



**City of Newport
City Council Minutes
August 6, 2015**

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; Curt Montgomery, Police Chief; Renee Eisenbeisz, Executive Analyst; Fritz Knaak, City Attorney; Sherri Buss, TKDA Planner

Staff Absent – Bruce Hanson, Supt. of Public Works; Steve Wiley, Fire Chief; Jon Herdegen, City Engineer;

4. ADOPT AGENDA

Motion by Sumner, seconded by Rahm, to adopt the Agenda as presented. With 5 Ayes, 0 Nays, the motion carried.

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the July 16, 2015 Regular City Council Meeting
- B. Minutes of the July 16, 2015 City Council Workshop Meeting
- C. List of Bills in the Amount of \$111,965.03
- D. Gambling Permits
- E. **Resolution No. 2015-26** - Accepting Donations for the Period of July 14 - August 3, 2015 as amended (see attached)
- F. Agreement between the City and Washington Conservation District for the 2016-2018 East Metro Water Resource Education Program

Councilman Sumner - I would just like to read the list of individuals and businesses that donated. We have Pioneer Day coming up and there are a couple other donations. They are: Bailey's Nursery, Northern Tier Energy, Tinucci's, Ten-E Packaging, Xcel Energy, Gladstone Used Cars, Newport St. Paul Cold Storage, Advanced Sportswear, NAPA Auto Parts, and Joyce Berg. They've all been kind to donate to the efforts of the City and we thank them for that.

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Tami and Dennis Mitchell, 925 Ellen Court - We'd just like to say thank you for moving the street light, it no longer shines like a spotlight in my bedroom and we really appreciate it and wanted to publicly thank you.

7. MAYOR'S REPORT –

Mayor Geraghty - I wanted to announce that Pioneer Day is Sunday and the parade starts at 11:00. There will be free corn with the purchase of a button. I also wanted to announce the sidewalk sale at Newport Center. I think it's going on tomorrow and Saturday. I invite the public to come out rain or shine.

8. COUNCIL REPORTS –

Councilman Lund - Nothing to report.

Councilman Sumner - I attended Night to Unite and it was very nice. Quite a few of the City people were there. The Lions provided excellent hotdogs. It's just nice to be in a relaxed setting with our neighbors. I'm looking forward to Pioneer Day and hope to see you all there.

Councilman Ingemann - I was also at Night to Unite. Also, start saving your money because the Fire Department will have a meat raffle at Cloverleaf on September 11.

Councilman Rahm - I also attended Night to Unite and will be at Pioneer Day.

9. ADMINISTRATOR'S REPORT –

A. Public Hearing - To consider, and possibly approve an Alley Vacation between 2nd and 3rd Avenues and 8th and 9th Streets

The Public Hearing opened at 5:34 p.m.

Sherri Buss, TKDA Planner, presented on this item as outlined in the August 6, 2015 City Council packet.

Allen Stettner, 891 3rd Avenue - I am buying the property next to the alley vacation and have a couple concerns. The first one is from 1996 when we built the garage. I have a paper here that shows the alley was already vacated and signed off by John Stewart, who was the City's attorney.

Mayor Geraghty - Right but I believe it was never recorded.

Mr. Stettner - There are four stamps from Washington County showing that it was recorded on July 2, 1996 so my dad went through his garage and subdivision, which was not taken care of either. How can we make sure this gets done this time and we know that in the future there won't be any legal issues? By vacating this, where would the access for the back lot be? 8th Street and 3rd Avenue would be the only viable spot which would cause an assessment value against our property. We understand that things don't get taken care of the way they should but if we had known this, we would have taken care of it 19 years ago. Will this actually get done and how will this affect the back lot?

Mayor Geraghty - Are you in favor of the vacation?

Mr. Stettner - Yes, we want to make sure there are no issues down the road with access.

Admin. Hill - Fritz did look for this at the County and couldn't find anything that says it was vacated, we had these copies as well.

Mayor Geraghty - What did the County say?

Admin. Hill - I don't know but they didn't have an official record.

Mr. Stettner - We just want to make sure it's done properly this time. The current driveway is also on part of the

alley and we have vehicles on there because we thought it was our property.

Councilman Ingemann - It's all stamped so whether it was recorded or not, it's legal.

Councilman Lund - It looks like the County screwed up. In regards to access, it'll be from 9th Street.

Mayor Geraghty - Fritz, we're talking about the vacation issue and that the County never recorded it.

Admin. Hill - Fritz, this is the vacation that you went to the County to look for and found that there wasn't any.

Mayor Geraghty - They're stamped by the County from 1996, do we need to do it again?

Attorney Knaak - Yes, they don't have any records of the vacation so you will need to do it again. The stamps seem appropriate but it's not on any County records so I would recommend we do it again.

Mr. Stettner - We just want to make sure it goes through because we built the garage and driveway thinking it had already been vacated. We just want to make sure we have no issues with what we already have.

Attorney Knaak - I would suggest that you go right down to the County to record it.

Admin. Hill - We'll record it next week.

Mr. Stettner - Also, the minor subdivision was never recorded, who would we go to to get it done?

Attorney Knaak - You would go to the County but you'll probably need to redo it.

Mr. Stettner - Does that require another fee?

Mayor Geraghty - We can waive the fee.

Mr. Stettner - Ok, my dad doesn't want to pay that fee again.

Ms. Buss - Can we still notice this for the September meeting.

Executive Analyst Eisenbeisz - Yes, we'll need it by next Thursday.

Mr. Stettner - He'll be in next Wednesday.

Attorney Knaak - Mr. Mayor, are you directing staff to do the recording?

Mayor Geraghty - Yes, because we're owners of several of the lots.

Admin. Hill - We're doing the vacation, they'll need to take care of the subdivision.

The Public Hearing closed at 5:47 p.m.

Motion by Geraghty, seconded by Ingemann to approve Resolution No. 2015-27 as presented. With 5 Ayes, 0 Nays, the motion carried.

B. Building Inspections Agreement with Cottage Grove

Executive Analyst Eisenbeisz presented on this item as outlined in the August 6, 2015 City Council packet.

Councilman Sumner - This has been working well and the people that have had inspections are pleased?

Executive Analyst Eisenbeisz - Yes, we haven't received any complaints at City Hall and we really like working with the Cottage Grove staff.

Motion by Ingemann, seconded by Sumner, to approve the Building Inspections Agreement with Cottage Grove. With 5 Ayes, 0 Nays, the motion carried.

Admin. Hill - Just one last thing, you all received a questionnaire from Washington County regarding their library strategic plan so they would just like to remind you to fill that out.

10. ATTORNEY'S REPORT -

Attorney Knaak - I wanted to follow-up on the Quade matter. I attended the St. Paul Park Council meeting and they declined our request to put it off. Their justification was that it was already recorded and their attorney advised them that there was no point. I disagree with that but in any case, I don't think it impedes us in moving forward. If we do need additional right-of-way, I'll come to you recommending that you challenge that. There is no need to do that yet. We've had dialogue with the State Department of Transportation and I think they are confused about the situation and City's position. Your position has to do with public safety. The focus of St. Paul Park, appears to me, is the access over the westerly right-of-way and the potential for an accident. When I explained the situation to the Department of Transportation, they understood our position and will come back with a solution. They didn't find it good that the City's only means to accessing the eastern side over another right-of-way is something of a concern. They'll come back and give us a solution. I don't agree with the advice that was given but I'm not their lawyer. I don't think this will result in a big conflict.

Mayor Geraghty - Is the half that we own 30 feet?

Attorney Knaak - I think it's 33 feet.

Mayor Geraghty - Is that enough for trucks to get in?

Councilman Ingemann - Yes.

Mayor Geraghty - They can't close that crossing without our permission?

Attorney Knaak - Yes. St. Paul Park has already done their deal with Quade, who is on their Planning Commission. They have access from the south. One of the questions we had from the State is that isn't that enough for us and the answer is no because that's our access point for that rail right-of-way. I believe the State understands our position.

Councilman Rahm - Weren't we paying for the upgrade?

Attorney Knaak - Yes.

Councilman Rahm - So doesn't that mean that St. Paul Park abandoned their responsibility and we assumed it?

Mayor Geraghty - They can't abandon it.

Councilman Rahm - Can we annex it?

Attorney Knaak - There are all sorts of possibilities. We ought to be able to resolve this.

Councilman Lund - I'm sure you're familiar with the fact that it's a location for water as well.

Attorney Knaak - Yes, we're aware of that but it's not our primary reason for defending the right-of-way.

Mayor Geraghty - Is there discussion still going on in negotiations?

Attorney Knaak - I wouldn't call it negotiations yet, with Quade yes but the State has upped the ante a bit. They intervened thinking they would solve a problem between the two cities not fully understanding the issue. Now that they understand the City's position and that St. Paul Park took the position that they did and neglected Newport's position in terms of public safety. I think they understand that and will come up with a solution.

11. POLICE CHIEF'S REPORT

Chief Montgomery - I wanted to thank people who attended Night to Unite, Newport Fire, and the Council members who attended. I also wanted to thank Newport Lutheran for hosting.

12. FIRE CHIEF'S REPORT – Nothing to report.

13. ENGINEER'S REPORT – Nothing to report.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT - Nothing to report.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Geraghty, seconded by Ingemann, to adjourn the regular Council Meeting at 5:59 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst

RESOLUTION NO. 2015-26

A RESOLUTION ACCEPTING DONATIONS FOR THE PERIOD OF JULY 14 - AUGUST 3, 2015

WHEREAS, The City of Newport, Minnesota is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

WHEREAS, The following persons and entities have offered to contribute the items set forth below to the City:

Individual/Business	Donated Item	Donated Amount	Donated Date
Bailey's Nursery	Flowers for Lions Park	Estimated - \$270	07/10/2015
Northern Tier Energy	Gift Cards - Pioneer Day Raffle	\$1,000.00	07/15/2015
Tinucci's	Gift Cards - Pioneer Day Raffle	\$50.00	07/15/2015
Ten-E Packaging	Twin Tickets - Pioneer Day Raffle	N/A	07/15/2015
Xcel Energy - Jake Sedlacek	Monetary - Pioneer Day	\$300.00	07/20/2015
Gladstone Used Cars	Monetary - Pioneer Day	\$200.00	07/27/2015
Newport St. Paul Cold Storage	Twin Tickets - Pioneer Day Raffle and Monetary - Pioneer Day	\$250.00	08/03/2015
Advanced Sportswear	2 Free Shirts - Pioneer Day Raffle	N/A	08/03/2015
NAPA Auto Parts	Gift Cards - Pioneer Day Raffle	Estimated - \$250	08/03/2015
Joyce Berg	Books for the Library and Community Center	Estimated - \$336	08/03/2015

WHEREAS, The City Council finds that it is appropriate to accept the donations offered.

NOW, THEREFORE, BE IT RESOLVED, That the Newport City Council hereby accepts the above donations and directs staff to write a letter of appreciation to each donor.

Adopted this 6th day of August, 2015, by the Newport City Council.

Motion by: _____, Seconded by: _____

VOTE:

Geraghty	_____
Ingemann	_____
Sumner	_____
Rahm	_____
Lund	_____

Signed: _____
Tim Geraghty, Mayor

ATTEST: _____
Deb Hill, City Administrator