



**City of Newport  
City Council Minutes  
January 17, 2013**

**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, Steven Gallagher

**Council Absent** –

**Staff Present** – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Fritz Knaak, City Attorney; John Stewart, City Engineer;

**Staff Absent** – Renee Helm, Executive Analyst;

**4. ADOPT AGENDA**

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

**5. ADOPT CONSENT AGENDA**

**Councilman Sumner** – I have a couple corrections on the January 3, 2013 Regular City Council minutes.

**Motion by Gallagher, seconded by Rahm, to approve the Consent Agenda as amended, which includes the following items:**

- A. Minutes of the December 20, 2012 Regular City Council Meeting
- C. Minutes of the January 3, 2013 City Council Workshop Meeting
- D. Minutes of the January 7, 2013 Special City Council Meeting
- E. List of Bills in the Amount of \$356,064.22
- F. Gambling Permit for Knights of Columbus for April 28, 2013
- G. Farm Animal Permit for Kim Brown
- H. Agreement for Subsurface Sewage Treatment System Inspection Services with Washington County

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

**B. Minutes of the January 3, 2013 Regular City Council Meeting**

**Councilman Sumner** – On page 2, I noticed that the date still says 2012, that should be 2013. Also, where Ms. Buss says “They never gave a rationale for it. The first time they called for it, they tried to tell me that in most cities he was not required to get a variance and he hoped the City would like the other way” it should be “look the other way” instead of “like the other way.”

**Motion by Sumner, seconded by Ingemann to approve the January 3, 2013 Regular City Council minutes as amended. With 5 Ayes, 0 Nays, the motion carried.**

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

**7. MAYOR’S REPORT –**

**Mayor Geraghty** – We are having an EDA meeting and a workshop following the meeting tonight. The workshop is to discuss the library holidays.

## **8. COUNCIL REPORTS –**

**Councilman Rahm** – Nothing to report

**Councilman Ingemann** – We had a Planning Commission meeting last Thursday and the item is on the agenda tonight for Council approval.

**Councilman Sumner** – I attended the Community Advisory Panel meeting last Thursday.

**Councilman Gallagher** – Nothing to report

## **9. ADMINISTRATOR’S REPORT –**

### **A. Resolution No. 2013-2 – Approving Comprehensive Plan Amendment Distribution**

Sherri Buss, TKDA Planner, presented on this item as outlined in the January 17, 2013 City Council packet.

**Mayor Geraghty** – Do any of the changes affect any of the existing businesses and make them a non-conforming use?

**Ms. Buss** – No, we’ve actually gone back and made some non-conforming uses conforming again.

**Councilman Rahm** – You don’t anticipate any comments or concerns from the neighboring communities?

**Ms. Buss** – No, none of these are on your border.

**Motion by Ingemann, seconded by Sumner to approve Resolution No. 2013-2 approving Comprehensive Plan Amendment Distribution. With 5 Ayes, 0 Nays, the motion carried.**

### **B. Purchase Solar Lights for the Michael J. Phillips Pavilion at the Bailey School Forest**

Admin. Anderson presented on this item as outlined in the January 17, 2013 City Council packet.

**Councilman Rahm** – I think we need to get an automatic timer for the lights so that they don’t stay on forever. The timer can be powered from the solar panels. This is a very basic system and there are some items that we need to purchase for it such as the LED lights and a conduit.

**Councilman Gallagher** – This is just for the solar grid correct?

**Councilman Rahm** – It’s for a solar ray, battery back-up, charger, a/c power outlet, etc. The intent for this was to put a light and power source at a remote pavilion. It is not, in my opinion, something that we need to have even though we are getting funds. It’s a nice thing to have and probably differentiates us from other communities and we can use that for marketing and branding.

**Councilman Sumner** – Do we have provisions for safety and security?

**Superintendent Hanson** – Not at this price. We’ll have to put a lock box on there for security reasons.

**Councilman Sumner** – And will this be available for everyone to use?

**Superintendent Hanson** – With the rest of the parks, we issue a key to those who reserve the pavilions so I think it would be similar to that.

**Motion by Ingemann, seconded by Sumner to approve the purchase of solar lights for the Michael J. Phillips**

**Pavilion at the Bailey School Forest at a cost of \$3,428.73 plus shipping and taxes. With 5 Ayes, 0 Nays, the motion carried.**

**C. Ordinance No. 2013-2 – Amending Chapter 7, General Regulations and Offenses**

Attorney Knaak and Chief Montgomery presented on this item as outlined in the January 17, 2013 City Council packet.

**Councilman Ingemann** – I don't like this because I think the government is regulating your morality. If someone wants to go smoke then go for it, I don't care what you do as long as it doesn't bother me and it's properly ventilated. I'm going to vote against it.

**Councilman Sumner** – In my professional opinion, I don't think this is a good business to bring into our City.

**Councilman Gallagher** – I did a little research on hookah bars in different cities and found that the amount of crime within 500 feet of hookah bars spikes significantly and for that reason alone I am going to vote for this.

**Mayor Geraghty** – I agree with Bill, I don't think this is the kind of activity that we want to promote.

**Councilman Rahm** – It goes back to my laissez-fair economics and I don't know if we should be regulating morality. However, I also am concerned about Newport's image and how we can attract businesses that are healthier and better for Newport.

**Motion by Geraghty, seconded by Sumner, to approve Ordinance No. 2013-2 amending Chapter 7, General Regulations and Offenses. With 3 Ayes, 1 Nay, 1 Abstaining, the motion carried.**

**D. Approve the Employment Agreement between the City and Deb Hill as the new City Administrator and authorize the Mayor to sign the Agreement**

Admin. Anderson presented on this item as outlined in the January 17, 2013 City Council packet.

**Councilman Gallagher** – My idea was to keep the negotiations separate from the next election.

**Councilman Ingemann** – She's agreeable to that?

**Admin. Anderson** – I think she prefers how the agreement is presented.

**Councilman Gallagher** – Also, I would like to recommend that the severance package for terminating without cause four months across the board.

**Admin. Anderson** – My agreement with Faribault is four months across the board just so you know.

**Councilman Sumner** – How much difficulty do we expect to have in negotiating an agreement during elections?

**Councilman Gallagher** – It could be very difficult.

**Mayor Geraghty** – Deb, do you have an opinion?

**Deb Hill** – I prefer the two year for consistency reasons. The difference of \$160 per year is almost irrelevant.

**Councilman Gallagher** – Are you ok with changing the severance?

**Mayor Geraghty** – I'm sure she would prefer the six, five, four.

**Councilman Gallagher** – I think since she's been working with the City already that it makes sense to go to the four

months across and it's more standard.

**Mayor Geraghty** – We shouldn't be negotiating this at a Council meeting, we've had time to talk with Brian and Deb about this and I thought the consensus was this package before us.

**Motion by Ingemann, seconded by Sumner, to approve the employment agreement between the City and Deb Hill as the new City Administrator. With 4 Ayes, 1 Nay, the motion carried.**

**Ms. Hill** – I'm really looking forward to working with the Mayor, Council and staff. I've really enjoyed working here.

**E. Authorize Councilmember Tom Ingemann to sign City-issued checks in the absence of a City Administrator and Accountant**

Admin. Anderson presented on this item as outlined in the January 17, 2013 City Council packet.

**Motion by Gallagher, seconded by Sumner, to authorize Councilmember Ingemann to sign City-issued checks in the absence of a City Administrator and Accountant. With 5 Ayes, 0 Nays, the motion carried.**

**F. Discuss Accountant Vacancy and Appointment**

Admin. Anderson presented on this item as outlined in the January 17, 2013 City Council packet.

**Motion by Gallagher, seconded by Sumner, to authorize the search process for the Accountant position. With 5 Ayes, 0 Nays, the motion carried.**

**G. Discuss Planning Commission Vacancy and Appointment**

**Motion by Ingemann, seconded by Gallagher, to authorize the search process for the Planning Commission vacancy. With 4 Ayes, 1 Nay, the motion carried.**

## **10. ATTORNEY'S REPORT –**

**Attorney Knaak** – One brief update regarding the Theobold case. Mr. Theobold was charged with a number of violations and his lawyer brought a motion to dismiss the case. The case was not dismissed and we are getting closer to an actual trial date.

**Councilman Rahm** – Any update on the NAPA case?

**Attorney Knaak** – Your attorney's filed a brief last week regarding it and we are confident that you'll be successful. I'll send you a copy of the brief.

**Councilman Ingemann** – What about that guy on Cedar Lane with the container in his yard?

**Attorney Knaak** – I don't have an update on that, I will follow up.

## **11. POLICE CHIEF'S REPORT –**

**Councilman Gallagher** – Do we have an ordinance requiring pawn shops to be in the Statewide database?

**Chief Montgomery** – No, we don't. I've been talking with the Attorney regarding that and I'm sure we'll bring that forward in the next couple months.

**Attorney Knaak** – We're working on an ordinance draft regarding that.

**Chief Montgomery** – One other item, the City needs to approve an ordinance allowing background checks on potential employees. I will also have a joint powers agreement with the County coming forward.

**Councilman Gallagher** – Do we have a background check for individuals wanting to sell tobacco or liquor?

**Chief Montgomery** – That would be under the licensing chapter. We need to have an ordinance to do background checks on employees.

**12. FIRE CHIEF'S REPORT** – Chief Mailand reported on the number of calls in the past few weeks, which include: CO Alarm, downed power line, lumber truck fire and business fire. This year marks the 60<sup>th</sup> year anniversary for the Fire Department and Booya Festival.

**13. ENGINEER'S REPORT –**

**A. CIP Pavement Management and CIU Schedule**

Engineer John Stewart presented on this item as outlined in the January 17, 2013 City Council packet.

**Mayor Geraghty** – How much funds are we committing if we approve the Resolution?

**Engineer Stewart** – In regards to the appraisals, we received a proposal from a company that we've used in the past and that Woodbury currently utilizes. That company proposes to determine an estimate of benefit on 12 companies on the various types of improvements that we would do and their cost proposal is \$12,500. The cost for doing a feasibility study will probably be less than \$5,000. You can always back out of this; you are not committed until you award the bids for the project.

**Mayor Geraghty** – Those would be allowable if we bond for it?

**Engineer Stewart** – Yes.

**Councilman Gallagher** – Did you just go through one company for the bid?

**Engineer Stewart** – Yes and that's because we only get a response from them whenever we go out for bid. They are the number one company in the area.

**Admin. Anderson** – I think it makes sense to use them since Woodbury currently utilizes them.

**Motion by Geraghty, seconded by Gallagher to approve Resolution No. 2013-3 ordering preparation of feasibility report on improvement. With 5 Ayes, 0 Nays, the motion carried.**

**Engineer Stewart** – I would like you to consider a motion to award the study of benefit appraisal to BRKW, not to exceed \$12,500.

**Motion by Gallagher, seconded by Geraghty to authorize BRKW to conduct the appraisal services at a cost not to exceed \$12,500. With 5 Ayes, 0 Nays, the motion carried.**

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

Councilman Sumner – How are the pipes holding up?

Superintendent Hanson – We're on our 3<sup>rd</sup> or 4<sup>th</sup> water main break.

**15. NEW/OLD BUSINESS**

**Admin. Anderson** – I would like to recommend that we cancel the February 7 meeting due to a lack of items and the transition.

**Motion by Geraghty, seconded by Sumner to cancel the February 7, 2013 meeting. With 5 Ayes, 0 Nays, the motion carried.**

**Mayor Geraghty** – I would like to thank Brian for his service to the City of Newport for the past 3 ½ years. You've completed a lot of accomplishments these past couple years.

**Admin. Anderson** – Thank you as well. It's been a pleasure working with the Council, Commissions and staff. I wish everyone the best of luck.

Councilman Sumner presented Admin. Anderson with a plaque thanking him for his service.

**16. ADJOURNMENT**

**Motion by Gallagher, seconded by Ingemann, to adjourn the regular Council Meeting at 6:31 P.M. With 5 Ayes, 0 Nays, the motion carried.**

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

Respectfully Submitted,

Renee Helm  
Executive Analyst