



**City of Newport
City Council Minutes
March 6, 2014**

1. CALL TO ORDER

Mayor Pro Tem Ingemann called the meeting to order at 5:30 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL -

Council Present –Tom Ingemann; Bill Sumner; Tracy Rahm; Steven Gallagher

Council Absent – Tim Geraghty;

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; Jon Herdegen, City Engineer;

Staff Absent –

4. ADOPT AGENDA

Motion by Gallagher, seconded by Sumner to adopt the Agenda as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. ADOPT CONSENT AGENDA

Mayor Pro Tem Ingemann - Out of the list of bills, there were some that were paid two weeks ago because the February 20 meeting was cancelled due to weather. They are Blueline Training for \$350, St. Paul Park Refining for \$2,249.87, Cardmember Services for \$978.80, Fleet One for \$3,774.79, and Sam's Club for \$168.99. They were paid so that there would be no late fees.

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

- A. Minutes of the February 6, 2014 Regular City Council Meeting
- B. List of Bills in the Amount of \$257,068.74

With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

A. South Washington Watershed District Update

Matt Moore, Administrator of the South Washington Watershed District, was present to provide updates on several activities for 2013 and 2014. Some of the accomplishments of the Watershed for 2013 are: the overflow project was started, the North Ravine project was finalized, the Watershed gave a grant to the City of Newport for de-icing equipment on the new plow truck, they continue to provide legal assistance for the acquisition of properties on the levee, and they continue to support the study for the Red Rock Gateway area. The Watershed continues to monitor the groundwater strategies from the State Agencies and will work with the City regarding it. For 2014, the Watershed will continue to work on the overflow project and the Grey Cloud Restoration project. They are also doing some work in Denmark Township.

Councilman Sumner - What were the areas covered by the overflow project?

Mr. Moore - It covers our northern watershed, which is mostly Woodbury and it extends to Oakdale and Lake Elmo. It all drains south through Woodbury.

Councilman Sumner - Is that all gravity fed?

Mr. Moore - Woodbury actually built a lift station at the end of Bailey Lake. That pumps the water over the hill and it's gravity fed from there.

Councilman Sumner - And that's all going into the Mississippi?

Mr. Moore - It's going indirectly to the Mississippi through large basins that we've purchased the title on. We use those for infiltration. We also rely on those basins for flood control.

Councilman Sumner - What percent of the overflow do you think will be infiltrated if the basins are working properly?

Mr. Moore - The design is for a 100-year event and in our design we don't account for any infiltration. Given the information we know about infiltration, we've never had water come out of the watershed since 1994. We think infiltration will work very well. We think the water will stay within the watershed.

Councilman Sumner - Where are the infiltration sites?

Mr. Moore - The basins are on the Woodbury/Cottage Grove border just to the west of County Road 19 and extend south to 70th Street. There's open space next to the DR Horton development that is ours as well.

7. MAYOR'S REPORT – Nothing to report.

8. COUNCIL REPORTS –

Councilman Rahm - I attended the Metro Cities Watershed Conference. The good thing is that we're a water-rich State. The interesting thing is that they are saying that South Washington County will have the most pressure on our aquifers. Some of the actual measurements show that places like Woodbury and Cottage Grove when they wanted to develop more sunk a well and put up a tower. Unless we change our water management, that will be limited in the future. I think they'll start some of these projects up north around the northern parts of White Bear Lake. I think it will impact us over time. I also attended the strategic plan workshop.

Mayor Pro Tem Ingemann - I went up in a helicopter today to do the deer count and more information will come at a later date.

Councilman Sumner - I attended the strategic plan workshop that we had. I also attended the Community Advisory Committee meeting at the Refinery and discussed a concern about noises that a citizen of Newport had. They are aware of this and are monitoring it. They had the Pollution Control Agency out there and they found that they were operating within acceptable standards. We'll continue to monitor this on an ongoing basis.

Councilman Gallagher - Nothing to report.

9. ADMINISTRATOR'S REPORT –

A. Discussion Regarding Frozen Water Lines and Utility Bills

Admin. Hill and Superintendent Hanson presented on this item as outlined in the March 6, 2014 City Council packet. Due to the extreme winter conditions, the City has had several frozen water and sewer lines and also has a frozen main line. The City is seeing eight to ten feet of frost and as such is recommending that citizens run their water at a pencil width stream to ensure they don't freeze. Citizens can check the temperature of their water and if it is around 40 degrees right as it comes out of the faucet they should start running water immediately. It is anticipated that this will last until the beginning of May.

Councilman Gallagher - How easy would it be to give a credit for everyone in Newport?

Councilman Sumner - We could look at their usage for the last quarter.

Admin. Hill - That would be one way to do it. We have asked all residents to run a pencil width stream of water if their water is below 40 degrees. That is cheap insurance. What we could do is forgive that extra water if they request it.

Mayor Pro Tem Ingemann - South St. Paul requires residents to notify the City if they are running their water to prevent frozen lines and then give them a credit for the overage. The City is not going to give everyone a credit, that's not realistic.

Councilman Rahm - I think we should look into it soon.

Admin. Hill - We just read meters today and the running just started. If someone contacts City Hall moving forward, we will make note of that and their next bill will be adjusted.

Councilman Sumner - If someone contacts us, we should work with them and give them credit for the overage. If someone comes in and has been running it for the past two weeks we can make a minor adjustment for that as well since we're just notifying them of this now.

Admin. Hill - We can work with them on a case by case basis.

Mayor Pro Tem Ingemann - I had mine running and got an outside thermometer from the hardware store to measure the temperature.

Councilman Rahm - How are we going to communicate this to residents? Will it go on our website?

Admin. Hill - Yes.

Councilman Gallagher - Can we put something out through Code RED again to tell them to notify the City if they plan on running. I think a lot of our residents received the Code RED and started running their water immediately and now we're saying that they need to contact us to get the credit. I don't know if we can look at bills and if they have 200 gallons per day then they're obviously running water.

Councilman Sumner - I think if their bill goes up significantly they will contact us.

Admin. Hill - Can we do a Code RED for that?

Councilman Gallagher - I received a lot of phone calls from individuals saying they are running and they asked if we are going to credit their bills and if we go back and say only if you contact the City will we go backwards. I think we should be proactive. It costs the City a lot of money when a sewer or water line breaks.

Mayor Pro Tem Ingemann - We need to know who is doing it.

Superintendent Hanson - I'm not sure if we can issue a Code RED for this because it is an emergency outlet. I can ask but there is a cost to do it as well.

Councilman Gallagher - Then can we send a mailer to all the residents?

Councilman Sumner - That's expensive.

Councilman Gallagher - It's worth it.

Admin. Hill - We'll be sending out water bills next week, we can put a message on there and highlight it. Then we can

credit them on a case by case basis.

Mayor Pro Tem Ingemann - Do we need a resolution to accept the City staff adjusting the water bills because of the problem?

Attorney Knaak - I think since you are talking about changing a policy you do need to pass a resolution that would indicate that you would waive any increases for a period of time.

Councilman Gallagher - Are we able to decrease the sewer portion based on the water usage or is that mandated by Met Council?

Superintendent Hanson - That will be a hard cost to us to pay the sewer. We can forgive the additional water usage but bill them for the sewer.

Admin. Hill - The extra sewer would be about \$15 per month.

Councilman Gallagher - Have we contacted Met Council to see if they would forgive any of this?

Admin. Hill - They've been silent.

Superintendent Hanson - I've been looking to see if they will penalize us for running so much extra water.

Admin. Hill - I would recommend that we forgive the water portion but not the sewer.

Mayor Pro Tem Ingemann - I think they should notify the City that they are doing this.

Councilman Gallagher - Do you want average temperatures over town?

Superintendent Hanson - We could do that, it needs to be first draw. If it's below 40 degrees you know you're close. I can ask to do the Code RED again but there is a cost to it, a couple hundred dollars.

Councilman Gallagher - If they can do it, do it.

Councilman Rahm - How much will we waive?

Councilman Gallagher - The increase in water usage above their average.

Councilman Rahm - And they need to notify the City to get the credit?

Admin. Hill - Yes.

Councilman Gallagher - I want to make sure that if someone comes in and says that they ran water but didn't contact us that we'll work with them.

Admin. Hill - Yes.

Superintendent Hanson - We do also have the capability to see when they ran the water.

Motion by Ingemann, seconded by Gallagher to approve Resolution No. 2014-5 to forgive the increase in water usage due to the necessary measures taken to keep the lines from freezing if they contact City Hall and to forgive the whole water portion for the residents that are running their water at three gallons per minute as requested by the City. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

10. ATTORNEY'S REPORT –

Attorney Knaak - Just so you know, the prosecution reports will be reported on at the second meeting so it can make the packets.

11. POLICE CHIEF'S REPORT –

A. 2013 Year-End Summary

Chief Montgomery presented on this item as outlined in the March 6, 2014 City Council packet.

Councilman Gallagher - It appears our Part I crimes are low per capita.

Chief Montgomery - Yes and that's what you want.

Councilman Rahm - Good presentation. For the Council and you, technology is changing, especially with wearable recording devices like Google Glass, I would like to know how we're going to address that, especially with our policies and procedures. Something just happened in St. Paul where the police settled out of court because of something on a video. I just want to know how we're going to change with that.

Chief Montgomery - Our squad cars have video cameras in them. They are activated when the lights go on. The audio travels for some distance, which is nice.

Councilman Rahm - My concern is how to respond to when the people that we arrest or apprehend are wearing video cameras. I want to make sure that they don't get ruined or that any information on it is not tampered with. It's just about having our policies up to date.

Chief Montgomery - Luckily, they're making the technology with our cameras tamper proof. I think we need to stay flexible with technology because it changes so fast.

Councilman Rahm - Do we need videos in those vehicles that we don't have them in?

Chief Montgomery - One of them is the CSO's vehicle and we only take that out if there's a blizzard. The other one is an investigator car and he doesn't need one because he's not making stops.

Councilman Gallagher - What else do you possibly need for the officers and department. We've had some discussion about increasing an officer.

Chief Montgomery - It would relieve some of the stress on the number of calls. I have a young, efficient department. It would be nice to have another officer but that is your realm, I just ask for it. You will have to decide if it's feasible.

Councilman Gallagher - When do you plan on asking for it? Now?

Chief Montgomery - Sure, we had a workshop and I mentioned it then.

Councilman Rahm - You did say that the calls per officer were more than other cities.

Chief Montgomery - I took numbers from Cottage Grove, Woodbury, and St. Paul Park and they ended up being around 450 calls per officer and we are at 600 calls per officer. They're young and do a great job. It's hard for them to take time off and sometimes overtime or sick time needs to be taken in order to do so.

Mayor Pro Tem Ingemann - You don't want them to get burned out too early.

Chief Montgomery - That's correct.

Councilman Gallagher - Should we have a discussion about increasing the Police Department by one.

Councilman Rahm - I think it should be a future agenda item. I would like to have the Mayor back, I'll do it now too if you want to.

Councilman Sumner - I think we should wait until the Mayor is back. I'm in favor of it but think we should wait.

Councilman Gallagher - As long as we agree to put it on the agenda otherwise I'll make a motion to add someone right now.

Councilman Sumner - I'll make a motion to put it on the agenda.

Councilman Rahm - I think we need to look at it but would like to see some more information.

Motion by Sumner, seconded by Rahm to place this item on the April 3, 2014 agenda for discussion. With 3 Ayes, Gallagher voting Nay, 1 Absent, the motion carried.

Councilman Gallagher - I would rather do it now.

Councilman Rahm - I think it's better to have data with something like this.

Mayor Pro Tem Ingemann - You need to know what the cost will be.

Councilman Gallagher - We have those costs.

Mayor Pro Tem Ingemann - I would rather see a full-time officer than a CSO.

Councilman Rahm - That's my issue too.

Councilman Gallagher - Would you eliminate the CSO and put those duties on a full-time officer?

Chief Montgomery - I could do that. The CSO is ready to go to become a full-time officer. I could put him on those duties. We've done that in the past and it's worked.

Councilman Rahm - I've heard feedback that CSO is the last thing that an officer wants to do and they don't have time to do it.

Chief Montgomery - Sometimes that is true but there is downtime. Unfortunately some of the downtime is during the middle of the night. It's a tough one to say that it'll work unless we try it.

Councilman Rahm - I think a CSO has a tougher job because they're doing code enforcement.

Chief Montgomery - It's the least liked position.

Councilman Rahm - I've heard the police don't like doing it because it's unpopular.

Mayor Pro Tem Ingemann - You can always go back to a part-time CSO if it doesn't work.

Councilman Gallagher - I think the person we hire would need to understand that code enforcement would be part of their job. I assume that if you hire someone brand new they would be stuck doing night shifts.

Chief Montgomery - Not necessarily. There are some officers that want to work nights. Most of our officers were CSO's at one point in time. I was thinking a ten hour shift Monday through Thursday.

Councilman Sumner - Come back with some suggestions.

Chief Montgomery - It takes 12 to 16 weeks to get someone trained. If we go with the current CSO, it would take about 3 weeks.

Councilman Gallagher - Would you hire the CSO?

Chief Montgomery - I would hire him in a heartbeat. He's an excellent officer and has a lot of feelers out there.

Mayor Pro Tem Ingemann - We have a month to come up with information.

Admin. Hill - The costs are not there. There are uniforms, ammunition, it's not just the officer. The impact on the levy will be significant.

Councilman Gallagher - Also, come back with where we could take the money from. Can we do a transfer from the EDA fund for this year?

Admin. Hill - That's a big blow to your economic development. We're buying the Johnson properties, the MNDot property, the Cedar Lane properties, that's a lot.

Councilman Rahm - I would also like to see how the CSO duties would be distributed among the force.

Chief Montgomery - I would only have one officer do the CSO duties.

B. January 2014 Activity Report

There were no questions on the January 2014 Activity Report.

12. FIRE CHIEF'S REPORT –

A. 2013 Year in Review

Chief Mailand presented on this item as outlined in the March 6, 2014 City Council packet. In the past few weeks, the Fire Department has responded to a couple smoke alarms, power lines down, and accidents on the highway. Chief Mailand thanked Public Works for the plowing and keeping up with the water.

13. ENGINEER'S REPORT –

Engineer Herdegen - Our plan set is essentially complete. We completed the survey for 3rd Avenue and tweaked 14th Street slightly. We're starting the reviews of the televising footage. We've had some where we need to go into the house to get the lines televised. We hope to have a set of plans for the March 20 meeting for the Council to consider for going out for bids.

Councilman Sumner - I heard that we might be removing some trees for this project, can you comment?

Engineer Herdegen - We are planning to remove some trees. The only removal we'll do is when they have direct impact to the street and they're in the right-of-way. Generally, the trees that will be removed will be those that will come close to the curb lines. We protect more trees than we necessarily take.

Councilman Sumner - Are we making an effort to make sure that no water is diverted down people's driveways.

Engineer Herdegen - Yes. On the full reconstruct streets, every driveway will get an apron which will elevate above the curb line so that any water will stay in the curb. We're very concerned about water going into the driveways so we've adjusted the grade of the road to try to keep water in the road. Some places there's not a lot we can do but we've mitigated it to the best of our ability.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Superintendent Hanson - Our warming houses will close for the season at the end of the shift on Sunday.

Councilman Sumner - People can still skate?

Superintendent Hanson - Until they become unsafe.

Councilman Gallagher - How much salt did you go through this year compared to last year?

Superintendent Hanson - Right now, I'm at 125% of everything that I ordered with the addition to what we had left over from last year. We've started mixing it with sand. We have enough for a couple events.

Councilman Gallagher - Do we have an emergency fund if you need to buy more salt?

Superintendent Hanson - That doesn't worry me as much as being able to get it. Nationwide, it's stretched out. We've worked with St. Paul Park and Washington County in the past.

Councilman Gallagher - Will you adjust for next year to compensate?

Superintendent Hanson - I will adjust it somewhat because I did use all of the excess.

Councilman Gallagher - And we won't be fined for using sand and having it go down the sewer system?

Superintendent Hanson - No but there are additional costs to cleaning it up.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Ingemann, seconded by Sumner, to adjourn the regular Council Meeting at 6:43 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst