



**City of Newport
City Council Minutes
February 21, 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 – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney;

Staff Absent – John Stewart, City Engineer;

4. ADOPT AGENDA

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

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the January 17, 2013 Regular City Council Meeting
- B. Minutes of the January 17, 2013 City Council Workshop Meeting
- C. List of Bills in the Amount of \$400,669.87
- D. Kennel Permit for Debra Boughton

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT –

A. Summary of Deb Hill's Performance Evaluation

Mayor Geraghty – I would like to put into the record that on January 7, 2013, the City Council held a closed session meeting to discuss Deb Hill's performance as accountant. About a week ago, we had the Family Fun Night. It was a very good turnout. I would like to welcome Deb Hill as City Administrator.

8. COUNCIL REPORTS –

Councilman Gallagher – Nothing to report

Councilman Sumner – Nothing to report

Councilman Rahm – I attended the SWCTC meeting. Comcast announced that they are transitioning to all-digital technology in regards to transmissions. They're website states when it will be complete. If you have an analog TV, you will need a digital-transmission box. I'm not sure if there's a cost to these boxes. You'll need to check with Comcast. I've heard that people are being charged now.

Councilman Ingemann – I attended the Resource Recovery Board meeting on January 24 and was thoroughly disappointed with the representatives we have from both Counties. The meeting was supposed to start at 9:00 a.m., they did not get a quorum until 9:20 a.m. and the representative from Washington County did not show up until 9:50 a.m. I was at the Planning Commission meeting last Thursday and they discussed some zoning changes. They'll be going back to check that the changes they made did not upset whatever was there before.

**9. ADMINISTRATOR'S REPORT –
A. Amend Annual Appointments for 2013**

Admin. Hill presented on this item as outlined in the February 21, 2013 City Council packet.

Motion by Geraghty, seconded by Rahm to Amend the City Administrator and City Attorney Positions on the 2013 Annual Appointments. With 5 Ayes, 0 Nays, the motion carried.

Mayor Geraghty – Two of the three applicants for the Planning Commission had applied previously so I said that we could forgo the interviews.

Councilman Gallagher – I would like to conduct interviews this time around.

Motion by Geraghty, seconded by Ingemann to appoint Anthony Mahmood to the Planning Commission. With 3 Ayes, 2 Nays, the motion carried.

B. Resolution No. 2013-4 – Establishing Holiday Schedule for the Newport Library and Community Center

Admin. Hill presented on this item as outlined in the February 21, 2013 City Council packet. There is a State Statute that says that public offices cannot conduct business on National Holidays. There is also a ruling from the League that states that employees cannot volunteer time for their position.

Attorney Knaak – The problems that you have have to do with overtime and the fact that there's a State Statute indicating that you cannot conduct City business on National Holidays. The only way this could work is if a third-party, independent entity managed the Library.

Mayor Geraghty – I would like Mike to come up and give a report on the usage of the Library.

Michael Laughton, Library Assistant – I was invited here to answer questions on the Library. In 2012, we've had over 7,000 books, games, magazines and videos donated. We've also had over 4,500 customers, 34% adults, 10% teens, 64% youth. I'm speaking on behalf of 17 volunteers.

Mayor Geraghty – This whole issue came to a head when I authorized the Library being open on New Year's Day. I wanted to have a public discussion regarding this. It seems to me that we're trying to encourage the use of the Library and Community Center and I think we can do this. I spoke with Mike about adjusting his hours so that he doesn't go over 20 hours per week and if we can't get a volunteer to work on a holiday than it will be closed. I don't want to force anyone to work on a holiday if they don't want to.

Mr. Laughton – When I was first hired, it wasn't because I was a librarian, far from it. I was hired for being able to run programs. In regards to holiday usage, on Thanksgiving, we had 21 people visit, on New Year's, I had 16 people show up. I do see a demand for holiday usage but if there's a law against it then that's it.

Mayor Geraghty – That's not it, I think we can work around it if we want to.

Councilman Ingemann – If the gentleman is employed by the City then he is conducting City business correct?

Attorney Knaak – Yes.

Councilman Ingemann – So if the Library is staffed by an unpaid volunteer on these holidays, then it's not City business correct?

Attorney Knaak – Yes.

Councilman Ingemann – Then I would like to make a motion to add the words “staffed by unpaid volunteers” on the Resolution.

Mayor Geraghty – I would like to make it so that it's not mandatory for it to be open and that it would be posted a week ahead of time.

Councilman Rahm – Well the Library Board did send us a memo requesting some direction on whether or not it's a library or community center and recommending that it remain open on holidays.

Councilman Gallagher – If something happens at the Library, who does the volunteer call?

Councilman Ingemann – The Police.

Mayor Geraghty – Mike would probably call the Police to if he needed to.

Councilman Rahm – Why does the State have this Statute anyways?

Councilman Ingemann – Who knows?

Councilman Rahm – I think there are certain days in our history and culture that are important and we close to reflect on why those are important to us. I wonder if we blur those lines by having the Library open on those days.

Councilman Gallagher – Fritz, it says that in cases of necessity but doesn't define that. Could the Council pass a resolution stating that it's a necessity to have the Library open on these days?

Attorney Knaak – You could do that.

Councilman Gallagher – So you would say that an employee could not work on that holiday even if it is a necessity?

Attorney Knaak – No, they could work but you would have to pay them.

Mayor Geraghty – The compensation wasn't an issue, it was that he can't work more than 20 hours per week.

Councilman Gallagher – We don't want to have to place pressure on Mike or volunteers for them to feel they have to work on the holidays.

Mr. Laughton – I feel no pressure to work, if we can't find anyone then the Library is closed.

Superintendent Hanson – What if we don't get the posting up or someone can't show up that day?

Mayor Geraghty – Then you put up an emergency posting.

Motion by Geraghty, seconded by Ingemann to approve Resolution No. 2013-4 as amended. With 5 Ayes, 0 Nays, the motion carried.

C. Update on CIP Street Improvement Projects

Admin. Hill presented on this item as outlined in the February 21, 2013 City Council packet. The City Council approved

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moving forward with this project.

Admin. Hill – I have one more update in regards to the Ford Road improvements that were done last year. Those assessments were supposed to be included in the 2013 taxes, however due to some miscommunication, they weren't. I spoke with Engineer Stewart and he recommended sending out a letter to the property owners letting them know that they will be on their 2014 taxes.

10. ATTORNEY'S REPORT –

Attorney Knaak – You have before you the prosecution report. We continue to see the high volumes. The Police are doing a great job. Two cases are scheduled for hearings in March so I will have a report on those coming up.

11. POLICE CHIEF'S REPORT –

Chief Montgomery – On February 26, 2013, our new Community Service Officer will start training. His name is Travis Martin.

12. FIRE CHIEF'S REPORT – No report

13. ENGINEER'S REPORT –

A. I & I Grant Agreement

Superintendent Hanson presented on this item as outlined in the February 21, 2013 City Council packet.

Mayor Geraghty – Do we have any sense of if we'll get them?

Superintendent Hanson – I believe so.

Mayor Geraghty – Do we have an analysis of what's been done so far and if it's helping?

Superintendent Hanson – Not really because we haven't had a significant rain since it's been put it.

Motion by Geraghty, seconded by Ingemann to approve Resolution No. 2013-5. With 5 Ayes, 0 Nays, the motion carried.

Motion by Geraghty, seconded by Sumner to approve Resolution No. 2013-6. With 5 Ayes, 0 Nays, the motion carried.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Superintendent Hanson – The rinks are still open.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Geraghty, seconded by Ingemann, to adjourn the regular Council Meeting at 6:10 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst