



**City of Newport
City Council Minutes
October 17 2013**

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; Bill Sumner; Tracy Rahm; Steven Gallagher

Council Absent – Tom Ingemann;

Staff Present – Deb Hill, City Administrator; John Neska, Asst. Supt. of Public Works; Mark Mailand, Fire Chief; Fritz Knaak, City Attorney; John Stewart, City Engineer; Berry Farrington, City Planner

Staff Absent – Bruce Hanson, Supt. of Public Works; Curt Montgomery, Police Chief; Renee Helm, Executive Analyst;

4. ADOPT AGENDA

Mayor Geraghty - I would like to add a couple items under "New/Old Business." One would be to review the advised Volunteer Application for Buckthorn Day which was submitted to me through the Parks Board. Also, I would like to talk about a budget item for the Parks Board for \$175 to \$200 for a Photo Contest that they would like to do.

Motion by Rahm, seconded by Sumner to adopt the Agenda as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

5. ADOPT CONSENT AGENDA

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

- A. Minutes of the October 3, 2013 Regular City Council Meeting
- B. Minutes of the October 3, 2013 City Council Workshop Meeting
- C. List of Bills in the Amount of \$384,949.56

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

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Tammy Mitchell, 925 Ellen Court - We've just undergone fun construction with concrete curbs and all of that stuff. My first concern is that with all of the correspondence we got, as late as March 19, when we attended one of the meetings it was mentioned in one of the meetings, because I made a note of it, that we would probably be getting concrete aprons and that would be everybody. I did hear someone say at the meeting "so concrete aprons for everybody then?" Since then, in all of the correspondences that have come, the June 19th one, there's something in there about "all areas of concrete curb and gutter," there's another one that says "concrete aprons have been included in the project as an alternate item and at this time only properties with drainage concerns will

receive one," there are others I have here that say we were going to get a concrete apron and there was nothing in here that said that asphalt driveways would have asphalt aprons and concrete driveways would have concrete aprons. We have an asphalt driveway. About 1/3 of our driveway is now considered an asphalt apron. We had the City come out and cut a hole in our driveway because we have our water shut-off in the middle of the driveway so they came and did that and that was fine with us. The Engineer came out and looked and decided he didn't like that so he decided on his own to bring it back to where they had cut it. I asked "What about the concrete apron?" and he said "Nobody ever said you were going to have a concrete apron, only concrete driveways will have concrete aprons and asphalt driveways will get asphalt aprons." I said "According to the correspondence we received, that's not the case" and he said that I would have to take it up with the City. So I called the City and I mentioned all the correspondence and looked back at all of my notes and never did I see anything regarding that. I have gone around the neighborhood and I've heard that the streets wanted to be uniform in size as well and if you wanted it that way, 17th Street and High Street have concrete curb and aprons and it doesn't matter what type of driveway you have. The recent project that you did on 21st Street and Valley, people who have asphalt driveways have concrete aprons. My question is why did that change and it's not uniform as what others have in the area. Our street went from 33 feet wide to 32 feet wide. I live in a cul-de-sac where the streets are now more narrow which becomes an issue with parking. There are some people who can't put their entire family's cars in their driveway so they park elsewhere on their property so they can accommodate everyone. Those are a couple concerns but my main one is the concrete apron, why didn't we get one when it seems many of the other projects everyone else did?

Mayor Geraghty - John, as far as consistency with the other projects I know I had talked to you and you said that those who have a drainage issue would get a concrete apron and if they didn't have a drainage issue they would just get the asphalt, is that consistent with the other projects?

Engineer Stewart - No, the reason that this project is different is that the other projects were total reconstructions, this one is a mill and overlay project. We're taking the street grade that was there that needed to be matched in and leaving the majority of the blacktop in the street. As a result, costs were less to the City and property owners. The lady is absolutely right. When we started off we were going to get prices on concrete aprons and if the project could afford that we were going to do that. I think at every meeting after the initial meeting we were very specific and talked about the drainage issues. If there was a drain from the street to the garage, we would put in a concrete apron. I think we were very clear. I will note though that the notices that went out were somewhat vague. The wording that was used stated that if you received a concrete apron you couldn't drive on it for three days. It didn't say that you were going to get one it said that if you did you couldn't drive on it for three days.

Mayor Geraghty - But if people did have a concrete apron they did get another one?

Engineer Stewart - Yes. It was matched back with concrete. The apron has ears or wings on the side, they didn't necessarily get that unless they had it themselves.

Ms. Mitchell - I have several newsletters and the first one, which was issued August 15, states that "as part of the project, properties that have been assessed will receive a new concrete driveway apron."

Engineer Stewart - Mr. Mayor, we have had this conversation several times with the property owner both on the field and in the office and there's nothing that I'm telling you tonight that we haven't said before. It was a cost issue that was based on the drainage of the driveway.

Ms. Mitchell - I have not really spoken with John. I've spoken with Bruce Hanson or Kevin, I did see Dale.

Mayor Geraghty - Is this consistent to when we've done other mill and overlays?

Engineer Stewart - Our goal here is to reduce the cost for the City. The City is paying 80% and we were trying to keep this in budget and not give people more than what they had to begin with. I think a total reconstruction is

a different animal because you have the opportunity to change the street grades and you don't get that with mill and overlay. So you manipulate drainage by the aprons not the street grade.

Mayor Geraghty - I'm sorry for the miscommunication.

Ms. Mitchell - Kevin was also concerned about how flat my driveway is in comparison to the other driveways.

Mayor Geraghty - Did you have any drainage issues?

Ms. Mitchell - The way the street was before I didn't, I don't know how it's going to act now. My husband and I looked at the concrete curb and gutter we have and it looks like it's leaning in to our driveway. Time will tell with it. If something happens Bruce will hear about it and I'll call others as well. They did mention that they were concerned about that.

Mayor Geraghty - Keep us informed.

Ms. Mitchell - The width of the street is another issue. I guess we didn't realize it was going to be 32 feet, I guess most of us understood that the curbing would go back to where it came from but it ended up a little more narrow.

Engineer Stewart - The feasibility study states 32 feet.

Judy Bibeau, 945 Ellen Court - I'm Tammy's neighbor. I had a few concerns with Q3 or those people that came on to my personal property beyond the domain with their machineries so that they could put in the sewer pipes or whatever they needed so that they did not have to manually go and dig trenches for all the neighbors and they really did a job on my yard. I had Bruce come up and I called Tom Ingemann that same day and I said "Hey, there's this big truck in my yard" and he said "Well they have a domain" and I said "They're almost trying to get to my house." In fact they almost hit the corner of my neighbors house. I went out and said that they shouldn't have to be beyond a certain point. They wanted to knock down this brick thing I have because they needed more room which made me angry because I didn't get any notice that this big machinery was going to be on my property beyond the domain digging trenches and ditches and holes so that they could do all the way down the street. Supposedly Bruce Hanson gave them permission to do that and I don't think he would like someone to come in his yard with that. The machinery is huge and they decided to use my yard because I have the biggest front. I went out and talked with the guys and they said that "Bruce Hanson and I went around the neighborhood and Bruce said that we can do anything we want to your yard, we can go up as far as we want." I started calling everyone and they all passed the buck and I finally get a hold of this guy and said that you're off my property because no one asked for permission to come that far up to my house. They asked me if I wanted them to manually do it and I told them yes and then I got another phone call that said Bruce Hanson said they could do anything they want on my property beyond the domain part. I told them fine since they got the whole front lawn dug up already. I called Tom and told him to come over to take a look and he said "I see the machinery in your neighbor's driveway." Half an hour later, they're in my yard again to do the people across the street so they don't have to dig the trenches. I talked with Bruce about it and he was denying it. I want to know if they had permission to go as far into my yard as they did. They really did a lot of damage.

Mayor Geraghty - I'm assuming they have to stay in the right-of-way unless they get permission.

Engineer Stewart - The project she is referring to was to replace the gas main and the gas company applied for a permit for that. In the permit we required them to contact the property owners if they were on private property. I never visited her property to see whether the gas company was in her yard or on the street but I know that we were particularly concerned that they stay within the right-of-way and we provided stakes for them to stake where the right-of-way was. If they did damage your yard that would be an issue that we could take up with the gas company and require them to fix it. Whenever they apply for a permit they have to stay on the right-of-way and advise the property owner if they were going to go on private property.

Ms. Bibeau - I got no notice and I even said to the guy "I'm a very nice person but you know what this is way too much especially coming back twice to do the properties across the street, dig trenches on that side." I had ruts in the front from the machinery and if they were able to knock down the tree they would have. They went way beyond where they should have been. They even asked me if they could go further back, which would have wrecked my brick thing. They said that they would fix anything they wreck. My thing is that I don't believe them. They were giving me this "We can do anything we want. Bruce Hanson said that we can go as far up if we want to." I didn't get a call from anyone. I asked Bruce why I didn't get a call or a letter. Then they really started getting rude and I told them that twice is enough and not to come back. I showed Bruce and he said that they're going to fix it. I told him that I want sod because the yellow stuff won't work with what they did with the ruts and no dirt was filled in. I called Bruce Hanson yesterday. My father-in-law has been dying so I've been at the hospital and whenever I would come home and all of a sudden it looks like there was a bunch of snow there. I called Bruce and said that that wouldn't work and that I need sod. I have not heard back from Bruce and I called him yesterday. We also have the only walkway in the court, which they took away. I asked Bruce if they were going to fix that and he said yes so we saved the pavers. They have no intention of fixing it. Bruce came over and looked and said that they would not return the pavers and asked if concrete would be fine. I said fine. We have a nice paved driveway, cement and the curb. I was told many things and it didn't happen. I'm really upset about it.

Mayor Geraghty - On the street work and gas line?

Ms. Bibeau - If Tom would have come over. I called everyone on the list and they all passed the buck and said to call City Hall and they passed the buck. By now I'm getting frustrated because everyone is telling me to call so and so. The only one I have gotten results from is Bruce Hanson. You guys can feel free to come and look at my front lawn. I know they didn't put down black dirt. Someone did come back and laid some pavers around our mailbox. I'm assuming that was Bruce's idea. Q3 had no intention of putting our pavers back in our walkway, they were just going to leave it. They said they could put the grass seed down, it wouldn't be level at all. I'm just wondering, now they just laid some sod past the curb and I'm just wondering if I should wait and see because I think it's late for sod to be laid right now, I don't want it patched, I want a whole section so it's halfway decent. We have a little section that has nothing.

Mayor Geraghty - Do you want to make a claim against the company?

Engineer Stewart - I can give her the telephone number of the guy with Xcel, his name is Bob Foley and his number is (612)720-8817. The sod that was laid was by the street contractor and is called dormant sod, it'll develop roots after the winter. The permit that the City gave to Xcel gas was very clear and said that they need to restore anything they disturbed and that they would need to get permission if they were going to go on private property.

Ms. Bibeau - Nobody got permission to do it. I had a really big problem with that, especially this big big machine. Had I known what they were going to do to my yard I wouldn't have let them on my property. I think they were saving themselves some time. They said they could have dug trenches in each yard but then everyone would have had them. I don't care. They did start getting rude. As soon as they told me that Bruce Hanson gave them permission to go as far up as they needed.

Mayor Geraghty - I don't think Bruce would have given them permission.

Ms. Bibeau - I was hoping Bruce would be here but I did talk face to face with him. Should I just wait until next year?

Mayor Geraghty - No, I would call Mr. Foley and say that you want to file a complaint and you want some restoration work done. You can decide if it's best to sod it now or wait until the spring but I could call and make a formal complaint.

Ms. Bibeau - So they really didn't have permission. To a certain point they have permission but they went way

beyond that.

Councilman Sumner - What is the right-of-way distance?

Engineer Stewart - I believe up there it's a 60 foot right-of-way and the street is in the middle so there's about 15 feet on each side. If it got beyond that it would be on private property.

Councilman Sumner - Would that be on all streets?

Engineer Stewart - Streets vary all over.

Asst. Supt. Neska - The indicator would be your curb stop. I'm sure they were all marked for the project. When the contractor installs them for us that's usually within 6 inches to 1 foot from your property line. Without looking at the plans I couldn't tell you how big that right-of-way is. If you know where that is and they were a machines length beyond that.

Ms. Bibeau - His excuse was that the whole neighborhood would have trenches. My front yard was nothing but holes. I asked him why they weren't doing the trenches and he said that it was to save time and that I had the biggest yard in the court. So I should just call this person?

Asst. Supt. Neska - I would do that. I know Bruce did relay your message to Mr. Foley so I would call and confirm that.

Ms. Bibeau - Is there anything the City can do?

Engineer Stewart - She can get a copy of the permit from Renee that we give to the contractor and show that to Foley. If it's not on City street he's obviously gone on private property and should be responsible for it.

Ms. Bibeau - He did.

Councilman Gallagher - We believe you.

Ms. Bibeau - They almost clipped my neighbor's side of the house. My other concern is that because the street is narrower, sometimes the snow gets in the middle and stays there and now it's going to be a lot smaller. Otherwise our yard and Tammy's yard, we get the snow dumped on us. Now that the court is smaller will the snow be picked up instead of left there? For safety reasons with cars going around the circle and then no one will be able to park in front of their house.

Councilman Gallagher - So the mound is in the middle?

Ms. Bibeau - It's always been there but now that it's smaller. They haven't picked up snow lately or it gets pushed into my yard or Tammy's yard so I was wondering if it would be removed more often now that the circle is smaller.

Asst. Supt. Neska - Like last season where we had the nuisance every day the piles got pretty big. We only pile it in the middle in the court, everyone gets their fair share everywhere else. Where the option came about putting it in the middle I'm not sure, that was before me. Would you prefer the option of having it in the middle?

Ms. Bibeau - We would rather have it in the middle than our front yard.

Asst. Supt. Neska - We'll be as diligent as we possibly can.

Ms. Bibeau - Will everyone in the court get their fair share or will the majority be in our yard?

Councilman Gallagher - If you live on a corner like I do you get more than your fair share.

Ms. Bibeau - We don't live on a corner, we live in a court.

Councilman Gallagher - But if you're going around in a circle you get piled on.

Ms. Bibeau - Between the two houses we have the largest front but we get bigger because we don't have a driveway but we also have a fire hydrant.

Asst. Supt. Neska - Part 2 of that is if we have a horrendous year and I've got to put it somewhere it will end up on the blvd or right-of-way. We'll do our best.

Ms. Bibeau - Will you share it amongst the neighbors?

Asst. Supt. Neska - I try to keep those courts open especially around the holidays. I'll agree that you and Tammy have big blvds and when you have a loader you dump it on the blvd. We'll do our best to get it cleaned up and don't be afraid to call us.

Ms. Bibeau - I really appreciate the City being there after the snow so thank you for that.

Jason Almen, 2080 Barry Drive - It's a corner lot. At one of the meetings I was notified that I had two sewer services for my property. One was capped, one was not. My question to you is why am I responsible for a capped sanitary service that has never been hooked up to my property. At that point in time I was told that they would only repair one of the services and I didn't say anything then. Why am I responsible for that? From what I understand, sanitary services are supposed to go to houses that are going to be built but obviously I have one house. That's my question.

Engineer Stewart - I'm not familiar with this. How long is the service that's capped?

Mr. Almen - I don't know, I've got two letters. One that says I've got two wye replacements and 6 feet of service pipe for \$1,766.

Engineer Stewart - The bottom line here is that Newport's ordinance is standard with a lot of cities that after the wye, if a service line was put in belongs to the property owner. The City's sewer utility only goes up to the wye at that point. It would depend on how long that service line is after the wye, whether it goes into the yard or is a little stub that comes off of the wye.

Councilman Gallagher - Your question is because it says two wyes on there?

Mr. Almen - It says "wye replacements (2) and six feet of service pipe." I have another letter for estimated costs.

Councilman Sumner - Did you get assessed twice?

Mr. Almen - I'm assuming so.

Councilman Sumner - Can we look into that?

Mayor Geraghty - What was your address again?

Mr. Almen - 2080 Barry Drive. I was told one service comes off of Ellen Court and the other comes off of Barry Drive.

Mayor Geraghty - Is your lot big enough for another house to go in there?

Mr. Almen - They'd have to rearrange the house.

Councilman Gallagher - Let's look into that.

7. MAYOR'S REPORT –

Mayor Geraghty - I attended Chuck Johnson's retirement luncheon yesterday, it was a very good event. Had a lot of former employees attend and Chuck had a good time and met a lot of his old friends. It was a very nice event and I think he appreciated it. He has one more day tomorrow after 36 years of service. We congratulate him and wish him well. Also I wanted to announce the Oktoberfest that is being held at Cottage Grove at the Historic Hope Glen Farm on Sunday from 12 - 5, it's a fundraiser for the Friends in Need Food Shelf. There'll be a silent, music, hayrides and games for kids. The public is invited to that. Also a week from Saturday, on October 26 from 9 to 12 we'll be doing the annual Buckthorn Removal at Bailey School Forest. We're looking for volunteers.

8. COUNCIL REPORTS –

Councilman Gallagher - I just wanted to follow up and say that Loveland Park and Bailey School Forest will be closed this Saturday and Sunday for a deer hunt. If you have any questions, call City Hall. I also attended a Met Council meeting. I suppose someone should bring up the 100's of contacts we received about a animal complaint. City staff, Council and Police dealt with that complaint and it came out with a satisfactory response.

Councilman Sumner – Nothing to report.

Councilman Rahm – I also attended Chuck Johnson's retirement party and also took my family to the house burning last weekend. It was interesting to see all of the training and how scary a house fire of that magnitude is.

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2013-51 – Approving a Conditional Use Permit and Variance Requested by Kim Brown for Property Located at 1675 Kolff Road

Berry Farrington, TKDA Planner, presented on this item as outlined in the October 17, 2013 City Council packet.

Mayor Geraghty - Will this be visible from the streets?

Ms. Farrington - The vegetation would block it.

Mayor Geraghty - Looking from this side of the bluff or Kolff will it be seen?

Admin. Hill - The Planning Commission went out there and it's pretty thick. From Kolff Street, no way. It's pretty thick from the pump house property. You can't see anything through it.

Councilman Gallagher - I think that was in the notes, a neighbor had questions about visibility.

Admin. Hill - I couldn't see it myself, even with the leaves off it's pretty thick in there. There's some cottonwoods and buckthorn.

Mayor Geraghty - What color is the house?

Admin. Hill - Brown.

Councilman Sumner - It talks about hay storage, do they have hay-eating animals up there?

Admin. Hill - She has some horses.

Motion by Geraghty, seconded by Sumner to approve Resolution No. 2013-51 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Ordinance No. 2013-9 – Approving a Zoning Amendment to Section 1330 General District Regulations and Section 1350 Nonresidential Districts

Admin. Hill presented on this item as outlined in the October 17, 2013 City Council packet.

Councilman Rahm - On the barbed wire, they are putting it six feet up? I didn't see the language in the ordinance.

Admin. Hill - I think they had something like that around the Knox Site, some insurance companies require you to have that.

Councilman Rahm - I know some people might be grandfathered but if someone wants to put it up we're now saying that it needs to be at least six feet off the ground. I'm thinking for horses or something like that.

Admin. Hill - I think they were thinking about safety of kids.

Councilman Rahm - I know that there's not many properties that it would pertain to but where I live there are people that could.

Motion by Sumner, seconded by Gallagher to approve Ordinance No. 2013-9 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

C. Amendment to the Volunteer Policy and Application

Admin. Hill - The Police is being amended to refer to the application and waiver for Buckthorn Removal Day saying that individuals who only participate in the Annual Buckthorn Removal Day need to only fill out the Buckthorn Volunteer Application and Waiver.

Mayor Geraghty - They had talked about this at the Park Board and I had asked them to come up with a version and this is it. The thinking was that we get one-time volunteers and we didn't want them to have to answer a lot of personal questions. We'll still have the Policy there for them to read and acknowledge and they're waiving liability.

Councilman Gallagher - Underneath the "Liability Waiver" section it says "By signing this document I am acknowledging that the City bears no legal obligations" should that say "no legal or civil obligations?"

Attorney Knaak - It should say "no liability" because I think that's the issue.

Councilman Sumner - Does this represent the application that we've signed in the past for Buckthorn?

Mayor Geraghty - In the past, it was only a waiver from liability.

Councilman Sumner - Would those that participate in the fun walk get this?

Admin. Hill - They're not volunteering, they're just participating.

Attorney Knaak - If someone is participating in a recreational activity with the City, the City will not be liable.

Motion by Sumner, seconded by Gallagher, to amend the Volunteer Policy and accept the modified Buckthorn Removal Volunteer Application and Waiver form as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

D. Discussion Regarding Hiring a Strategic Plan Consultant

Admin. Hill presented on this item as outlined in the October 17, 2013 City Council packet.

Councilman Sumner - Were we going to interview anyone else?

Admin. Hill - We had two recommendations and the other had to pull out of the running.

Councilman Sumner - Is there a requirement to interview more than one person?

Attorney Knaak - No.

Councilman Rahm - When would we do this?

Admin. Hill - Whatever works for Council, we could put it off until after the first of the year.

Councilman Sumner - I would prefer that.

Councilman Rahm - We have a strategic plan so would we just review that or make a new one or build upon our current one.

Admin. Hill - Maybe that would be part of the process.

Mayor Geraghty - What was the difference between the half day and full day?

Admin. Hill - The full day was \$2,500 but given that we haven't hired a facilitator for a number of years we recommend starting at a half day to see how it goes.

Councilman Sumner - Who gets to participate?

Admin. Hill - I believe he'll talk with all staff.

Councilman Sumner - People on the commissions?

Admin. Hill - I'm not sure.

Councilman Sumner - I want to make sure we get \$1,500 worth from it.

Councilman Rahm - That's actually a fair price from what I've seen. I want to make sure what we're getting out of it.

Mayor Geraghty - We might have to have a separate discussion on that before he gets started. I think we have a consensus that we'll proceed with it and to schedule it after the first of the year.

E. Discussion Regarding Flooring for City Hall and Fire Hall #1

Admin. Hill presented on this item as outlined in the October 17, 2013 City Council packet.

Councilman Rahm - We had this in our plan but you're bringing it forward now?

Admin. Hill - Yes, the estimate was about \$20,000 in 2016 or 2017.

Councilman Gallagher - Did you get more than one bid?

Admin. Hill - This is the same outfit that did the hallway and entryway because we wanted it to match. Bruce has worked with her a number of different times.

Mayor Geraghty - When did you want to do this?

Admin. Hill - This winter some time.

Mayor Geraghty - Would we put it in our final budget for 2014?

Admin. Hill - It doesn't change the cash flow for the 2014 budget.

Councilman Sumner - I would like to ask the people of Newport if they think this is a worthy expenditure of our monies. I'm getting a favorable response from the residents in the audience.

Mayor Geraghty - How old is this?

Asst. Supt. Neska - It's probably 20 years old.

Councilman Gallagher - I would like to see another bid come through.

Councilman Rahm - Maybe we would get a better price for doing both buildings.

Motion by Gallagher, seconded by Geraghty directing staff to receive one more bid for the carpeting of City Hall and Fire Hall #1 and authorizing the City Administrator to enter into a contract up to \$20,000. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Admin. Hill - Finally, I was going to invest some of the monies that we'll be holding back from the street projects for next year. We have about a half million dollars. Ehlers highly recommends that we invest that. We'll need to cut some checks to purchase those CDs. They'll be six months for the street CD and the two for the debt service will be six months and 15 months. The rate of return is 0.4%.

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. 2013 Street Improvement Project

John Stewart, City Engineer, presented on this item as outlined in the October 17, 2013 City Council packet.

Public Hearing – To consider, and possibly amend, the interest rate for the 2013 Street Improvement Projects

The Public Hearing opened at 6:39 p.m.

The Public Hearing closed at 6:39 p.m.

Public Hearing – To consider, and possibly postpone certain properties of the 2013 Street Improvement Projects

The Public Hearing opened at 6:40 p.m.

Councilman Gallagher - Will the people who are being postponed until 2014 have the same interest rate that we passed tonight?

Engineer Stewart - Yes.

The Public Hearing closed at 6:42

Mayor Geraghty - Some have already paid their assessments, will they be refunded?

Engineer Stewart - Renee has been keeping track of that and the assessment roll says \$0 is owed.

Motion by Gallagher, seconded by Geraghty to approve Resolution No. 2013-52 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Engineer Stewart - There was someone at 2080 Barry Drive who questioned his so I would suggest we go back and check it before we adopt his. If you recall, we questioned whether or not we should have each individual homeowner should get their televising done or if the City should do it. It was determined that it would be more efficient and less costly if the City did it, we did it and came up with a schedule of repairs that we thought would be required. Some of those fees were amended and we have before you a set of charges for televising and repair. It's a charge for services rendered and I believe it is the City's intention to certify the charges to the County at the same interest rate that was just passed. There is a little bit of a wrinkle on this that I would suggest we talk about tonight. We did additional televising, some of which goes to the 2014 project and some of which goes to the homes that were postponed. The costs for those televising expenses are showing up on the list. Do you want to charge the property owners that have not yet had the repairs done but have had their lines televised?

Councilman Sumner - I think we should. We've had to pay that correct?

Engineer Stewart - We've paid the televising company for that.

Mayor Geraghty - Did we send letters because there was some confusion about when it would be certified.

Engineer Stewart - I believe we've already sent letters.

Mayor Geraghty - I want them to be forewarned that if they don't pay it by a certain date it will go to the County.

Engineer Stewart - We can certainly put together a letter. I would like to look at that one address of 2080 Barry Drive.

Motion by Geraghty, seconded by Rahm to approve Resolution No. 2013-53 with a possible modification to 2080 Barry Drive. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Asst. Supt. Neska - Crews are still out flushing. They'll hopefully finish by Wednesday of next week.

Councilman Sumner - Any issues with flushing?

15. NEW/OLD BUSINESS

Mayor Geraghty - The Parks Board wants to have a photo contest with a prize of \$50 and also want to buy some frames but nothing more than \$175. I wanted the Council to approve that for the 2014 budget.

Councilman Sumner - Where would these pictures be hung?

Tom Aguilar-Downing - The website, some businesses, Library and Community Center, and City Hall. There will be three categories: Nature, Animal and People, and Black and White.

16. ADJOURNMENT

Motion by Geraghty, seconded by Sumner, to adjourn the regular Council Meeting at 6:50 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst