



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

COUNCIL WORKSHOP AGENDA

January 19, 2023- Immediately following the Regular City Council Meeting

1. CALL TO ORDER
2. ROLL CALL
3. DEVELOPMENT PLANNING
4. PARKING RESTRICTIONS
5. FUTURE MEETING AGENDA ITEMS
6. ADJOURNMENT



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MEMO

TO: Newport City Council

FROM: Joe Hatch, City Administrator
Travis Brierly, Assistant to the City Administrator
Nathan Fuerst, City Planner

DATE: January 12, 2023

SUBJECT: Land Use Moratorium 7th Avenue and Hastings Avenue

Background

The City of Newport is in a unique position to lay a foundation for what the future of a potential “downtown” area could look and feel like. This area was identified in the most recent comprehensive plan as a redevelopment area. There is some tension between the current uses allowed in the MX districts and what the community, council and planning commission want for these areas. The City’s comprehensive plan includes a “future” residential growth areas map and two areas listed as redevelopment priorities include zone two (7th Avenue Redevelopment Area) and zone four (Hastings Avenue Commercial Improvement Area). The comprehensive zone map identifying these areas is attached. Currently the city is receiving land use applications which may or may not align with the preferred future uses in these zones. Should the city adopt a moratorium of land use applications for these areas, a study could be conducted with the goal of changing the zoning for these areas to more align with the cities preferred vision for these key redevelopment zones.

What is a Moratorium?

In basic terms, a moratorium is a pause on the establishment of any specific land use, whether a building, zoning, or special land use permit is required. State statute allows moratoriums to give cities a chance to review an issue more completely without the pressure to simultaneously review specific requests. During the pause, the City must study the specific issue and consider whether any updates to existing ordinances are justified.

An Interim Ordinance, commonly known as a moratorium is meant to regulate, restrict, or prohibit any use, development, or subdivision within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective (MS 462.355). State statute provides municipalities with specific procedural requirements depending on the context of the moratorium. There must be valid findings of fact to justify the interim ordinance.

Staff Needs from the City Council

Should the City Council choose to approve a moratorium, staff require direction on several items including.

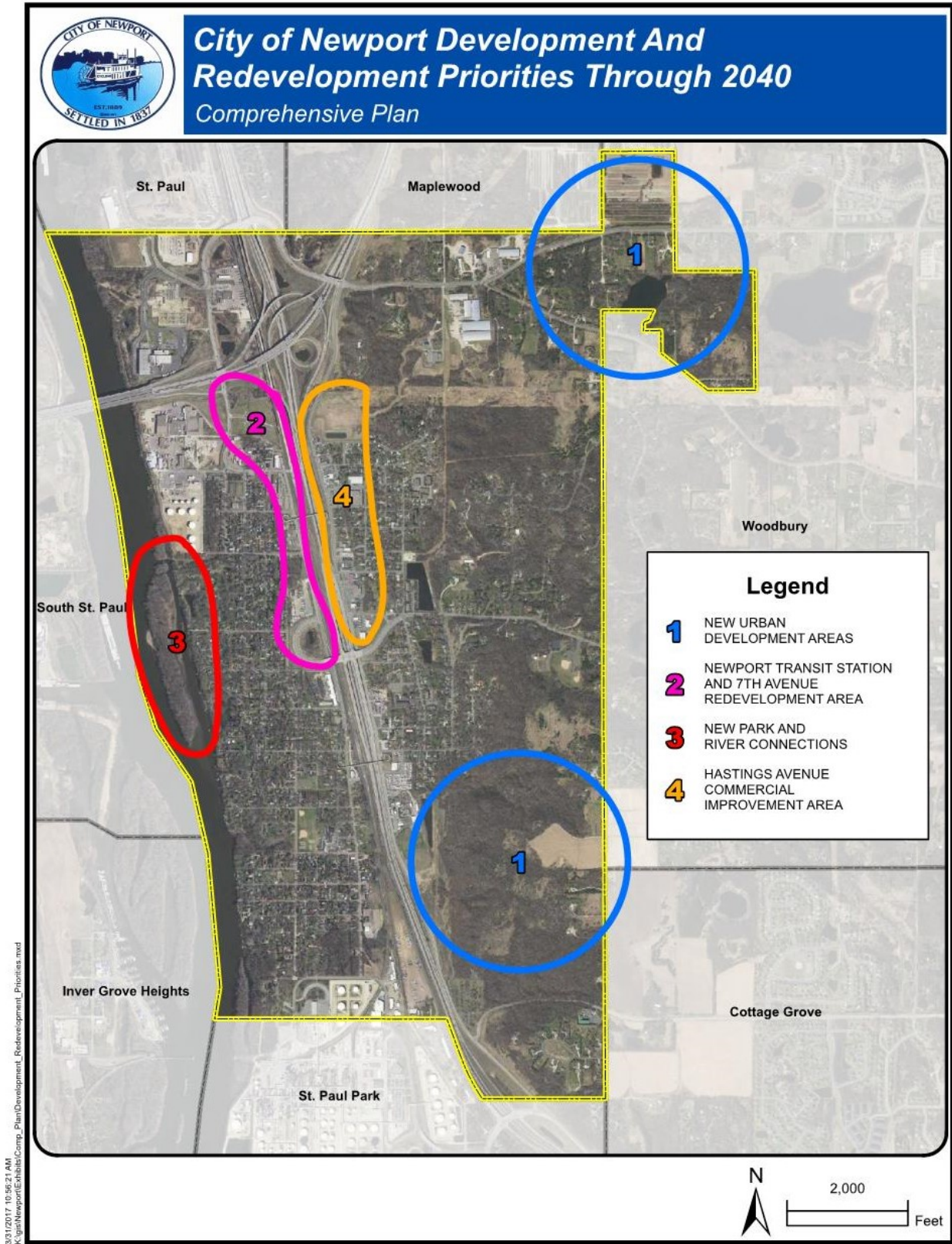
- Is there consensus on a moratorium on land use applications in the “downtown” zone? Clearly state what redevelopment would be acceptable in the zones. (Zones two and four identified in the comprehensive plan Attachment A, a slightly different area is also included as an option for study from staff Attachment B).
- Where would this moratorium impact?
 - Staff recommends the current MX-3, B-1 and B-2 along 7th Avenue and MX-3, MX-1 and R-2 along 7th Avenue and Hastings Avenue (see attached map with highlighted areas for review Attachment B).
- Who will study this area and make a recommendation for council?
 - Staff recommends Council appoint a committee to include two city council members, two planning commission members, city planner, city administrator, assistant to the city administrator, and a consultant.
- What are the goals of the committee?
 - Staff recommends the committee have a specific scope of work and goals.
 - Possible Scope of Work
 - Goals could include a review of the current land uses
 - Review the comprehensive plan and visions for these areas
 - Solicit and collect feedback from the community
 - A review of the housing stock available in Newport
 - Possible goal could be to create a recommendation for the Planning Commission and Council to review and approve potentially zoning which fits the future needs and wants of the community. (Affordable life cycle housing, walkability, available of green space and parks, schools, recreation, etc.)
- Possible Goals for the Community and City Council
 - Adopt zoning changes for the downtown district with a vision towards the future. This may require a comprehensive plan amendment.
 - Create a downtown district which is generally supported by the community, council, and planning commission.
 - Clearly community to developers what the city would support for development and redevelopment for this downtown zone.

Next Steps and Timeline

- January 19th work session discussion
- February 2nd work session review and provide consensus on moratorium language
- February 16th public hearing on temporary ordinance for moratorium
- March 2nd council appoint future downtown study group and council approve moratorium.
- March begin solicitation process for a consultant to help lead the study
- April study group meets and creates workplan and timeline
- May study group continues work
- July study group continues work. Community outreach and engagement.
- September study group continues work. Input from developers on what is feasible in the market for this corridor.
- November study group creates recommendations and presents to planning commission
- December Planning Commission provides feedback
- January 2024 study group presents draft recommendation to City Council
- February 2024 Council considers adoption of recommended updates and consideration of ending the moratorium

**Timeline is flexible, and the moratorium must have a sunset date but can be ended early by Council action

Figure 2-1: Redevelopment Priorities 2020-2040





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MEMO

TO: Mayor and Council
FROM: Travis Brierley
DATE: January 12, 2023 for the January 19, 2023 Council Workshop
SUBJECT: Parking Restriction on Hastings Ave

Background

The City has received several complaints regarding the parking of semis on Hastings Ave and Ford Rd. Citations have been issued when the parking violates City Code.

Discussion

The Council should consider parking regulations in the City Code. Currently Sec. 32-43 allows parking of semis.

- (a) Generally. In nonresidential districts, no person shall park, stop, or stand any vehicle licensed by any state at more than 12,000 pounds for more than eight hours on any public street or highway within the city.

There are 3 options the Council can take:

1. Take no action
2. Pass a resolution
3. Amend the ordinance

An immediate response to address citizen concerns is passing a resolution. The long term solution is to examine parking regulations within the City and amend specific ordinances. Staff has discussed amending parking ordinances to encompass previous resolutions restricting parking, parking zones, and other road restrictions. Ultimately, this is an action the Council should discuss in addition to the presented resolution.

Recommendation

Staff recommends the City Council reviews the attached resolution for potential consideration at the February 2nd regular City Council meeting.

ARTICLE I. IN GENERAL

Sec. 32-1. Adoption by reference.

The regulatory provisions and definitions of M.S.A. chs. 168, 169 and 171 are adopted by reference and shall regulate the use of highways, streets, alleys, and other portions of the city and the qualifications of drivers thereon and shall be incorporated into and made a part of this chapter as completely as if set out here in full.

(Code 1997, § 900.01)

Sec. 32-2. Establishment of safety zones, lanes of traffic, etc.

To assist in the direction and driving conditions at any intersection or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions or hazards, the council may by resolution establish safety zones, lanes of traffic, and stop intersections, and may order installation by the public works superintendent of stop signs, yield signs, warning signs, signals, pavement markings, or other devices. No regulation may be established on a trunk highway unless the consent of the commissioner of transportation shall be first secured.

(Code 1997, § 900.07)

Sec. 32-3. Police duties.

The police department shall enforce the provisions of this chapter and the state traffic laws. Police officers shall be authorized to direct all traffic within the city, either in person or by means of visible or audible signal, in conformity with this chapter and the state traffic laws. During a fire or other emergency, or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions require notwithstanding the provisions of this chapter and the state traffic laws. Officers of the fire department may direct or assist the police in directing traffic at the scene of a fire or in the immediate vicinity.

(Code 1997, § 900.08)

Sec. 32-4. Restriction on turns.

The council by resolution may, whenever necessary to preserve a free flow of traffic or to prevent accidents, designate any intersection as one where the turning of vehicles to the left or to the right, or both, or the turning of a vehicle so as to reverse its direction, shall be restricted at all times or during specified hours. The public works superintendent shall mark by appropriate signs any intersection so designated. No intersection on a trunk highway shall be so designated until the consent of the commissioner of transportation to the designation shall first be obtained. No person shall turn a vehicle at any such intersection contrary to the directions on the signs.

(Code 1997, § 900.02)

Sec. 32-5. Through streets; one-way streets.

The council by resolution may designate any street or portion of street as a through highway or a one-way roadway where necessary to preserve the free flow of traffic or to prevent accidents. The public works superintendent shall post appropriate signs at the entrance to the street. No trunk highway shall be so designated unless the consent of the commissioner of transportation to the designation shall be first secured.

(Code 1997, § 900.03)

Sec. 32-6. Weight restrictions.

- (a) *Generally.* The council by resolution may designate streets on which travel by commercial vehicles in excess of a specified gross weight shall be prohibited. The public works superintendent shall erect appropriate signs on the streets. No person shall operate a commercial vehicle on the posted streets in violation of the restrictions stated.
- (b) *Seasonal.* The public works superintendent may prohibit the operation of vehicles upon any street under his jurisdiction or impose weight restrictions on vehicles to be operated on the street whenever the street, by reason of deterioration, rain, snow or other climatic conditions, shall be seriously damaged or destroyed unless the use of vehicles on the street shall be prohibited or the permissible weights thereof reduced. He shall erect and maintain signs plainly indicating the prohibition or restriction at each end of that portion of the street affected. No person shall operate a vehicle on a posted street in violation of the prohibition or restriction.

(Code 1997, §§ 900.04(1), 900.05)

Sec. 32-7. Truck braking restrictions.

No person shall make, continue or cause by the use of engine retarding brakes to be made, any distinctly or loudly audible noise, that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of any person or precludes their enjoyment of property or affects their property's value. For purposes of this section, the term "engine retarding brake" means a dynamic brake, Jake brake, Jacob brake, C Brake, paccar brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

(Code 1997, § 900.04(2))

Sec. 32-8. Exhibition driving prohibited.

No person shall turn, accelerate, decelerate or otherwise operate a motor vehicle on any public or private roadway within the city in a manner which causes unnecessary engine noise or backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, or in a manner simulating a race, or with an unnecessary exhibition of speed. Unreasonable squealing or screeching sounds emitted by tires, or the unreasonable throwing of sand or gravel by the tires shall be prima facie evidence of a violation of this section.

(Code 1997, § 900.06)

Sec. 32-9. Abandoned motor vehicles.

The provisions of M.S.A. ch. 168B are adopted by reference. The police department shall impound any abandoned motor vehicle, as defined by M.S.A. § 168B.011(2), and shall dispose of any such impounded abandoned motor vehicle in the manner provided by M.S.A. ch. 168B.

(Code 1997, §§ 920.01, 920.02)

Sec. 32-10. Motorized vehicles prohibited from pedestrian bridges bicycle trails and paths.

No unauthorized motorized vehicle shall be permitted to operate on or travel upon any city pedestrian bridge, bicycle path, bicycle lane, bicycle trail or bikeway.

(Code 1997, § 940.01)

Secs. 32-11—32-38. Reserved.

ARTICLE II. PARKING

Sec. 32-39. Residential zones.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Recreational equipment includes, but is not limited to, operable and licensed, as required by the state, recreational vehicles, travel trailers, chassis-mounted campers, tent trailers, slide-in campers, airplanes, and converted buses; snowmobiles and trailers, boats/watercraft and trailers, all-terrain vehicles, motorcycles and utility trailers. A fish house, boat, snowmobile or other recreational equipment when stored or kept on a trailer shall be considered as one unit. The term "recreational equipment" does not include a motor vehicle designed or used for off-road racing, off-road use or demolition derby.

Residential zone means all areas zoned for residential uses (R-1, R-1A, R-2 and RE) in the city.

- (b) *Truck or bus parking in residential zones.* No person shall park, stop, or stand any vehicle licensed by any state at over 14,000 pounds for more than two hours upon any private property or public street in a residential zone. Parking, either on-street or off-street, of vehicles licensed by any state at over 14,000 pounds, except for deliveries and unloading, shall be prohibited in all residential districts on lots less than two acres in size.
- (c) *Equipment.* No person shall park, stop, or stand any trailer that weighs over 10,000 pounds, back-hoe, front-end loader, bobcat, grader, asphalt paver, asphalt roller, or related road machinery or equipment for more than 24 hours upon any private property or public street in a residential zone, except as permitted under subsection (d) of this section. No more than one such vehicle or piece of equipment shall be allowed on a single parcel of property.
- (d) *Construction parking.* In the event building construction or grading is to be performed in a residential zone, the clerk-administrator may grant permission for parking equipment restricted under subsection (c) of this section upon the premises for a reasonable period of time during construction. The permission shall be in writing, provided that the permission may at the clerk-administrator's discretion be endorsed on the building permit issued for the construction.

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- (e) *Length of parking.* A vehicle may not be upon any street or right-of-way in any one place for a longer continuous period than 24 hours.
 - (f) *Exemption for large parcels.* The provisions of this section shall not apply to parcels of two acres or greater, provided that such parcels may not be used as rental vehicle or equipment parking space. In addition, any vehicle permitted under this exemption shall be screened from view from any adjacent lot by trees, fencing, or a storage building as permitted by the underlying zoning requirements. In no case shall any vehicle permitted under this exemption be parked closer than 40 feet from any adjacent property line.
 - (f) *Exemption for recreational vehicles.* The provisions of this section shall not apply to recreational vehicles.
 - (g) *Conditions and restrictions.* The city council may grant the privilege of truck parking in areas zoned for planned development district in the required conditional use permit for planned development districts, subject to conditions and restrictions as to truck use of the area.
 - (h) *Recreational equipment storage.*
 - (1) *Generally.* Except as provided or as specifically allowed within the specific zoning districts, all materials and equipment shall be stored within a building.
 - (2) *Exceptions.* Licensed and operable recreational equipment units may be parked or stored on property outside a building as follows:
 - a. In the front yard, provided they are kept on an established driveway, and entirely on the equipment or vehicle owner's property. Recreational equipment may not be parked or stored on public property or an improved street right-of-way.
 - b. In the side yard abutting an attached or detached garage provided the recreational equipment is not closer than two feet from the side lot line. The area must be surfaced with asphalt, concrete or crushed decorative rock but shall not be placed within drainage and utility easements unless approved by the zoning administrator. Parking or storage of recreational equipment on the side yard abutting the principal building is prohibited.
 - c. In the rear yard not closer than five feet from the rear lot line, five feet from the side lot lines, and not within drainage and utility easements.
 - d. A property can only store recreational vehicles and equipment that are registered to or licensed by the owner or occupant of the property.

(Code 1997, §§ 910.01, 1300.14; Ord. No. 2017-8, 12-21-2017; Ord. No. 2022-02, § 1, 4-7-2022)

Sec. 32-40. No parking zones.

The council may by resolution designate certain streets or portions of streets as "no parking" or "no stopping or standing" zones or as zones for parking by handicapped persons and may limit the hours in which the restrictions apply. The public works superintendent shall mark each zone with appropriate signs. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, no person shall stop or park a vehicle in a "no stopping or standing" zone when stopping, or standing shall be prohibited. No vehicle shall be parked in a "no parking" zone during hours when parking is prohibited, except as permitted by state law, provided that a vehicle may be parked temporarily in the zone for purposes of forming a funeral procession, and further provided that a truck may be parked temporarily between the hours of 8:00 a.m. and 5:00 p.m. of any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

(Code 1997, § 910.02(1))

Sec. 32-41. Time limit parking.

The council may by resolution designate certain areas where the right to park shall be limited to a specified period of time, during hours specified. The public works superintendent shall mark each such zone with appropriate signs. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a longer period than shall be so specified.

(Code 1997, § 910.02(2))

Sec. 32-42. Parking near postal delivery boxes.

No person shall stop, stand, or park a vehicle, except when necessary to avoid conflicts with other traffic or in compliance with the directions of a police officer or traffic-control device, within ten feet of any type of postal delivery box. This article shall be in effect Monday through Saturday between the hours of 9:00 a.m. and 4:00 p.m. The exception to the identified day and time restrictions shall be those days when the normal delivery of mail is suspended (federal holidays, etc.) The intent of this article is to allow for the unobstructed delivery of mail by the U.S. Postal Service.

(Code 1997, § 910.02(3))

Sec. 32-43. Truck parking.

- (a) *Generally.* In nonresidential districts, no person shall park, stop, or stand any vehicle licensed by any state at more than 12,000 pounds for more than eight hours on any public street or highway within the city.
- (b) *No truck parking zones.* The council may by resolution establish "no truck parking" zones in the business district, and the public works superintendent shall mark by appropriate signs any zones so established. The zones shall be established in the business district where heavy traffic by trucks or other traffic congestion makes parking by trucks a hazard to the safety of vehicles or pedestrians. No person shall park a truck of more than one-ton capacity between 8:00 a.m. and 5:00 p.m. on any weekday upon any street in such a zone, but parking of the vehicle for a period of not more than 30 minutes shall be permitted in the zone for the purpose of having access to abutting property when the access cannot conveniently be secured otherwise.

(Code 1997, § 910.03)

Sec. 32-44. Loading zones.

- (a) *Establishment.* The council may by resolution establish spaces in streets as loading zones. The hours of 8:00 a.m. through 5:00 p.m. of any day except Sunday, New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day or any other time as the council may specify in the resolution shall be the loading zone hours. The public works superintendent shall mark each loading zone by appropriate signs.
- (b) *Regulations.* During loading zone hours, no person shall stop, stand, or park any vehicle in a loading zone except to receive or discharge passengers or freight, and then only for a period no longer than is necessary for the purpose. No person shall occupy a loading zone with a vehicle other than a truck for more than five minutes during loading zone hours.
- (c) *Cost.* Any person desiring the establishment of a loading zone abutting premises occupied by him shall make written application therefor to the council. If the council grants the request, the clerk-administrator shall bill

the applicant for the estimated cost of placing signs and painting the curb. When the amount is paid, the public works superintendent shall install the necessary signs and paint the curb.

(Code 1997, § 910.04)

Sec. 32-45. Winter parking.

- (a) No person shall park any vehicle or trailer on any public street from November 1 through April 1 between the hours of 2:00 a.m. and 7:00 a.m.
- (b) From November 1 through April 1, no person shall park a vehicle or trailer on any public street at any time when the snow depth exceeds two inches until the streets are fully cleared.
- (c) No person shall park any vehicle or trailer on any public street when a snow emergency has been declared.

(Code 1997, § 910.05; Ord. No. 2018-01, 2-1-2018)

Sec. 32-46. Removing keys.

No person shall leave a motor vehicle, except a truck which shall be engaged in loading or unloading, unattended on any street, used car lot, or unattended parking lot without first stopping the engine, locking the ignition, and removing all ignition keys from the vehicle. Whenever any police officer finds any motor vehicle standing in violation of this provision, he shall remove the keys from the vehicle and deliver them to police headquarters.

(Code 1997, § 910.06)

Sec. 32-47. Owner responsibility.

The presence of any motor vehicle on any street when standing or parked in violation of this Code shall be prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

(Code 1997, § 910.07)

Sec. 32-48. Impoundment.

Any police officer may remove or cause to be removed a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic or hinders snow removal or street improvement or maintenance operations. The vehicle shall not be released until the fees for towing and storage in the amount established from time to time by the council are paid in addition to any fine imposed for violation of this article. The impounding of any vehicle shall not prohibit the institution or prosecution of any criminal proceedings against the registered owner or operator of the vehicle.

(Code 1997, § 910.08)

Sec. 32-49. Penalties.

Any person convicted of violation of sections 32-40 through 32-48 shall be guilty of a petty misdemeanor.

(Code 1997, § 910.09)

Secs. 32-50—32-75. Reserved.

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

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

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

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

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

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

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

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

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

Motion by: _____, Seconded by: _____

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

Signed: _____
Laurie Elliott, Mayor

Attest: _____
Joe Hatch, City Administrator