



**City of Newport
City Council Minutes
July 17, 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; Tracy Rahm; Steven Gallagher

Council Absent –

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Renee Eisenbeisz, Executive Analyst; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer; Sherri Buss, TKDA Planner

Staff Absent –Mark Mailand, Fire Chief;

4. ADOPT AGENDA

Mayor Geraghty - There is a memorandum of understanding with the School District that we would like to add under the Administrator's Report.

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

- A. Minutes of the June 10, 2014 Joint Work Session
- B. Minutes of the June 19, 2014 Regular City Council Meeting
- C. Minutes of the June 24, 2014 Emergency City Council Meeting
- D. List of Bills in the Amount of \$501,308.04
- E. Liquor Licenses
- F. **Resolution No. 2014-30** - Approving Statutory Appointments of Elections Judges
- G. **Resolution No. 2014-31** - Accepting Donations for the Period of June 1 - July 14, 2014
- H. **Resolution No. 2014-32** - Approving a Deferment Request for the 2014 Street Assessment for 2250 Larry Lane
- I. **Resolution No. 2014-33** - Approving a Deferment Request for the 2014 Street Assessment for 1350 5th Avenue
- J. **Resolution No. 2014-34** - Identifying the Need for Livable Communities Demonstration Account Funding and Ratifying the Application for Grant Funds by the Washington County Housing and Redevelopment Authority

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Paul Hansen, 1925 10th Avenue - Lived in Newport for 13 years, I'm still waiting for my dead sod to be replaced. Can someone tell me why this hasn't been resolved?

Mayor Geraghty - When did it die?

Mr. Hansen - It was dead this spring.

Mayor Geraghty - From last year's work?

Mr. Hansen - It is and I was here five or six weeks ago and stated the same thing. I want to see some action and I want my lawn done. I'm proud of my property and want to stay proud of it, I can't be proud of it with dead sod.

Engineer Herdegen - We met with McNamaera and their landscaping subcontractor in early June and identified the areas that need sod replacement. They will replace it, we're holding retainage for it. We are entering the drier time of the year so we don't want to put any sod down until as early as August 15.

Mr. Hansen - I would think this contract could be easily enforced and I still don't have a copy of it cuz I'm not done complaining. I waited last time, I'm going to start rocking the boat. I want my property brought up the way it was prior to the street.

Engineer Herdegen - We have every intention of getting it done.

Mr. Hansen - Get busy and get my sod done and done right.

Mayor Geraghty - You'll continue to check into it?

Engineer Herdegen - Yes, there were a number of areas and they have a good day or two.

Councilman Rahm - Can you give us a sod update at every meeting?

Engineer Herdegen - Yes, I would recommend that we don't replace it until August 15 because it will dry up. I'll make a note to update you at the August meeting.

Mayor Geraghty - Are there issues with other property owners?

Engineer Herdegen - I haven't heard anything.

Mayor Geraghty - So this is stuff we identified?

Superintendent Hanson - Yes.

Engineer Herdegen - Xcel Gas did a lot of restoration in the area too separate from the City's project.

7. MAYOR'S REPORT –

Mayor Geraghty - I attended the Booya parade and Booya. It was a great day and crowd.

8. COUNCIL REPORTS –

Councilman Ingemann - We had a fantastic day for Booya. The sun came out for our parade. It was a good activity and good fun.

Councilman Rahm - I also attended the parade and Booya event. I thought it was a great time and I would like to compliment Councilman Ingemann on being the voice of Booya.

Councilman Gallagher - I had a Met Council meeting yesterday where we talked about transit projects in Ramsey County and I attended Booya.

Councilman Sumner - I also attended Booya and it was great excitement. I brought my family on Sunday and encouraged them to have fun because it's supporting one of our greatest assets in the City. Who is mowing the area around the pond on Ford Road?

Superintendent Hanson - The contractor.

Councilman Sumner - It got half way done and then they quit.

Superintendent Hanson - Their equipment broke down but they said as soon as they got it back up and running they would be back out.

Councilman Sumner - Why are they mowing now because those plants are just at the point where they're going to seed and I would think that we'd want them to go to seed.

Superintendent Hanson - Those aren't the plants we want in the end, it's the under plants. I think the weather got to them like anyone else, it was too wet to mow there.

Councilman Ingemann - That tall stuff is weeds.

Councilman Sumner - How is cutting it going to bring about the under stuff?

Superintendent Hanson - It was part of the contract for them to mow it.

Councilman Sumner - Has anyone gone to look at it?

Superintendent Hanson - We've looked at it but I was going to wait until this mowing got done. We have another year on the warranty.

9. ADMINISTRATOR'S REPORT –

A. Approval of the City's Strategic Initiatives

Dave Unmacht, Springsted, presented on this item as outlined in the July 17, 2014 City Council packet.

Admin. Hill - I would like to touch on the short-term goals that were developed. Most of these did come from discussion at the planning session and we did add a few that have been discussed throughout my term as Administrator. To comment on how they are presented, we wanted something that was clear and concise and was goal-oriented. If we do most of these short-term goals, whatever long-term goals we had or discussed, it brings us to that point. I think it's a good plan.

Councilman Ingemann - I think we started on a few of them already.

Admin. Hill - Yes, we discussed them in March and a number of them have already started.

Councilman Sumner - I think it's already proven to be a good guide.

Mayor Geraghty - The ones that aren't done will probably take some time.

Admin. Hill - Yes.

Councilman Rahm - I think overall, I like the format and action steps. It helps form some guidance that we can use. As we use this type of document and things are brought up at a Council meeting, they'll look at it and see how it fits in the plan. It's a good start and will grow and develop. When we talk about assigned, some of these are big things that the entire Council needs to take ownership on. Should someone on staff run with it or someone on the Council?

Mr. Unmacht - We didn't want to fill those in until you review the list. It's generally a staff responsibility to monitor, track and do it. The assignment should be the doer and the deadline should be realistic. If you support it and you want it, the next step would be for staff to sit down and fill in the details of assignment and deadline and bring it back to you for review so you're ok with it.

Councilman Rahm - Overall I think it's good.

Mayor Geraghty - We should make it an annual event.

Admin. Hill - Would you like to approve this or look at it some more?

Councilman Sumner - I'd like to look at it until the next meeting.

Councilman Rahm - Me too and I'll send you some thoughts.

B. Resolution No. 2014-35 - Approving a Conditional Use Permit Requested by Thomas Long for Property Located at 2204 Hastings Avenue

Sherry Buss, TKDA Planner, presented on this item as outlined in the July 17, 2014 City Council packet.

Mayor Geraghty - At one time we talked about fencing, will that be required?

Ms. Buss - No. There is an exception in the Code that does not require screening for auto sales.

Mayor Geraghty - I thought it was required if it faces residential.

Ms. Buss - There is but looking back, that is not required for this use. Once you put the curb and sod in on the south side, there won't be room for displaying vehicles on that side.

Councilman Gallagher - When do you envision this going forward? I'm assuming you're doing it to sell the property?

Tom Long, 2204 Hastings Avenue - Once the stage 1 environmental study is done we can proceed with the sale. The fastest is probably mid to late September.

Councilman Sumner - He has financial capabilities?

Mr. Long - It's a contract for deed.

Councilman Gallagher - Is there a repaving requirement?

Ms. Buss - No.

Councilman Gallagher - If I remember right, it's kind of in shambles.

Councilman Sumner - The front side is in good shape and the south side will be altered with the road construction.

Ms. Buss - No one commented on it during the process and I drove by the front side and didn't think it looked bad.

Motion by Sumner, seconded by Rahm, to approve Resolution No. 2014-35 Approving a Conditional Use Permit for Property Located at 2204 Hastings Avenue. With 4 Ayes, Gallagher Voting Nay, the motion carried.

C. Employee Personnel Policy

Executive Analyst Eisenbeisz presented on this item as outlined in the July 17, 2014 City Council packet.

Councilman Sumner - These have been brought to our attention by the League and their attorneys have gone through it?

Executive Analyst Eisenbeisz - Yes.

Motion by Gallagher, seconded by Geraghty, to approve the Employee Personnel Policy as presented. With 5 Ayes, 0 Nays, the motion carried.

D. Agreement between the City of Newport and the Owners of 290 and 310 3rd Avenue for Driveway Paving

Mayor Geraghty - We just need to give them an easement to use it and we retain rights to go on the property?

Attorney Knaak - Yes, you do a document that gives them permission and it has the same effect as an easement. This is not the first time it's happened in the City.

Motion by Gallagher, seconded by Ingemann to direct the City Attorney to draft and authorizing the City Administrator to enter into an agreement between the City of Newport and Owners of 290 and 310 3rd Avenue. With 5 Ayes, 0 Nays, the motion carried.

E. Memorandum of Understanding between the City of Newport and South Washington County Schools for Emergency Relocation Sites

Admin. Hill - We have an agreement with the South Washington County School District to use City Hall in case of an emergency to house some kids until they can be picked up. In talking with Tom, I don't think we could fit 300 kids in this building and could use the Fire Hall as an alternative. It was fine with the School District to use both buildings.

Councilman Sumner - How would they get down there?

Admin. Hill - Walk or bus.

Motion by Gallagher, seconded by Sumner, to approve the Memorandum of Understanding as amended. With 5 Ayes, 0 Nays, the motion carried.

10. ATTORNEY'S REPORT - Nothing to report

11. POLICE CHIEF'S REPORT - Nothing to report

12. FIRE CHIEF'S REPORT – Nothing to report

13. ENGINEER'S REPORT –
A. Partial Payment #1

Jon Herdegen, City Engineer, presented on this item as outlined in the July 17, 2014 City Council packet.

Mayor Geraghty - Are there any concerns about them meeting the deadlines?

Engineer Herdegen - I think they have concerns which is why they brought in the second crew. I'm not concerned with them getting everything paved this year.

Councilman Ingemann - Do we have a penalty if they don't finish?

Engineer Herdegen - Yes, we have liquidated damages enforced per day that they go beyond their completion date.

Councilman Sumner - What problem are they running into?

Engineer Herdegen - When the pipe was originally installed, the trench was only as wide as it needed to be so when they're going down, the trench needs to be wider so they're running into more rock than they anticipated.

Motion by Geraghty, seconded by Ingemann, to approve Partial Payment #1 for \$194,065.89. With 5 Ayes, 0 Nays, the motion carried.

Councilman Rahm - I noticed that there was a construction crew on Century Avenue that was sealing cracks even though the road was just put in last year. Is that normal? I'm concerned that we're building new roads and having to put in new cracks.

Superintendent Hanson - Those are frost cracks and has been my practice since we started doing roads. I do it as soon as I can after they're constructed so yes it's normal. Last year was a little worse than most because of the severe winter.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

Superintendent Hanson - I attended a meeting at Washington County with FEMA. The State of MN has already declared a State of Emergency. They interviewed the first eight counties and met their limit so they've already applied. Today was the first process to see if we'll qualify and on the initial reports the County did meet the minimum criteria so we'll keep going on that. We'll be seal coating in the southeast quadrant of the City on Monday.

15. NEW/OLD BUSINESS

A. Discussion Regarding the Installation of a Railing at the 10th Street Overlook

Admin. Hill presented on this item as outlined in the July 17, 2014 City Council packet.

Mayor Geraghty - I thought of this when the teenager drowned in St. Paul Park and it's an area where there is no safety barrier and kids can just fall down into the River. I thought it would be prudent to put up a fence there.

Councilman Sumner - This would completely isolate that end?

Mayor Geraghty - You were looking at a 48 inch high?

Superintendent Hanson - Yes and end to end. They can make the effort to go around or over it. We had the League out to look at it and there were comments both ways of how you might be increasing the risk if someone climbs up and falls down. The other concern I would have is damage due to flooding.

Councilman Gallagher - If we put a fence up there and someone jumps off of it, is there a legal responsibility that we didn't put a good enough fence up?

Councilman Ingemann - If we don't put up a fence the possibility of slipping and falling is greater.

Mayor Geraghty - By bringing it up we've raised the issue of potential risk and I would argue that we need the fence. We can't stop people from climbing over the fence.

Councilman Rahm - What will the fence cost?

Councilman Ingemann - \$3,000. I would say just get it down.

Councilman Rahm - It's just on one overlook?

Councilman Ingemann - Yes.

Attorney Knaak - If you address the issue and decide to do nothing because it's too expensive, you're protected. If you're addressing a safety issue, you have a lot of discretion on what to do. It's a judgment call on your part. What you'll be responsible for is doing it right. For the most part, just by talking about it you don't have to do it.

Councilman Rahm - We could put a sign up?

Attorney Knaak - You have the discretion to have the conversation about what's needed or not and what you can afford to do or not.

Councilman Rahm - If the right thing is to put a fence in let's put a fence in.

Attorney Knaak - Just know that you're not being required because of liability.

Councilman Sumner - Should we get multiple?

Mayor Geraghty - They can put it out for bid.

Superintendent Hanson - This price is off of the State bid.

Councilman Gallagher - Will we run into any historic issues with the walls?

Mayor Geraghty - No, there's no wall at the bottom.

Councilman Gallagher - Aesthetically, I don't like having a fence there but I see the Mayor's point.

Motion by Ingemann, seconded by Geraghty, to approve the installation of a railing at the 10th Street Overlook. With 4 Ayes, Gallagher Voting Nay, the motion carried.

Mayor Geraghty - The 6th Street access, I would like to keep the entire area mowed.

Superintendent Hanson - We planted native flowers there.

Mayor Geraghty - I'd like to clear it all out just in case we allow boats there. I would like to make it as inviting as possible. Maybe we can even put a picnic table down there. If we want to make it a boat landing, we can't have an eight-foot path down there.

Councilman Gallagher - I think a boat launch would be great.

B. Request from the Newport Volunteer Fire Department

Steve Wiley and Matt Aune of the Newport Fire Department Relief Association presented on this item as outlined in the July 17, 2014 City Council packet. Councilman Ingemann abstained from the discussion and vote.

Councilman Gallagher - So the City's contribution will drop by \$12,000 this next year?

Mr. Aune - That's our prediction.

Councilman Gallagher - This is if you don't increase your staffing right?

Mr. Aune - This is a great tool to get new members. Right now, we're at 24 and are allowed 35. It's a problem around the entire state.

Mayor Geraghty - What will our contribution be if it drops \$12,000?

Mr. Aune - Right now your contribution is around \$69,000, we're hoping it will drop around \$56,000 if this is approved.

Mr. Wiley - If approved, we'll submit the form and the amount will be the amount.

Mayor Geraghty - Do you have any long-term projections? I'm just trying to see what it would take to have it go back up.

Admin. Hill - Because we received this so late and didn't have enough time to take a good look at it, I did get an email from Stacie saying that if they increase their membership significantly, it will increase our contribution. She did have a question on how your investments have been going.

Mr. Wiley - They are in line with the State board of investments. We have some money in cash, which brings down the overall amount. We're pretty conservative with our investments.

Admin. Hill - The two bigger factors are if they increase their membership.

Mayor Geraghty - I don't see them getting to 35.

Mr. Wiley - If we can keep it at 25-27, that would be ideal.

Admin. Hill - The other one is if the stock market crashes.

Councilman Sumner - Would this be a change for five or ten years or would you come back each year with a new request?

Mr. Wiley - No, it's been eight years since our last request and we've averaged a request every four years. It's driven off of funding percents and the forms that we submit to the State.

Councilman Sumner - This is the amount that would be given to firefighters if they left the service for each year of service that they put in?

Mr. Wiley - Correct. Firefighters are vested after 10 years and get 60% at that time. It goes up 4% every year and you get 100% at 20 years.

Motion by Gallagher, seconded by Rahm, to increase the retirement benefit from \$3,000 to \$3,300 per year. With 4 Ayes, 0 Nays, Ingemann Abstaining, the motion carried.

16. ADJOURNMENT

Motion by Gallagher, seconded by Rahm, to adjourn the regular Council Meeting at 6:36 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst