Training
- Nutrition
- Sport Team Training

The Applicant has indicated that there is currently one employee with two fitness contractors. Operating hours for the business are stated as follows:

- Monday - Thursday 5 AM - 8 PM
- Friday 5 AM - 7 PM
- Saturday 7 AM - 1 PM
- Sunday 9 AM - 1 PM

Noise Impacts

There are five overhead doors on the subject building's east side. Those doors face the residential uses across 9th Avenue. Fitness Centers and Gyms commonly utilize speaker systems. The Applicant has stated the following about mitigating possible noise impacts:

We plan to have a audio specialist help us minimize noise during early hours of the day and keep doors closed.

Although no other information is provided by the applicant on mitigation of possible noise-related impacts, staff note that some of the planned interior improvements will naturally dampen sound. This was noted by the Planning Commission as an area of concern which could affect surrounding properties. As such, staff are proposing the following conditions:

- Noise mitigation of interior speaker systems shall be provided to prevent audible detection above the level of ambient noise at the property line of residential uses across 9th Avenue and 12th Street.
- Exterior speaker systems of any kind may not be used on site.
- Outdoor fitness activities and services related to the principal use shall not occur outside of the principal structure on the property.

One reason for not providing a specific level of decibels allowed is that the level of ambient noise in urban areas fluctuates throughout the day. To acknowledge the fluctuations in ambient noise, and allow for sensitivity to the time of day, staff propose a condition that does not allow for any detection of noise at the property boundary of the residential properties surrounding this site.

Parking

The Applicant is proposing 21 parking spaces on this site to satisfy the parking demand.

City Code Section 36-161(6) establishes the number of parking stalls required to serve land uses in the City. For instances where there is no specified requirement the following provision applies:

Uses not specifically mentioned: As shall be determined by the zoning administrator.

The most restrictive unit count of parking spaces to floor area found in the Newport City Code is one parking space to every 250 square feet of floor area dedicated to a use. In the absence of information on fitness class sizes and peak demand, staff suggest using the most conservative ratio in city code for this use.

Staff calculate the floor area dedicated to the principal use, Fitness Center, to be 5300 square feet based on the scaled drawing submitted by the Applicant. Using the proposed parking ratio and floor area, the required parking for the Fitness Center would be 21.2 parking stalls.

Staff reviewed the parking plan for dimensions required in City Code. The parking plan appears to allocate stalls incorrectly based on the dimensions on the site, however the total parking provided appears to be accurate. The plan should be revised to reflect the following dimensions:

- 24' two-way drive lane

- 18' stall length and 9' stall width

At a minimum, staff propose the following conditions of approval to ensure that the parking area will meet City requirements.

- Parking plan be revised to demonstrate compliance with parking stall and drive width size requirements and shall be approved by the Zoning Administrator prior to establishing the use on site.
- Upon review of the parking plan and existing conditions once the use is established, the Zoning Administrator may specify and require that a barrier be provided to delineate the parking area and prevent cars from overhanging into the City right of way along 9th Avenue.
- Property Owner is responsible for coordinating improvement of the parking area to include curbing and boulevard area along 9th Avenue at the time of street reconstruction as scheduled by the City.
- Parking surface be brought into compliance or maintained to remain in compliance with Section 36-161 (5)(a).
- Parking stalls be painted or marked prior to the establishment of this use. The asphalt area bound by the 5' parking setback and City Right of Way on 9th Avenue shall be marked for no parking.

Site and Building Improvements

KOR Fitness is working on plans for the interior buildout of the structure to suit their proposed use. Such improvements will require a building permit and will be reviewed for consistency with the building code.

There are no exterior improvements specific to the Fitness Center use that KOR Fitness is proposing at this time. This means that no review has been done for such features as signage, lighting, building materials and color, landscaping, etc.

The Property Owner, JAHW LLC, will continue to own the property and is expected to continue to maintain the property or to make improvements over time consistent with the site plan approved through Resolution 2022-18. Should the Property Owner or KOR Fitness seek to make such improvements, they will need to be reviewed and permitted by the City as necessary. Improvements to the site will need to continue to meet City requirements for commercial uses in the Mx-3 zoning district.

Conditional Use Permit

The applicant has requested a conditional use permit anticipating that one will be required based on feedback from the City Council. This is advantageous for the City because it allows closer consideration and regulation of this proposed use to limit impacts on surrounding properties.

Criteria for Consideration

The Planning Commission and City Council are required to consider criteria a – h in City Code Section [36-45 \(d\)\(3\)](#) when determination whether to approve a Conditional Use Permit request.

Headings for those criteria are provided below:

- a) Consistency with the Comprehensive Plan*
- b) Health and Safety*
- c) Compliance with standards*
- d) Public infrastructure services*
- e) Screening and landscaping*
- f) Architectural standards*
- g) Zoning*

h) Traffic

Consistency with Criteria

Staff have reviewed the applications and find that them generally consistent with the criteria established in Section 36-45. Findings relating to a review of both requests are below.

- a) The proposed uses are in compliance with the nature of the guided future land use established in the City's 2040 Comprehensive Plan.
- b) Provided that noise and site circulation impacts can be effectively mitigated, staff find that this use does not negatively impact health, safety, or the general welfare of residents in the City or surrounding properties.
- c) The proposed use will be compliant with existing standards, and is likely to remain compliant with applicable city standards in the future.
- d) Adequate public infrastructure and utilizes serve the site, the proposed use will not exceed or significantly impact existing infrastructure or utilities.
- e) Screening and landscaping on site are found to meet City expectations and will be required to remain or be brought into compliance if found not to be.
- f) No exterior improvements are proposed which would trigger design requirements or review.
- g) Provided the proposed use receives a CUP, it will be consistent with the City's adopted zoning code.
- h) Traffic impacts of this use are not found to be over that which can be managed and absorbed by existing site access or public infrastructure.

Conditions of Approval

City Code section 36-45(d)(5) establishes considerations relating to review of sites and address various performance issues on an individualized basis. Staff propose the following

Amended CUP Conditions bioLawn (Resolution 2022-18)

Staff recommend the following changes to the original conditions for the bioLawn site established by Resolution 2022-18:

1. All conditions established in Resolution 2022-18 shall remain in complete effect except for condition #4, requiring a combination of PIDs 3602822310120, 3602822310066, and 3602822310067.
2. The Conditional Use Permit issued through Resolution 2022-18 shall only apply to the Parcels with PIDs 3602822310120 and 3602822310066.
3. PIDs 3602822310120 and 3602822310066 will be combined into one parcel to which this Conditional Use Permit will be recorded, at the expense of the applicant, within one year of approval.

CUP Conditions for KOR Fitness

1. Applicant must receive any required city permits prior to beginning any work on site.
2. Applicant must receive any required watershed permits prior to beginning any work on site.
3. Applicant must receive any required state permits or licenses, keep such permits or licenses up to date, and furnish documentation of permits or licenses to the city upon request.
4. Property Owner is responsible for the timely payment of property taxes and utility fees as directed by Washington County and City of Newport.

5. Outside storage is not permitted anywhere on the site, except the daily parking of vehicles consistent with Sec. 36-162(4)(a).
6. Noise mitigation of interior speaker systems shall be provided to prevent audible detection at the property line of residential uses across 9th Avenue and 12th Street.
7. Exterior speaker systems of any kind may not be used on site.
8. Outdoor fitness activities and services related to the principal use shall not occur outside of the principal structure on the property.
9. Parking plan be revised to demonstrate compliance with parking stall and drive width size requirements and shall be approved by the Zoning Administrator within 6 months of approval.
10. Upon review of the parking plan and existing conditions once the use is established, the Zoning Administrator may specify and require that a barrier be provided to delineate the parking area and prevent cars from overhanging into the City right of way along 9th Avenue.
11. Property Owner is responsible for coordinating improvement of the parking area to include curbing and boulevard area along 9th Avenue at the time of street reconstruction as scheduled by the City.
12. Parking surface be brought into compliance or maintained to remain in compliance with Section 36-161 (5)(a).
13. Parking stalls be painted or marked prior to the establishment of this use. The asphalt area bound by the 5' parking setback and City Right of Way on 9th Avenue shall be marked for no parking.
14. A trash enclosure, meeting applicable City standards, must be constructed if refuse is to be stored outdoors outside of regular collection.
15. Landscaping shall be provided or routinely maintained to meet applicable city standards.
16. Site improvements must conform with those proposed in the site plans reviewed at the City Council meeting on May 18, 2022. Deviations from the reviewed plans must be reviewed consistent with Sec. 36-51.
17. The hours of operation shall be 5 a.m. to 10 p.m. Monday through Friday and 7 a.m. to 9 p.m. on Saturday and Sunday.

Public Hearing

A public hearing was properly noticed and held in accordance with City Code and Minnesota State Statutes. The public hearing took place at the regular meeting of the Planning Commission on May 9, 2023. Members of the public were in attendance at the meeting but provided no comments on the requests. Staff have not received any comments on these requests as of the date of this report.

Planning Commission Recommendation

The City's Planning Commission heard staff's report on the requests and held a discussion at the regular meeting on May 9, 2023. During its discussion, the Commission asked clarifying questions based on the request, heard from and asked questions of the applicants for both requests. The commission focused on impacts from the use and discussed noise impacts as a chief concern. The representative of KOR Fitness was asked about the plan for soundproofing to ensure that any noise from the use would not be impactful to the surrounding properties.

The Commission unanimously voted to recommend approval of both CUP requests to the City Council with the findings and recommendations proposed by staff.

Staff Recommendation

Staff find that the request for an amendment to the CUP granted through Resolution 2022-18 and the request from KOR Fitness to establish a fitness center on PID 3602822310067 are consistent with the criteria for CUP approval established in City Code Section 36-45 (d)(3). Thus, staff are recommending conditional approval.

Name: bioLawn & KOR Fitness CUP Request
Date: May 18, 2023
Page: 8

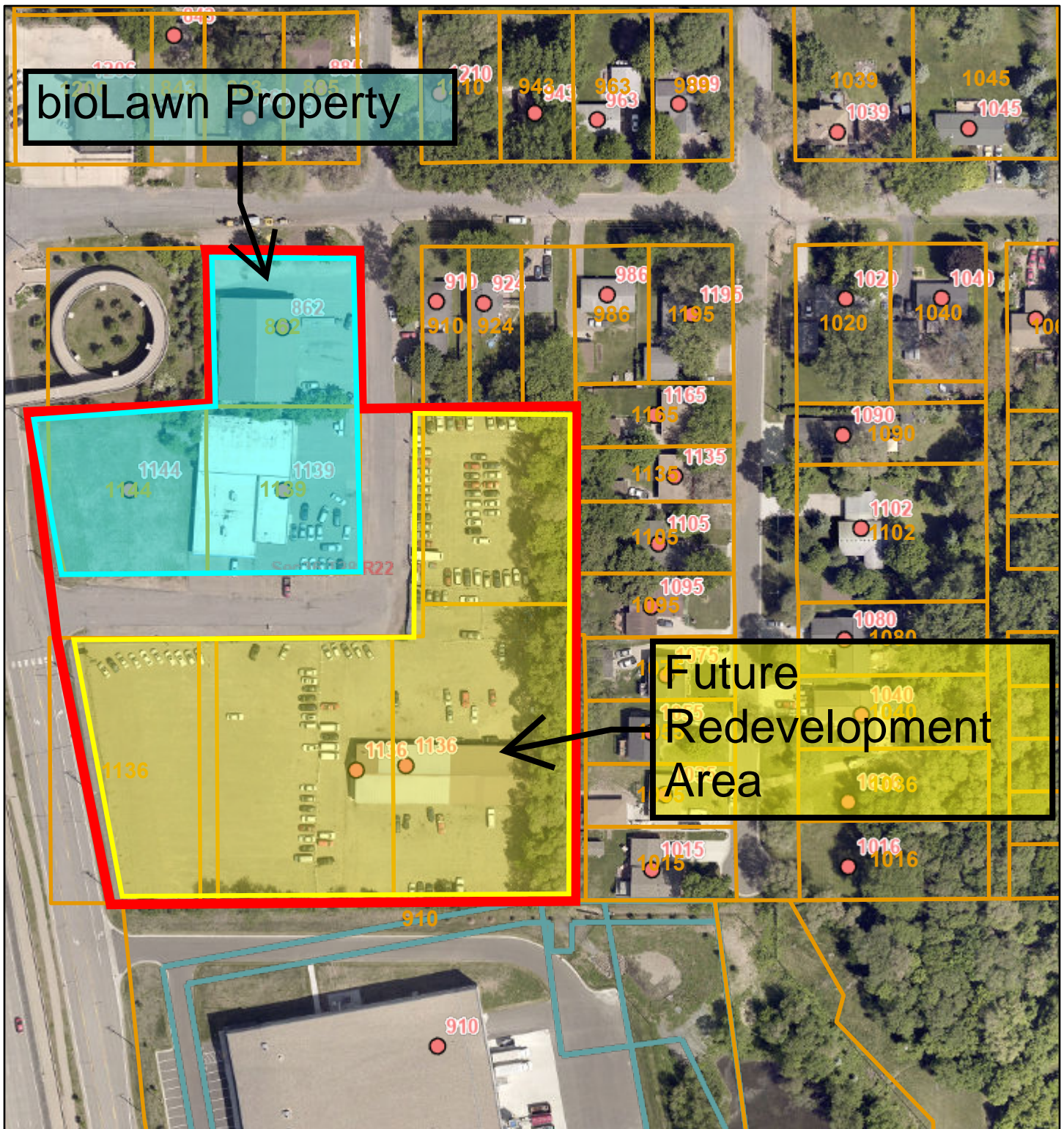
If the City Council is satisfied that the Conditional Use Permit Requests meet the criteria for approval established in city code, then it should consider the following motions:

- **“Move Adopt Resolution 2023-26 approving the CUP Amendment request by bioLawn with the findings and conditions proposed by staff”**
- **“Move Adopt Resolution 2023-27 approving the CUP request by KOR Fitness & Performance with the findings and conditions proposed by staff”**

Resources:

- Location map (attached)
- Application Documents (attached)
- Staff Report – City Council Meeting, May 19, 2022. ([link only](#))
- Citywide Zoning Map ([link only](#))
- 2040 Comprehensive Plan ([link only](#))

Subject Area



2/4/2022, 4:35:50 PM

1:2,257

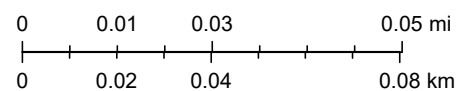
Parcels

Sections

Easement Lines

COMPUTED UTILITY_DRAINAGE

Address Points



Esri Community Maps Contributors, County of Dakota, Metropolitan Council, MetroGIS, Washington County, MN, © OpenStreetMap, Microsoft, Esri Canada, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA

City of NEWPORT Planning Request Application

Newport City Hall ♦ 2060 1st Avenue ♦ Newport ♦ Minnesota ♦ 55055 ♦ Phone 651-459-5677 ♦ Fax 651-459-9883

Application Date: MARCH 21st, 2023 Public Hearing Date _____

Applicant Information

Name: KOR FITNESS & PERFORMANCE (BRAEDEN CORBIS) Telephone: (651) 387-9854

Mailing Address: 785 20th St UNIT 300 Telephone: _____

City/State/Zip: NEWPORT/MN/55055

Property Owner Information

Name: BIO LAWN Telephone: (651) 967-7592

Mailing Address: 1144 Hastings Ave Telephone: _____

City/State/Zip: Newport/MN/55055

Project Information

Location of Property: 862 12th St. Newport, MN 55055

Legal Description of Property (Must match description on the Deed) and P.I.D. #: _____

NEWPORT LOT 4 BLOCK 18

PID # 36.028.22.31.0067

Zoning District: MX-3

Flood Plain: AE 0.2% Annual Chance Flood Hazard

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | \$500 or Actual Cost plus \$50 for Additional Staff Hours (10 Hr Min) |
| <input type="checkbox"/> Rezoning | \$500 plus Escrow |
| <input type="checkbox"/> Zoning Amendment | \$500 |
| <input type="checkbox"/> Variance | \$300 plus Escrow |
| <input checked="" type="checkbox"/> Conditional Use Permit | |
| <input type="checkbox"/> Residential | \$300 plus Escrow |
| <input checked="" type="checkbox"/> Commercial | \$450 plus Escrow |
| <input type="checkbox"/> Subdivision Approval | |
| <input type="checkbox"/> Minor Subdivision | \$300 plus Escrow and Parkland Dedication Fee |
| <input type="checkbox"/> Major Subdivision | \$500 plus Escrow, \$50 per Lot, \$200 for Final Plat, and 10% of land value or fee for Parkland Dedication Fee |
| <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Applicable Zoning Code Chapter: <u>36-241</u> | |
| <input type="checkbox"/> Review by Engineer Cost: _____ | |
| <input type="checkbox"/> Total Cost: _____ | |

Escrow Fees

The City of Newport requires that any developer or every person, company, or corporation that is seeking a planning request must first submit detailed plans to the City. The person submitting the planning request must also submit prepayment to the City to cover any expenses that the City incurs by investing extensive amounts of time reviewing these plans. All unused escrow fees will be returned to the applicant upon completion of the request. Additionally, if actual costs are above the paid escrow, the applicant will be required to pay the additional amount. The fees are as follows:

Planning Request	Escrow Fee
Rezoning	\$500
Street/Alley Vacation	\$1,000
Residential Variance	\$500
Commercial Variance	\$1,000
Residential Conditional Use/Interim Use Permit	\$750
Commercial Conditional Use/Interim Use Permit	\$1,000
Preliminary Plat Under 10 Acres	\$3,500
Preliminary Plat Over 10 Acres	\$6,500
Residential Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
8 Units or Less	\$2,000
9 to 40 Units	\$3,200
41 Units or More	\$4,500
Commercial Minor Subdivision, Major Subdivision, Site Plan Review, Final Plat, and Planned Unit Development:	
0 to 5,000 Square Foot Building	\$2,000
5,001 to 10,000 Square Foot Building	\$3,000
10,001 to 50,000 Square Foot Building	\$3,750
50,000 Plus Square Foot Building	\$4,500

Typical escrow costs include reviewing the application to ensure that State Statutes and the City Codes are followed, preparing the staff report, findings, and recommended conditions for both the Planning Commission and City Council, and communicating with the applicant as needed to complete the staff report. The average fee is \$100 per hour for the Planner and \$70 per hour for the Engineer.

Present Use of Property: Parking and storage garage.

State Reason for Planning Request: I bought ? took over Made2Live Fitness in July of 21'. Since then we have grown the gym from 28 members to over 110. In order to keep delivering the best experience we need to expand to a bigger space. This will allow us to keep growing ? service the surrounding communities. We will be running 34 classes a week, starting at 5:15am ? ending most days at 8:00 pm. We plan to have a audio specialist help us minimize noise during early hours of the day ? keep doors closed. In addition, use public trails along Hastings Ave for group runs. We plan to utilize this space as a fitness facility to become a pinnacle of health ? wellness for Newport ? the surrounding communities.

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

I HEREBY APPLY FOR CONSIDERATION OF THE ABOVE DESCRIBED REQUEST AND DECLARE THAT THE INFORMATION AND MATERIALS SUBMITTED WITH THE APPLICATION ARE COMPLETE AND ACCURATE. I UNDERSTAND THAT APPLICANTS ARE REQUIRED TO REIMBURSE THE CITY FOR ALL OUT-OF-POCKET COSTS INCURRED FOR PROCESSING, REVIEWING, AND HEARING THE APPLICATION. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO: PUBLICATION AND MAILING OF NOTICES, REVIEW BY THE CITY'S ENGINEERING, PLANNING AND OTHER CONSULTANTS; LEGALS COSTS, AND RECORDING FEES. AN ESCROW DEPOSIT TO COVER THESE COSTS WILL BE COLLECTED BY THE CITY AT THE TIME OF APPLICATION. ANY BALANCE REMAINING AFTER REVIEW IS COMPLETE WILL BE REFUNDED TO THE APPLICANT. NO INTEREST IS PAID ON ESCROW DEPOSITS

SIGNATURE OF APPLICANT: _____

SIGNATURE OF OWNER (IF APPLICABLE): _____

For Office Use

Fee: _____ **Date Paid:** _____ **Receipt #:** _____

Publication of Notice Date: _____

Public Hearing Date: _____

P.C. Resolution #: _____

Council Action Date: _____

Council Resolution #: _____

April 19, 2023

Dear City of Newport Council Members,

bioLawn, a locally owned and operated company since 2016, seeks your approval for an amended conditional use permit for the properties located at 1144 Hastings Ave, 1139 Tibbetts Place and 862 12th Street.

bioLawn requests an amendment for the following reasons:

- bioLawn's original CUP required merging the 3 parcels into 1 parcel
- bioLawn seeks to rent the 862 12th St building to KOR Fitness
- City staff has advised bioLawn that in order for KOR Fitness to receive a CUP, the parcel requirement of bioLawn's CUP needs to be amended.

A timeline of activities

- bioLawn obtained a conditional use permit from the city in May of 2022.
- bioLawn completed purchase of the property at the end of July 2022.
- bioLawn immediately began cleaning up the site and making property improvements (see below for details)
- bioLawn moved into the property in December 2022

A summary of improvements made to the property

- Repair of damaged and disintegrating block
- New roof on one of the buildings
- Roof repairs on the other buildings
- Complete environmental cleaning of the floors in all buildings
- Removal of barbwire from the fencing
- Cleaning out of dirt, leaves and trees in the fencing
- Removal of all trash from the site - interior and exterior - over 5 dumpster loads
- Parking lot cleaning/sweeping
- Removal of plants growing into the buildings
- Painting of the entire inside of the building
- New flooring in the office space of the building
- Replacing lighting fixtures to LED
- New - updated awning
- New heating and cooling units
- Repair of existing heating and cooling units
- New garage door
- Repair of existing garage doors

A summary of scheduled improvements

- Exterior painting of the block building - we are under contract for work to begin in May 2023
- Repair of potholes at entrances to site - we are under contract for work in Spring 2023
- General asphalt repair and maintenance - we are under contract for work in Spring 2023
- Regular maintenance of grassy areas on site to improve the look - 2023

It is our belief that we have made significant progress in improving the properties. We have plans to continue improving the appearance and quality of the property during 2023 and continuing in the years to come.

bioLawn remains committed to operating an upstanding business in the City of Newport so that both bioLawn and the city may flourish for years to come. We have committed to participate on a committee to help with the zoning planning work. We have wonderful employment opportunities for city residents. We are utilizing businesses located in the City of Newport to secure goods and services.

We are seeking to bring KOR Fitness onto the property and thus the request for an amended CUP. For bioLawn, bringing KOR Fitness onto the property will provide additional income. The cost to make the mentioned and upcoming improvements has been significant. The additional funds generated from the rental will allow us to continue to invest into the property.

Respectfully submitted,

 
Aaron Johnsen & William Haselbauer
Co-owners – bioLawn

EXTG CURB CUT

EXTG CURB CUT

ADJACENT PUBLIC
RIGHT OF WAY

PROPERTY LINE

5' PARKING SETBACK

17 PARKING
SPOTS

5' PARKING SETBACK
PROPERTY LINE

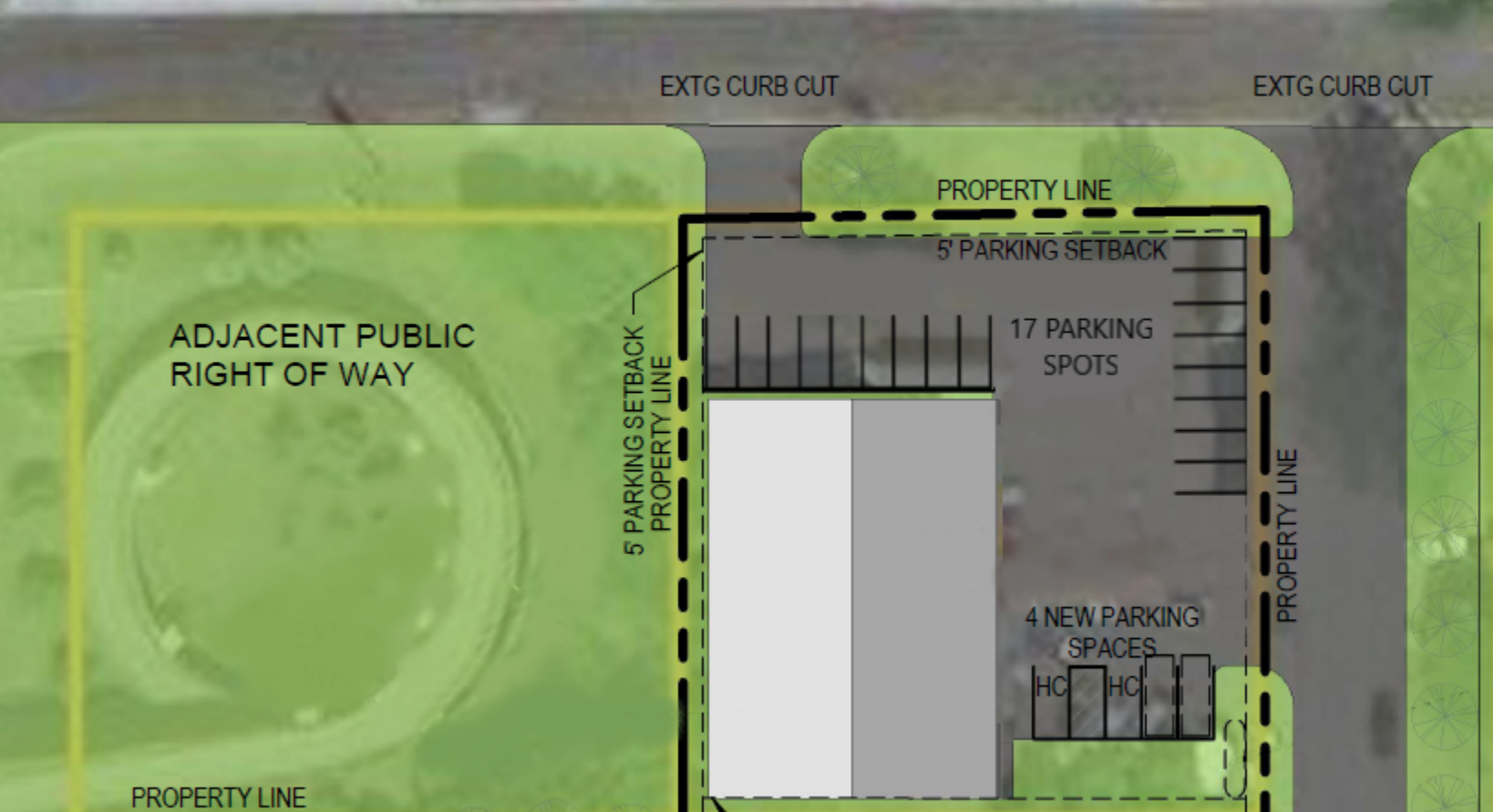
PROPERTY LINE

4 NEW PARKING
SPACES

HC

HC

PROPERTY LINE





1
A1.0

FLOOR PLAN

SCALE: 1/8" = 1'-0"





1 EXISTING BUILDING - WAREHOUSE - EAST
1/8" = 1'-0"



2 EXISTING BUILDING - WAREHOUSE - NORTH
1/8" = 1'-0"



3 EXISTING BUILDING OFFICE AND WAREHOUSE - EAST
1/8" = 1'-0"



4 EXISTING BUILDING OFFICE AND WAREHOUSE - SOUTH
1/8" = 1'-0"



5 EXISTING BUILDING OFFICE AND WAREHOUSE - WEST
1/8" = 1'-0"



BIOLAWN DEVELOPMENT

project no. 03275
drawn by KMF date
reviewed by TK 04.01.2022

ELEVATIONS



Designing with purpose.

BDH.design

1156 Hastings Ave, Newport, MN 55055

EL01

City of Newport, MN
Resolution No. 2023-26__

**A Resolution Approving An Amendment to the Conditional Use Permit For
Contracting Offices Approved by Resolution 2022-18**

WHEREAS, Turf Intelligence, LLC, 7500 Hudson Blvd. N., STE 500, Oakdale, MN 55128 submitted a conditional use permit request which was granted by the City of Newport through Resolution 2022-18 on May 19, 2022; and

WHEREAS, the property is located at existing PIDs 3602822310067, 3602822310066, and 3602822310120, and is legally described as follows:

3602822310067

SubdivisionName NEWPORT PARK Lot 4 Block 18 SubdivisionCd 55040 LOTS 4-6
018 & VAC ALLEY ADJ NEWPORT PARK ADD

3602822310066

SubdivisionName NEWPORT PARK Lot 1 Block 18 SubdivisionCd 55040 LOTS 1-3
018 & VAC ALLEY ADJ NEWPORT PARK ADD

3602822310120

LOTS 10, 11 AND 12, BLOCK 18, NEWPORT PARK, WASHINGTON COUNTY,
MINNESOTA, TOGETHER WITH ADJACENT VACATED ALLEYS; EXCEPT
THAT PART WHICH LIES WITHIN A DISTANCE OF 150 FEET
NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A
POINT ON THE NORTH LINE OF SECTION 36, TOWNSHIP 28 NORTH, RANGE
22

WHEREAS, the property is zoned as MX-3 General Mixed-Use District; and

WHEREAS, the property owner does not require use of the northern parcel at 862 12th St., with a PID 3602822310067, and therefore wishes not to combine the parcel with PIDs 3602822310120 and 3602822310066 to allow for lease of the northern parcel; and

WHEREAS, Section 36-45 of the city code governs conditional use permits, and the process; and

WHEREAS, The city may grant a conditional use permit when the use is consistent with the Zoning Ordinance and Comprehensive Plan, and the City may impose conditions and safeguards to protect the health, safety and welfare of the community. Criteria for evaluating the proposed uses and developing conditions for the variance include the following:

- a) Consistency with the comprehensive plan. The proposed use shall be consistent with the comprehensive plan.
- b) Health and safety. The proposed use shall not negatively impact the health, safety, and general welfare of occupants of surrounding lands and general welfare of the city, including, but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land; the effect on surrounding properties including valuation, aesthetics and scenic views; land uses and character and integrity of the neighborhood; impacts on governmental facilities and services including roads, sanitary sewer, water, and police and fire;

- effects on sensitive environmental features including lakes, surface and groundwater supply and quality, wetlands, slopes, floodplains and soils; and other factors found relevant by the city.
- c) Compliance with standards. The city shall consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in the regulations and ordinances of the city or other governmental bodies having jurisdiction over the city.
 - d) Public infrastructure services. Adequate public facilities and services shall be able to be provided to the site where the use is proposed, and/or existing infrastructure shall be able to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.
 - e) Screening and landscaping. Incompatible impacts of the proposed use shall be screened and buffered from adjacent property and the surrounding neighborhood. The city council may require additional landscaping or screening above that required in the zoning ordinance.
 - f) Architectural standards. The site or building associated with the proposed use shall meet or exceed the architectural design and landscaping standards for the district in which it is located. The city council may require additional architectural standards above those required in the zoning ordinance.
 - g) Zoning. The use shall be consistent with the requirements of the zoning ordinance and the requirements of the zoning district in which the applicant intends to locate the proposed use.
 - h) Traffic. The city shall evaluate the potential generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety based on the proposed driveway locations, the existing and proposed capacity of adjacent roads, sidewalks, and trail connections. The City shall determine that the existing transportation infrastructure is adequate to address the potential traffic or shall require that the potential impacts shall be mitigated; and

WHEREAS, The Planning Commission held a public hearing at its regular meeting on May 9, 2023, found the request to be consistent with the above criteria for approval, and has recommended that the City Council approve the requested revision to the conditional use permit issued through Resolution 2022-18 to allow Contracting Offices at existing PIDs 3602822310067, 3602822310066, and 3602822310120.

WHEREAS, The Newport City Council reviewed the Planning Commission's recommendation and findings on May 18, 2023, and made the following findings in support of granting the CUP with conditions:

- a) The proposed use is consistent with the comprehensive plan, zoning ordinance, and the previous approval granted through Resolution 2022-18.
- b) The proposed use does not raise any additional concern relating to the impacts of the land use on surrounding properties..
- c) The proposed project meets all current, applicable standards and requirements.
- d) The public infrastructure is not expected to be negatively impacted by this use.
- e) The proposed use is adjacent to residential areas and the City has required conditions in Resolution 2022-18 to mitigate concerns relating to impacts.
- f) If work occurs to improve the existing structures, the buildings will be required to be in conformance with City design standards.
- g) The proposed use will be consistent with the City Code, specifically by remaining at or over one acre in size.
- h) The proposed use is not anticipated to measurably increase traffic in the area. There is no concern relating to traffic impacts of this request to amend the CUP granted through Resolution 2022-18.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Newport approves the proposed an amendment to the Conditional Use Permit (CUP) Resolution 2022-18, with the following conditions:

- 1. All conditions established in Resolution 2022-18 shall remain in complete effect except for condition #4, requiring a combination of PIDs 3602822310120, 3602822310066, and 3602822310067.
- 2. The Conditional Use Permit issued through Resolution 2022-18 shall only apply to the Parcels with PIDs 3602822310120 and 3602822310066.
- 3. PIDs 3602822310120 and 3602822310066 will be combined into one parcel to which this Conditional Use Permit will be recorded, at the expense of the applicant, within one year of approval.
- 4. Property Owner is responsible for the timely payment of property taxes and utility fees prior to late fees, penalties or interest charges being applied as directed by Washington County and City of Newport.
- 5. Subleasing, change of use, or change to a similar use requires a meeting with City staff to review existing CUP conditions, zoning requirements, potential permits needed, and other topics to assure owner/sublessor is informed of restriction and requirements prior to proceeding.

Adopted this 18th day of May, 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. 2022-18
A Resolution Approving A Conditional Use Permit Request
For Contracting Offices in the City

WHEREAS, Turf Intelligence, LLC, 7500 Hudson Blvd. N., STE 500, Oakdale, MN 55128 have submitted a conditional use permit request; and

WHEREAS, the location of the conditional use permit is for the property located at existing PIDs 3602822310067, 3602822310066, and 3602822310120, and is legally described as the tax description as follows:

3602822310067

SubdivisionName NEWPORT PARK Lot 4 Block 18 SubdivisionCd 55040 LOTS 4-6
018 & VAC ALLEY ADJ NEWPORT PARK ADD

3602822310066

SubdivisionName NEWPORT PARK Lot 1 Block 18 SubdivisionCd 55040 LOTS 1-3
018 & VAC ALLEY ADJ NEWPORT PARK ADD

3602822310120

LOTS 10, 11 AND 12, BLOCK 18, NEWPORT PARK, WASHINGTON COUNTY,
MINNESOTA, TOGETHER WITH ADJACENT VACATED ALLEYS; EXCEPT
THAT PART WHICH LIES WITHIN A DISTANCE OF 150 FEET
NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A
POINT ON THE NORTH LINE OF SECTION 36, TOWNSHIP 28 NORTH, RANGE
22

; and

WHEREAS, the property is zoned as MX-3 General Mixed-Use District; and

WHEREAS, Section 36-45 of the city code governs conditional use permits, and the process; and

WHEREAS,

The city may grant a conditional use permit when the use is consistent with the Zoning Ordinance and Comprehensive Plan, and the City may impose conditions and safeguards to protect the health, safety and welfare of the community. Criteria for evaluating the proposed uses and developing conditions for the variance include the following:

- a) Consistency with the comprehensive plan. The proposed use shall be consistent with the comprehensive plan.
- b) Health and safety. The proposed use shall not negatively impact the health, safety, and general welfare of occupants of surrounding lands and general welfare of the city, including, but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land; the effect on surrounding properties including valuation, aesthetics and scenic views; land uses and character and integrity of the neighborhood; impacts on governmental facilities and services including roads, sanitary sewer, water, and police and fire;

- effects on sensitive environmental features including lakes, surface and groundwater supply and quality, wetlands, slopes, floodplains and soils; and other factors found relevant by the city.
- c) Compliance with standards. The city shall consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in the regulations and ordinances of the city or other governmental bodies having jurisdiction over the city.
 - d) Public infrastructure services. Adequate public facilities and services shall be able to be provided to the site where the use is proposed, and/or existing infrastructure shall be able to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.
 - e) Screening and landscaping. Incompatible impacts of the proposed use shall be screened and buffered from adjacent property and the surrounding neighborhood. The city council may require additional landscaping or screening above that required in the zoning ordinance.
 - f) Architectural standards. The site or building associated with the proposed use shall meet or exceed the architectural design and landscaping standards for the district in which it is located. The city council may require additional architectural standards above those required in the zoning ordinance.
 - g) Zoning. The use shall be consistent with the requirements of the zoning ordinance and the requirements of the zoning district in which the applicant intends to locate the proposed use.
 - h) Traffic. The city shall evaluate the potential generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety based on the proposed driveway locations, the existing and proposed capacity of adjacent roads, sidewalks, and trail connections. The City shall determine that the existing transportation infrastructure is adequate to address the potential traffic or shall require that the potential impacts shall be mitigated; and

WHEREAS, The Planning Commission held a public hearing at its regular meeting on May 10, 2022, found the request to be consistent with the above criteria for approval, and has recommended that the City Council approve a conditional use permit to allow Contracting Offices at existing PIDs 3602822310067, 3602822310066, and 3602822310120.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Newport approves the proposed variance for 460 12th Street, Newport, MN 55055, to City Council, with the following conditions:

1. Applicant must receive any required city permits prior to beginning any work on site.
2. Applicant must receive any required watershed permits prior to beginning any work on site.
3. Applicant must receive any required state permits or licenses, keep such permits or licenses up to date, and furnish documentation of permits or licenses to the city upon request.
4. PIDs 3602822310120, 3602822310066, and 3602822310067 will be combined into one parcel, to which this Conditional Use Permit will be recorded at the expense of the applicant.
5. Applicant must provide a copy of the recordings of the parcel combination prior to recoding of this Conditional Use Permit.
6. Outside storage is not permitted anywhere on the site, except the daily parking of vehicles consistent with Sec. 36-162(4)(a).
7. Retail sales are not permitted on site.
8. Fleet vehicles are limited to daily operation between the hours of 7am to 7pm.
9. Parking and circulation areas shall be improved to meet applicable city standards.
10. A trash enclosure, meeting applicable City standards, must be constructed if refuse is to be stored outdoors outside of regular collection.
11. Landscaping shall be provided and routinely maintained to meet applicable city standards.

12. Site improvements must conform with those proposed in the site plans reviewed at the City Council meeting on May 19, 2022. Deviations from the reviewed plans must be reviewed consistent with Sec. 36-51.

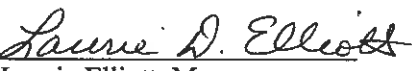
Adopted this 19th day of May, 2022 by the Newport City Council.

Motion by: Johnson,

Seconded by: Ingemann

VOTE:	Elliott	Absent
	Chapdelaine	Aye
	Ingemann	Aye
	Taylor	Aye
	Johnson	Aye

Attest: 
Deb Hill, City Administrator

Signed: 
Laurie Elliott, Mayor

City of Newport, MN
Resolution No. 2023-27
A Resolution Approving a Conditional Use Permit Request
For a Fitness Center in the City

WHEREAS, KOR Fitness & Performance, 785 20th St, Unit 300, Newport MN, 55055 have submitted a conditional use permit request for a Fitness Center at the subject property; and

WHEREAS, the location of the conditional use permit is for the property located at 862 12th Street, with the existing PID 3602822310067, and is legally described as follows:

SubdivisionName NEWPORT PARK Lot 4 Block 18 SubdivisionCd 55040 LOTS 4-6
018 & VAC ALLEY ADJ NEWPORT PARK ADD

WHEREAS, the property is zoned as MX-3 General Mixed-Use District; and

WHEREAS, the City approved an amendment to the CUP granted through Resolution 2022-18 which removed this property from the requirement to be combined with existing PIDs 3602822310066 and 3602822310120; and

WHEREAS, Section 36-45 of the city code governs conditional use permits, and the process; and

WHEREAS, the City may grant a conditional use permit when the use is consistent with the Zoning Ordinance and Comprehensive Plan, and the City may impose conditions and safeguards to protect the health, safety and welfare of the community. Criteria for evaluating the proposed uses and developing conditions for the variance include the following:

- a) Consistency with the comprehensive plan. The proposed use shall be consistent with the comprehensive plan.
- b) Health and safety. The proposed use shall not negatively impact the health, safety, and general welfare of occupants of surrounding lands and general welfare of the city, including, but not limited to the factors of noise, glare, odor, electrical interference, vibration, dust, and other nuisances; fire and safety hazards; existing and anticipated traffic conditions; parking facilities on adjacent streets and land; the effect on surrounding properties including valuation, aesthetics and scenic views; land uses and character and integrity of the neighborhood; impacts on governmental facilities and services including roads, sanitary sewer, water, and police and fire; effects on sensitive environmental features including lakes, surface and groundwater supply and quality, wetlands, slopes, floodplains and soils; and other factors found relevant by the city.
- c) Compliance with standards. The city shall consider whether the proposed use complies or is likely to comply in the future with all standards and requirements set out in the regulations and ordinances of the city or other governmental bodies having jurisdiction over the city.
- d) Public infrastructure services. Adequate public facilities and services shall be able to be provided to the site where the use is proposed, and/or existing infrastructure shall be able to absorb the additional demand for public services such as utilities, streets, parks, schools, etc.
- e) Screening and landscaping. Incompatible impacts of the proposed use shall be screened and buffered from adjacent property and the surrounding neighborhood. The city council may require additional landscaping or screening above that required in the zoning ordinance.
- f) Architectural standards. The site or building associated with the proposed use shall meet or exceed the architectural design and landscaping standards for the district in which it is located. The city council may require additional architectural standards above those required in the zoning ordinance.

- g) Zoning. The use shall be consistent with the requirements of the zoning ordinance and the requirements of the zoning district in which the applicant intends to locate the proposed use.
- h) Traffic. The city shall evaluate the potential generation and characteristics of the traffic associated with the use and its impact on traffic volumes and safety based on the proposed driveway locations, the existing and proposed capacity of adjacent roads, sidewalks, and trail connections. The City shall determine that the existing transportation infrastructure is adequate to address the potential traffic or shall require that the potential impacts shall be mitigated; and

WHEREAS, The Planning Commission held a public hearing at its regular meeting on May 9, 2023, and found the request to be consistent with the above criteria for approval, and has recommended that the City Council approve a conditional use permit to allow a Fitness Center at existing PID 3602822310067.

WHEREAS, The Newport City Council reviewed the Planning Commission's recommendation and findings on May 18, 2023, and made the following findings in support of granting the CUP with conditions:

- a) The proposed use is consistent with the comprehensive plan and zoning ordinance.
- b) The proposed use does create concern for noise impacts on surrounding properties. However, such impacts are expected to be mitigated through improvements to the site, the manner in which services are provided, and conditions of approval.
- c) The proposed project meets all current and applicable standards and requirements.
- d) The public infrastructure is not expected to be negatively impacted by this use. Mitigating conditions are provided to allow the City to require site improvements if there are issues identified with the parking and access to the site.
- e) The proposed use is adjacent to residential areas and the City has required conditions to mitigate concerns relating to noise and parking impacts.
- f) If work occurs to improve the existing structures, the buildings will be required to be in conformance with City design standards.
- g) The proposed use will be consistent with the City Code.
- h) The proposed use is not anticipated to measurably increase traffic in the area.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Newport approves the proposed CUP for a Fitness Center at 460 12th Street, Newport, MN 55055, to City Council, with the following conditions:

1. Applicant must receive any required city permits prior to beginning any work on site.
2. Applicant must receive any required watershed permits prior to beginning any work on site.
3. Applicant must receive any required state permits or licenses, keep such permits or licenses up to date, and furnish documentation of permits or licenses to the city upon request.
4. Property Owner is responsible for the timely payment of property taxes and utility fees prior to late fees, penalties or interest charges being applied as directed by Washington County and City of Newport.
5. Outside storage is not permitted anywhere on the site, except the daily parking of vehicles consistent with Sec. 36-162(4)(a).
6. Noise mitigation of interior speaker systems shall be provided to prevent audible detection at the property line of residential uses across 9th Avenue and 12th Street.
7. Exterior speaker systems of any kind may not be used on site.

8. Outdoor fitness activities and services related to the principal use shall not occur outside of the principal structure on the property.
9. Parking plan be revised to demonstrate compliance with parking stall and drive width size requirements and shall be approved by the Zoning Administrator within 6 months of approval.
10. Upon review of the parking plan and existing conditions once the use is established, the Zoning Administrator may specify and require that a barrier be provided to delineate the parking area and prevent cars from overhanging into the City right of way along 9th Avenue.
11. Property Owner is responsible for coordinating improvement of the parking area to include curbing and boulevard area along 9th Avenue at the time of street reconstruction as scheduled by the City.
12. Parking surface be brought into compliance or maintained to remain in compliance with Section 36-161 (5)(a).
13. Parking stalls be painted or marked prior to the establishment of this use. The asphalt area bound by the 5' parking setback and City Right of Way on 9th Avenue shall be marked for no parking.
14. A trash enclosure, meeting applicable City standards, must be constructed if refuse is to be stored outdoors outside of regular collection.
15. Landscaping shall be provided or routinely maintained to meet applicable city standards.
16. Site improvements must conform with those proposed in the site plans reviewed at the City Council meeting on May 18, 2022. Deviations from the reviewed plans must be reviewed consistent with Sec. 36-51.
17. The hours of operation shall be 5 a.m. to 10 p.m. Monday through Friday and 7 a.m. to 9 p.m. on Saturday and Sunday.
18. Subleasing, change of use, or change to a similar use requires a meeting with City staff to review existing CUP conditions, zoning requirements, potential permits needed, and other topics to assure owner/sublessor is informed of restriction and requirements prior to proceeding.

Adopted this 18th day of May, 2022 by the Newport City Council.

Motion by: _____,

Seconded by: _____

VOTE:

Elliott _____
Chapdelaine _____
Ingemann _____
Taylor _____
Sumner _____

Signed: _____

Laurie Elliott, Mayor

Attest: _____

Joe Hatch, City Administrator