



**City of Newport
City Council Minutes
November 7, 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; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; John Stewart, City Engineer; Jon Herdegen, City Engineer

Staff Absent – Bruce Hanson, Supt. of Public Works;

4. ADOPT AGENDA

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

5. ADOPT CONSENT AGENDA

Councilman Gallagher - I would like to pull the List of Bills so we can explain why it's one million dollars.

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

- A. Minutes of the October 17, 2013 Regular City Council Meeting
- C. Gambling Permits for Capital City Strutters

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

B. List of Bills in the Amount of \$1,068,190.73

Councilman Gallagher - Deb, do you want to explain the Morgan Stanley and Central Bank costs which are about \$900,000.

Admin. Hill - We're not spending that, we're just transferring over. At the last meeting we talked about trying to get as much interest as we can from the unused monies for the bonding we did for the street projects so we sent that money over to Morgan Stanley to get better interest rates for about six months. We'll make about \$1,000. We also had a couple CDs that matured with Central Bank so we moved those monies over to complete our laddering in our investment plan.

Motion by Gallagher, seconded by Rahm to approve the List of Bills as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

7. MAYOR'S REPORT –

Mayor Geraghty - Yesterday, Renee and I met with ambassadors from the Cottage Grove Chamber. We had lunch with them and told them everything that was going on in the City. I also attended Buckthorn Removal Day. It was a record turnout for us, over 100 volunteers showed up. I would like to thank all of those volunteers that showed up.

8. COUNCIL REPORTS –

Councilman Gallagher - Nothing to report.

Councilman Sumner –I also attended Buckthorn Day. It was a very nice day and we had a lot of people there. I'm sure a lot more than Buckthorn was taken that day, I spent much of my time trying to instruct people what needed to be pulled. Also, I wanted to mention that the Heritage Preservation Commission will meet on November 13th. We are looking to add members, we are short one member now and another one may be finishing up their term at the end of the year. You learn a lot about Newport and there are a lot of interesting buildings, places, and events here.

Councilman Rahm – I also attended Buckthorn Day and want to thank all of the volunteers that came out, especially that schools that came out.

9. ADMINISTRATOR'S REPORT –

A. Resolution No. 2013-54 – Directing City Administrator to Certify Unpaid Mowing Charges to the County Treasurer/Auditor to be Collected with Other Taxes on Said Property

Admin. Hill presented on this item as outlined in the November 7, 2013 City Council packet.

Councilman Sumner - I was looking at the amounts that were charged, is there a certain amount that we contract with, are these multiple mowing?

Admin. Hill - Right off hand I don't know if there are multiple mowings, they probably are. It depends on the condition of the property and the size of the lot.

Councilman Sumner - There's a column for mowing charges and then an amount to be certified that's more.

Admin. Hill - When we certify there is a \$25 charge and a percentage of interest for the year.

Motion by Sumner, seconded by Gallagher to approve Resolution No. 2013-54 as presented. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

B. Employee Personnel Policy

Executive Analyst Helm presented on this item as outlined in the November 7, 2013 City Council packet.

Councilman Sumner - We had some language regarding vacation time, can you talk about that?

Executive Analyst Helm - Yes. The recommended vacation matches what the Public Works Union employees have. They start at 100 hours and it increases 10 hours each year of service. Staff is recommending that that be amended for non-union employees as well, the Administration employees, Police Chief and Public Works Superintendent and Assistant Superintendent. It would cap at 250 hours after 15 years of service. We can roll over

80 hours of vacation each year with the City Administrator's approval.

Councilman Sumner - How does the one year probation period for the police compare with other departments?

Chief Montgomery - That's standard among the industry.

Mayor Geraghty - On the table for vacation, it has proposed for Public Works and Police, that's what is being proposed? What's their contract now?

Executive Analyst Helm - It's for Bruce, John and the Chief.

Mayor Geraghty - So both the union Public Works and Police have the 250 cap?

Executive Analyst Helm - No. The Police Union employees increase every five years. They don't get any vacation for the first year, from one to five years they get 80 hours, from five to 10 they get 120 hours, from 10 to 15 they get 160 hours, from 15 to 20 they get 180 hours and 20 or more they get 200 hours.

Mayor Geraghty - I thought 250 was too high myself. I've been with the State for 40 years and I get 234 hours per year.

Councilman Rahm - I think it's because they're using the 10 hour increments versus 8 hours.

Mayor Geraghty - Yea but you don't have to take eight hours or a day at a time.

Councilman Sumner - I'd like to look at these days again and put the vote off for now.

Executive Analyst Helm - For the entire policy or just the vacation?

Mayor Geraghty - The other one I have is, I know the office has 10 hour days, but I don't think it's fair that you get 10 hours of sick leave a month versus eight for the rest of the people. You don't have to necessarily take a day, you can take four hours. Equity wise, vacation you're getting the same.

Executive Analyst Helm - Sick is one day per month.

Mayor Geraghty - For you it's 120 hours a year but for others it's 96 hours.

Councilman Gallagher - In here it says that language was added stating that an employee must work at least 1,040 hours the previous year for vacation to accrue so that would be part-time or half-time. So if someone is half-time do they receive the same amount of vacation as a full-time employee?

Executive Analyst Helm - Part-time employees do not get vacation. That's saying that if they're sick for six or seven months of the year, if they were on long-term disability and didn't work at least 1,040 hours then they would not get vacation. Right now, if someone is on long-term disability they are still an employee so their vacation could roll over on their anniversary date even though they are on long-term disability.

Councilman Sumner - So this would prevent them from accruing new vacation?

Executive Analyst Helm - Yes, if they didn't work at least 1,040 hours.

Councilman Rahm - We're in no hurry to make a decision on this so we could wait until Councilman Ingemann is here to review it.

Councilman Sumner - I would like to look at it a little longer.

Executive Analyst Helm - I would make the recommendation that the amendments from the League at least be approved. I have them outlined in the memo.

Councilman Gallagher - I don't think anyone has an issue with anything that has been proposed besides the vacation and severance.

Councilman Sumner - I was looking at the accrual of sick time and they get 80% pay out of vacation time is that correct?

Executive Analyst Helm - That's what is being proposed, it's capped at 960 hours.

Councilman Sumner - Is that comparable with other cities?

Executive Analyst Helm - With unions, I'm not sure but with non-unions it's typically 50%.

Councilman Sumner - 80% seemed high to me. I would like to have more time to look at vacation pay, severance pay, sick leave. As far as the other amendments.

Mayor Geraghty - What does Minneapolis get Steve?

Councilman Gallagher - I don't know off-hand.

Mayor Geraghty - The State gets 35% but there's no cap.

Councilman Gallagher - I can find out and bring it back.

Councilman Sumner - Do you have a private industry?

Councilman Rahm - Places I'm at have been capped at 200 hours.

Mayor Geraghty - For severance?

Councilman Rahm - You're capped for roll-over. If you have more than 200 hours at the end of the year they'll cash you out. They'll give whatever you have accrued up to 200 hours if you leave.

Councilman Sumner - The State has a limit on what they can accumulate during a year. You have to be below 275.

Councilman Gallagher - Renee, could you provide a spreadsheet comparing the Unions?

Executive Analyst Helm - For severance pay?

Councilman Gallagher - And vacation.

Attorney Knaak - The one clarification I had in my own notes relates to Jury Duty. You provide that employees that are on Jury Duty are paid by the City and continue to be paid to the City and any compensation that is made for Jury Duty should be paid to the City, which is standard. The one area where you might want clarification is for temporary or seasonal employees. There's an indication that you are not going to be paying them which is allowed but it's not clear if they keep the compensation so you might want to make that clear.

Mayor Geraghty - So you would just get rid of the suggested change?

Attorney Knaak - I can do that. I just wanted to point it out.

Mayor Geraghty - Do you want to make a modified approval? I'll make a motion to modify the League's recommended changes and I think you know the areas that we want to talk about, the severance, vacation accrual, sick leave accrual.

Councilman Rahm - I agree that we don't have any issues with the other changes but I would recommend that we just wait and make all of the changes at one time.

Executive Analyst Helm - The League recommends reviewing it on an annual basis and it hasn't been fully reviewed since it was established.

Councilman Gallagher - I think if we get it done by the first of the year it'll be fine.

Mayor Geraghty - I'll withdraw my motion.

Executive Analyst Helm - So you're tabling it until next time?

Councilman Sumner - Assuming we have a full Council.

Councilman Gallagher - It would make it easier because we could start the new benefits on the first of the year.

This item was tabled to a meeting where all five City Council members are in attendance.

C. Update on the Proposals for Developing the Previous Public Works Site

Admin. Hill - We did not receive any proposals from our advertisements. We advertised in the paper and State Register.

Engineer Stewart - We described the property, what it was usable as, the number of lots, the market value, we requested proposals for purchasing the property. We didn't get any calls on it.

Admin. Hill - The gentleman I was speaking with prior to this said that the uncertainties of the land with the high rock level. He knows that he cannot swing it at \$140,000. I asked if he would be willing to sit down again to see if we could work something out and he said yes. We'll meet in a couple weeks with him. I know there's certain site work that needs to be done.

Mayor Geraghty - It doesn't hurt to talk.

Councilman Sumner - That \$140,000 is for the entire property?

Admin. Hill - Yes. There's a lot of flexibility with this process. I think there are a lot of things that we can do to make it work for both of us.

Councilman Gallagher - Next time we do an RFP can we make sure the Council gets a copy so we can send it to people that we might know?

Engineer Stewart - Yes.

D. Discussion Regarding Christmas Hours

Admin. Hill presented on this item as outlined in the November 7, 2013 City Council packet. It is requested that City Hall be closed on December 26, 2013.

Mayor Geraghty - I think as long as we give notice it's fine.

Admin. Hill - I have one more item. We did approve a deferral for a street assessment but there are repairs for wye and service line in the amount of \$1,062.34 on to that deferral.

Councilman Sumner - That's until the property is sold?

Admin. Hill - Yes.

Councilman Sumner - It's based on a request by the resident?

Admin. Hill - Yes. It's an approval by the Council.

Attorney Knaak - It should be by resolution amending the original resolution because the dollar amount was fixed. For purposes of the record, you'll want to have the specific amount. You can approve it now and direct staff to place it in resolution form.

Mayor Geraghty - This was a previously submitted deferral?

Admin. Hill - Yes.

Motion by Sumner, seconded by Geraghty to direct staff to create Resolution No. 2013-55 which will amend the original Resolution deferring assessments for 1102 Mark Court to add an additional \$1,062.34 to the deferred amount. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Mayor Geraghty - I'm not sure if everyone is aware but Washington County did approve the Transit Station. Our member couldn't vote on the project.

Admin. Hill - It was passed 3 to 1.

Councilman Gallagher - Why couldn't she vote?

Mayor Geraghty - They have a purchase agreement for property in the area. The demolition will occur this fall.

Admin. Hill - The golden shovel ceremony is tentatively November 25 and demolition should be completed by the end of January and they're hoping to start the construction in May with it being completed by the end of October. They're also putting in fiber.

10. ATTORNEY'S REPORT – Nothing to report.

Attorney Knaak - I will report on the prosecution report at the next meeting.

Councilman Sumner - Anything we need to know?

Attorney Knaak - No, it remains very active and very busy.

Councilman Gallagher - Do you know the conviction rate off-hand?

Attorney Knaak - By the time I see them, I'm betting 95-100%. On some occasions, we do dismiss under the right circumstances. For example, there was a gentleman who had a license that had been suspended but he didn't know. He thought he had paid it online and established the proof. By the time it gets to my office they are usually guilty. The paperwork is done very well and I have no problem at all with the paperwork we get from the Police

Councilman Gallagher - Compared to reports I've seen from other cities, these officers do an excellent job in their narrative.

Attorney Knaak - It does matter and we are very satisfied with what we've seen.

**11. POLICE CHIEF'S REPORT –
A. September 2013 Activity Report**

Chief Montgomery - I have a couple reminders. As it gets slippery out, please slow down. Also, the winter parking ban is in effect. We've been issuing warnings for now but will start tagging.

12. FIRE CHIEF'S REPORT – Chief Mailand reported on the number of calls in the past few weeks, which include: lift assist, vehicle fire, false alarms and mutual aid to St. Paul Park for a tank rollover and house fire. The Department visited Newport Elementary during Fire Prevention Week.

Councilman Sumner - This is the time to change batteries in CO and Smoke Detectors.

**13. ENGINEER'S REPORT –
A. Street Improvement Project**

John Herdegen, City Engineer, presented on this item as outlined in the November 7, 2013 City Council packet.

Mayor Geraghty - How much is left after this?

Engineer Herdegen - Our retainer is just under \$22,000 and I believe the mailboxes haven't been paid for and they are probably \$2,000. They had not installed the mailboxes when this partial payment was prepared.

Motion by Sumner, seconded by Geraghty to approve Partial Payment #2 at a cost of \$323,835.23 and a certificate of substantial completion. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Councilman Sumner - At one point there was discussion about the costs for us to purchase a camera. I'd like to discuss that.

Engineer Stewart - Bruce looked into that and it came to \$80,000. Our initial cost was closer to \$50,000 and I think everyone decided that it wasn't worth the \$80,000. The quote that Jon is discussing includes cleaning as well so buying the camera your payback would be 8 to 10 years and that doesn't include the staff time to run it. Based on the amount of work, it didn't make sense to purchase the camera.

Councilman Rahm - I've walked into some of the major home repair stores and they rent them.

Engineer Stewart - We could buy one of those and a number of cities do have them to check out service lines but in order to get the quality and ability to determine where it is in the service line, those cameras don't work.

Councilman Gallagher - Does Cottage Grove have one?

Engineer Stewart - I know Hastings has one and each time we've tried to borrow it they're using it.

Councilman Rahm - How do their prices for 2014 compare to 2013?

Engineer Herdegen - They held the prices the same.

Mayor Geraghty - How much do we recover?

Engineer Stewart - About 40%.

Mayor Geraghty - When will they start?

Engineer Herdegen - We've asked that the work be completed by December 15.

Engineer Stewart - That is so that we can have this information before we go out to bid.

Councilman Gallagher - You were happy with the work they did?

Engineer Stewart - Yes. This whole project went like a dream.

Mayor Geraghty - All of these homeowners know that this is coming?

Engineer Stewart - There will be mailings.

Motion by Gallagher, seconded by Rahm to direct staff to contract with Professional Drain Services and accept the bid of \$30,945.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT –

Mayor Geraghty - Is the compost closed?

Admin. Hill - It's scheduled to be closed this Saturday and he has no one to man it the next weekend.

Councilman Sumner - Can we train someone else to be a backup?

Admin. Hill - Not this fast.

Councilman Gallagher - If we don't try to keep it open people will rake them into the street and sewers.

Councilman Sumner - Do we have issues with people burning them?

Admin. Hill - A little bit.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Geraghty, seconded by Rahm, to adjourn the regular Council Meeting at 6:16 P.M. With 4 Ayes, 0 Nays, 1 Absent, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst