



**City of Newport  
City Council Minutes  
January 7, 2016**

**1. CALL TO ORDER**

Mayor Geraghty called the meeting to order at 5:30 P.M.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL -**

**Council Present** – Tim Geraghty; Tom Ingemann; Bill Sumner; Tracy Rahm; Dan Lund

**Council Absent** –

**Staff Present** – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Renee Eisenbeisz, Assistant to the City Administrator; Steve Wiley, Fire Chief; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer; Larry Osterman, Sergeant

**Staff Absent** –

**4. ADOPT AGENDA**

**Motion by Sumner, seconded by Rahm, to adopt the Agenda as presented. With 5 Ayes, 0 Nays, the motion carried.**

**5. ADOPT CONSENT AGENDA**

**Motion by Sumner, seconded by Ingemann, to approve the Consent Agenda as presented, which includes the following items:**

- A. Minutes of the December 17, 2015 Regular City Council Meeting
- B. List of Bills in the Amount of \$475,944.76
- C. **Resolution No. 2015-35** - Accepting Part II of the Wellhead Protection Plan

**With 5 Ayes, 0 Nays, the motion carried.**

**6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE**

**Rich Werner, Owner of 303 21st Street** - My wife and I are the sole owners of 303 21st Street. Recently, we had a request from the City to put an enclosure around our rubbish containers. I don't think our property falls within the ordinance but if it does, there is one house that can see the rubbish container and I've moved a vehicle and trailer to block their view. That method was approved by Travis Martin a while ago. Tonight, I talked with Robert Lanz who is the owner of that property and he said that he's never had an issue with the trash containers. I have some photographs and Google Earth pictures to show you where it is and what it would look like from his perspective. I just think it's not appropriate to have this an issue in front of the Council.

**Mayor Geraghty** - What reasoning do you have that you don't think it should apply?

**Mr. Werner** - Because it's an MX zone.

**Asst. to the City Admin. Eisenbeisz** - Section 1350.18, item F says that all refuse and recycling containers must

be stored within the principal structure or a fully enclosed accessory structure. We received a complaint regarding the trash and that's why we sent a letter.

**Mr. Werner** - Who made the complaint?

**Asst. to the City Admin. Eisenbeisz** - It was anonymous.

**Councilman Lund** - I would say that the residential neighbor isn't the only reason for that ordinance. You have a very visible property and we're making a push to improve the look of Newport and having a refuse container sitting out in view of the highway is not the best thing. I think applying the rule consistently makes sense.

**Councilman Rahm** - Where is it located?

**Mr. Werner** - On the north side, facing the railroad tracks. It's not visible from 21st, 7th, 3rd, or the highway.

**Councilman Rahm** - The ordinance doesn't say anything about seeing it, it says it just needs to be enclosed.

**Admin. Hill** - Yes.

**Mr. Werner** - If I read it right, it says that it needs to be the same material as the building and it's sheet metal.

**Councilman Ingemann** - I don't believe it needs to be. You've seen the enclosures at McDonalds or over at Napa? It's like a wooden fence with a gate. It doesn't need to be locked or have a top. That's what they're talking about.

**Mr. Werner** - That's a different discussion I had with Travis.

**Mayor Geraghty** - It doesn't require a top.

**Asst. to the City Admin. Eisenbeisz** - No. We're actually changing the ordinance requiring similar materials. That'll be before the Planning Commission next week and the City Council in two weeks.

**Mayor Geraghty** - There's no requirement to have it locked?

**Asst. to the City Admin. Eisenbeisz** - No.

**Mayor Geraghty** - It sounds like there was a misunderstanding on what you need to put in. It could be a simple fenced in thing with a gate and lock if you want.

**Mr. Werner** - I don't want to do anything. It becomes expensive and I don't have the budget to include it in.

**Mayor Geraghty** - Well you may be required to do it.

**7. MAYOR'S REPORT** – Nothing to report.

**8. COUNCIL REPORTS** –

**Councilman Rahm** - Nothing to report

**Councilman Ingemann** - Nothing to report

**Councilman Sumner** - I just want to make note that the Vikings did win an important game and I think everyone will be wishing them well on Sunday.

**Councilman Lund** - I would just like to thank our officers for agreeing to continue serving Newport. I know it's not the easiest transition working under a new boss but I appreciate their efforts and the Sheriff bringing us aboard.

#### **9. ADMINISTRATOR'S REPORT –**

##### **A. Memorandum of Agreement between the City of Newport and Law Enforcement Labor Services Local 347**

**Admin. Hill** - We had a couple meetings with LELS and Scott Freemyer on this and the transition with the last two years of the contract. The transfer of sick and vacation time are in the agreement, it's also State Statute. The one thing they really wanted was the pay differential for the newer employees. We have three employees that we'll be paying a differential for. The contract with the County and their union has not been finalized. The difference will be about \$17,500 based on the assumption that they'll have a 1.5% raise.

**Mayor Geraghty** - They had built in some with the numbers they gave us right?

**Admin. Hill** - No, that's ours.

**Mayor Geraghty** - But the contract settlement, they had anticipated some raise?

**Admin. Hill** - Yes.

**Councilman Rahm** - So that includes the sick and vacation payout?

**Admin. Hill** - No, we'll be transferring about \$100,000 of the value, which was our liability anyways. There was the first year vacation payout as well, which was another \$14,000.

**Councilman Sumner** - Our attorney has looked at this?

**Attorney Knaak** - I have and it couldn't be even more straightforward.

**Mayor Geraghty** - I think this was our intent all along to hold our officers whole so they wouldn't have a pay cut. I think it's the right thing to do.

**Motion by Geraghty, seconded by Ingemann, to approve the Memorandum of Agreement between the City of Newport and Law Enforcement Labor Services Local 347. With 5 Ayes, 0 Nays, the motion carried.**

##### **B. Friends in Need Donation Request**

Admin. Hill presented on this item as outlined in the January 7, 2016 City Council packet. The City donates \$250 to the annual Holiday Train. Friends in Need is requesting for a special donation for their new building.

**Mayor Geraghty** - Another \$250?

**Councilman Rahm** - Have we done anything in the past?

**Mayor Geraghty** - This is a special request.

**Councilman Ingemann** - Make it \$500.

**Councilman Sumner** - I think you all know that I'm involved with Stone Soup and I've never requested any money for Stone Soup. I think if we're going to donate to this organization we should consider a similar donation

to Stone Soup. They provide an important counterpart to the food that's provided. They enable people to buy reasonably priced clothing, house ware, books, etc. I would never vote against a donation to the food shelf but would like to consider a similar or increased donation to Stone Soup.

**Motion by Ingemann, seconded by Geraghty, to approve a \$500 donation to the Friends in Need Food Shelf. With 5 Ayes, 0 Nays, the motion carried.**

### **C. 2016 Annual Appointments**

Assistant to the City Admin. Eisenbeisz presented on this item as outlined in the January 7, 2016 City Council packet.

**Councilman Rahm** - Barb and Virginia have done an excellent job on the commission so I strongly recommend reappointing them.

**Councilman Sumner** - Who would fill in for you while you're gone?

**Asst. to the City Admin. Eisenbeisz** - Deb would, the resolution allows me to designate someone.

**Councilman Lund** - All the Council terms except the Sheriff's liaison is for one year. Is there a reason that's for two years?

**Asst. to the City Admin. Eisenbeisz** - Because the contract is for two years. You can certainly change it to one year.

**Councilman Sumner** - Central Bank is changing their name soon.

**Asst. to the City Admin. Eisenbeisz** - We will bring forward an amendment once they change their name officially.

**Motion by Sumner, seconded by Ingemann, to approve the 2016 Annual Appointments as presented. With 5 Ayes, 0 Nays, the motion carried.**

**Motion by Geraghty, seconded by Rahm, to approve Resolution No. 2016-1 Appointing Renee Eisenbeisz as the Responsible Authority. With 5 Ayes, 0 Nays, the motion carried.**

### **D. Ordinance No. 2016-1 - Amending Chapter 6, Animals**

Assistant to the City Admin. Eisenbeisz presented on this item as outlined in the January 7, 2016 City Council packet.

**Councilman Sumner** - My background is in agriculture. You can have a larger number of animals that are currently allowed, it's all a matter of how you manage them. Certainly you're not grazing that many horses.

**Kim Brown, 1675 Kolff Street** - Correct. Have you seen the type of horses I have? I don't have backyard nothing horses, they're show horses and American Thoroughbred Race Horses. At the most, I'd have 16 horses, probably 14. The horses are in the barn. The hay is purchased off-site, they don't survive off of grazed land. My barn is spotless. The manure is picked up monthly by various nurseries. My property and horses are spotless. They're beautiful.

**Councilman Rahm** - They're your horses?

**Ms. Brown** - Yes.

**Councilman Sumner** - Has the City received any complaints.

**Asst. to the City Admin. Eisenbeisz** - No.

**Councilman Sumner** - I'd support this. Does the interim permit grant us more control?

**Admin. Hill** - It has a sunset clause, so it's for a shorter period of time whereas a conditional use permit runs with the land.

**Ms. Brown** - I also agreed in writing to pay an additional \$1,000 to the City per year.

**Councilman Rahm** - That's nice but not required.

**Councilman Ingemann** - The ordinance would allow you to have 9 but more with an interim. I don't have a problem with that. There might be other people that want 8,000 horses too. You need to set the ordinance but allow you to do what you need to do as well.

**Mayor Geraghty** - This would authorize 9?

**Councilman Ingemann** - And then she can get an interim.

**Mayor Geraghty** - What's the basis for that?

**Asst. to the City Admin. Eisenbeisz** - Sherri would review that and I believe she's had similar cases in other cities. It would go through the public hearing process.

**Councilman Rahm** - How did we figure out 9?

**Asst. to the City Admin. Eisenbeisz** - At one acre per animal unit and she has 8.76 acres.

**Councilman Lund** - The other thing we should point out is that currently properties with four acres can have one animal and we're increasing it to five.

**Asst. to the City Admin. Eisenbeisz** - She's the only one with a farm animal permit and I don't know how many more properties there are with 4 acres.

**Councilman Rahm** - I'm probably one of the few people that have had horses in Newport. That's a lot of horses. Looking at the aerial, you don't have a lot of pasture land.

**Ms. Brown** - I don't need it, they're show horses.

**Councilman Rahm** - I had a thoroughbred and put him outside all the time. I have 3 acres and one horse kept the land pretty clean.

**Councilman Lund** - Do you have neighbors with 4 acres?

**Councilman Rahm** - Not that I know. We're keeping the same requirements aren't we?

**Councilman Lund** - No, we're increasing it to five.

**Mayor Geraghty** - How does that work for chickens?

**Asst. to the City Admin. Eisenbeisz** - Chickens are separate, we allow 4 chickens per acre.

**Mayor Geraghty** - It's on the chart.

**Asst. to the City Admin. Eisenbeisz** - We can take that off.

**Councilman Lund** - I think we can leave chickens in there because a farm animal permit is different than a chicken permit. I don't think it's inconsistent.

**Councilman Rahm** - Where does it say we're going from four to five acres?

**Mayor Geraghty** - It's struck out.

**Councilman Lund** - I'd be comfortable keeping it at four.

**Councilman Rahm** - I would keep it at four too.

**Motion by Sumner, seconded by Ingemann, to approve Ordinance No. 2016-1 as amended. With 5 Ayes, 0 Nays, the motion carried.**

**10. ATTORNEY'S REPORT** - Nothing to report.

**11. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT -**

**Sergeant Larry Osterman** - I thought I'd give you a quick update on who I am. Out of high school, I went to Alexandria for law enforcement and worked for Mora for about 6.5 years. I worked for Hennepin County Sheriff's Office too. We came down here because my wife needed to go to a bigger hospital for her work. I liked Washington County and got a job here. I've worked in every division and unit of the Sheriff's Office except the jail and special investigations unit. I worked general patrol for about a year and then Lake Elmo. I then went to Stillwater at Juvenile and stayed as a Sergeant there. I worked out of narcotics, general investigations, etc. After an additional year, I came back as a shift commander at midnights for a couple years. Then I went to be an Administrative Sergeant for the patrol division for a couple years. I went from there to special services and worked on civil process and court security. Was there through the building of the towers and updates of the government center. I then went back to special services and worked on the special projects unit where we wrote policy, did some internal affair stuff, and building projects. That's where I was until you guys voted to have the Sheriff's Office come and help. I have 2 kids, my oldest is 18 and he plays major juniors hockey for the Seattle Thunderbirds and I have a sophomore. I live in Oakdale. I've met a lot of really nice people already.

**Mayor Geraghty** - Welcome and thanks for serving. We'll hopefully work as a team. Keep Deb posted.

**Sergeant Osterman** - Absolutely.

**Councilman Ingemann** - I just want to know who you ticked off to get here.

**Sergeant Osterman** - Oh no. The opportunity was presented to me and wherever I can go to help. I like change and trying different things.

**12. FIRE CHIEF'S REPORT -**

**Chief Wiley** - As you heard earlier, Councilman Ingemann retired from the Fire Department. I would like to thank him for his 41 years of service, that's pretty incredible. I believe that's the longest anyone has been on. Captain Jason Joa was elected Asst. Chief on Tuesday.

**Councilman Ingemann** - The hardest thing I had to do was turn in my pager.

**Chief Wiley** - He'll be missed.

**13. ENGINEER'S REPORT -  
A. Certificate of Survey Discussion**

Engineer Herdegen presented on this item as outlined in the January 7, 2016 City Council packet.

**Mayor Geraghty** - Where did we end up on the fee schedule?

**Asst. to the City Admin. Eisenbeisz** - We took out the engineering fee for building permits and just left the reinspection fee of \$300.

**Councilman Ingemann** - This is to catch the problems before they get built?

**Asst. to the City Admin. Eisenbeisz** - Yes and so we can issue certificate of occupancies faster than what it's been taking because they aren't submitting the as-builts.

**Mayor Geraghty** - Are we subsidizing the costs?

**Asst. to the City Admin. Eisenbeisz** - Right now we are because we don't charge for the reviews. This was to start charging for those.

**Mayor Geraghty** - It would fully cover the costs?

**Engineer Herdegen** - Yes. Our office review time is 1-2 hours and the top of block and grading inspections would be one trip each. The site visits at \$300 each would cover our costs.

**Councilman Sumner** - So there's no additional cost unless there's a re-review?

**Asst. to the City Admin. Eisenbeisz** - At the December 3rd meeting you approved a reinspection fee of \$300. If Council wanted we would add \$600 to the permit fee for the top of block and grading site visits. Right now, we're not charging for engineering time.

**Councilman Sumner** - Is that what we're seeing here?

**Councilman Lund** - This isn't a change from what we're doing. I would point out that we get somewhere between \$1,000 and \$2,000 in property taxes so we would get that back in the first year.

**Councilman Sumner** - I did hear from a builder and they said that additional \$600 would have an impact.

**Engineer Herdegen** - As always, we'll bill the City hourly. If we spend less time than \$300, we'll bill them less.

**Asst. to the City Admin. Eisenbeisz** - Council already approved the reinspection fee so there's no action for the Council to take tonight.

**Councilman Sumner** - How many active sites do we currently have in Newport?

**Engineer Herdegen** - Two but we have a lot of in-fill lots and potential development up on the hill so we want to get ahead of that.

**14. SUPERINTENDENT OF PUBLIC WORKS REPORT -**

**Supt. Hanson** - I just wanted to remind the public that it's illegal to push snow into the street. Also, the rinks aren't ready yet. I'm looking at probably late next week if this weather holds.

**Councilman Ingemann - We have enough salt?**

**Supt. Hanson - Yes.**

**15. NEW/OLD BUSINESS**

**16. ADJOURNMENT**

**Motion by Ingemann, seconded by Geraghty, to adjourn the regular Council Meeting at 6:17 P.M. With 5 Ayes, 0 Nays, the motion carried.**

Signed: \_\_\_\_\_  
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz  
Assistant to the City Administrator