



**City of Newport  
City Council Minutes  
May 17, 2012**

**1. CALL TO ORDER**

Mayor Tim 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

**Council Absent** – Steven Gallagher

**Staff Present** – Brian Anderson, City Administrator; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Fritz Knaak, City Attorney; John Stewart, City Engineer

**Staff Absent** – Bruce Hanson, Supt. of Public Works; 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**

**Councilman Rahm requested that the 2012-2013 Liquor License Renewals be taken off of the Consent Agenda to discuss.**

**Councilman Sumner requested that the Minutes of the May 3, 2012 Regular City Council meeting be taken off of the Consent Agenda to amend.**

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

B. Minutes of the May 3, 2012 City Council Workshop Meeting

C. List of Bills in the Amount of \$356,732.26

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

A. Minutes of the May 3, 2012 Regular City Council Meeting

**Councilman Sumner** – There's a mention of the Phalen corridor that is misspelled, it's P-H-A-L-E-N.

**Motion by Geraghty, seconded by Rahm to approve the May 3, 2012 Regular City Council meeting minutes as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

D. Approval of the 2012-2013 Liquor License Renewals

**Councilman Rahm** – I remember that one of our establishments didn't pass a compliance check and I was

wondering what the State policy is on that if we had more a rigorous check on that.

**Admin. Anderson** – I don't know if we had a process or follow-up on that. I know Washington County has training on that.

**Mayor Geraghty** – I don't know if there's any policy.

**Councilman Rahm** – That's what I'm getting at. If someone fails, they should be put under some increased scrutiny.

**Chief Montgomery** – Some cities require them to undergo training if they fail. We do not have that in our ordinance. They were issued a citation. I'll have to check if they were rechecked.

**Councilman Rahm** – I would recommend that staff look to see what our policy is.

**Attorney Knaak** – What happens is usually the server gets the citation against them. Ultimately, the leverage is yours. You don't have to create a policy if you don't want to. I would recommend an interim discipline other than pulling a license.

**Admin. Anderson** – Staff will look into it.

**Motion by Geraghty, seconded by Rahm, to approve the 2012-2013 Liquor License Renewals. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

## **6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE**

**7. MAYOR'S REPORT** – No Report

## **8. COUNCIL REPORTS**

**Councilman Rahm** – No Report

**Councilman Ingemann** – We had the Planning Commission meeting last Thursday and went through a couple ordinances, which we'll be discussing later tonight. They put a lot of time and effort into the MX-3 Zoning Ordinance. The Fire Department will have a meat raffle at the Cloverleaf Bar and Grill tomorrow.

**Councilman Sumner** – What event are you fundraising for?

**Councilman Ingemann** – It's on ongoing fundraiser for general items for the Fire Department.

**Councilman Sumner** – I received an invitation from Cottage Grove to participate in the Strawberry Festival Bocce Ball competition. I unfortunately cannot attend. I just want to make sure that everyone was invited. Stone Soup Thrift Shop had their annual Souper Bowl on Cinco de Mayo, it was a good event.

## **9. ADMINISTRATOR'S REPORT**

**A. Resolution No. 2012-12** – Regarding the Administration of the Wetland Act of 1991

Admin. Anderson presented on this item as outlined in the May 17, 2012 City Council packet.

**Mayor Geraghty** – Does the City have any say in how it ends up?

**Admin. Anderson** – I think there'll always be a relationship with the District but ultimately they have the final say.

**Councilman Sumner** – John, have you worked in situations where this has happened in other cities?

**John Stewart** – The City ends up getting involved in the same projects. For instance, the area behind 10<sup>th</sup> Avenue, I believe there are wetlands there. If we were to do a project there, it's not always bright for the City to administer the wetland permits, it's a messy situation to do these reviews and it's a good step for the City to pass this ordinance.

**Councilman Sumner** – Does the attorney agree?

**Attorney Knaak** – I have no reason to disagree.

**Councilman Rahm** – I have a couple questions. If we give them power now, can we take it back?

**Attorney Knaak** – If you want it back, I'm sure you can take it back. As a practical matter, I think it's a good deal. Most of the cities are glad that someone else is dealing with the issue.

**Councilman Rahm** – The reason I ask is that I have a wetland on my property and was informed that I have certain responsibilities in regards to it. I just want to make sure that we understand what we are giving up. I would like to have more information in regards to what the act is and where the wetlands are in our City.

**John Stewart** – There is a DNR registry of wetland areas. Some of the wetlands in the City are not on the list because they are not large enough. It would be required for individuals who have wetlands on their property to conduct a wetland inventory before doing any work. There would not be a map that shows where all of the wetlands are. There are very clear definitions of what constitutes a wetland and that's defined by the Federal government and the State administers it, which then passes it down to the local governments. I have never seen a city want that responsibility back after giving it to a watershed district.

**Admin. Anderson** – The guidelines are the guidelines regardless of whether the City or the District administers it.

**Attorney Knaak** – It's an extra step for individuals because they'll need to go to both the City and the District to get the permit. In smaller cities, where there isn't a staff member that's specialized on these permits, it probably costs the government more because you don't have the specialized staff that the District would have.

Mayor Geraghty – When a homeowner comes in and doesn't know where the wetland is, are they advised by the City or someone else?

John Stewart – You would refer them to the Watershed District.

**Motion by Geraghty, seconded by Sumner to adopt Resolution No. 2012-12 regarding the administration of the Wetland Act of 1991. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**B. Ordinance No. 2012-5** – Amending the City Code of Ordinances, Chapter 1300, Section 1371 Storm Water Management

Admin. Anderson presented on this item as outlined in the May 17, 2012 City Council packet.

**Councilman Sumner** – What are the alternatives to this product?

**John Stewart** – There's an emulsion that's typically used. Coal-tar isn't typically used. The correct stuff is an oil and water mix.

**Councilman Sumner** – So it's unlikely that a homeowner would be using this?

**John Stewart** – Yes.

**Admin. Anderson** – Companies have banned it as well.

**Councilman Sumner** – So this is a widely known problem?

**John Stewart** – Yes.

**Councilman Sumner** – And if the major distributors aren't selling it anymore than that can decrease the amount of people using it as well.

**Councilman Ingemann** – We had a long discussion at the Planning Commission meeting on this as well.

**Motion by Ingemann, seconded by Rahm to approve Ordinance No. 2012-5 amending the City Code of Ordinances, Chapter 1300, Section 1371 Storm Water Management. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

C. Massage Therapy Licenses

Admin. Anderson presented on this item as outlined in the May 17, 2012 packet.

**Councilman Ingemann** – This is no different than any other city's ordinance correct?

**Admin. Anderson** – Yes, a lot of cities have permitted these types of businesses.

**Councilman Rahm** – Do you know if any cities around here have similar ordinances?

**Admin. Anderson** – I'm not sure.

**Councilman Ingemann** – This is close to Apple Valley's correct?

**Admin. Anderson** – Yes.

**Councilman Rahm** – How long does a business have to comply?

**Admin. Anderson** – That is for you to decide. I have talked with KRI Investments who are not in favor of it. I also talked with another business in town that is in favor of it and was wondering if there would be time for them to comply. I would recommend making it effective January 1, 2013.

**Councilman Sumner** – Are we hindering those who have a legitimate business?

**Admin. Anderson** – I don't think so.

**Mayor Geraghty** – How burdensome will it be for staff to review?

**Admin. Anderson** – It depends how many you have and that's why there is a fee.

**Mayor Geraghty** – What happens if there's turnover?

**Admin. Anderson** – They would need to change the application and make sure that the employee is compliant.

**Motion by Ingemann, seconded by Sumner, to approve Ordinance No. 2012-6 amending the City Code of**

**Ordinances, Chapter 4, Licensing as amended and making it effective January 1, 2013. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Councilman Sumner** – I was looking at the fees and I think we could increase them to keep them from flipping the owners. I would increase it to \$300.

**Councilman Rahm** – What does that do?

**Councilman Sumner** – Well if we have to investigate new owners, it would cover that.

**Mayor Geraghty** – What would constitute an amendment to the license?

**Attorney Knaak** – A new owner, change of location, anything that changes the application.

**Motion by Ingemann, seconded by Rahm, to approve Ordinance No. 2012-7 as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**10. ATTORNEY'S REPORT** – No Report

**11. POLICE CHIEF'S REPORT** –

**Chief Montgomery** – You have the activity report before you, other than that I have nothing else to report.

**12. FIRE CHIEF'S REPORT** – No Report

**13. ENGINEER'S REPORT** –

**John Stewart** – The North Ravine project is progressing very well. The contractor has completed the two ponds on the Bailey property. As of today, neither one of them have overflowed. There are still some corrections that need to be made. Today they started work on the William's property and will start on Hastings Avenue next week.

**Councilman Sumner** – What's going on at the William's property?

**John Stewart** – There was an excess of about 40,000 yards of sand material and there is an area on the William's property that needed to be filled so they are using that.

**Councilman Ingemann** – When does street construction start?

**John Stewart** – After the Fourth of July.

**Councilman Sumner** – Are we absolutely certain about the landmarks with the relocation of Valley?

**John Stewart** – Yes but we can talk with the property owner who is concerned.

**Councilman Ingemann** – Which landmark are they surveying off of?

**John Stewart** – The correct one.

**14. SUPERINTENDENT OF PUBLIC WORKS REPORT** – No Report

**15. NEW/OLD BUSINESS**

**16. ADJOURNMENT**

**Motion by Ingemann, seconded by Sumner, to adjourn the regular Council Meeting at 6:15 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

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

Respectfully Submitted,

Renee Helm  
Executive Analyst