



**City of Newport
City Council Minutes
September 17, 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; Bruce Hanson, Supt. of Public Works; Renee Eisenbeisz, Executive Analyst; Fritz Knaak, City Attorney; Jon Herdegen, City Engineer;

Staff Absent –Curt Montgomery, Police Chief; Steve Wiley, Fire Chief;

4. ADOPT AGENDA

Councilman Ingemann - I would like to remove item 5.D on the consent agenda.

Councilman Sumner - I just have one note, in my report on the minutes it said that I was talking about arming, it's farming.

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

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the September 3, 2015 Regular City Council Meeting
- B. List of Bills in the Amount of \$130,158.49
- C. Gambling Permit
- E. **Resolution No. 2015-34** - Approving a Gambling Application for the St. Paul Park-Newport Lions to Conduct Off-Site Gambling

With 5 Ayes, 0 Nays, the motion carried.

D. Resolution No. 2015-33 - Supporting the Purchase of the Refuse Derived Fuel Plant in the City of Newport by Ramsey and Washington Counties

Councilman Ingemann - This is a resolution supporting the RDF plant, I didn't see an item on there and I think it would be in our interest to add that the City will have an ex-officio, non-voting member on the Board. That provides the City with a voice, you may not be able to vote but at least we'll have a voice on the Board and I think that's important.

Councilman Rahm - That maintains what we had before right?

Councilman Sumner - Was that taken out? I know they've never notified us.

Councilman Ingemann - No the last County Commissioner decided that it would be in the County's best interest if we weren't there so they no longer provided a seat for us and filled it in with another County Commissioner and they don't spend a lot of time researching information. We used to have a member that was very active. I'm saying that we need to go back and have a voice. That's the only way I'll support this resolution.

Councilman Sumner - I've also been approached by residents that continue to say that they don't think this is a good tie for the City and don't feel the County should buy the plant because it has outdated equipment and that we're paying too much. Those are big concerns of mine. I understand that the County will be considering this next Tuesday. If anyone has strong opinions, that would be the time and place to voice them.

Councilman Ingemann - I'll make a motion that we approve it as amended.

Councilman Lund - I'll never support the motion but another thing that is missing is a request for payment in lieu of taxes. Given my strong position against this whole thing, I heard they don't appreciate any dissention so I think any resolution passed should mention that we wouldn't support it if they pulled our property tax revenue.

Councilman Ingemann - I'll take that amendment.

Mayor Geraghty - I believe they're still working on the payment in lieu of taxes agreement but we'll put that in there.

Motion by Ingemann, seconded by Rahm, to approve Resolution No. 2015-33 as amended. With 3 Ayes, Sumner and Lund voting Nay, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Tami and Dennis Mitchell, 925 Ellen Court - We just wanted to say and give a little information, that the well that was on our property was an agricultural business well and we didn't put it in. It was 276 feet and 12 1/2 inches wide and cost \$10,822.50 to seal and close. It was not an 8 inch wide residential well which is usually 50 to 100 feet deep and doesn't cost as much. We would like to thank the City for their help and the \$800 to finish closing this well. We have some paperwork for you.

7. MAYOR'S REPORT – Nothing to report.

8. COUNCIL REPORTS –

Councilman Rahm - Nothing to report.

Councilman Ingemann - I was at the Planning Commission meeting and that will be coming up shortly.

Councilman Lund - I apologize for missing the meeting. I did take some time to write an editorial against the RDF Plant. It's in the Pioneer Press if you haven't checked it out yet.

Councilman Sumner - I attended the Fire Department Meat Raffle on Friday and much to my pleasure, I won. If we looked at what I put in, I probably paid \$80-\$90 per pound but am always pleased to support the Fire Department. I also attended a meeting with the refinery and surrounding communities. A couple things that are very important is that they've decided to hire a full-time fire chief. In the past, that's been done by volunteers. They are reaching out to various cities to work closely with the local fire departments. They have to do certain

things that are mandated by law and on their own, they did an evaluation on their ability to fight a catastrophic fire and found that they may be limited by the access of water resources so at a cost of multiple millions of dollars they put in a six-million gallon above ground tank for water. They had been using a holding pond but the State doesn't like holding ponds on refinery properties in case of leaks. As a city on the border of the refinery, I think that's an indication of their commitment to working well with the communities that they border.

9. ENGINEER'S REPORT -

A. Resolution No. 2015-35 - Accepting Part II of the Wellhead Protection Plan

Engineer Herdegen - We have a resolution before you to accept Part II of the Wellhead Protection Plan. We held a public hearing at the last meeting to take input and we've made the changes that were requested and this resolution will direct MSA to submit the plan to the Department of Health for final acceptance.

Councilman Sumner - I noticed that they did talk about the underground storage tanks and that they would be looked into but there was no timeframe. Did you look at the changes?

Engineer Herdegen - I did take a look at the changes but didn't put a timeframe of when they would be reviewed but can confirm the existence prior to submittal.

Councilman Sumner - Well Action 14-1 under Management of Leaking Underground Storage Tanks says 2016. If these are potential sites of contamination I don't know why they aren't a priority. Who sets those timeframes?

Engineer Herdegen - The timeframes were set by the Wellhead Protection Team which consists of MSA and City staff. Those are the comments that we're looking for.

Councilman Sumner - I would think that some of these timeframes need to be looked at more carefully. I don't know if want to hold off on this. I would like to table it. I'll read it and come back to you with comments. Also, there are abbreviations but they aren't defined.

Mayor Geraghty - Do you want to meet with him separately before the next meeting?

Councilman Sumner - I'll give you a call.

Councilman Rahm - I also saw a 2005 zoning map in there.

Engineer Herdegen - I'll find that.

Motion by Geraghty, seconded by Rahm, to table Resolution No. 2015-35 to the October 1, 2015 meeting. With 5 Ayes, 0 Nays, the motion carried.

10. ADMINISTRATOR'S REPORT –

A. Resolution No. 2015-36 - Approving an Amendment to a Conditional Use Permit for 2193 3rd Avenue

Sherri Buss, TKDA Planner, presented on this item as outlined in the September 17, 2015 City Council packet.

Councilman Sumner - All of the people that spoke on this issue supported this business.

Ms. Buss - Yes and the Planning Commissioners are familiar with it too and said it's a vast improvement.

Councilman Sumner - I think Newport is getting another good business.

Motion by Sumner, seconded by Ingemann, to approve Resolution No. 2015-36 as presented. With 5 Ayes, 0 Nays, the motion carried.

B. Agreement between the City of Newport and Washington County for Provisional Law Enforcement Services

Admin. Hill presented on this item as outlined in the September 17, 2015 City Council packet.

Councilman Ingemann - Why has the Police Chief's job not been posted yet? Why is the police schedule changing? The new officer training will be completed in three weeks. At that time we would be back to full strength, and the temporary acting chief will be in place, making the department complete until the new chief is hired, or is this a backdoor approach to have the county take over and replace the police department? The department members have set the schedule and as of now and it covers all contingencies possible. The contract was negotiated for 12 hour shifts, and where does it say that you can change the schedule on a whim? The county is temporarily assisting the department for a short while until a new chief is hired and they are not taking over the police department. The citizens of this city are highly against that. The county should adjust their schedule to work with our people, and not adjust our schedule to fit into their plan. Where in the employee handbook does it say that employees of this city cannot talk to council members? The need for an extra officer on the staff was decided 4 years ago that it was not needed, you eliminated the sergeant position. If another officer is needed, that officer from the county can work their 8 hour shift, and our officer can continue their 12 hour shift. What happened to the County sergeant assuming the position of chief, I believe we were lead to believe that he was going to retire and would take this on an interim basis? Why all of a sudden is the police department safety such an issue? For the past 4 years it was not an issue. I understand Cottage Grove has made an offer to supply additional officers if needed at no additional cost. I don't know if they've contacted you or are going to contact you but I think we need to hold off on this and I make a motion to appoint Scott Freemyer as the acting CLEO until one is hired.

Admin. Hill - At our workshop meeting we talked about getting through the interim process first before starting the hiring process. The 12-hour shift is not in the union contract.

Councilman Ingemann - They were when Bill and I negotiated and they fought to get 12-hour schedules and that's a continuation of what they had three years ago.

Admin. Hill - It's not in the contract.

Mayor Geraghty - The City has the right to change the schedule.

Councilman Ingemann - You're making us the fall guys for making a bad-faith effort to negotiate with the Police Department.

Admin. Hill - The sergeant that was looking at it had not agreed to it. Cottage Grove has not contacted me.

Mayor Geraghty - There's no second to your motion. I'll make a motion to contract with Washington County on an interim basis for police services beginning September 28 through December 31.

Councilman Ingemann - And tell Cottage Grove their free offer is no good?

Mayor Geraghty - I haven't heard a word from Cottage Grove.

Councilman Ingemann - Then we need to wait.

Mayor Geraghty - No, we provide the leadership and will provide the public safety and direction. If the City can't make a shift change we might as well throw in the towel and let the Police Department run the City.

Councilman Ingemann - You would never be re-elected on that sir.

Mayor Geraghty - We run the City, they don't. We set the public safety standards. They are employees and I don't want to micro manage the County coming in.

Councilman Ingemann - They should accommodate to our schedule and not us to them.

Mayor Geraghty - How many other cities do 12-hour shifts? Does Cottage Grove do 12-hour shifts? Everyone of them?

Councilman Ingemann - And the offer was free?

Admin. Hill - There was no offer to me.

Mayor Geraghty - There was no contact with the City, I don't know if they're talking to you or if it's on Facebook.

Councilman Ingemann - I believe their Chief has been talking with officers in our department.

Mayor Geraghty - They shouldn't be talking to the officers.

Councilman Ingemann - I believe they've been trying to get a hold of this office but haven't.

Mayor Geraghty - I don't believe that Tom. Is there a second to my motion?

Councilman Lund - There's a lot of people here, I think it would be good to give people a chance.

Mayor Geraghty - The people that are here are all against it because there's stuff on Facebook. I want to have a fair hearing at a future meeting and I do want to discuss merging the department with the County. I want to call for public input at our October 15th meeting to discuss merging. Things are different than a year ago.

Councilman Rahm - When we had our workshop, we had a hole that we had to do something about. I thought we authorized you to look at three different options including the County and Cottage Grove.

Admin. Hill - Not Cottage Grove.

Councilman Ingemann - Two other organizations.

Councilman Rahm - You're coming back with this being the best option.

Mayor Geraghty - At the workshop, we were leaning towards the County.

Councilman Rahm - And she's come back with the County for interim services.

Councilman Sumner - And that's what we're voting on. I'll second the motion.

Councilman Ingemann - To change the schedule.

Mayor Geraghty - If we're going to have the County to come in and run it, we don't tell them how to run it.

Councilman Lund - Can we hear from Officer Freemyer because at our workshop we at least mentioned that he would work with Deb to come up with a proposal. I would be interested to hear from him about this proposal and if he supports it.

Officer Freemyer - I just heard about the Cottage Grove offer, I haven't been contacted by anyone and haven't contacted anyone. Our current schedule, our family lives are built around that. We work with Cottage Grove every day. I don't know the logistics but if that is a true offer it seems better personally.

Councilman Lund - You've been in close contact with the County?

Officer Freemyer - Yes, I had meetings with Deputy Chief Starry and Commander Mueller.

Councilman Sumner - And the investigator?

Officer Freemyer - I talk with the investigator every day, even when they weren't taking over.

Mayor Geraghty - When you talked with the Deputy, did they talk about vacation and honoring requests and will they do that?

Officer Freemyer - Yes they will. The meeting was fine. Our biggest concern is switching the schedule and I've talked with Ms. Hill on that.

Mayor Geraghty - But is it true that there's no overlap with a 12-hour shift?

Officer Freemyer - We talk every day. Usually the guys come in 30 minutes early and we talk about what's going on.

Councilman Ingemann - They're willing to work the schedule until the new guy is ready?

Officer Freemyer - Absolutely, 3 on, 3 off is not a burden to anyone.

Mayor Geraghty - I find it ironic that a year and a half ago they were arguing for another officer and we're down 2 from that.

Councilman Ingemann - We used to have 8.

Mayor Geraghty - I know but they were arguing that they were overworked and needed another officer.

Councilman Ingemann - That's because the Chief wasn't doing anything.

Mayor Geraghty - That's the point, maybe we need new leadership.

Councilman Ingemann - Need to get back to staff.

Councilman Rahm - We didn't talk to Cottage Grove for this interim plan?

Admin. Hill - They were not part of the directive I received and no one called me from there.

Councilman Rahm - There's two situations here, what are we doing for interim and longer-term. I think longer-term, we need to talk about at another meeting and right now we need to decide for the short-term. The only proposal I see is from Washington County. It's hard for me to make a decision and say that other cities can do this sort of stuff when I don't have anything in front of me to look at.

Councilman Lund - I would like to point out that we strongly appreciate the sacrifice our officers over the past months with being short-staffed. They've done an incredible job making sure the City is covered.

Councilman Sumner - I've received a couple comments from a large number of people that have said that they

would like us to explore other options. They all appreciate the officers that are here and want us to look with good, strong, open eyes at other options. I will also say that with my work at the State of MN, we've looked at various shifts. They wanted to accommodate some peoples' requests and went to nine-hour shifts with half-day Fridays or every other Friday off. They went to ten-hour shifts shortly and that didn't work for a number of reasons. The State reserved the right to change the shift. Changes by employers is not uncommon. The indication has been that any scheduled time off will be honored. That's information I've gotten back from other residents. For someone to come in and make that stand publicly is very brave and a lot of people won't do that but they have contacted me to share those comments.

Councilman Lund - Is your understanding that you would be able to request vacation days if you get scheduled on what's currently an off day?

Officer Freemyer - That I don't know.

Admin. Hill - They told me that they would work with us. They understand that people have commitments and they would honor that.

Councilman Ingemann - Our people have the schedule worked out for the next couple weeks until he comes off probation and training.

Admin. Hill - But when Scotty goes back on as investigator.

Councilman Ingemann - Then we need to hire another officer or a chief that works.

Admin. Hill - That's a three to four month process.

Mayor Geraghty - Our discussion is for the interim, three months, September 28 - December 31. The longer-term issue, like I stated, I would like to have a full vetting of public input at our October 15th meeting to discuss merging our officers with the Washington County system. That's an offer that wasn't here a year ago. They would retain their seniority and everything. That will all come out, the positive and negative and we'll make a decision. I don't know which way it will end up but we deserve to make it a fair hearing.

Councilman Sumner - I have a question on the additional terms on page four. It says September 8 - December 31.

Mayor Geraghty - The attachment on the estimated costs is from October 1.

Admin. Hill - That would be September 28.

Mayor Geraghty - Are we ready.

Member from the Public - Are you going to call for public comment?

Mayor Geraghty - No.

Motion by Geraghty, seconded by Sumner, to approve the Agreement with Washington County for Provisional Law Enforcement Services September 28 - December 31, 2015. With 4 Ayes, Ingemann voting Nay, the motion carried.

Mayor Geraghty - I would like to send out a special newsletter notifying the public that we'll discuss it fully at the October 15th meeting and probably take action November 5th.

Councilman Ingemann - The citizens already told you they don't want the County coming in.

Councilman Rahm - Wouldn't you say, in lieu of this, why can't we start the search for a new Chief and the process. We don't have to hire anyone but get the ball rolling out. I think that should be something the Council should do.

Councilman Ingemann - Tomorrow, post the job. You're dragging your feet.

Mayor Geraghty - I'm not dragging my feet.

Councilman Rahm - It could take months to get a candidate. I think we start now.

Councilman Ingemann - I'll second it.

Mayor Geraghty - I think it's premature, I think we should give the County the opportunity to perform.

Councilman Rahm - They'll have that because we just passed that. We're just starting the process as we learn more about it. We want to hire a chief before we get another officer if we went down that path.

Councilman Sumner - It's kind of rude to start interviewing people if there's a possibility of something else happening. I can remember applying for multiple jobs only to find out that it was a whole façade because they've already made a decision.

Councilman Ingemann - There was a whole decision at the workshop that we would have someone come in on an interim basis until we hired a new chief and I think we should go through with what we worked on and post the job and start a process.

Councilman Rahm - We're posting to see what is out there, we haven't done interviews yet. My whole thing is starting the process. I think it gives us more opportunities.

Councilman Lund - It may limit the quality of our candidates if it's not certain there's an actual job.

Councilman Rahm - It might but this is an interim step.

Motion by Rahm, seconded by Ingemann, to advertise the job description for a new Police Chief. With 2 Ayes, Geraghty, Sumner, and Lund voting Nay, the motion failed.

C. Discussion Regarding Ordinance Amendment Regarding Disposing of Debris in Public Right-of-Way

Executive Analyst Eisenbeisz presented on this item as outlined in the September 17, 2015 City Council packet. The City Council directed staff to bring forward an ordinance at the next meeting amending Section 800.03(Q) as presented.

Councilman Lund - Do we want to include appliances and tires?

Executive Analyst Eisenbeisz - I think those would be considered debris.

Councilman Rahm - I think you get the idea with this language.

Councilman Sumner - It talks about refuse on a public right-of-way or private property. Is the road considered public right-of-way?

Supt. Hanson - Yes.

Councilman Sumner - And it doesn't talk about amounts. Does it have to be a certain amount?

Attorney Knaak - That's a matter of discretion on the part of the officer.

Councilman Sumner - I hate to see litter on the road but don't want to task officers with pulling people over for a cigarette butt.

Councilman Lund - What's the state fine for littering?

Attorney Knaak - That depends.

Councilman Lund - Do we allow sentence to serve?

Attorney Knaak - Yes, that's negotiated. It's \$10 per hour so if their fine is \$700, it would be 70 hours. The judge determines that. You can leave this as a misdemeanor and the fine will be determined by the judge.

11. ATTORNEY'S REPORT -

Attorney Knaak - The Quade matter that was tabled is the matter that will be discussed at the closed meeting.

12. POLICE CHIEF'S REPORT - Not present to report.

13. FIRE CHIEF'S REPORT - Not present to report.

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

15. NEW/OLD BUSINESS

A. Discussion Regarding the Annual Lump Sum for the Fire Chief and Assistant Fire Chiefs

Councilman Ingemann - This is a discussion regarding the annual lump sum for the Fire Chief and Assistants. It's \$3,500 for the Chief and \$2,000 for the Assistants.

Admin. Hill - Currently, it's just under \$1,000 for the Chief and \$500 for the Assistants.

Councilman Ingemann - This is making it so we're the same as St. Paul Park.

Mayor Geraghty - Is this paid out monthly?

Councilman Ingemann - Yes, it's an annual payment that's paid out in monthly increments. St. Paul Park is the next lowest paid in the County.

Councilman Sumner - There are two assistants? I'll make that motion, I think our Fire Department and officers are important to the protection of the city and this is a small amount and worth it.

Motion by Sumner, seconded by Rahm, to increase the annual pay to \$3,500 for the Fire Chief and \$2,000 for Assistant Chiefs starting January 1, 2015. With 4 Ayes, 0 Nays, Ingemann Abstaining, the motion carried.

Councilman Lund - I would just like to remind people that if they are against the County's purchase of the RDF plant that the County has asked for comment at their next meeting which is next Tuesday at 9:00. I'll be there.

Councilman Sumner - Washington County Government Center?

Mayor Geraghty - Are you going to testify?

Councilman Lund - Yes.

Mayor Geraghty - Why? You're going to jeopardize our relationship.

Councilman Lund - We get \$80,000 in property taxes per year and that's the extent to our benefit. It does have an odor and if we're trying to develop that north part of town, that \$80,000 is not worth it. If we trade it for another private facility, we might not get \$80,000 but we'll get something. Also, it's just poor policy because it's not good for the environment to burn garbage. It's better to landfill it. You can still get energy from landfill and then to capture the methane. When you landfill, it's much cheaper. The emissions per megawatt for the Red Wing plant emits 3.8 times carbon monoxide as the Sureco plant in Becker, 29.7 times the lead, and 6.3 times the nitrogen oxide coal.

Mayor Geraghty - Are they in violation of State standards?

Councilman Lund - I don't think so. The real concern is heavy metals and I couldn't find any data on that. They could make much bigger investments in their technology. Right now, they're shutting down the coal plants and this is worse.

Mayor Geraghty - Well I hope they keep our PILT agreement.

Councilman Lund - And as a Mayor that's what you're supposed to worry about. I just think it's turned into a jobs program and we don't have to pay a private equity firm \$24 million in order to take care of the workers who have been handling our garbage. It's just poor government planning.

Mayor Geraghty - Well the Commissioner and Chair were really upset and this probably doesn't help anything.

16. CLOSE THE MEETING TO THE PUBLIC TO DISCUSS LITIGATION

The City Council closed the meeting to the public at 6:29 p.m.

The meeting was closed to discuss the pending Quade vs. City of Newport lawsuit.

The City Council opened the meeting to the public at 7:13 p.m.

17. ADJOURNMENT

Motion by Geraghty, seconded by Rahm, to adjourn the regular Council Meeting at 7:13 P.M. With 5Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst