



**City of Newport  
City Council Minutes  
April 21, 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; Fritz Knaak, City Attorney; Larry Osterman, Sergeant; Steve Wiley, Fire Chief; Jon Herdegen, City Engineer

**Staff Absent** –

**4. ADOPT AGENDA**

**Mayor Geraghty** – I would like to move the engineer up behind Council Reports because he has other places to be really soon.

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

**5. ADOPT CONSENT AGENDA**

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

- A. Minutes of the April 7, 2016 Regular City Council Meeting
- B. List of Bills in the Amount of \$124,027.16
- C. Chicken Permit for the property located at 1345 Military Road
- D. Agreement for Assessment Services with Washington County

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

**A. Minutes of the April 7, 2016 Regular City Council Meeting**

**Councilman Sumner** – Just a request by the sergeant. In the notes it says, “the forums and stocks are exchanged for bright orange”. I think it’s the “forearms” so just change “forums” to “forearms” as part of the description of the shotgun.

**Motion by Geraghty, seconded by Ingemann, to adopt the Minutes of the April 7, 2016 Regular City Council Meeting as amended. With 5 Ayes, 0 Nays, the motion carried.**

**D. Agreement for Assessment Services with Washington County**

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**Councilman Sumner** – It's on page 75 of 83. On page 76, it talks about appraisals, point A under section 2.A, appraisals for all real and personal property located within the city. Are we assessing on personal property? It's only real property that's being assessed right now isn't it?

**Attorney Knaak** – Ordinarily I would say yes, in a contract like this that's what I would expect. There are instances where you will deal with personalty much of which is on the RDF plan for example is actually not real property. Certain kinds of structures or equipment may not be real property, may not be fixtures but nevertheless can be assessed and taxed for some purposes. I can't give you an example other than the fact that I'm aware of the issue having come up when we were doing the RDF bonding and so forth earlier. What's taxable, what isn't, and what can be valued for what purpose. The county does do that from time to time. They're not assessing things that a normal person would have on a residential home or real estate but there are certain kinds of non real estate property which are property within the jurisdiction of the county assessor. I wouldn't worry about it, I can't think of an instance off-hand where that would necessarily be the case. This is just a complete grant of authority that's all.

**Councilman Sumner** – Why would they grant authority if they don't have a right to tax on it?

**Attorney Knaak** – This is an assessment for the city in other words this is an assessment for evaluation for you, they're contracting to do this. They could do this on their own for their own taxing purposes too but this is about what you need since you need somebody to do assessment services and they're offering to do the services basically as a private contractor.

**Councilman Rahm** – So you're saying that we could go somewhere else to have these services done if we wanted to?

**Attorney Knaak** – Yes.

**Councilman Sumner** – On the next page, manages state core petitions and coordinates TIF assessment functions with the city. Is that a broad enough description of their responsibility in the TIF area? I didn't know that they were going to be involved in our TIF.

**Mayor Geraghty** – It's probably labeling the properties and the tax records so it's picking up the TIF correctly is what I would assume. So if it's a designated area they would need to have their system capable of identifying.

**Councilman Sumner** – Okay but they're not doing the assessment themselves? Or would they do the assessment themselves?

**Attorney Knaak** – I think the second line should be the focus which is "provides value to the city for various projects in which there may be an assessment agreement", in other words, you assess a certain property in the TIF district and determine how much of that is the city's. They actually come up with the number.

**Councilman Sumner** – Point "p", provides a report of assessment activity prior to the appeals period. Where is that report presented or kept?

**Attorney Knaak** – Mr. Mayor that's actually a report to you. If there was an appeal it wouldn't go to the assessor, it would go to you. I think you've been through this as a Council when people come to you. What this contract requires them to do is before that date, you will have a report with his or her analysis of the property values and I would suggest that is something you want.

**Motion by Sumner, seconded by Geraghty, to approve the Agreement with Washington County for Assessment Services. With 5 Ayes, 0 Nays, the motion carried.**

## 6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

## 7. MAYOR'S REPORT

**Mayor Geraghty** – I attended the tax committee in the House yesterday and we testified at that hearing. I have no clue as to where it's going or where it's going to end up but we've been heard so in they're in the process somewhere.

## 8. COUNCIL REPORTS

**Councilman Sumner** – I think everyone on the Council got a copy of the pruner volunteer report and it mentions a number of people from the city and from neighboring cities that have contributed to this effort. I just want to thank the people that have been working on it. Stone Soup is Saturday, there will be some lanes available. It starts at 9 am and food will be available throughout the day. It ends at 4:30, come down and enjoy the fun and festivities.

## 9. ENGINEER'S REPORT

### A. 15<sup>th</sup> Street and Cedar Lane Storm Sewer

Engineer Herdegen presented on this item as outlined in the March 3, 2016 City Council packet.

**Councilman Lund** – Wasn't there some concern about a one-way valve that is not the most reliable and it might impact the storm sewers.

**Engineer Herdegen** – Part of the design was to put on a rubber flat valve so it could only go one way and have a dedicated isolation valve. During flooding times you could close this but if you get any debris or sticks in the valve it could possibly get propped open. That was the reason why we didn't put anything in during the 15<sup>th</sup> Street improvements. We tried to capture as much water as we could upstream of here. This is the best solution we could come up aside from reconstructing most of Cedar Lane there.

**Councilman Lund** – Would it be practical to direct it toward the street?

**Engineer Herdegen** – We would have to put a ditch in along the west side of Cedar.

**Councilman Lund** – No we want it to go straight west.

**Engineer Herdegen** – The objective is to make sure that we didn't make the problem worse and by installing a valley gutter across Cedar we could ensure that we wouldn't make the problem worse. I'd have to look at the grades to make sure that that is possible.

**Mayor Geraghty** - Maybe take another look at it and invite the Council to come take a look at it again. Do we know the magnitude of how much rainfall we need before it is a problem?

**Councilman Lund** – I'd just be curious, is that something that costs \$10,000 or \$14,000? I think price is a big part of it.

**Engineer Herdegen** – The cost would probably be similar if not less. The concern would be trying to cross a street with water. There isn't enough grade to make sure that the water gets across and it would be a little messy with the profile of the street. It would be challenging but we could look to see if it's possible.

**Councilman Rahm** – For a long term solution as far as handling the water, is the curb and guttering the solution?

**Engineer Herdegen** – Yeah, when you would reconstruct Cedar you would put a catch basin network in and a more reliable outlet.

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**Councilman Rahm** – But that road isn't that bad so would it be like 20 years from now. It's how much do you want to spend short-term when it comes down to it.

**Councilman Sumner** – But we shouldn't be dumping water on someone else's property.

**Councilman Rahm** – We have a lot of water around every place when it comes down to it.

#### 10. ADMINISTRATOR'S REPORT

##### A. **Resolution No. 2016-17** – Establishing the Policy for the City in the use of Surveillance Cameras on City Property

**Admin. Hill** – Mayor Geraghty asked us to look into this so this resolution was put together by Fritz. The surveillance cameras that we have are in the library right now mainly because we have somebody mainly working by themselves with kids. The camera is still up in the entrance of City Hall which was put up by the county when the book depository was here.

**Councilman Lund** – Are we required to put up notice of surveillance with camera only and not audio?

**Attorney Knaak** – Probably not but it is a good idea. If you're going to use audio it's pretty clear that you do. The city did have a dispute where the issue came up and went away. It's considered good practice to provide this notice.

**Councilman Lund** – I'm not a fan of greeting people that come to city hall with a sign saying they're under surveillance. I don't think we should do audio.

**Mayor Geraghty** – I think the public should know and it's a deterrent in itself. If you put a sign at the public parks saying that you are or could be under surveillance, it's a deterrent.

**Councilman Lund** – Sure but that's different from greeting people who come to city hall with a sign. We have to represent the city when we deal with people in business.

**Mayor Geraghty** – It's to protect city property.

**Councilman Lund** – It looks like we have problems when you're greeted with that sign.

**Councilman Ingemann** – Video on the outside of the building I have no problem with for vandalism. On the inside, I really have a problem with that because George Orwell is starting to come back, this is beyond 1984. In the library, yes we need that for security, in City Hall I don't have a problem. Anywhere else outside the building but not inside.

**Admin. Hill** – There are many times when Renee, Deb, or I are the only ones here.

**Councilman Rahm** – I look at it more as a safety issue. My concern is that all of the video then becomes searchable and you have to have the ability to do that.

**Mayor Geraghty** – I'm sure there's a retention policy, you don't have to keep it forever.

**Councilman Ingemann** – I think we're getting a little too paranoid.

**Mayor Geraghty** – This isn't big brother time, it's to protect the public and the employees.

**Councilman Rahm** – I think it's something that's prudent.

**Mayor Geraghty** – Bruce does it in the parks. I just want to make sure that we have a policy for it.

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**Councilman Sumner** – Should we have in here some additional information about how long this material is kept and how it's managed? Or is that to be decided later?

**Attorney Knaak** – Anything you keep as public data or any kind of data is regulated by the Data Practices Act. I would discourage you from mimicking those terms in your ordinance because what happens is if the act changes and your ordinance doesn't, you end up being out of compliance. My suggestion is that you leave it with the references that reference the Data Practices exceptions. The retention here is partial to the regulations of the Data Practices Act.

**Councilman Lund** – I'd like to remove the requirement that we post notice and leave that on a situation by situation basis. If you're trying to stop vandalism then there's a purpose for notice but if developers coming to city hall are greeted by a sign saying they're under surveillance, it's not the most helpful.

**Mayor Geraghty** – We can put the sign out after 6 pm after the office is closed then.

**Councilman Lund** – I'd rather have a policy that did not require us to have a sign.

**Mayor Geraghty** – I'd rather inform the public that we're doing it. I'd also like it to say that we won't normally record audio.

**Attorney Knaak** – If you do not post notice and someone objects, you're going to get into what the expectation of privacy was or was not. If you announce a simple and clear policy like this one, no one can raise that issue.

**Councilman Sumner** – I know for a while we had trouble with vandalism up in the parks and I don't know if we need to announce each time we are or are not surveying.

**Mayor Geraghty** – No but I think you could put a sign up at the parks saying that it could be under surveillance.

**Councilman Rahm** – I'm not sure we need audio either.

**Mayor Geraghty** – I don't want to ban it entirely because there may be instances where we may want to use it.

**Motion by Geraghty, seconded by Sumner, to approve Resolution No. 2016-17 – Establishing the Policy for the City in the use of Surveillance Cameras on City Property. With 2 Ayes, 3 Nays, the motion failed.**

#### 11. ATTORNEY'S REPORT

12. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT – Nothing to present.

#### 13. FIRE CHIEF'S REPORT –

**Chief Wiley** – I just wanted to get it on people's calendars that Booya is coming up on July 10. There's a meat raffle the weekend before Memorial Day at the Cloverleaf.

**Councilman Rahm** – Are we going to have the same amount of pots as we did last year?

**Chief Wiley** – We're looking at increasing them.

#### 14. SUPERINTENDENT OF PUBLIC WORKS REPORT

##### A. Ball Field Irrigation

**Supt. Hansen** – Council had asked about putting sprinkler systems in at Loveland Park ball fields and Newport Elementary. I did receive a quote from a contractor for that. The price for Loveland Park was in the neighborhood of \$17,200. For the sprinkler system at Newport Elementary, the price was \$19,595. That is a rough idea of what

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they would cost. Also I was asked by the NAA to get a cost on the outfield fencing for the large field at Loveland. They thought that it would make it more useable. I did get a cost for that. I believe it was in the \$6,300 range. We recently installed baseline fencing up there so if we did install new fencing it would go with the timing. It's still being discussed on who would be paying for it.

**Councilman Ingemann** – Would the school district be willing to kick some of the money on that one?

**Admin. Hill** – I don't know yet. It would all depend on where the Council goes with this. They're interested in having their field sprinkled and talking about upgrading their facilities. We're just waiting to see where the Council's at and whether they would want to fund it or portion it.

**Councilman Rahm** – This is a non-budget item right?

**Supt. Hansen** – Right, I was just asked to bring the prices. Right now we don't know exactly what kind of usage Newport Elementary will have either.

**Councilman Lund** – The NAA is trying to get Loveland up to speed and one of the issues with that is the condition of the field is not consistent with the field. To be a reliable facility, it needs irrigation. I've thought for quite a while that the elementary school's fields are poor and that's saying it kindly. From an athletic standpoint, Loveland is more important but as far as kids going to school and having a decent playground, that's probably more valuable to the residents so I wanted to have them on the table at the same time. I know we have a fair amount of pull tab money right now.

**Admin. Hill** – No that money's been spoken for. That \$20,000 was for the previous years, we don't have \$20,000 in a pot. The Council decided where the money would be going which was largely for training for the Fire Dept. and then there was the food shelf.

**Councilman Lund** – We just had a discussion about it going into our general fund which wasn't appropriate.

**Admin. Hill** – It goes into our general fund, it's actually just sitting there and it's not earmarked.

**Councilman Lund** – At some point we have to appropriate it to the appropriate category.

**Admin. Hill** – We did backdate that, about how much was going into each category for the last few years.

**Attorney Knaak** – That's right. It was basically some mandated accounting that you had to do so the funds, as I understand it, have already been spent.

**Councilman Lund** – Yeah I agree that there's not extra money in the general fund.

**Mayor Geraghty** – Do you have monies in the general fund?

**Admin. Hill** – We do have monies in the parks fund.

**Mayor Geraghty** – I think we should do an assessment of that as well. I think this should probably go to the Parks Board as well.

**Supt. Hansen** – This item has been on the parks wish list for years.

**Admin. Hill** – We'll setup a workshop for this when we have some accounting on where we're at with the parks fund and do we have other priorities that are higher coming up with the capital improvements we have coming up for that parks fund?

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**Councilman Lund** – That’s going to go to the Parks Board first right? They’re having a workshop this week? Do you agree that we should have the Parks Board look at it first?

**Mayor Geraghty** – As far as the school fields, you’re talking about irrigation now? Is this just putting a sprinkler system in or is it filling and grading it with proper drainage?

**Supt. Hansen** – No this is just putting in a sprinkler system.

**Mayor Geraghty** – I would think you would have to do both if you don’t want it to runoff and pond.

**Supt. Hansen** – We have leveled the fields quite a bit this year so we’ll see how they are when we get some heavy rains.

**Supt. Hansen** – Also Mr. Mayor, street sweeping has been completed. We are flushing hydrants this week so if anyone notices dirty water run your cold water first. Don’t turn on your hot so you don’t suck in dirty water to your hot water tank.

**Councilman Sumner** – We have been talking about possibly charging for the Loveland Park, is that correct?

**Admin. Hill** – Yes, possibly in the future.

**Councilman Sumner** – Don’t other cities charge? Haven’t we seen that?

**Councilman Lund** – Other cities will charge for private groups for use of their ball fields and usually there’s a requirement related to how much residents use it maybe? We can do it anyway we want but if we don’t have irrigation, of our fields aren’t worth very much.

**Councilman Sumner** – I think we should keep in mind that if the upgrade gives us the potential to get some income then we can look at having that offset some of the cost. I want to make sure that everybody keeps that in mind.

**Councilman Lund** – Right now we have many acres of land in the city that we’ve set aside to be used as parks and that’s where the biggest expense is, setting aside this land. If we have to spend \$10 a resident to get them to be used, that’s worth it.

**Mayor Geraghty** – They heyday of the NAA is gone. At one point our fields were used a lot. I agree that we should be tying up with Woodbury or whoever to get the fields used.

## 15. NEW / OLD BUSINESS

## 16. ADJOURNMENT

**Motion by Ingemann, seconded by Geraghty to adjourn the regular City Council meeting at 6:28 p.m. With 5 Ayes, 0 Nays, the motion carried.**

### Upcoming Meetings and Events:

- |   |                |           |
|---|----------------|-----------|
| 1. Park Board Meeting                       | April 28, 2016 | 6:00 p.m. |
| 2. City Council Meeting                     | May 5, 2016    | 5:30 p.m. |
| 3. Heritage Preservation Commission Meeting | May 11, 2016   | 5:00 p.m. |
| 4. Planning Commission Meeting              | May 12, 2016   | 6:00 p.m. |

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

Respectfully Submitted,

Andrew Brunick  
Administrative Intern/Administrative Assistant