



**City of Newport  
City Council Minutes  
July 7, 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; Steve Wiley, Fire Chief; Renee Eisenbeisz, Assistant to the City Administrator; Fritz Knaak, City Attorney; Larry Osterman, Sergeant; Jon Herdegen, City Engineer;

**4. ADOPT AGENDA**

**Admin Hill** - I'd like to add Resolution No. 2016-28 to my report.

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

**5. ADOPT CONSENT AGENDA**

**Councilman Sumner** - I'd like to remove the list of bills, I have a question.

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

- A. Minutes of the June 16, 2016 Regular City Council Meeting
- C. **Resolution No. 2016-25** – Accepting Donations for Pioneer Day for the Period of May 1 - June 30, 2016
- D. **Resolution No. 2016-26** - Appointing Election Judges
- E. Summary of Resolution No. 2016-22

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

**B. List of Bills in the Amount of \$145,616.37**

**Councilman Sumner** - Under non-recurring, I see "Fitzgerald Excavating" for \$23,713.20 for storm pond cleanup, can we hear some more about that?

**Supt. Hanson** - That was pond cleanup from the 2014 storm, five of the 27 ponds were cleaned. They pulled out sand and sediment. It was the three new ponds from the North Ravine Project, the Raceway pond and the 2nd Street pond. That was covered 75% from FEMA.

**Councilman Sumner** - This is our 25%?

**Supt. Hanson** - No, we'll get reimbursed from FEMA.

**Councilman Sumner** - Have the problems that caused this been addressed?

**Supt. Hanson** - For the most part. Some of it was because they were newer but the 2014 storms were so drastic that they caused erosion throughout the County.

**Councilman Sumner** - So the landscaping is coming in thicker now and we anticipate that it'll hold back the soil?

**Supt. Hanson** - Yes, but when we get rain like that nothing will hold it.

**Councilman Sumner** - Can we put some of those tubes in?

**Supt. Hanson** - In 2014, they were in place but that amount of water wouldn't hold them.

**Councilman Sumner** - Should we consider them again in the future?

**Supt. Hanson** - No, I believe our system will hold it unless there's an extreme event.

**Councilman Sumner** - What was the event? A single rain shouldn't be doing this.

**Supt. Hanson** - I don't recall exactly. The event was quite severe. It was a natural disaster.

**Councilman Sumner** - We know that frequent and hard rain events will be the new future so I want to look at anticipating this and seeing what we can do because there's not a guarantee that FEMA will be there in the future.

**Supt. Hanson** - Absolutely, and we're working with Bailey's Nurseries to see how we can control this better.

**Councilman Sumner** - And then I see a parks sprayer for \$2,300,

**Supt. Hanson** - We've taken over spraying the parks for weed control. We were contracting it out for about \$1,300 per year. They're looking very good.

**Councilman Sumner** - Are we hitting all of our parks?

**Supt. Hanson** - Yes, parks and trails and we were only doing the picnic areas. I think it'll be a great asset.

**Motion by Geraghty, seconded by Sumner, to approve the List of Bills as presented. With 5 Ayes, 0 Nays, the motion carried.**

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

**7. MAYOR'S REPORT** - Nothing to report.

## **8. COUNCIL REPORTS**

**Councilman Ingemann** - I attended the RDF joint meeting on June 23rd and we discussed the project that is going forward to check on the odor. They're setting up a study. People can call in if they smell something so that they can check the time, humidity, temperature, etc. We had another meeting on June 29th here at City Hall with Deb. They are training some people with equipment that sniffs the air. They are trying to get a sampling. The outfit they're contracting with is the company that did the plant next to the Twins stadium. We're trying to find out where it's coming from and the level.

**Mayor Geraghty** - Will they be able to distinguish where it's coming from?

**Councilman Ingemann** - Yes. If someone smells something, the hotline number is on the website. If you smell something, call and report it so they can gather that information.

**Councilman Sumner** -How quickly do they react?

**Councilman Ingemann** - They're just taking data right now. They have trained sniffers at the RDF plant trying to get an established level.

**Councilman Sumner** - This is from the County?

**Councilman Ingemann** - Ramsey and Washington County.

**Councilman Sumner** - Are they also monitoring Sanimax?

**Councilman Ingemann** - South St. Paul is.

**Councilman Sumner** - Are they looking into Sanimax also or just their plant?

**Mayor Geraghty** - Washington and Ramsey Counties only have control over our plant.

**Councilman Ingemann** - They're working with them.

**Councilman Rahm** - I attended an executive committee meeting of the South Washington County Telecommunications Commission with the Mayor. All of the Mayors from other cities were there as well and we reviewed the charter of the Commission. There will be some changes to the voting strengths of each city and quorum. Those will be changing based on the membership changing in the member cities. Though I wasn't in favor of the original proposals, we worked out some agreements to balance the needs of the smaller cities and larger cities. That charter will come to this Council for approval so you'll get an opportunity to look at it. I think I'll recommend that we adopt it when it comes.

**Councilman Sumner** - Do you have any updates on the cable that's coming in?

**Councilman Rahm** - The last time I asked, CenturyLink said they were at 38% of their build out. They've come in to Newport. I don't know where yet but I can ask. They are willing to come to a meeting and give an update.

**Councilman Sumner** - I think that would be nice.

**Councilman Rahm** - I can bring that up. It's kind of interesting with the new voting structure, one of the things we did was make sure they build out the smaller communities as much as the larger communities. In the future, that could be in jeopardy with the new voting structure because the larger cities may have more power and they could leave the smaller communities without the same deal.

**Councilman Sumner** - So it's disproportional voting for the smaller communities?

**Councilman Rahm** - It's not as bad as what was originally proposed. We'll talk about it when it comes here. Given all the restraints, it's the best deal we could have gotten.

**Councilman Sumner** - How underrepresented will we be?

**Councilman Rahm** - When it was originally created, each city had 2 votes, we remain at 2 but Woodbury has 7 and Cottage Grove has 5. We increased the quorum and required that 2 cities vote for it. I think it's the best we could do under the circumstances.

**Councilman Sumner** - How many votes does St. Paul Park and Grey Cloud have?

**Councilman Rahm** - St. Paul Park has 2 and Grey Cloud has 1.

**Councilman Sumner** - Will CenturyLink still be interested in serving Newport?

**Councilman Rahm** - Yes, they've already been approved so it won't affect them, I'm just giving it as an example for the future.

**Councilman Sumner** - When will this come to us?

**Councilman Rahm** - I believe we'll approve the plan at the next meeting next month and then it'll come to us. If any one city doesn't vote for it, they won't change but there are other implications with that. The larger cities could break off and create their own commission.

**Councilman Sumner** - I appreciate your disclosure.

**Councilman Lund**- I also met with CenturyLink's government representative and asked him what the City can do to encourage development. He said that they've agreed to spend \$3 million across the State to serve underprivileged communities. He doesn't know if Newport qualifies for that, it depends on income and available speeds. Another point he made is it's much less expensive for them to put their lines in the air so we want to make sure our ordinances allow them to put fiber on existing poles. I know one of our ordinances says that new developments can't be in the air. That's one place we're at an advantage because many of the services in Cottage Grove and Woodbury is underground. Another thing is that we should coordinate with them when we open streets. He also said that they're required to serve 15% of Newport by the franchise agreement.

**Councilman Rahm** -That's the initial build out.

**Councilman Lund** - So we want to keep them informed of any new developments.

**Councilman Sumner** - We'll be trimming trees again. I noticed the mulching was being addressed. Are they done?

**Supt. Hanson** - Yes.

**Councilman Sumner** - Also, do you know the replenishment schedule for the water bags?

**Supt. Hanson** - I believe it's weekly. I've checked them and they are empty.

**Councilman Sumner** - A couple I checked are full.

**Councilman Lund** - We have a lot of oak trees and we should be vigilant about taking down trees that have oak wilt as quickly as possible.

**Councilman Sumner** - How fast does it transfer?

**Councilman Lund** - I'm not sure.

**Supt. Hanson** - Timing is everything. This time of year, you don't want to do anything to them, including dead trees. I believe it's after November 1st.

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

### **A. Resolution No. 2016-27 - Declaring 578 12th Street a Hazardous Building and Ordering its Removal**

Admin. Hill and Assistant to the City Administrator Eisenbeisz presented on this item. Bob LaBrosse, Building Official, declared this house uninhabitable. The house has been put up for sale. The realtor contacted the City and is requesting a 60-75 day extension because he has a couple buyers in place. Two of the potential buyers are builders and would tear down the house and build two houses, the other potential buyer is a neighbor who would purchase a portion of the land. Attorney Knaak noted that the Council can pass the resolution but not enforce it immediately.

**Leonard Friedrich, 578 12th Street** - I'd like to have an extension to remove the stuff I need and want. I'm going to destroy the house because I found out today that my wife will be in a nursing home for the rest of her life. I will be the only survivor left. I would like to have an extension to remove my personal items and then have it destroyed. If they destroy it, am I charged to haul the ashes away?

**Mayor Geraghty** - You'll be selling the property? Is the buyer selling it as is?

**Mr. Friedrich** - Yes.

**Mayor Geraghty** - They'll be responsible for removing it. We'll pass this resolution tonight. We'll work with you to give you some time to get your property out and work on the sale.

**Gene, Brainerd, MN** - I've known Leonard all my life. On this new easement on 12th Street.

**Engineer Herdegen** - This is for the improvement hearing we're holding for 5th Avenue and 12th Street.

**Gene** - Which side of the railroad tracks are you working on?

**Engineer Herdegen** - Both sides. This project doesn't affect him.

**Gene** - We've been all over trying to find him a place to live while they are working on everything. We can't get help, he makes too much money. He's on social security, he's getting \$1,300 per month.

**Mr. Friedrich** - After everything, we're living off of \$10,000 per year.

**Councilman Sumner** - How many days will we give them?

**Mayor Geraghty** - We can't do anything for 20 days but we'll wait and see.

**Councilman Sumner** - I just want to make sure it's in the resolution.

**Attorney Knaak** - It is something you can raise in the attorney's report because it would be a pending action.

**Councilman Sumner** - We've done enough to give them time?

**Attorney Knaak** - Yes. It's 20 days for them to respond from filing and the City is the one to determine when they want to set that hearing.

**Motion by Geraghty, seconded by Ingemann, to approve Resolution No. 2016-27. With 5 Ayes, 0 Nays, the motion carried.**

## **B. Discussion Regarding Liquor Licenses for Opinion Brewing**

Assistant to the City Administrator Eisenbeisz presented on this item as outlined in the July 7, 2016 City Council packet.

**Councilman Rahm** - It looks like there's a bowling lane there.

**Asst. to the City Administrator Eisenbeisz** - It's about 10 to 15 feet, the back of the stage is right here so they are not operational. The lanes were turned into tables.

**Councilman Rahm** - How did we find this out?

**Asst. to the City Administrator Eisenbeisz** - I believe Bob LaBrosse informed us and we asked Sgt. Osterman to verify.

**Councilman Sumner** - So what do they need to do to become a restaurant?

**Asst. to the City Administrator Eisenbeisz** - Serve food that's prepared onsite.

**Councilman Sumner** - Because you put later on in your memo that they'll eventually need to become a restaurant because brew pub licenses can only be issued to restaurants per State Statutes.

**Asst. to the City Administrator Eisenbeisz** - Yes and we'll be having a public hearing in August to change the City Code to reflect that because the State Statutes have changed since we approved our Code. When they want to become a brew pub they will need to become a restaurant.

**Councilman Sumner** - Have we heard anything about their plans to become that?

**Asst. to the City Administrator Eisenbeisz** - No.

**Councilman Sumner** - Are they aware of that provision?

**Asst. to the City Administrator Eisenbeisz** - I've informed them. Tonight, this is just for your information. The review hearing will be on July 21st.

**Councilman Ingemann** - Serving pizzas is not a restaurant unless you make them.

**Councilman Lund** - Is there a legal opinion on the pizzas?

**Attorney Knaak** - No, you really do have to prepare food onsite. The question is whether or not you can add, define or somehow modify the definition of a restaurant. I'm thinking of Subway for example where you're preparing food onsite. That's all you would require. There are cities that really enforce the restaurant provision and require a certain percentage of revenue to be from the food, you don't do that. If you're comfortable enough with the idea of it being a bar without something else going on, you might be more flexible on how you define preparing food onsite but nuking a frozen pizza does not meet it.

**Councilman Lund** - They have a pizza oven.

**Attorney Knaak** - If they were to prepare the pizza onsite, that would work. As it is right now, they don't meet any of those.

**Councilman Lund** - Would you consider a fryer preparing food onsite?

**Attorney Knaak** - Sure.

**Councilman Ingemann** - Put it on a grill.

**Councilman Sumner** - Does that contradict the County's license?

**Attorney Knaak** - They would need to deal with the County separately for a license. Once you start preparing food, there are all kinds of regulations.

**Councilman Sumner** - Does the license they have from the County allow them to do that or do they need to get an additional license?

**Attorney Knaak** - I'm not sure. I would anticipate that they would.

**Councilman Sumner** - They would have to find that out and report back to us?

**Attorney Knaak** - Yes. This doesn't necessarily put them out of business but they do need to be creative in terms of what they do.

**Councilman Sumner** - This is just a heads up?

**Asst. to the City Administrator Eisenbeisz** - Yes and the review hearing is on the 21st.

**Councilman Sumner** - And they are expected to turn up?

**Asst. to the City Administrator Eisenbeisz** - We've informed them of it.

**C. Resolution No. 2016-28 - Ordering the Abatement of a Certain Abandoned Vehicle Located on Private Property in the City at 1057 7th Avenue**

Admin. Hill presented on this item as outlined in the attached. The City Council approved a Resolution on June 16, 2016 abating this property. Since then, the City contracted with a company to clean up the property. There is a Ford Bronco on the property that needs to be removed. The owner did call and talk with Deb about it and said that his friend would be removing it. He hasn't. If we remove it, it'll be assessed to his taxes. It was last licensed in 2011.

**Councilman Sumner** - Is it operable?

**Sgt. Osterman** - No.

**Councilman Sumner** - Where would we tow it?

**Attorney Knaak** - I think you need to bring it to an impound lot and assess the taxes. It's been posted and this could be part of the overall abatement process but your ordinance allows you to get it out earlier.

**Councilman Lund** - Does this need action by the City Council? Can't we just authorize the Sheriff's Office to tow any vehicle that's not complying?

**Attorney Knaak** - When you're taking property...

**Councilman Lund** - This isn't taking, it's towing.

**Attorney Knaak** - It is considered taking, especially when you don't know the owner.

**Councilman Lund** - When you tow a car that's parked illegally during a snow emergency, you can do it like that, why isn't this the same process?

**Admin. Hill** - This is private property.

**Councilman Lund** - In cities larger than ours, they don't vote every time to tow a vehicle.

**Attorney Knaak** - In cities that I've worked with, it's part of a due process when you have something on private property and it needs to be removed. You have ordinances that say that cars will be towed during a snow emergency if they are parked where they shouldn't be, the ordinance is the notification. If it's on private property and it's towed, you're likely to call the police because it's gone missing and you don't know why because you weren't noticed.

**Councilman Lund** - So the distinction is that it's on private property?

**Attorney Knaak** - Yes.

**Mayor Geraghty** - Was there a bank involved?

**Admin. Hill** - We don't know.

**Attorney Knaak** - It hasn't arrived in this case yet. We have another case where the bank owned it and they came right out. What's going on in this case is typical, at some point the owner finds out and gets the notice because we need to deliver it to them. You'll typically get a response and they'll handle it.

**Mayor Geraghty** - If we do tear the building down, will we get the money first?

**Attorney Knaak** - Yes.

**Councilman Sumner** - Does the individual want to work on the house?

**Admin. Hill** - He's in and out of contact.

**Councilman Lund** - I think we should approve this and going forward, we can put this on the consent agenda.

**Attorney Knaak** - What's unusual about this is that typically the owner is present so we usually cite them.

**Councilman Lund** - So citing doesn't require Council action?

**Attorney Knaak** - No.

**Motion by Lund, seconded Ingemann, to approve Resolution No. 2016-28. With 5 Ayes, 0 Nays, the motion carried.**

**10. ATTORNEY'S REPORT** - Nothing to report.

**11. WASHINGTON COUNTY SHERIFF'S OFFICE REPORT** –

**Sgt. Osterman** - There's a prescription drug take back program on July 30th at Newport Center. Anyone can drop off prescription drugs and we destroy them. It's from 10:00 to 2:00.

**Councilman Sumner** - Can you put in cough medicine?

**Sgt. Osterman** - Yes, any type. It gets processed through evidence and then it's taken to get burned. It's an anonymous drop-off, no one looks at the bottles.

**Councilman Sumner** - And they don't have to identify the medications?

**Sgt. Osterman** - No.

**12. FIRE CHIEF'S REPORT** -

**Chief Wiley** - Booya is this weekend. The parade is Saturday night at 6:30 p.m. Serving begins at 11:00 on Sunday. A lot of new stuff this year. Regions Hospital and Gillette Children's Hospital will be putting on a car seat clinic so new parents can come and make sure their car seat is installed properly and the kids are in there correctly. We're also expanding our silent auction. One of the items we have is 2 tickets to anywhere in the U.S. from Sun Country. This is also the first year that we'll be serving local craft beer from Lift Bridge Brewing. We're also going to staff our trucks so people can come and look at them and climb on them. I'm also really excited about the Sheriff's Office coming out for a K9 Demo and some Parks and Water equipment.

**Councilman Sumner** - How is the training going for the most recent additions?

**Chief Wiley** - Good. One came in from another fire department so he's fully trained. The other two have gone through all of their required training so they are up to speed.

**Councilman Sumner** - How are we doing with numbers?

**Chief Wiley** - We're at 24 right now with 1 on leave.

**Councilman Sumner** - There was a call up at Bailey Road on the 4th, did we have enough to respond?

**Chief Wiley** - Yes, it was good.

**Councilman Sumner** - Thanks to you and your guys.

**Councilman Rahm** - How many drums do we have this year?

**Chief Wiley** - We went up an additional 90 gallons.

### **13. ENGINEER'S REPORT**

#### **A. Fishing Pier**

Engineer Herdegen presented on this item as outlined in the July 7, 2016 City Council packet.

**Councilman Sumner** - Do the four bullet points need to be added?

**Engineer Herdegen** - No. Generally, we would like to see soil borings if we're constructing a permanent improvement such as a paved access. We would contract that out. Depending on the cost, you may not need to bid out the project. We didn't want to include the fee for bidding.

**Councilman Sumner** - Did you provide this handout (attached)?

**Engineer Herdegen** - Yes, this was done by John Stewart. I didn't prepare his cost estimate. I think we'll prepare another one for whichever one we choose. The map is based on GIS contours. For this, I would want to do our own survey to ensure that whatever we design is suitable for the field.

**Councilman Lund** - The current concept doesn't rely on topographical slope to meet ADA requirements. Do we need to do that to get paving on the ground?

**Engineer Herdegen** - Yes. The current concept would be to have a driveway access and accessible parking space and then the landing and pier would be accessible. The survey would be enough to construct the driveway down there.

**Councilman Lund** - Our biggest time constraint is the potential for new regulations by the DNR so starting this year would be preferred so we don't have to abide by any new restrictions. My preference would be doing what we have to to start work on it and get going. We had the dock in the water before, I don't know that we need an underwater topographical survey. I'm surprised at this price tag and timeline.

**Engineer Herdegen** - The timeline is for DNR permitting. As far as design, we can be done sooner than that. The caution with the pier itself is that it's not ADA compliant right now. There would need to be some design to address that.

**Councilman Lund** - Did we get a permit from the DNR before?

**Mayor Geraghty** - They were informed.

**Councilman Lund** - When I put my dock in I sent something to the DNR and it wasn't a big deal, the bigger permit is from the Army Corps of Engineers. I think in both cases, they got back to me in a couple weeks.

**Mayor Geraghty** - Did you want to use the dock from the Northern Tier property too?

**Councilman Lund** - No, if we can modify our existing dock, that would work better.

**Councilman Rahm** - Is this coming from the Park Board?

**Councilman Lund** - I ran on it. I mentioned it to the Park Board, they didn't vote on it by any means. There were some positive statements.

**Councilman Rahm** - We talked about this before and had to pull it out because it wasn't ADA compliant. To make it was cost prohibitive so we said no. I thought we were going to do a kayak pier instead and work with the U.S. Department of Interior to do that. Is this a different shift?

**Mayor Geraghty** - We were talking about making it a boat launch or landing but it would probably be used for fishing. I think we need to set the design standards.

**Councilman Rahm** - Is this where we want to spend our money. It's an unbudgeted item. Should we put it in the budget for next year?

**Mayor Geraghty** - We need the design. As far as revenue, I was thinking about the sales of properties could be used for park improvements.

**Councilman Sumner** - Don't we have a parks budget?

**Admin. Hill** - I don't know how much is in it off the top of my head.

**Councilman Rahm** - Did the Park Board recommend this, is it their top priority?

**Councilman Lund** - Their top priority was the ball park fence but we're in charge.

**Councilman Rahm** - When I wanted the solar powered lights, we said great but put it in the budget for the next year and waited. Maybe we design it and put it in the budget for next year.

**Councilman Lund** - Unless the DNR says you're too late. We only have one chance to do what we want and we shouldn't pass it up for formalities.

**Mayor Geraghty** - Do we agree that we should do the design work?

**Councilman Rahm** - Yes. When we have a new design, will we have an estimate on what it'll cost?

**Engineer Herdegen** - Yes.

**Councilman Sumner** - So we're not going with the previous design?

**Engineer Herdegen** - Yes, it's always subject to DNR approval but working within the ADA requirements, I think we can design something better than this.

**Councilman Sumner** - It'd be an ADA parking spot right?

**Mayor Geraghty** - Yes.

**Engineer Herdegen** - It's a single spot with an aisle and turn around area.

**Councilman Lund** - There's a significant runoff problem there now, as we consider the design, this will reduce runoff to a greater extent.

**Engineer Herdegen** - It'll be clean runoff.

**Councilman Lund** - So as we look at our duties of water quality, this will be a benefit.

**Councilman Sumner** - Is it possible to have an outside surveyor do this at less cost?

**Engineer Herdegen** - I wouldn't say it's impossible but we have a lot of experience in Newport. This is a boundary survey and that's a significant amount of the cost. I don't feel comfortable designing improvements without being certain of where the boundary lines are.

**Councilman Sumner** - That hasn't been done?

**Engineer Herdegen** - No.

**Councilman Lund** - When I did a survey of my property it was a couple hundred dollars. I would just ask that we do what is necessary and nothing beyond.

**Mayor Geraghty** - I know you're worried about encroachment, how wide do you expect it?

**Engineer Herdegen** - The road itself will be narrow, the challenge will be at spot at the slope and try to tie into the existing slopes.

**Councilman Sumner** - I think we should identify the City's property down there so I'm in favor of a survey at the most economical value.

**Motion by Ingemann, seconded by Rahm, to authorize the design work for \$17,000. With 5 Ayes, 0 Nays, the motion carried.**

**Engineer Herdegen** - Just a quick reminder, we have two improvement hearings on July 12th at 5:30 and 6:30 p.m.

#### **14. SUPERINTENDENT OF PUBLIC WORKS REPORT –**

**Councilman Sumner** - What did you record for rainfall?

**Supt. Hanson** - 1.1".

**Councilman Sumner** - I had about an inch. I did go to the driveway at Ford and it looked like it held.

**Supt. Hanson** - It seems like they're keeping the drain cleaned out.

**Councilman Sumner** - That's a significant improvement.

**Supt. Hanson** - Also, the June 2014 storm was 4.13".

**Councilman Sumner** - The retaining pond off of Ford is holding.

**Supt. Hanson** - One of the things on our pond cleaning, that all came from private property.

**Councilman Sumner** - Can we make the property owners pay?

**Supt. Hanson** - I'm working with the Watershed District and Bailey's Nurseries trying to contain it.

**Councilman Ingemann** - How will you determine which sediment is theirs?

**Councilman Lund** - If there's a major contributor.

## 15. NEW / OLD BUSINESS

### A. Pay Study

**Mayor Geraghty** - We've been talking about this for many months. The question is do we want to go to the grid system for non-union employees and do some salary adjustments. Some proposals were submitted in the packet. I personally think we should make the adjustments, some effective July 1 and some in January.

**Councilman Ingemann** - I thought we were going to put this off until budget time.

**Mayor Geraghty** - No.

**Councilman Sumner** - Initially, I was put off by the Springsted study. I thought it was incomplete, unsubstantiated, I didn't believe the findings, I didn't like that they were trying to say we were discriminating any class of workers. It's been over a period of months of looking at this that I believe there would be some benefit in looking at the grid now and for the future. I would be in favor of making a one-time adjustment to get the people at a higher grade into a classification that recognizes their level of responsibility. I don't know if I agree with the 9th step amounts. No lack of appreciation for the work that's being done by the Superintendent of Public Works.

**Mayor Geraghty** - This has been adjusted and we already approved that salary back in 2014. The salary for Bruce is the top of the range.

**Councilman Sumner** - So this has been adjusted? I think there are some benefits to having a step.

**Councilman Rahm** - So that's different from what we have in the packet?

**Mayor Geraghty** - Yes, the highlighted colors would take effect in January.

**Motion by Geraghty, seconded by Lund, to approve the per hour rates for Renee Eisenbeisz and Deb Schulz to \$28.07 starting July 1, 2016 and Jamie Smith to \$13.50 starting July 1, 2016. With 4 Ayes, 0 Nays, Ingemann Abstaining, the motion carried.**

**Councilman Lund** - Before we implement the grid, the paperwork says we'll implement the steps in July, I would want to do that in January instead.

**Mayor Geraghty** - The reason I said that is because if we approved COLA, it would appear that people are getting 6% raises.

**Councilman Rahm** - The thing with it being in July is that you have a Council that has a little bit under their belt where in January, you might have new members.

**Councilman Ingemann** - Then we should set January in the budget process, not now.

**Mayor Geraghty** - This would be the grid for 2017, the question is when do they move up their steps.

**Councilman Lund** - Can we approve this grid with where people will be starting January 1?

**Councilman Ingemann** - You're setting their salary for next year now? What if we get a different Council?

**Mayor Geraghty** - They can change it. This Council has already approved some of these.

**Councilman Lund** - So the motion is to approve the grid system and set the salaries for 2017?

**Mayor Geraghty** - Yes.

**Motion by Geraghty, seconded by Rahm, to approve the grid as presented and approve the following per hour rates for January 1, 2017:**

- **Deb Hill - \$44.74/hour**
- **Bruce Hanson - \$44.39/hour**
- **Matt Yokiel - \$33.44/hour**
- **Renee Eisenbeisz - \$28.85/hour**
- **Deb Schulz - \$28.85/hour**

**With 4 Ayes, 0 Nays, Ingemann Abstaining, the motion carried.**

**Councilman Rahm** - From my experience, I think giving the Council more time before setting some of those things would help because we would have six months to get to know people.

**Mayor Geraghty** - The step increases would be performance increases so a supervisor could not recommend it. I also put something in that they need to be employed for six months before they'd be considered for a step increase. I like the separation myself.

**Councilman Lund** - The important thing is to have the evaluations done before the step increase.

**Asst. to the City Administrator Eisenbeisz** - I send them out in January and ask them to be done by the end of February.

**Councilman Sumner** - And that works for the budget.

**Admin. Hill** - We'll put that in the budget.

**Councilman Lund** - So we would do COLA at the end of the year.

**Mayor Geraghty** - Future Councils don't need to do COLA.

**Councilman Sumner** - I would like to come up with an agreement on a COLA amount.

**Mayor Geraghty** - That's up to future Councils and may be similar to the unions.

**Councilman Ingemann** - Tie it to the Social Security adjustments.

**Councilman Sumner** - I would like to have that agreed on.

**Councilman Lund** - We have this taken care of through 2017.

**Motion by Lund, seconded by Rahm, to authorize the performance increases to implemented July 1 each year starting July 1, 2017. With 5 Ayes, 0 Nays, the motion carried.**

**Mayor Geraghty** - I'd prefer not to get into COLA because a future Council can do whatever they want.

**B. Resolution No. 2016-17 - Establishing the Policy for the City in the Use of Surveillance Cameras on City Property**

**Mayor Geraghty** - Are you ok with this?

**Councilman Rahm** - We do this already right with the Library?

**Mayor Geraghty** - I would just like all of the public places posted that they may be under video and audio surveillance.

**Councilman Rahm** - If someone requests video, do we have any idea of what it would cost to comply with that?

**Attorney Knaak** - That cost can be imposed to the person.

**Councilman Sumner** - So would one sign suffice for the parks?

**Attorney Knaak** - You just need to provide reasonable notice. You can decide to do it at the entrances, where the surveillance is occurring, entrance of the building.

**Councilman Rahm** - So this will cover areal drones?

**Attorney Knaak** - That was something that was discussed at the last attorney's conference having to do with issues like this. The primary focus was that they were a nuisance but it evolved into it being an easy way to enforce the code so you can see nuisances that you couldn't from the road. I know the discussion is going on in other cities. It's a cost benefit thing. Do you send a police officer to do it or do you send a drone out.

**Councilman Ingemann** - Couldn't I shoot it down because it's over my property?

**Councilman Rahm** - No, they discussed how far up your air space goes up.

**Attorney Knaak** - Those are unresolved questions. Although the City isn't engaging in that type of surveillance, if you were, you'd have to provide some form of notice. This would cover it by the way.

**Councilman Rahm** - I've already read about cities that are doing it for public safety now. It probably falls outside of this.

**Councilman Lund** - One quick point. I believe Hennepin County is already on record for using facial recognition to track people. I don't want our videos contributing to some large database tracking people. Law enforcement agencies are already using that technology but I don't want them using ours.

**Councilman Rahm** - It's being used in retail stores and casinos. I don't think the laws have caught up to.

**Councilman Lund** - I'm not comfortable with the data from our cameras going into a database. Can we add a clause that says we will not share our video information?

**Councilman Ingemann** - If it's public, they can get it.

**Councilman Lund** - But we don't have to have an efficient way of giving it to them.

**Attorney Knaak** - You can have a closed system where it's recording data for you but you're not connected with any other system. That's not to say if the City has its own facial recognition program, they can't use that in the future. But in terms of not wanting it to be part of a broader network, you can have a closed system. It's public data. In many cases, they are using their own internal systems for facial recognition and this won't be part of that.

**Councilman Rahm** - Sgt. is there any talk about the body cams?

**Sgt. Osterman** - Yes, before I was transferred here they were talking about it. They're doing some research.

**Councilman Lund** - So we'd have to approve the connection of our system to a broader network?

**Attorney Knaak** - That's my opinion. You'd have to approve any system you have now.

**Councilman Lund** - Let's say it's going to be a closed system.

**Councilman Ingemann** - I believe they are hardwired into our recording system already.

**Attorney Knaak** - Let's use Bailey Forest as an example, you may not have that hardwired but use a wireless system. That system is a closed system until you decide you'll be something else.

**Motion by Geraghty, seconded by Sumner, to approve Resolution No. 2016-17 as presented. With 3 Ayes, Ingemann and Lund voting Nay, the motion carried.**

**Councilman Rahm** - Right now we're just putting up signs saying we may, when we have the system up then we can talk about it.

**16. ADJOURNMENT**

**Motion by Geraghty, seconded by Rahm to adjourn the regular City Council meeting at 7:21 p.m. With 5 Ayes, 0 Nays, the motion carried.**

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

Respectfully Submitted,

Renee Eisenbeisz  
Assistant to the City Administrator

**RESOLUTION NO. 2016-28**

**A RESOLUTION OF THE CITY OF NEWPORT, MINNESOTA, ORDERING THE ABATEMENT OF A CERTAIN ABANDONED VEHICLE (FORD BRONCO MINNESOTA LICENSE NUMBER 855 DTA) LOCATED ON PRIVATE PROPERTY IN THE CITY AT 1057 7<sup>TH</sup> AVENUE**

**WHEREAS**, the City of Newport is a Minnesota Statutory City; and

**WHEREAS**, among its powers is the authority to deal with public nuisances within the City; and

**WHEREAS**, the City has adopted in its municipal code Section 800 to regulate the handling of nuisances within the City and Section 800.03M specifically identifies non-operating or discarded vehicles as nuisances within the meaning of the Newport Municipal Code; and

**WHEREAS**, the property within the City located at 1057 7<sup>th</sup> Avenue has been identified as abandoned or hazardous within the City and the City has commenced statutory proceedings to have the structure or structures on the premises designated as hazardous under Minnesota law; and

**WHEREAS**, a certain motor vehicle, identified as a Ford Bronco, Minnesota License Number 855DTA, is on the property and has not been operated and appears to have been discarded, inasmuch as, among other things, the license plates on the vehicle have not been replaced or renewed since 2011 and the vehicle does not appear to have been moved over a period of several months or years; and

**WHEREAS**, there does not appear to an owner on the aforesaid premises and the City staff after a due and diligent search, has been unable to determine the name or location of any such owner; and

**WHEREAS**, on or about \_\_\_\_\_, 2016, the City did post upon the vehicle a notice of its intent to abate the vehicle as required under Newport Municipal Code Section 800.06, Subdivision 1; and

**WHEREAS**, no owner or other interested part has come forward to claim the vehicle or to abate the nuisance it represents on the aforesaid premises; and

**WHEREAS**, the aforesaid vehicle is a nuisance within the meaning of Newport’s Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Newport, acting through its City Council:

1. FINDS AND DECLARES that a certain vehicle, described as a Ford Bronco with Minnesota License Number 855DTA and currently located at 1057 7<sup>th</sup> Avenue within the City is a nuisance within the meaning of Newport Municipal Code Section 800.03.
2. ORDERS the abatement by immediate removal of the vehicle from the premises as authorized Newport Municipal Code Section 800.06, Subdivision 1.
3. FURTHER ORDERS that the cost of any abatement, including storage and towing fees, shall be assessed against the aforesaid real property as a current service under the authorization of Newport Municipal Code Section 800.06, Subdivision 3.

Adopted by this council this 7th day of July, 2016.

Motion by: \_\_\_\_\_, Seconded by: \_\_\_\_\_

VOTE: Geraghty \_\_\_\_\_  
 Ingemann \_\_\_\_\_  
 Sumner \_\_\_\_\_  
 Lund \_\_\_\_\_  
 Rahm \_\_\_\_\_

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

ATTEST: \_\_\_\_\_  
Deb Hill, City Administrator



**MEMO:** *Fishing Pier ADA Compliance Costs*

**TO:** *Newport City Administrator & Superintendent of PW,*

**From:** *John Stewart P.E. City Engineer*

**Date:** *July 12, 2012*

**INTRODUCTION:**

As we have discussed in previous correspondence we believe that if the “movable dock” is used as a fishing pier on the 6<sup>th</sup> Street river access, accessibility as required by the Americans with Disabilities Act (ADA) should be provided.

The minimum requirement for accessibility to a fishing pier facility is a hard surfaced pathway that is 6 feet wide and does not exceed a 1 in 12 slope. Handrails and rest/passing areas are required on the access trail. Modifications to the pier will also be required to facilitate wheel chair usability, and transition from the access trail to the “movable dock”.

We understand that the “movable dock” will be moved up slope during winter and high river stage events.

As shown by the attached exhibit an ADA compliant access can be constructed within the limits of the 6<sup>th</sup> Street right of way (ROW). You will note that we also show a bituminous access path down the center of the ROW, this path can be used to remove the pier and to allow a similar access to abutting properties as presently exists. We estimate that the cost of providing ADA access will be \$55,500. We understand that there is a waiver process that may be used to discount ADA compliance. The waiver cannot be based on cost, but may be requested based on topographical conditions, although our any competent analysis will show that topographical considerations can be mastered using a serpentine layout.

Use of the bituminous access path requires that the handrail system be constructed with removable panels.

Significant grading will be required to prepare the ROW for construction of ADA compliant and access trails.

We have prepared the following cost estimate detailing the construction items required for the access. We have not included cost of dock modification, as we believe Public Work as in-house capabilities to facilitate these modifications.

City of Newport Fishing Pier  
 ADA Accessibility Improvements

**Engineers Estimate**

SPEC NO.	ITEM DESCRIPTION	UNIT	TOT. QTY.	UNIT PRICE	TOTAL PRICE
<b>SCHEDULE 1.0 - STREET &amp; GRADING</b>					
1	MOBILIZATION	LS	1.00	\$ 100.00	\$ 100.00
2	CLEAR AND GRUB TRAIL	AC	0.15	\$ 3,500.00	\$ 525.00
3	SUBGRADE PREPARATION	SY	550	\$ 4.00	\$ 2,200.00
4	AGGREGATE BASE CLASS 5	TON	75	\$ 16.00	\$ 1,200.00
5	TYPE SP 9.5 WEAR COURSE MIXTURE 2B (TRAIL)	TON	50	\$ 125.00	\$ 6,250.00
6	INSTALL ALUMINUM RAILING	LF	800	\$ 35.00	\$ 28,000.00
7	SILT FENCE, TYPE MACHINE SLICED	LF	100	\$ 2.00	\$ 200.00
8	FILTER LOG, TYPE WOOD FIBER BIOROLL (6")	LF	100	\$ 2.50	\$ 250.00
9	FILTER LOG, TYPE WOOD FIBER BIOROLL (12")	LF	0	\$ 4.00	\$ -
10	INLET PROTECTION	EACH	0	\$ 175.00	\$ -
11	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EACH	1	\$ 1,200.00	\$ 1,200.00
12	TURF RESTORATION	LS	1.00	\$ 1,000.00	\$ 1,000.00
<b>T</b>	<b>SCHEDULE 1.0 - STREET &amp; GRADING - TOTAL</b>				<b>\$ 40,925.00</b>
	Eng. Contingency & OH				\$ 14,323.75
	Total Project Cost				<b>\$ 55,248.75</b>

Please advise if you would like further input on this matter.

Thank you



John Stewart, P.E.

BDM Consulting Engineers and Surveyors, PLC

