



**City of Newport  
City Council Minutes  
August 2, 2012**

**1. CALL TO ORDER**

Mayor Pro Tem Ingemann called the meeting to order at 5:30 P.M.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL -**

**Council Present** –Tom Ingemann, Bill Sumner, Tracy Rahm, Steven Gallagher

**Council Absent** – Tim Geraghty

**Staff Present** – Brian Anderson, City Administrator; Bruce Hanson, Supt. of Public Works; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney;

**Staff Absent** – Curt Montgomery, Police Chief; John Stewart, City Engineer;

**4. ADOPT AGENDA**

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

- A. Minutes of the July 19, 2012 Regular City Council Meeting
- B. List of Bills in the Amount of \$421,563.55

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

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

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

**8. COUNCIL REPORTS –**

**Councilman Rahm** – I attended the South Washington County Telecommunications Commission meeting last Thursday and they are up for some awards from the NATOA Organization which stands for the National Association of Telecommunications Officers and Advisors. There were over 650 entries and the SWCTC had ten items that were nominated for awards. I noticed that a lot of the items were things like Strawberry Fest and some Cottage Grove things and Woodbury things. I was thinking that since they're doing such a good job I would like to see how they can help promote Newport by coming to cover things like Pioneer Days.

**Councilman Ingemann** – Nothing to report

**Councilman Sumner** – I just wanted to say that progress on the North Ravine project is moving along very nicely. I believe that most of the machinery has left the site. I would recommend that you come up and take a look

**Councilman Gallagher** – Nothing to report

## **9. ADMINISTRATOR'S REPORT –**

### **A. Ordinance No. 2012-10 – Amending Chapter 6, Animals**

Executive Analyst Helm presented on this item as outlined in the August 2, 2012 City Council Packet.

**Councilman Gallagher** – I would like to make a motion to approve it with an amendment. I would like to change the number of chickens to four (4) chickens per acre.

**Councilman Rahm** – Where is this coming from? Do people want to keep chickens?

**Executive Analyst Helm** – There was a request to allow residents in other districts to allow chickens and also to allow honeybees.

**Admin. Anderson** – A lot of cities have talked about this and have had a lot of public meetings on it. A lot have been denied. It is a hot topic. More people are trying to get back to doing things on their own.

**Councilman Rahm** – I have friends in Portland and they have chickens all over the place now for eggs and meat. So people can do this for eggs or whatever they want to do. How long does a chicken produce eggs without having a rooster around?

**Councilman Sumner** – The rooster only fertilizes eggs that hatch baby chicks.

**Councilman Rahm** – I know but how long does that last?

**Councilman Sumner** – A chicken can lay for a couple years.

**Councilman Sumner** – There's one provision in here that doesn't allow for breeding. I think if someone wants to replace their chickens they should be allowed to out of their own stock.

**Councilman Gallagher** – But if you don't have a rooster you can't breed them.

**Councilman Rahm** – I can see the rooster being a nuisance due to the noise.

**Admin. Anderson** – We took a look at a lot of different cities and this might be one of those that is a work in progress and see where it goes.

**Councilman Ingemann** – Originally, they wanted chickens in the R-1 District and the Planning Commission said no and that's how they got in the RE District.

**Councilman Sumner** – I'm bothered by the chicken coop and run being considered an accessory structure. I look at it as a dog house.

**Councilman Rahm** – I think it depends on how many chickens you have because the more chickens you have the bigger structure you'll have.

**Executive Analyst Helm** – The minimum for the chicken coop is ten square feet per chicken and the chicken runs cannot exceed 80 square feet, which is why we listed them as an accessory structure.

**Councilman Sumner** – That might be unnecessary according to agricultural practices. I think that it should be

put in there that agricultural practices should be followed for over four chickens.

**Councilman Gallagher** – Are there written agricultural policies?

**Councilman Sumner** – I'm sure there are.

**Admin. Anderson** – So you think that is too big?

**Councilman Sumner** – I think that is larger than necessary.

**Councilman Gallagher** – Well if you have 20 chickens, that's 200 square feet.

**Admin. Anderson** – Something was in the paper regarding commercial farming and how they have to expand because everything's so tight. Again, that's commercial; it's a lot bigger than four chickens.

**Councilman Sumner** – I think one square foot per chicken is fine.

**Councilman Ingemann** – According to PETA, that's probably not big enough.

**Councilman Gallagher** – Do we want to talk about the fee associated with it?

**Councilman Ingemann** - \$25 per chicken?

**Executive Analyst Helm** - \$25 per permit and the permit covers all of the chickens.

**Councilman Ingemann** – I don't think that's excessive.

**Councilman Gallagher** – I don't think so either.

**Councilman Sumner** – Well a dog is not a farm animal so they don't have to pay for them do they?

**Executive Analyst Helm** – Yes, a dog license is \$20 after January 31<sup>st</sup>, farm animal permits are \$25 and kennel permits are \$50.

**Admin. Anderson** – The thing about animal permits is they have to come before the City Council so that fee is to support the administrative costs associated with it.

**Councilman Sumner** – Ok, I will stay with the \$25 fee then.

**Motion by Gallagher, seconded by Rahm to approve Ordinance No. 2012-10 as amended and the \$25 fee for a chicken permit. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**B. Ordinance No. 2012-11 – Amending Chapter 4, Licensing, and Chapter 5, Alcoholic Beverages**

Executive Analyst Helm presented on this item as outlined in the August 2, 2012 City Council packet.

**Councilman Gallagher** – I read through this and staff did an excellent job.

**Councilman Ingemann** – Does the revocation go to the business or person?

**Executive Analyst Helm** – It's for the business.

**Councilman Gallagher** – For the fourth violation do we want to add “In addition to any criminal or civil

**Councilman Ingemann** – Well if you lose your liquor license you've lost a lot.

**Attorney Knaak** – Usually, when you're dealing with revocation, it's a big deal. They show up with council and it rarely happens. It's a full blown hearing and all the rest when you're at that point. This is a very straight forward ordinance. I don't see anything out there that shows that you'll end up with a revocation hearing in the future.

**Councilman Sumner** – Do we need to add that there'll be additional criminal or civil penalties?

**Attorney Knaak** – That will happen as a matter of fact. The license holder generally does not have the criminal or civil penalties put against them; it's the employees that get nailed.

**Councilman Gallagher** – Is there a reason we don't have a fine as well?

**Admin. Anderson** – I think when Council discussed this last time the thought was that the suspension would be enough due to the amount of money that the license holder will lose.

**Motion by Gallagher, seconded by Ingemann to approve Ordinance No. 2012-11 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Councilman Ingemann** – Would staff come up with an ordinance for liquor stores? Brooklyn Park has an one-mile separation and Cottage Grove has 3,000 feet between liquor stores. Could you draft something that has a reasonable separation between liquor stores?

**Admin. Anderson** – Yes

### **C. City Sanitary Improvement Plan**

Admin. Anderson presented on this item as outlined in the August 2, 2012 City Council packet.

**Councilman Gallagher** – So you're looking just at the 15<sup>th</sup> Street one now?

**Admin. Anderson** – Yes

**Councilman Gallagher** – Is that the one that's giving you the most trouble?

**Supt. Hanson** – Yes. It's also our main lift station.

**Councilman Gallagher** – What we're buying, will this be good enough for future development?

**Supt. Hanson** – Yes, as much as the piping will take. Any additional increase will have to increase piping.

**Admin. Anderson** – We've had discussion regarding the Red Rock and these lift stations will suffice for that.

**Councilman Gallagher** – I didn't see a warranty in the quote. Is there not a warranty?

**Supt. Hanson** – There's generally a one year warranty, I guess I didn't have it in the quote. This is generally the same thing we did to the 10<sup>th</sup> Avenue lift station.

**Councilman Sumner** – Is that giving us good service?

**Supt. Hanson** – Yes

**Admin. Anderson** – A lot of other cities are going to the submersible system. The only other change I would make is that we are not looking at upgrading the RDF and Cold Storage systems' to submersible.

**Councilman Sumner** – How long does this take?

**Supt. Hanson** – I would suspect it's probably a two month deal. I would like it done by the end of this year.

**Councilman Sumner** – Does this control the water that's down by the river where we have the infiltration and all those other problems.

**Supt. Hanson** – A small portion of it. This actually controls the east side of the highway and then picks up 20% of the west side of the highway.

**Councilman Gallagher** – Will this one be more expensive than the others?

**Supt. Hanson** – Not by much.

**Motion by Rahm, seconded by Sumner to approve Resolution No. 2012-22 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Councilman Gallagher** – By reimbursing ourselves, it means that we'll pay for it now and then if we go out for bonds we'll pay ourselves back with that?

**Admin. Anderson** – Yes, we'll put the money back into the Sewer Enterprise Fund. That's what we did with the water meter project.

**Motion by Sumner, seconded by Gallagher to approve Resolution No. 2012-23 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

**Admin. Anderson** – Last item I do have is to remind everybody that Pioneer Day is coming up on Sunday, August 12. Thanks to local businesses we do have 36 raffle prizes so make sure to buy your button. You do not have to be present to win. Buttons are for sale at John Bartl Hardware, South Suburban Rental, North Pole Restaurant, NAPA, and City Hall. You also get free corn with the button. We have kids' games, bingo, craft vendors, beer tent, magic show and a car show. The parade starts at 11.

**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** – Nothing to report

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

**Supt. Hanson** – The North Ravine project is about 99% complete.

**Councilman Rahm** – What about our pavilion?

**Supt. Hanson** – It's about 50% complete. We're working on it and it's coming along nicely.

**15. NEW/OLD BUSINESS**

**16. ADJOURNMENT**

**Motion by Sumner, seconded by Rahm, to adjourn the regular Council Meeting at 6:02 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.**

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

Respectfully Submitted,

Renee Helm  
Executive Analyst