



**City of Newport
City Council Minutes
October 18, 2012**

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 – Brian Anderson, City Administrator; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; Jim Stremel, City Engineer;

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

4. ADOPT AGENDA

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

5. ADOPT CONSENT AGENDA

Councilman Rahm – I would like to pull the October 4, 2012 minutes to make one small change.

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

B. List of Bills in the Amount of \$210,349.66

C. North Ravine Final Payment

D. **Resolution No. 2012-32** – Approving Final Payment and Reimbursements to Close-Out MnDot Projects
With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

A. Minutes of the October 4, 2012 Regular City Council Meeting

Councilman Rahm – On page 13 of 15, $\frac{3}{4}$ of the way down, my statement. The second sentence says “judicial responsibility” and it’s supposed to be “fiduciary responsibility.”

Councilman Sumner – On page 9 of 15, in exchanges between the Mayor and Councilman Gallagher, it says “Mayor Geraghty” and “Councilman Geraghty,” I think it’s supposed to be “Councilman Gallagher.”

Motion by Geraghty, seconded by Rahm to approve the October 4, 2012 Regular City Council meeting minutes as amended. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Mayor Geraghty – Because we’re a few weeks away from the election I am going to limit comments to three

Judy and David Graf, 267 3rd Avenue – Good evening everyone, my husband David and I are here tonight to inform the Mayor and City Council of the wrongdoing done to us by the City of Newport in June 2009 regarding the sale of property the City had owned and which we purchased. We wanted to know if we could cut down some trees in the backyard so we could actually see the River, put in a dock, and level the backyard as it was very uneven land and treacherous to walk down to the River. We posed those three questions to the City's realtor who then asked the City Administrator those specific questions. She was informed that we could do all of those projects and no permits would be required by the City. My husband also followed up with the City and reaffirmed that that was the case because if it wasn't we didn't want to purchase the home. He was told we could go ahead with those projects and no permits would be required. After we moved in, we began work on those projects. In 2009 we cut down some trees and put in a dock. This summer, in June 2012, we began to work on landscaping the backyard. On September 7, 2012, three months into the project, we received a public water cease and desist order from the MN DNR. We subsequently learned from the DNR that approximately two-thirds of our backyard was a protected wetland and we could not add any fill, remove any vegetation, including trees, or basically do any type of work in that portion of our property. We were also informed that the trees we had removed were a protected River forest. The fact that we had purchased property that was considered a protected wetland was news to us, that fact, as well as the fact that our property was in a floodplain had conveniently never been disclosed to us by the City of Newport. Had we known that the bulk of our backyard was protective wetland and could not be changed in any way, we never would have purchased the property in the first place. To say that this information is upsetting to us is putting it mildly. We are extremely angry with the fact that the City did not follow State law regarding property disclosures. In fact, we were told that someone from the City had called to report us to the DNR. Per the DNR and Army Core of Engineers, we now need to remove the dirt we used for the backyard and all of this is going to set us back \$20,000. We were also not informed of environmental issues with the property. There have been several complaints to the City and Refinery in St. Paul Park about this problem from the previous homeowners and neighbors. Again, per State law, it is required that any environmental or health issue that effect the quiet and peaceful enjoyment of the property be disclosed. Our concerns are that the City is not standing behind the inaccurate information and permission we were given in 2009. We felt we were told we could do all of those projects in order to get this property sold. Because an amendment to the Purchase Agreement or even the disclosure that all property owners are required to fill out was not completed by the City to disclose a protected wetland, the fact that the property was in a floodplain, and there were also hazardous environmental issues present, we feel the City committed fraud and we wish to rescind our contract with the City for the purchase of the home. At the very least, we are requesting that the City reimburse us for the costs incurred. We hope you will take our request seriously and right the City's horrible wrong. Thank you for your time.

Mayor Geraghty – Thank you.

7. MAYOR'S REPORT –

Mayor Geraghty – Nothing to report

8. COUNCIL REPORTS –

Councilman Gallagher – I attended a Met Council TAB meeting where we went through requests for expanders, connectors, A minor, B minor road classifications and how that would turn into funding for us later on when we expand our transit station and how that could relate to State or Federal funds.

Councilman Sumner – I just wanted to share an article that was in the Sunday paper regarding the transit station. It's very complimentary.

Councilman Rahm – Nothing to report

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2012-33 – Authorizing the Purchase of a 2012 eMax Rescue Pumper

Admin. Anderson, Jason Joa, Jeremy Brodin, and Luke Mailand reported on this item as outlined in the October 18, 2012 City Council packet.

Councilman Rahm – What’s the useful life of this vehicle?

Admin. Anderson – The current one is about 25 years old. This new vehicle will replace the 1986 F-1 Rescue and a 1988 F-2 Pumper.

Councilman Rahm – So 25 years?

Admin. Anderson – Yes

Councilman Rahm – What size of building can this vehicle service? How high can it go?

Captain Joa – This is not a ladder truck, there will be separate ladders equipped on the vehicle though.

Councilman Rahm – The reason I’m asking is if we’ll have bigger buildings in the future and whether or not this can service them.

Captain Joa – It’ll service them just like the last truck we bought would and we’re replacing two trucks instead of one.

Councilman Gallagher – So is it true that if a building is over four stories that we’ll need a ladder truck?

Captain Joa – There are several cities that we have mutual aid with that have ladder trucks.

Councilman Sumner – And this is a pumper so it needs to connect to hydrants right?

Captain Joa – Yes

Councilman Sumner – And there are some areas in the City that don’t have hydrants correct?

Captain Joa – Yes, we’ll use a water tender. Again, we have mutual aid with several cities that can bring in more water if need be.

Councilman Sumner – So does the Committee think that we’re adequately prepared for fire disasters?

Captain Joa – Yes.

Motion by Gallagher, seconded by Sumner to approve Resolution No. 2012-33. With 4 Ayes, 0 Nays, 1 Absent, 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 – Nothing to Report

14. SUPERINTENDENT OF PUBLIC WORKS REPORT - Nothing to report

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Gallagher, seconded by Rahm, to adjourn the regular Council Meeting at 5:48 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst