



**City of Newport
City Council Minutes
May 15, 2014**

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; Steven Gallagher

Council Absent – Tracy Rahm;

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer;

Staff Absent –Renee Helm, Executive Analyst;

4. ADOPT AGENDA

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

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the May 1, 2014 Regular City Council Meeting
- B. List of Bills in the Amount of \$192,907.65
- C. 2014-2015 Liquor License Renewals
- D. **Resolution No. 2014-21** - Amending Resolution No. 2014-18

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

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Paul Hanson, 1925 10th Avenue - I have a question regarding the brand new asphalt that is deteriorating. I did bring this to the Mayor's attention a couple weeks ago and now we have a considerable amount of dead sod too. I'm wondering when will this be resolved. It's been brought to the attention of the people who are supposed to resolve it. I'd also like to see a copy of the warranty.

Mayor Geraghty - Was the sod from last year?

Mr. Hanson - Yes.

Mayor Geraghty - Was it sod or seed?

Mr. Hanson - Sod, the seed took off.

Mayor Geraghty - Is it a full season on the sod?

Engineer Herdegen - Yes, it's a one year warranty from when the City accepts the sod. We plan on doing our walk through and identify any of those restoration areas before the end of June.

Mr. Hanson - What about the deterioration of the asphalt?

Engineer Herdegen - The contractor has been notified of that and we're going to look at that as well.

Mr. Hanson - Because we all paid our \$3,000 and want our money's worth.

Engineer Herdegen - Absolutely.

Mr. Hanson - Do appreciate it.

A. Presentation of the Betty Haugen Preservation Award

Mayor Geraghty - I would like to present the Betty Haugen Award to Nolan and Samantha Fritze in recognition of their efforts to preserve and restore the historic James H. Huginin house at 597 4th Avenue. I know you've been working on it a few years and it really does look beautiful.

Nolan Fritze, 597 4th Avenue - The interior has been done as well. It's all done now. Thank you.

7. MAYOR'S REPORT –

Mayor Geraghty - I attended Robert Vogel's presentation last night at the Library and he did a great job reviewing the beginning history of the City of Newport. The process actually started in 1887 and finished in 1889. It was very interesting and thanks Jo for setting that up.

8. COUNCIL REPORTS –

Councilman Gallagher - Nothing to report.

Councilman Sumner - I attended the HPC meeting last night and Bob Vogel's presentation. The history of Newport, when you start to find some of the characters and events, it's very interesting. A couple things I thought were worth sharing were in the 1840's, Lucy Irish became the first dairy woman in Minnesota and she and her husband put a number of cattle on a flatboat in Iowa and sent them up to Newport. They set up one of the first cheese-making operations. They sold in Newport and St. Paul. We have a rich agricultural history in Newport. In addition to that, one of the early settlers who was involved with the house that has a partial log cabin in it that we just purchased, was Mr. Brown and he was a prolific diarist. In his diary he makes the earliest reference to ice fishing in Minnesota. We have an early connection to dairy and ice fishing. Newport is a leader in many areas. There is a meat raffle for the Fire Department on Friday at the Cloverleaf Bar and Grill.

Councilman Ingemann - I was at the Planning Commission last Thursday.

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2014-22 - Providing for the Sale of \$3,380,000 General Obligation Bonds, Series 2014A

Jason Aarsvold, Ehlers, presented on this item as outlined in the May 15, 2014 City Council packet.

Councilman Gallagher - Why do we have to seek a rating again if we already have a AA rating?

Mr. Aarsvold - Every issue is rated.

Motion by Ingemann, seconded by Geraghty, to approve Resolution No. 2014-22 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Resolution No. 2014-23 - Approving a Lot Size Variance Requested by Mark Gergen for Property Located on 4th Avenue, south of 20th Street

Sherri Buss, TKDA Planner, presented on this item as outlined in the May 15, 2014 City Council packet.

Councilman Sumner - On page 7, the findings talks about within the development proposed south of 20th Street and west of 4th Avenue, there is 7,915 acres in size...

Ms. Buss - It should be square feet.

Mayor Geraghty - The resolution is correct.

Ms. Buss - The other issue that this brought up is that the 25% maximum lot coverage is very low compared to neighboring communities. The Planning Commission is taking a look at that and finding that most of the neighbors allow up to 35% so we may be coming forward with a change based on this application and recommendation and wanting to make sure we can develop those infill lots

Councilman Gallagher - It says proposed house on a couple of the lots, is there a timeframe for when those will be built?

John Anderson - The proposed timeframe is to pull a permit on the first two lots within the next week. I work with Mark Gergen on his land items. I've also worked with Eternity Homes who has built two homes within the City.

Councilman Sumner - Will they be similar in design?

John Anderson - Similar in size.

Motion by Sumner, seconded by Gallagher, to approve Resolution No. 2014-23 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Employee Personnel Policy - Whistleblower Policy

Admin. Hill presented on this item as outlined in the May 15, 2014 City Council packet.

Councilman Sumner - The Attorney reviewed it?

Attorney Knaak - Yes.

Mayor Geraghty - The question is whether or not we want to put it in.

Attorney Knaak - There's no reason not to. If someone is looking for guidance they may not be familiar with the State Statute so this would not be a bad idea.

Councilman Gallagher - I would like to include one thing. In item number 6, I would like to add "county or city" where it says "state government." So it should read "state, county, or city government" and "state, county or city services." Are City Council members considered constitutional officers?

Attorney Knaak - No.

Councilman Gallagher - Then I would add "City Council" as item C.

Mayor Geraghty - Why would you want that in there because we can't determine it?

Councilman Gallagher - I took that as the employee communicates to the legislator or constitutional officer so by adding City Council on there an employee would not be disciplined. Am I reading that wrong?

Attorney Knaak - No.

Mayor Geraghty - We're not giving up anything as far as rights? Can employees still rely on the statute regardless of whether or not this is in there?

Attorney Knaak - Yes but for purposes of clarification, there is no harm in putting this in there because it might be the first place that the employee would look.

Mayor Geraghty - Hypothetically, if an employee communicates to the City Council and they are the subject of an investigation, are they protected? How does that work?

Attorney Knaak - If an employee were to bring information to your attention and there was an effort to retaliate or even pressure the employee to get them out of the way...

Mayor Geraghty - My question is can the employee who is being investigated use this as a shield. How is that handled?

Attorney Knaak - It's handled in the courts. In situations where you are dealing with an employee issue you'll get a response saying that the only reason this is happening to them is because they know certain things or said certain things and as a result they're being retaliated against.

Councilman Gallagher - I think the key is the "good faith" piece. Essentially the court decides if it's in good faith or not.

Councilman Sumner - These are rights they already have right?

Attorney Knaak - Yes, this just lays it out plainly.

Mayor Geraghty - I'm wondering if it's needed though.

Attorney Knaak - Does it create more rights? If the City found itself in a situation, it would be the State Statute that would be thrown at you but this certainly puts you on notice. No you don't need it but it does create additional information and is more convenient to make whistleblower's aware of their rights.

Motion by Ingemann, seconded by Gallagher, to approve adding the Whistleblower Policy as amended to the Employee Personnel Policy. With 3 Ayes, Geraghty voting Nay, 1 Absent, the motion carried.

D. Discussion Regarding July 3rd Meeting

Admin. Hill - Historically, the City Council has cancelled the first meeting in July because it runs around the 4th of July. Will you be cancelling it this year?

Councilman Ingemann - Yes.

Admin. Hill - Ok. On a quick note, I've been invited to tour Resource Recovery Technologies so if you would like to join me just let me know.

10. ATTORNEY'S REPORT

Attorney Knaak - You do have copies of the guidelines that we are using now with the hearing officer, feel free to make comments on them to me.

11. POLICE CHIEF'S REPORT - Nothing to report

12. FIRE CHIEF'S REPORT – Nothing to report

13. ENGINEER'S REPORT –

A. Ordinance No. 2014-4 - Amending Section 1010.03 of the City Code as it Relates to Prohibited Waste

Jon Herdegen, City Engineer, presented on this item as outlined in the May 15, 2014 City Council packet.

Councilman Sumner - Does that mean that existing businesses that don't have a problem won't have to install these?

Superintendent Hanson - Correct. This allows us to address it if we do have a problem.

Councilman Gallagher - And that can be done administratively?

Superintendent Hanson - Yes.

Councilman Sumner - Would the restaurant owner in the audience like to comment?

Audience Member - So I don't need to apply for a waiver?

Councilman Sumner - That's correct, your lines are clear.

Motion by Gallagher, seconded by Ingemann, to approve Ordinance No. 2014-4 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Engineer Herdegen - The assessment letters went out this week and the assessment roll is on file here at City Hall.

Councilman Gallagher - Can we get a copy of the assessment file before the next meeting because I've been getting a few phone calls?

Engineer Herdegen - The preliminary roll was in the packet last time but I can send you a copy.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

A. Discussion Regarding Glen Road Stop Sign

Superintendent Hanson - Last meeting, Councilman Rahm had brought up a question about the stop signs at Glen Road and Loveland Park. Without doing a complete traffic study, I've discussed it with Chief Montgomery and Jon and we believe that due to the visibility issues, trail crossing and park entrance, the stop sign should remain.

Mayor Geraghty - I want to have a discussion on it. I think there are some things we could do like put up signs for pedestrian crossings. I would like to discuss it when he comes back.

Councilman Ingemann - People still think it's a 50 mile per hour road and the stop sign slows them down for that instance.

Mayor Geraghty - It's not working. I've heard about this the past few years and I expected the staff to say that answer. We'll wait for Tracy to come back.

15. NEW/OLD BUSINESS

Councilman Gallagher - The Center for Transportation Studies is having a conference on May 22 and is specifically talking about redevelopment of transit-oriented areas. I sent the email to Deb for her to send to everyone. It's from 8:30 to 12:00. I'll be attending. It's in St. Paul.

16. ADJOURNMENT

Motion by Geraghty, seconded by Gallagher, to adjourn the regular Council Meeting at 6:08 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst