



**City of Newport
City Council Minutes
March 5, 2015**

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; Curt Montgomery, Police Chief; Renee Eisenbeisz, Executive Analyst; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer;

Staff Absent – Steve Wiley, Fire Chief;

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

Councilman Sumner - I'd like to pull the Snow Plowing Policy.

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

- A. Minutes of the February 19, 2015 Regular City Council Meeting
- B. Minutes of the February 19, 2015 Workshop Meeting
- C. List of Bills in the Amount of \$88,648.99
- D. Personnel Policy Amendments

With 5 Ayes, 0 Nays, the motion carried.

E. Snow Plowing Policy

Councilman Sumner - Under weather conditions, it says " Snow and ice control operations will be conducted only when weather conditions do not endanger the safety of snowplow operators and equipment. Factors that may delay snow and ice control operations include: severe cold." What type of cold is enough to pull people off? Aren't they mainly in their vehicles?

Supt. Hanson - It's when it's the windshields get to be 60 or 70 below. That's when they generally pull plows.

Councilman Sumner - 60 below or 60 mph?

Supt. Hanson - Blizzard conditions, where it's just not safe to be out there.

Councilman Sumner - Have you ever had to pull people off?

Supt. Hanson - Once because of visibility.

Councilman Sumner - The line I'm worried about is the severe cold because they'll be in their vehicle.

Supt. Hanson - Trucks ice up to where they'll stall. The State does it quite frequently out west.

Councilman Sumner - I didn't think we've had those conditions here. Who makes that decision?

Supt. Hanson - I do.

Mayor Geraghty - We didn't have this policy before?

Supt. Hanson - We did, this is an update and will supersede everything we had before.

Motion by Geraghty, seconded by Ingemann, to approve the Snow Plowing Policy as presented. With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT – Nothing to report.

8. COUNCIL REPORTS –

Councilman Lund - Nothing to report.

Councilman Sumner - The annual Soup-er Bowl fundraiser is on April 18. I'm also involved in the Red Cross Blood Drive, right now supplies are very low because of the winter. If you ever have time to donate, please go down to the Robert Street building.

Councilman Ingemann - Nothing to report.

Councilman Rahm - I attended a South Washington County Telecommunications meeting last week. There was a public hearing about a franchise agreement with Century Link. They want to come in and start servicing the area. Century Link didn't want to make public their plans for build-out and I mentioned that at the meeting and want to make sure they do make that public. My concern is that they'll build-out only where they have good competition and coverage.

Mayor Geraghty - Do you know when that would roll out?

Councilman Rahm - I don't. I'm guessing we'll vote around May.

Mayor Geraghty - Who is their legal counsel?

Councilman Rahm - They only had a representative from Century Link.

Mayor Geraghty - What about the Commission?

Councilman Rahm - I don't know.

Mayor Geraghty - I'm wondering if there are certain laws that allow them to keep them private.

Councilman Rahm - There are some laws. Right now, they have a five-year build-out plan and they want to deviate from that but don't want to share it.

9. ADMINISTRATOR'S REPORT –

A. Pay Study

Admin. Hill - We have the pay study on the agenda again. I'm not going to reiterate it, I think you know where I'm coming from. The Council asked to put this on the agenda again for discussion.

Councilman Rahm - We're recommending the compensation study from the original firm for \$8,000?

Admin. Hill - Yes, the other firm was \$11,000 - \$16,000.

Councilman Sumner - Are they talking about the same number of employees? The other firm had more employees.

Admin. Hill - That includes the part-time and seasonal employees.

Councilman Sumner - I didn't see that we were getting anything more from the other company for the increased price.

Mayor Geraghty - We've talked about this quite a bit and I think we're in agreement with doing a compensation study.

Councilman Rahm - Yes and I do like that they'll give us updated job descriptions.

Admin. Hill - Yes and the steps are something that we lack.

Councilman Lund - Not to go again but I would feel most comfortable that we add a caveat that we endorse the State standard for pay equity. I don't see anything that says that what they do is separate for pay equity and I don't want to be held over a barrel later that we support a different standard.

Mayor Geraghty - You could make a motion with that.

Councilman Lund - The original study included the pay equity part.

Councilman Ingemann - We just want to find out where we stand.

Councilman Lund - I just want to make sure that's all we're doing tonight.

Motion by Lund, seconded by Ingemann, to endorse the State Standard for the Pay Equity formula and continue on with the compensation study from Springsted for \$8,000. With 5 Ayes, 0 Nays, the motion carried.

Admin. Hill - Just a couple announcements. We finished up the audit today and they will be here April 16 to give their report. Also, we did get a notice from the MPCA for the Knauff site, it's been deemed clean.

Councilman Sumner - Is that the entire site?

Admin. Hill - Yes and they took out a lot of debris, more than they had anticipated.

Mayor Geraghty - Did they have to do more than the hot spots?

Admin. Hill - They got to take some of them out because the buildings weren't removed.

10. ATTORNEY'S REPORT - Nothing to report

11. POLICE CHIEF'S REPORT -

A. Year-End Report

Chief Montgomery presented on this item as outlined in the March 5, 2015 City Council packet.

Councilman Rahm - I asked this last year but do we have a policy on how we handle recording devices that people might have on them if we take them into custody?

Chief Montgomery - The policy is court-driven.

Councilman Rahm - Do we have a policy saying that we don't tamper with it?

Chief Montgomery - Yes, we'll put it in evidence or safe-keeping or it could go with them to jail.

Councilman Rahm - Do we have policies that outline that?

Chief Montgomery - Not specifically that but it's similar to property and we have policies on that.

Councilman Rahm - Except it has images on it. I think that's something the Council should think about. Another thing too, is some cities are experimenting with wearable cameras, is that something that we need longer-term?

Chief Montgomery - It'll probably go down that road eventually but legislation needs to get some rules and boundaries. It'd be similar to the cameras in our squad cars. There are issues with going on private properties.

Councilman Rahm - I would encourage the Council to think about policies for electronic media.

Chief Montgomery - It's pretty basic, it's either safe-keeping or evidence.

Councilman Rahm - It's just how we would handle that type of technology.

Mayor Geraghty - Might want to ask other cities.

Councilman Sumner - A few months ago, there was an episode at the New Hope Council meeting. Are the local chiefs coming up with any opinions on security for Council meetings?

Chief Montgomery - We've discussed it. I guess it's one of those things that was bound to happen sooner or later. You can set all the rules you want but guns will come in if they want to come in. It's how you address that. It comes down to your own personal safety and be smart. I don't have a solution and I don't know if anyone does.

12. FIRE CHIEF'S REPORT – Nothing to report

13. ENGINEER'S REPORT –

A. SCADA Improvements

Engineer Herdegen presented on this item as outlined in the March 5, 2015 City Council packet.

Councilman Sumner - They don't get paid unless they perform?

Engineer Herdegen - Yes.

Councilman Rahm - This is custom equipment right?

Engineer Herdegen - Yes and part of it is to bring the controls up to the service in the lift stations. Quality Control will manufacture those controls.

Councilman Lund - Does a bond include a warranty?

Engineer Herdegen - The warranty is not linked to the bond. It will be negotiated through the contract.

Councilman Sumner - Is there any downtime that would be a problem for the City?

Supt. Hanson - There has been discussion so the downtime is limited.

Councilman Sumner - What's the efficiency of these systems? Are they more reliable?

Engineer Herdegen - Yes and the equipment has been around for about 10 years.

Supt. Hanson - Quality Control did some work for us on lift station #1. The equipment we're replacing is from 1963.

Mayor Geraghty - What did we have budgeted?

Supt. Hanson - About \$200,000.

Mayor Geraghty - So we're \$20,000 over, will this be paid at once?

Admin. Hill - Yes, out of the water and sewer funds and they'll be ok.

Councilman Rahm - Do we have a plan for upgrading the pumps? If we replace them do we have to re-do the panel?

Supt. Hanson - No. We have a plan to replace three of them and they should come later this year.

Councilman Sumner - That's independent of the SCADA stuff?

Supt. Hanson - Yes.

Councilman Lund - This will allow us to have centralized monitoring?

Supt. Hanson - Yes. This will control our seven lift stations, wells, etc.

Councilman Sumner - Can you access that remotely?

Supt. Hanson - We took that option away to keep the price down.

Engineer Herdegen - We can get remote access from any company.

Councilman Sumner - Are there any issues that we're not aware of?

Attorney Knaak - More security is good, this was an issue that came up but I don't have any issue with this.

Councilman Sumner - We won't be forced to make payments if they don't do the job right?

Mayor Geraghty - No.

Councilman Lund - The actual risk would be if they break something and walk away. We don't expect any issue like that.

Motion by Geraghty, seconded by Sumner, to approve entering into a contract with Quality Control and Integration for the Utility SCADA System improvements without the bond for \$220,190. With 5 Ayes, 0 Nays, the motion carried.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT -

Supt. Hanson - The rinks and warming houses will be closed for the season on Saturday.

15. NEW/OLD BUSINESS

A. Discussion Regarding Proposed Street Vacation and Parcel Exchange

This item was moved from the NEDA Agenda. Sherri Buss, TKDA Planner, presented on this item as outlined in the attached.

Mayor Geraghty - Does the fact that we would ask the DNR to look at this lock us in to vacating it?

Attorney Knaak - No.

Mayor Geraghty - Ok.

Councilman Lund - I think we should consider vacating it but he's trying to give us land that is near worthless for a buildable lot and we already have land that can be a buildable lot. We should vacate it and make a buildable lot for us to sell. That would be my position.

Mayor Geraghty - It's the same process.

Councilman Lund - So he needs our parcels to even have a chance.

Mayor Geraghty - The question tonight is if we want to proceed with asking the DNR.

Councilman Lund - That seems fine.

Ms. Buss - We'll put that request together. We've talked with Molly Shodeen at the DNR and she thinks it's a good rationale. I think the one difficulty is that part of the rationale is that this would facilitate a trade that would mean public ownership of the mill pond and that's how it's always been discussed with Molly and others, that the mill pond would be public and a better access than 9th Street. I think it's a stronger argument for the DNR.

Councilman Lund - That's fine but he'll need to bring some money to the table.

Motion by Geraghty, seconded by Lund, to direct staff to move forward and proceed to asking permission from the DNR. With 5 Ayes, 0 Nays, the motion carried.

16. ADJOURNMENT

Motion by Ingemann, seconded by Lund, to adjourn the regular Council Meeting at 6:21 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

Memorandum

To:	Newport City Council	Reference:	Proposed Street Vacation and Parcel Exchange near Mill Pond Site
Copies To:	<hr/> Deb Hill, Administrator <hr/> Renee Eisenbeisz, Executive Analyst <hr/> Fritz Knaak, City Attorney <hr/> Bruce Hanson, Public Works Director <hr/> Steve Marko <hr/>	Project No.:	15743.000
From:	<hr/> Sherri Buss, RLA AICP, Planner <hr/>	Routing:	<hr/> <hr/>
Date:	<hr/> February 23, 2015 <hr/>		

Background

Steve Marko has talked with City staff about the potential for vacation of 9th Street west of 2nd Avenue and a portion of 1st Avenue, and a land exchange of parcels that include the Mill Pond site and adjacent parcels. This memo summarizes the proposed actions, and discusses steps that the City and Mr. Marko would need to take if the Council determines that it would be in the public interest to pursue Mr. Marko's proposal.

Map 1 attached show the existing land ownership situation in the area around the Mill Pond, and the changes proposed by Mr. Marko:

- The parcel at 121 10th Street, formerly owned by Mr. Marko, is currently owned by Bryan Williams. Mr. Williams has not been part of the discussions with City staff.
- The Mill Pond site is owned by the Heritage Asset Trust, represented in the discussions by Mr. Marko.
- The City currently owns parcels surrounding and adjacent to the Mill Pond site. Most of the parcels are undeveloped, and include a ravine and stormwater infrastructure that outlet to the Mill Pond site. The City is interested in the potential future sale and development of the parcels that it owns.

Map 2 attached shows the changes in ownership that Mr. Marko is proposing, and the location of a proposed drainage easement that the City's Public Works Director and Engineer propose in order to provide adequate drainage for some City-owned parcels to permit future development. The proposed changes include:

- Exchange of three City-owned parcels on the north side of the Mill Pond for the Mill Pond Site. Mr. Marko would become the owner of a combined new parcel on the north side of the Mill Pond, and the City would own the Mill Pond Site.
- Vacation of 9th Street and 1st Avenue. The vacated 9th Street would be divided in halves, and allocated to the adjacent parcels on each side.
- The City would require an easement across the new Marko parcel for the storm sewer pipe.

Rationale and Potential Benefits of the Proposed Changes

Potential benefits to Mr. Marko and the City of Newport include the following:

- Mr. Marko/ Heritage Asset Trust would exchange an undevelopable parcel (the Mill Pond Site) for a potentially-developable parcel. A topographic survey is needed to determine if the proposed new parcel could be developed, given the existing topography and required setbacks. The addition of area from the 9th Street vacation is probably critical to the creation of a developable parcel.
- The City would gain some land from the 9th Street vacation to add to the parcels at 927 2nd Avenue. The area gained may be enough to create 2 developable parcels rather than the single parcel that is possible with the current area of the 4 parcels.
- The City would gain control over the Mill Pond site, which is an important outlet for stormwater from the adjacent area to the east.
- The City would gain a potential new river access and passive recreation area at the Mill Pond site. The site also includes elements from the City's early history.

Issues and Next Steps

At the meeting on March 5, the City Council will discuss whether it wants to pursue the proposed land exchange and street vacation. Some important issues and next steps include:

- The vacation of 9th Street and 1st Avenue require a public hearing and notice to each affected property owner.
- The City must identify a public interest for the street vacation.
- Because 9th Street terminates at a public water, written notice of the proposed vacation must be served to the Commissioner of Natural Resources at least 60 days before the hearing on the matter. The information for the Commission must address the public benefits of the proposed vacation, public waters access, and how the vacation would impact the conservation of natural resources. Staff have discussed this issue with Molly Shodeen, the Area Hydrologist for the Mississippi River, and she believes that if the street vacation rationale included the City's acquisition of the Mill Pond site to provide public access to the river and protect the area as a natural area and site for passive recreation use, that the Commissioner would be likely to approve the vacation.
- Given the 60-day notice requirement, if the City sends a vacation resolution and rationale to the DNR soon, the public hearing could be held in May at the earliest.
- The City Attorney will need to address issues related to the street vacation, including some existing easements within the street.
- Staff recommended that Mr. Marko obtain a topographic survey to determine if the proposed land exchange and street vacation would result in a buildable parcel.



Request for Council Action

Staff request that the Council discuss the proposed street vacations and land exchange at the meeting on March 5.

A draft resolution for the vacation of 9th Street is attached for Council review. If the Council determines that the City should pursue the dedication, the Council could approve the draft resolution and send it with a notice that discusses the rationale for the vacation to the DNR Commissioner to start the vacation process.



RESOLUTION NO. 2015-__

A RESOLUTION AUTHORIZING THE VACATION OF 9TH STREET BETWEEN 2ND AVENUE AND THE MISSISSIPPI RIVER

WHEREAS, the Newport City Council has proposed that the City vacate 9th Street between 2nd Avenue and the Mississippi River; and

WHEREAS, the City posted and mailed notice of the street vacation request and public hearing to each property owner affected by the proposed vacation as required by Minnesota Statutes 412.851, and held a public hearing regarding the proposed vacation on _____, 2015; and

WHEREAS, the City held the public hearing on _____, 2015, at which hearing all interested parties were heard; and

WHEREAS, FOLLOWING THE PUBLIC HEARING, THE City determined that vacation of the City's interests in 9th Street between 2nd Avenue and the Mississippi River is in the public interest;

WHEREAS, the City has identified that the vacation of 9th Street is in the interest of the public for several reasons:

- 9th Street has not been developed as a street, and the City has no foreseeable intent or need to develop the street in the future;
- The vacation of the street will facilitate the exchange of the parcel of land that is currently in private ownership that includes the Mill Pond Site with three city parcels adjacent to 9th Street, so that the City will own the Mill Pond site, which is currently privately-owned. (See Exhibit A.)
- If owned by the City, the Mill Pond Site will provide excellent opportunities for public access to the Mississippi River for recreational activities such as a trail, fishing, wildlife observation, and river views. 9th Street does not provide access to the river for activities other than river views due to the steep bluffs at the west end of 9th Street where it meets the Mississippi River.
- Public ownership of the Mill Pond site will protect over 200 feet of shoreline on the Mississippi River and make that shoreline area accessible to the public, while 9th Street provides only approximately 66 feet of access along the shoreline, and the shoreline is not accessible from 9th Street due to steep bluffs.
- Public ownership of the Mill Pond site will protect approximately 1.6 acres of floodplain, floodplain forest and wetland areas that provide both habitat and opportunities for passive recreation adjacent to the Mississippi River.
- The Mill Pond site includes important historic artifacts that are part of the early history of the City of Newport and Minnesota settlement, including the ruins of the Shelton-Irish-Durand Mill, an early lumber and four manufacturing facility that operated from 1857 until about 1900. City ownership of the parcels will protect the historic resources and offer the potential to provide interpretive information on the Mill Pond Site.
- The Mill Pond is located within the Mississippi River floodplain, and is dominated by steep slopes and wetlands that are not suitable for development; and

WHEREAS, the City has provided written notice of the request to vacate 9th Street to the Commissioner of Natural Resources as required by Minnesota Statutes 412.851; and

NOW, THEREFORE, BE IT RESOLVED That the Newport City Council hereby authorizes vacation of 9th Street between 2nd Avenue and the Mississippi River, and authorizes the City Administrator or her designee to direct and to prepare and to present to the Washington County Auditor a notice that the City

has completed these proceedings and record same with the Washington County Recorder, but only following completion by the Owner of the following:

a) (fill in as needed)

Adopted by this council this ___th day of _____, 2015 by the Newport City Council.

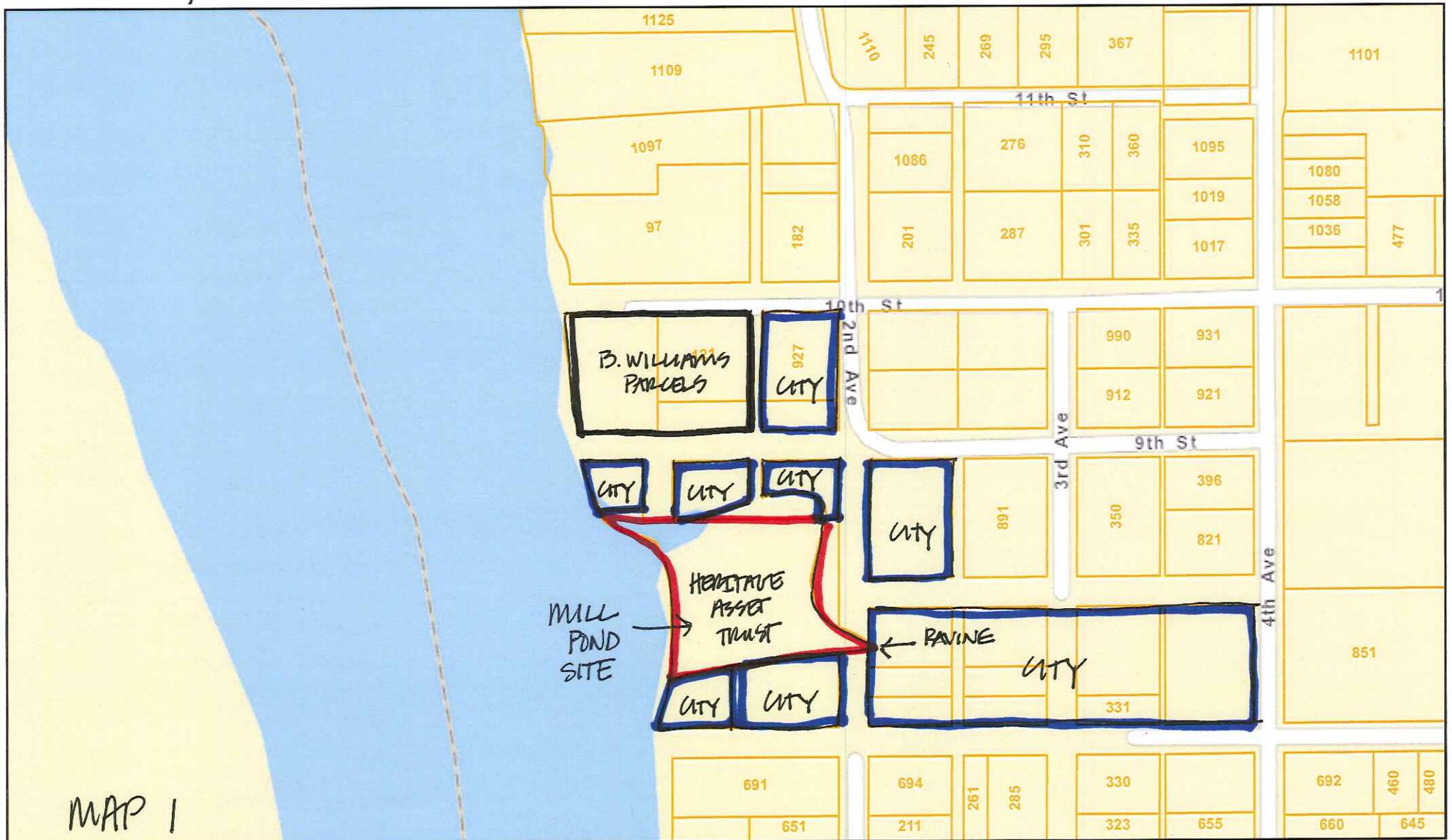
Motion by: _____, Seconded by: _____

VOTE: Geraghty _____
Ingemann _____
Sumner _____
Rahm _____
Lund _____

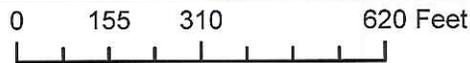
Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator

DRAFT



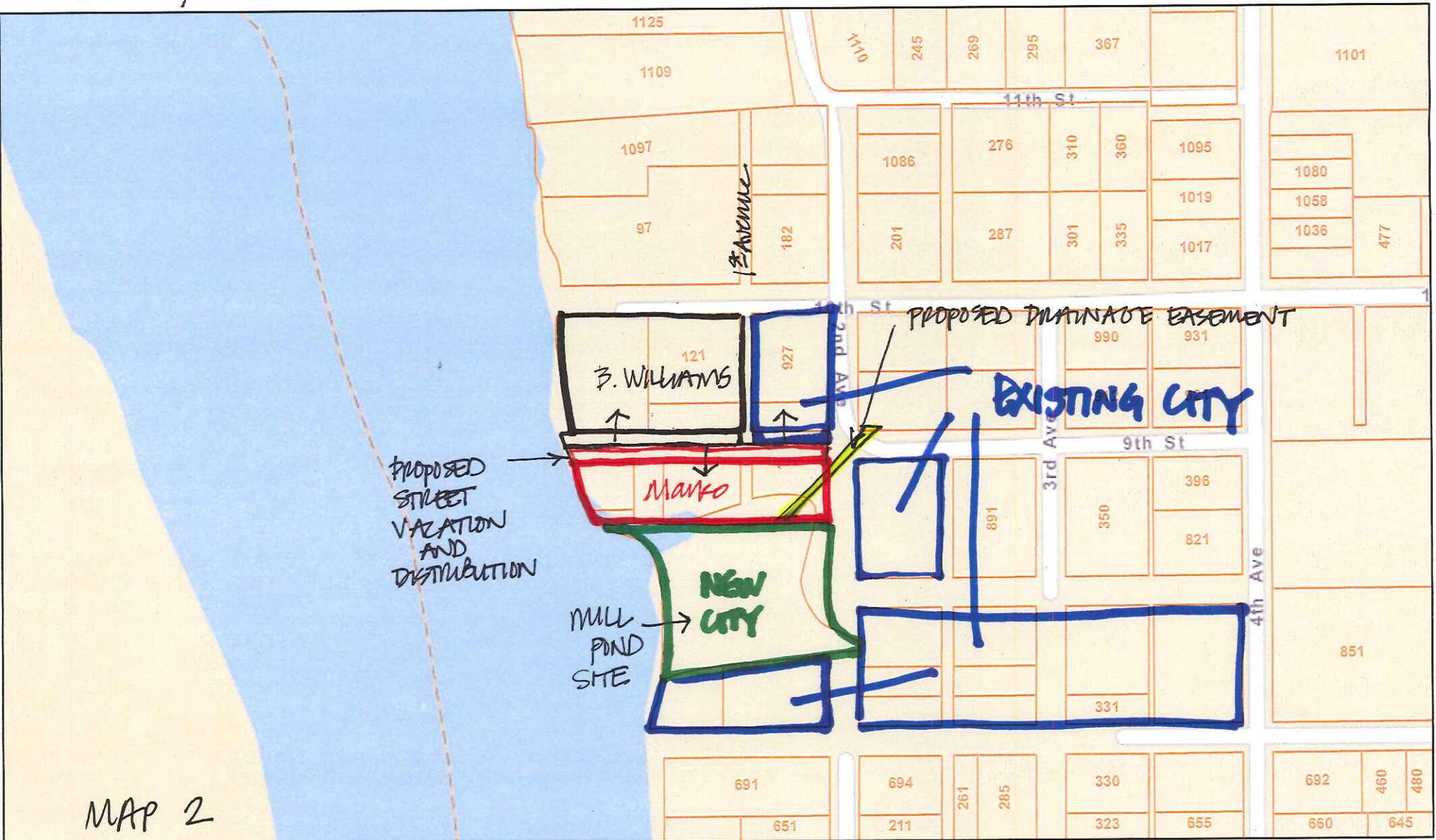
MAP 1



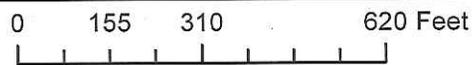
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

MILL POND AREA:
EXISTING PARCELS

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.



MAP 2



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

MILL POND AREA:
PROPOSED

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.