



**City of Newport
City Council Minutes
June 21, 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, Bill Sumner, Tracy Rahm, Steven Gallagher

Council Absent – Tom Ingemann

Staff Present – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineer

Staff Absent – Curt Montgomery, Police Chief; Mark Mailand, Fire Chief;

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

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

- A. Minutes of the June 7, 2012 Regular City Council Meeting
- B. Minutes of the June 7, 2012 Public Hearing Meeting
- C. List of Bills in the Amount of \$572,490.23
- D. Resolution No. 2012-14 – Appointing Chief Montgomery as Responsible Authority for Data Practices
- E. Temporary Liquor License for Newport Fire Department for Booya
- F. Solicitor's Permits – Under Separate Cover

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

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT –

Mayor Geraghty – Tom Ingemann, Brian and myself were up in Duluth today for the League of Minnesota Cities conference. The League gave the City an award for the GreenStep Cities program and I would like to thank Renee for it, she took the lead on this and did a good job. I was also honored and received the C.C. Ludwig Award for my public service and I take this as an award for the City for all of the work that we've done.

8. COUNCIL REPORTS

Councilman Rahm – Nothing to Report

Councilman Sumner – I attended a meeting for the community advisory panel at the Refinery. We saw the operation of the loading dock and they have quite an extensive system to trap any vapors. I think it's very important to know and recognize another step that they have in regards to safety. The work that they've done on the North Ravine project has been a great job in protecting the neighborhood during these rains we've had. I'd like to thank the City and Engineer and everyone else who has been involved.

Councilman Gallagher – I attended a Met Council TAB meeting at which they discussed the reduction in Federal Highway Funds coming to the State of Minnesota. That discussion will be ongoing for the next year or so until Congress makes a transportation bill that is concrete.

Mayor Geraghty – Was there anything that impacts us directly?

Councilman Gallagher – No.

9. ADMINISTRATOR'S REPORT

A. Public Hearing – To consider a resolution finding the existence of a public nuisance at 1057 7th Avenue in the City of Newport, Minnesota, ordering the immediate abatement thereof and authorizing the assessment of the cost of the abatement.

The Public Hearing was opened at 5:37 p.m.

Attorney Knaak presented on this item as outlined in the June 21, 2012 City Council packet.

John Schmidt, 480 2nd Avenue – Mr. Schmidt was present to state that he is interested in purchasing the house and was wondering if the City had any contact information on the property owner.

Attorney Knaak – I spoke with Mr. Walbillig Jr. The property was transferred to his son, Mr. Walbillig the Third. We do have that information. I can certainly tell him that there is an interested party who would like to purchase the property.

Mayor Geraghty – I think we should still move forward with the issue at hand.

Councilman Gallagher – Was the notice sent out stating that demolition is a possibility?

Attorney Knaak – Once we serve the notice, Mr. Walbillig has 20 days to respond. If he doesn't respond we can go in on the 21st day to clean it up and if necessary, demolish the property.

Councilman Gallagher – We'll have one more council meeting before anything happens?

Attorney Knaak – Yes. I think it's been a long time since the City has demolished a property.

Councilman Sumner – Have we been inside to examine the interior?

Mayor Geraghty – I believe Brian has.

The Public Hearing closed at 5:44 p.m.

Admin. Anderson – I believe there is still time for someone to purchase it because it has to be served and go through the courts. I would recommend they move forward.

Councilman Rahm – How long have we been working with them?

Admin. Anderson – A year and a half.

Motion by Gallagher, seconded by Geraghty, to adopt Resolution No. 2012-15 finding an existence of a public nuisance at 1057 7th Avenue, ordering the immediate abatement, and authorizing the assessment of the cost of abatement. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Red Rock Gateway Area

Barb Dacy, Executive Director of the Washington County HRA, presented on this item as outlined in the June 21, 2012 City Council packet. A copy of the presentation will be attached and included in the official minutes.

Councilman Rahm – Did you review the JPA?

Attorney Knaak – Yes

Councilman Sumner – What would be the next two to three steps if we approved this tonight?

Ms. Dacy – Very important is to keep in front of the private development community. We've met with a couple and have a couple more to meet with. I think a second step is to work with the County on development of Area 1 and the design of Maxwell Avenue.

Councilman Sumner – Does the County have money to help with that?

Ms. Dacy – I understand that Maxwell Avenue is not on the CIP but that is an annual process.

Councilman Rahm – I would like to know what the next funding will be and how much. Do you have a ballpark figure?

Ms. Dacy – Any number would be a pure guess.

Mayor Geraghty – How soon do you think Maxwell will be upgraded? Is that an important aspect?

Ms. Dacy – I think it would be important to transform and establish a new feel of the area. How soon is also a discussion with the County that we'll have.

Mayor Geraghty – Is that easement wide enough for the four lanes?

Ms. Dacy – It's wide enough for the roadway widths but we also need to look at the sidewalk and bike paths, as well as if there's a median or not.

Motion by Geraghty, seconded by Rahm, to adopt Resolution No. 2012-16 approving planning guidance and a joint powers agreement for the Red Rock Gateway Redevelopment. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Ordinance No. 2012-8 – Approving a Zoning Amendment to Section 1300, Section 1330, and Section 1350, Adding Section 1370.09, and Amending the Zoning Map

Sherri Buss, TKDA Planner, presented on this item as outlined in the June 21, 2012 City Council packet.

Councilman Sumner – Is there any reason that Met Council would not approve it?

Ms. Buss – We looked very specifically at their requirements for densities and FAR and made sure that the ordinance is consistent with their standards.

Mayor Geraghty – Are the charts totally replacing the old ones?

Ms. Buss – It was too difficult to add the allowable uses for the MX-3 District in the current chart so we made a reference to it in Section 1350.

Mayor Geraghty – Is there any particular reason that Pioneer Park and Lions Park aren't shaded green on the Zoning Map?

Ms. Buss – No, they should be. You should really give the Planning Commission a pat on the back as they did a lot of work on this and spent months going over it.

Mayor Geraghty – We thank the Planning Commission for all of their hard work.

Councilman Sumner – Is the four story height going to be adequate? Do they have an option to go higher?

Ms. Buss – There is an option to go higher, they would need to get a Conditional Use Permit.

Motion by Gallagher, seconded by Rahm, to adopt Ordinance No. 2012-8 approving a zoning amendment to Section 1300, Section 1330, and Section 1350, adding Section 1370.09, and amending the Zoning Map. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

- D. Resolution No. 2012-17** – Authorizing the Mayor and City Administrator to Execute a Purchase Agreement for 1605 Cedar Lane and to Submit a Grant Application to the Department of Natural Resources for the Flood Damage Reduction Grant Assistance Program

Admin. Anderson presented on this item as outlined in the June 21, 2012 City Council packet.

Councilman Gallagher – Will the grant go through?

Admin. Anderson – Yes, the DNR seems pretty excited about it.

Motion by Rahm, seconded by Sumner, to adopt Resolution No. 2012-17 authorizing the Mayor and City Administrator to execute a purchase agreement for 1605 Cedar Lane and to submit a grant application to the Department of Natural Resources. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

- E. Discuss the Veteran's Memorial in Pioneer Park**

Admin. Anderson presented on this item as outlined in the June 21, 2012 City Council packet.

Councilman Sumner – I've seen a lot of streetscapes where after one or two winters, the pavers disintegrate. I would like to purchase something of high quality. However, usually high quality pavers are usually slick in the winter. I think we need something that is long lasting, durable, and hazard free.

Admin. Anderson – We'll discuss the maintenance of this too. I don't think we'll be placing salt or any chemicals on it. Individuals may also purchase pavers in the future.

Councilman Sumner – How big are the pavers and what can go on them?

Admin. Anderson – They're 4 by 8 inches. I believe their name, branch of service and years served will be on there.

Councilman Sumner – Will the City pay \$100 each for the pavers for the Civil War Veterans?

Admin. Anderson – No, the pavers cost \$20 each. The remainder of the money will go towards the rest of the memorial.

Councilman Sumner – Are there other park funds that could be used for this?

Admin. Anderson – Yes, there's a special revenue fund for Pioneer Park. We'll bring it back to the Council if we need to use other park funds.

Councilman Sumner – What type of response have we seen in other communities in regards to the cost?

Admin. Anderson – Typically, other communities sell them for \$100. Usually, those memorials are larger.

Councilman Sumner – Does the person have to have a connection to Newport?

Admin. Anderson – I think that's more of a policy decision. I think this is guided more towards Newport.

Mayor Geraghty – We'll have to think about that. I know we dedicated it last summer and have sold some at \$50. I don't think there's been an overwhelming response for \$50.

Councilman Rahm – Will there be different colors for each war?

Admin. Anderson – I think the HPC would like to use the same color throughout.

Mayor Geraghty – It seems it would be a good project for donations.

Admin. Anderson – We've started seeking private donations. Bailey Nurseries is helping with the plants.

Superintendent Hanson – I think it'll cost the same amount in the future because we need them engraved at the factory and there are discounts in buying in bulk.

Admin. Anderson – Maybe there is someone in Minnesota who can do some engraving even if we buy the bricks in the south.

Motion by Geraghty, seconded by Gallagher to approve the concept plan for the Veteran's Memorial and set the price of the brick pavers at \$75. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

F. Discuss Penalties for Liquor and Cigarette Licenses

Executive Analyst Helm and Admin. Anderson presented on this item as outlined in the June 21, 2012 City Council packet. There are four questions before the Council.

1. How many years should the violations be within? On average, it's 3-4 years.
2. How many violations within those years?
3. How many days per violation?
4. Do you want to put a penalty on there as well?

Councilman Gallagher – I'm okay with four years, four violations. I like Hastings example. I would make the fourth violation 12 days and \$4,000 or revocation. Fritz, what do you think?

Attorney Knaak – As a practical matter, if you get to that level of penalty, which is when people start showing up with lawyers. You might as well make it worth your while.

Councilman Rahm – I did bring this up because one of the stores that we were asked to renew had a violation. My question would be, why don't we do something that mirrors our sister cities so that we're in the

same area?

Councilman Gallagher – I don't think we'd lose any business. Is this fine suspension to the business and the employee?

Attorney Knaak – The employee is the one who gets charged criminally.

Councilman Gallagher – Which means they should be more diligent in how they check ids.

Attorney Knaak – Yes and they're supposed to do training as well.

Councilman Sumner – What is the history of violations in the City?

Attorney Knaak – It tends to be sporadic, cigarettes especially. You're seeing businesses card more and more now. I haven't seen the chronic problems that would merit a license revocation that I have seen in other cities.

Admin. Anderson – So far, I have four years, four violations. The days would start at three and go up by three each year. The penalty would start at \$1,000 and go up by \$500, with the last violation being \$4,000 or revocation.

Mayor Geraghty – Does the suspension apply to the employee or business?

Attorney Knaak – The business. The employee is charged criminally.

Councilman Sumner – What was the problem you were concerned about addressing?

Councilman Rahm – I wanted to know what our policy was when this happened.

Councilman Sumner – I don't think we need to go to the extreme with the little violations we have.

Councilman Rahm – I was thinking Cottage Grove would be fair.

Mayor Geraghty – Are you leaning towards the suspension and no dollar penalty?

Councilman Rahm – Yes.

Councilman Sumner – Let's start out with the Cottage Grove model and see how it goes.

Admin. Anderson – We can also do something where we would get rid of the penalty if they prove that they have done training.

Attorney Knaak – That gives you some leeway when you're dealing with negotiations. They should be training anyway and to the extent that they're not doing it effectively, you can insist that they conduct additional training. A week without liquor is a severe penalty.

Councilman Rahm – I would lean more to the suspension and the fine with the cigarette.

Councilman Gallagher – Why are the cigarettes less? They should be equal.

Councilman Rahm – Probably because you can't do as much damage with cigarettes.

Councilman Gallagher – But you're still selling a substance to someone who is underage.

Admin. Anderson – You’re leaning towards Cottage Grove?

Councilman Sumner – Yes, and the same for cigarettes.

Admin. Anderson – Okay, we’ll bring this back in ordinance form.

G. Complete Streets Policy

Executive Analyst Helm presented on this item as outlined in the June 21, 2012 City Council packet.

Mayor Geraghty – Did you look this over John? Is it consistent with what we’ve been doing?

Engineer Stewart – Yes I did. It’s an excellent policy and the principles behind it are good.

Councilman Sumner – Does this mandate sidewalks?

Engineer Stewart – It doesn’t but it encourages them.

Councilman Gallagher – Does this conflict with our decision to not plow and maintain trails in the winter?

Admin. Anderson – We do still maintain adequate trails and walkways in the winter.

Councilman Rahm – So would this include creating bike lanes?

Admin. Anderson – Yes.

Motion by Gallagher, seconded by Geraghty to approve the Complete Streets Policy. With 3 Ayes, 0 Nays, 2 Absent, the motion carried.

Admin. Anderson – I would just like to mention that the City did receive a grant for the Knauff property located behind City Hall.

10. ATTORNEY’S REPORT – No Report

11. POLICE CHIEF’S REPORT – No Report

12. FIRE CHIEF’S REPORT – No Report

13. ENGINEER’S REPORT – Engineer Stewart gave an update on the North Ravine project. There has been some rainfall in the last couple weeks that caused some erosion, however it’s all been contained within the project scope. Some of the rain did go all the way through the system so it is working.

Mayor Geraghty – When will they start the street work?

Engineer Stewart – They started cutting this morning and the contractor should be done by the second or third week of July.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT – Superintendent Hanson gave an update on several items. The compost site will be open this week to collect storm debris at no charge. The City is no longer picking up debris along the streets. We have started sweeping streets. The crack sealing is also done for the year. Seal coating should be starting as early as next week.

Councilman Sumner – Was there enough to get a measurement in the relined pipes by the river?

Engineer Stewart – We haven't had a chance to do that yet.

Councilman Rahm – When will we start the construction of the pavilion?

Superintendent Hanson – We're looking at delivery for the first week of July.

15. NEW/OLD BUSINESS

Councilman Rahm – Some people have asked me if it's okay to park in the grass by the library because they've seen people do it. Do we want to let people do that?

Admin. Anderson – I would have to take a look at it. I've seen people park over because the streets are narrow. We can continue to monitor it to see how the grass holds up.

Superintendent Hanson – The grass hasn't been torn up or anything.

Admin. Anderson – I'd just like to clarify the list of bills. The City will not be paying the North Ravine Partial Payment #2, the Watershed District will be paying it. They wanted the City to approve it on the list of bills.

16. ADJOURNMENT

Motion by Geraghty, seconded by Gallagher, to adjourn the regular Council Meeting at 7:00 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst