



**City of Newport
City Council Minutes
December 3, 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; Steve Wiley, Fire Chief; Renee Eisenbeisz, Executive Analyst; Jon Herdegen, City Engineer; Fritz Knaak, City Attorney;

Staff Absent –

4. ADOPT AGENDA

Motion by Ingemann, seconded by Sumner, to adopt the Agenda as presented. With 5 Ayes, 0 Nays, 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 November 19, 2015 Regular City Council Meeting
- B. Minutes of the November 19, 2015 City Council Workshop Meeting
- C. List of Bills in the Amount of \$114,546.67
- D. Gambling Permits
- E. Kennel Permit

With 5 Ayes, 0 Nays, the motion carried.

6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE

Kurk Lee, 1600 Cedar Lane - It was brought to my attention earlier this year that you applied for a grant to purchase homes in the area of 16th to 17th on Cedar Lane. My concern is that I never received any notice or invitation to be involved in any information that was given out. Then I find out that with the grant, you'll be taking the levee out. I don't have a problem with that but in the same token, when it comes to my place, and I've argued this with many people through email, that 90% of the homes in that flood plain that are being bought out are because they're in the flood plain. My house sits on the same flood plain. The difference is that my home sits at 703, which is the peak. My house still has the same risk as all the other homes in that flood plain. What was the purpose and the narrative to get these funds and why we're doing it and how the decision was made not to include me in the process? One of the problems I have is resale. The City made a comment that they'll embank Cedar Lane when the water gets high. That's hard to say when I want to sell my home. That the City will run a barricade down Cedar Lane every spring. My resale will be terrible. Insurance wise, they don't pay the insurance I do because I'm in tier 1. I pay the highest premium right now. They do that to get homes out of those areas. All I'm

asking for is some sort of written documentation that shows where the agreements came, how it came up to not include me, asking why I wasn't included. I have a few emails that state that the risk didn't equal out. I want to see that. A lot of things have changed since this levee thing came up. They changed the flood zone in 2011. With the levee out, the water will come out farther and that gives more ground pressure and will pull water out of the ground and my yard will be flooded. I've lived in Newport all my life, there for 13 years, the house was flooded 2 years before I bought it and that's the only house that still floods. All I'm asking for is some answers in writing instead of telling me this is how. There has to be some research that was done. That's my concern and not being involved in it. There was never a letter sent to me. It's all hearsay, it doesn't mean anything with people talking. I'm not trying to be stubborn, I just don't want to get involved any deeper in a legality perspective. I'm just hoping the City can give me some information.

Councilman Lund - I'm a little frustrated because I feel like I tried to answer your questions very directly through email. What would you say has changed since you bought the property because you knew it flooded when you bought it and now you're coming to us to ask us to buy you out. Why should the other residents in the City pay to buy you out?

Mr. Lee - If you look at the houses in the flood plain, 90% of the houses are bought out. There's a reason for that. When you're going to make a wetland, if you look at FEMA when you ask for grants, they're specific on flood plains. If you're going to fix an area, you fix the whole area, not just parts. I've written more than a dozen FEMA grants. I don't know what the objectives were when they wrote this. If it was to buy out the homes to put a park in, I should have been addressed.

Councilman Lund - Your property is above the levee.

Mr. Lee - The levee won't be there. The lowest point when you take it out is 685 feet. When you take it out, that pond will expand to twice as big. The low part of Cedar Lane is at 700 feet, that water would have been in my back yard if that levee wasn't there. It's that the City took the initiative to get a grant to buy out 90% of the homes and that's what I don't understand. Come flood time, the only house that will be barricaded will be mine. I don't think you'll shut down all of Cedar Lane to protect my home. I can't bank on the City coming down there to protect my home. Right now, as bad as that levee is, it protects my home.

Councilman Lund - Even though you're at 703 and the levee is at 700?

Mr. Lee - It keeps the groundwater from being pushed up. This is all talk, I haven't seen anything that came to that conclusion.

Mayor Geraghty - The reason for not sandbagging is because it was a liability issue of going onto the levee. If the levee isn't there, I wouldn't say that we wouldn't help you out in the future. We can change that. Are you the only house that we should be buying out?

Mr. Lee - The only other house is the one north on Cedar Lane on the east side.

Mayor Geraghty - So we should be buying out two homes?

Admin. Hill - When I applied for the grant, the CORP of Engineers did a study in 2003/2004 on the failing levee and we were supposed to take that out in the 60's. The plan is that the City would have a passive park and it was those houses that were most affected by the levee. The City had no intention of buying out all the houses because we have a lot of properties in the flood plain. It was just that area. Any land across the street is of little to no value for the City to have.

Mr. Lee - That's my whole point, a lot has changed since then. FEMA and the CORP of Engineers have rezoned that area. Did we do enough research when we put in for this grant instead of using old data. A lot of new development, a lot of new runoff, and rezoning.

Mrs. Lee - We are not in the fringe area.

Admin. Hill - Your property has both.

Councilman Ingemann - He's looking for documentation.

Mayor Geraghty - We'll get you something in writing. It was my thinking that it would be continuous and not across Cedar Lane.

Admin. Hill - The homes we selected are less than 700 feet. I think the pond stays at the same level of the River.

Supt. Hanson - Yes and it will after you remove the levee.

Attorney Knaak - This is the nature of a data practices request and it would be appropriate for the City to give the citizen whatever information it has.

Councilman Lund - We should at least give the FEMA grant application. I would still like to ask FEMA one more time, pointing out his arguments about removing the levee and how it will affect his property.

Mayor Geraghty - I don't know if we can throw that into the hopper.

Councilman Lund - But if they're responsible for removing the levee.

Admin. Hill - We are.

Attorney Knaak - We're getting into the weeds here. There's no formal obligation to remove anything. It's not actually the City's levee, FEMA wanted to make it your levee. FEMA is going through this process up and down the River. Whatever correspondence there is is public information and these folks are entitled to it.

Councilman Lund - I would still like to ask FEMA and get a definitive answer.

Mr. Lee - The last flood was in 2002 and if you look at the numbers that I gave, that water has hit that quite a few times. It does flood on my side of the road.

7. MAYOR'S REPORT – Nothing to report.

8. COUNCIL REPORTS –

Councilman Rahm - I attended a Red Rock Corridor Commission meeting yesterday. The only thing to report is that there has been an updated plan for bus rapid transit. They'll have a public meeting on January 13th at St. Paul Park City Hall from 5:00 - 7:00 p.m.

Councilman Ingemann - The Fire Department will be taking collections for toys at the shopping center on Sunday between 10 and 1. There are barrels at the Cloverleaf and North Pole for toys and food. The last pick up day is December 21st.

Councilman Sumner - Robert Vogel, consultant for HPC, will be giving a talk at the Library on December 29th at 6:30. His topic will be wintery mix, how early settlers reacted to climate change.

Councilman Lund - I spoke with Senator Sieben about bonding and I&I. I appreciate her continued efforts and recognition of the problem. I'm also trying to get on Commissioner Bigham's schedule to meet and mend fences. I understand they are frustrated with our lack of purchase of those two parcels and I have some lingering concerns

about that whole redevelopment. Hopefully we can create a project that is beneficial to the City and HRA. I think the City needs to be careful with what type of deal we end up with.

9. ADMINISTRATOR'S REPORT –

A. Employee Recognition

Mayor Geraghty recognized the following employees for their years in service to the City of Newport:

- Fire Department
 - Jeremy Brodin - 5 Years
 - Jason Joa - 10 Years
- Police Department
 - Tyler Martin - 5 Years
- Public Works Department
 - Jeff Luedke - 10 Years

B. Resolution No. 2015-43 - Directing the City Administrator to Certify Unpaid Water, Sanitary Sewer, Storm Sewer, and Street Lighting Charges to the County to be Collected with Other Taxes

Councilman Ingemann - When do we certify?

Executive Analyst Eisenbeisz - I believe the 18th.

Councilman Sumner - We'll still recognize the payments right?

Executive Analyst Eisenbeisz - If they pay after we certify, it'll be a credit.

Councilman Sumner - So it'll go on their taxes? Are we sure they understand that?

Admin. Hill - They've been sent several letters.

Councilman Rahm - Is that increasing?

Admin. Hill - It usually ends up being about \$25,000. People have been coming in. I'm sure this will go down considerably.

Motion by Sumner, seconded by Ingemann, to approve Resolution No. 2015-43 as presented. With 5 Ayes, 0 Nays, the motion carried.

D. Police Update

Admin. Hill discussed the investigation that the Council directed staff to begin for the property room. Admin. Hill asked Sheriff Hutton for advice on the parameters. There are two types, one being a functional and one being criminal. It was asked if the BCA could conduct this and they won't. Attorney Knaak stated that it is too early to start a criminal investigation. It's possible there would be a finding of some wrongdoing as a result of the investigation. Attorney Knaak recommended contacting a law enforcement agency across the River to see if they would be able to conduct a civil investigation. If there is a criminal investigation that needs to be done, the same department could conduct that.

The City Council directed staff to solicit proposals for a civil investigation and to look at the bigger items, not the procedures since the Sheriff's Office is doing that.

Mayor Geraghty - I'm going to ask to place two resolutions on the next agenda. One would be to authorize the

City to move forward to hire a Chief and one would authorize the City to contract with the County for two years. I don't want to drag this on, I think we need to make a decision and move on. I don't know how it'll end up but I think we need to move on and make a decision. I'm also asking for two resolutions for the tax levy. One would be as presented tonight and one would be to drop \$100,000 if we contracted with the County.

C. 2016 Budget Proposal

The Truth in Taxation Public Hearing opened at 6:02 p.m.

Admin. Hill presented on this item as outlined in the December 3, 2015 City Council packet.

Councilman Rahm - Our fund balance is the highest it's ever been. I think a 60% range is a good target. That's my opinion.

Admin. Hill - Yes, this is not our goal, we want to go back to the 60's.

Councilman Sumner - I would like to ask for an analysis for each percent that we drop and the affect it would have on our bond rating.

Admin. Hill - I can ask Stacie how that works. We do get a good discount when we bond.

Councilman Rahm - I don't think that rating will change much.

Admin. Hill - Deb and I have been talking with Ehler's of the possibility of rolling in excess funds to our capital improvement fund after we're audited.

Councilman Ingemann - The building fund is for a future city hall correct?

Admin. Hill - No, it pays for items like a new roof or furnace. We need a new roof for this building and it's about \$100,000.

Councilman Rahm - As we collect more tax when our tax rate increases, we'll reduce our levy.

The Truth in Taxation Public Hearing opened at 6:12 p.m.

Motion by Geraghty, seconded by Lund, to table Resolution No. 2015-44 to the December 17, 2015 City Council meeting. With 5 Ayes, 0 Nays, the motion carried.

E. Resolution No. 2015-45 - Adopting the 2016 Annual Fee Schedule

Executive Analyst Eisenbeisz presented on this item as outlined in the December 3, 2015 City Council packet.

Councilman Sumner - What are right-of-way permits for?

Engineer Herdegen - Any utility has the right to put their utility in the right-of-way. The City can charge for review times to make sure that they aren't in conflict with the City's utilities. The issues we were running into is that we were charging the same for different types of work. If they wanted to do just a telephone pole, it was the same cost as running 1,000 feet underground. We wanted to provide some sort of delineation between projects. Our time is to review the application and make sure it's not in conflict with our utilities

Councilman Sumner - So this would be charged to the utility and not the homeowners?

Engineer Herdegen - Yes.

Councilman Sumner - Does this cost accurately reflect your costs?

Engineer Herdegen - Yes.

Councilman Sumner - Is someone from Public Works down there the entire time?

Supt. Hanson - No.

Councilman Sumner - The engineering fees for certificate of survey review, what's the chain of events?

Engineer Herdegen - Top of block would be first. Let me run through it. When someone applies for a building permit, we provide them with a checklist for the certificate of survey. The information we've been receiving has been lacking some of that information and we send it back multiple times. We would like to establish something, we've updated our checklist and put together a sample survey. Once they get an approved certificate of survey, the building permit is issued and we have a plan. However, if we don't get out there during construction, there's not much we can do once the house is built. So the top of block is to get out there with a field instrument to locate the top of block elevation to see if it's changed from their original plan. If it has, we'll take a look to see if it'll still work. If the builder knows we're going to come out there it'll give them more motivation to make sure the site is kept tidy. Just so we have some kind of scheduled presence on site. When they're all done, we were requiring them to submit an as-built, if we have a good quality certificate of survey and can check off that what they built matches it, that should be sufficient. Then someone from the City will be checking the site and not just relying on the as-built and assuming that's how it's been built. We've ran into problems with that and have had to go multiple times and that gets charged to a general engineering fee. If we tell them that this is the fee and they'll be charged for failing, the builder will be billed that and it won't be the City's cost.

Councilman Lund - Is that process the same for storage sheds or am I missing something?

Engineer Herdegen - This is only for new homes.

Councilman Lund - What does the storage shed fee go towards?

Executive Analyst Eisenbeisz - Staff time to ensure that it's in compliance with zoning requirements. If they're over 200 square feet, they need to be reviewed by Cottage Grove. We just require a diagram. With larger accessory structures, we would require a survey. We had required one for a large pole barn.

Councilman Lund - How long does it take to review an application?

Executive Analyst Eisenbeisz - About half an hour to review and process if it's a good submittal.

Councilman Lund - I would like to lower that.

Executive Analyst Eisenbeisz - Most of our flat fees for residential items are \$50.

Councilman Ingemann - The inspector does go out.

Executive Analyst Eisenbeisz - Yes, to do a final.

Councilman Lund - I don't think many people get a permit for a storage shed.

Executive Analyst Eisenbeisz - We have to check lot coverage, setbacks, and to make sure they only have two.

Councilman Rahm - Do the temporary ones count as accessory structures?

Executive Analyst Eisenbeisz - We consider those temporary so as long as they're up for six months or less we don't require them to get a permit.

Councilman Sumner - So if we have Renee's time and need to pay the building inspector, that \$75 barely covers it.

Councilman Lund - I still think people ignore it so if we lowered it...

Mayor Geraghty - I don't think that'll change their mind.

Councilman Sumner - So we're looking at multiple things, the storage shed size, engineering fees that have never been charged, right-of-way permits, those weren't being charged either?

Engineer Herdegen - No we were, it's a reduction.

Councilman Sumner - How many times do we see these?

Executive Analyst Eisenbeisz - We've issued maybe 10 this year and most of them are to Xcel, which are waived per our franchise agreement with them.

Councilman Sumner - So it's just putting it on the fee schedule?

Engineer Herdegen - Yes and to ensure the restoration is done.

Councilman Lund - If I'm building a house after this is passed, how much more would it be?

Executive Analyst Eisenbeisz - We would just be adding the \$600 for the engineering fee.

Councilman Lund - I don't think we want to do that, we want people to build here.

Councilman Ingemann - They're paying for the engineer's time.

Councilman Lund - I know but we've already built out the infrastructure. We don't have to charge it. I agree it's a cost that the public is bearing but we want more houses to be built.

Engineer Herdegen - With the elimination of the as-built survey, the builder would not have to hire a surveyor to go out and create an as-built so that would be a savings to the builder. What we're proposing, we'll be verifying that the certificate of survey matches what they built.

Councilman Lund - So there are two separate issues, one is if we want to approve the process and two if we do approve the process, where should that cost be allocated?

Councilman Sumner - They're going to pay for an as-built anyway and that could be more or less than \$600 and there's no verification. This gives verification.

Councilman Lund - We don't have to charge for it. We want people to build houses.

Mayor Geraghty - Is that at the front-end? How much time does it take you to review it?

Engineer Herdegen - Yes, our time to review the survey is 30 minutes to 1 hour. The top of block is the first \$300 and that's for our inspector to be on site for about 30 minutes to set up, shoot the top of block, and inspect the site. The same cost is for the grading plan. The top of block is probably a little less than \$300 and the grading

is probably a little more. The reinspection is if they fail either one of those two. It's not our intent to fail people but we need some leverage to get them to change items.

Councilman Lund - Do we do an inspection right now?

Engineer Herdegen - No.

Councilman Lund - Do we need that?

Engineer Herdegen - The top of block would take place after the foundation is built.

Mayor Geraghty - That's just part of the fee right? What are some of the houses spending with the sewer and water?

Executive Analyst Eisenbeisz - It's about \$7,000 with the SAC, WAC, and trunk fees. The building permits are about \$1,200 - \$1,500.

Councilman Rahm - It's not going to stop you from building a house.

Mayor Geraghty - How much have we subsidized?

Engineer Herdegen - We've always reviewed the certificate of survey and as-built multiple times.

Supt. Hanson - The issues we're running into is that they aren't built to the plans and we have no teeth to make them build them according to the original survey.

Councilman Ingemann - Leave it in.

Councilman Rahm - Dan, you want to take it out?

Councilman Lund - If Hastings is the only one, we don't need to do it. Every house that comes in is a benefit to the City.

Councilman Ingemann - It's not going to stop people from building.

Councilman Sumner - Are we losing a way to ensure compliance?

Councilman Rahm - I think so.

Councilman Sumner - Is it adding inspections to ensure compliance and charging for your time?

Engineer Herdegen - I think there are two issues like Councilman Lund said, one is changing the process and charging for it and two does the City want to subsidize that cost. Some change in the process is warranted, this is what we've done in the past and it's worked well. I don't know if this is the appropriate time to discuss the procedure. I can put together a more concise summary at a future meeting.

Councilman Lund - If we're hearing it's important enough to do the procedure that's fine, but another \$600 when we're trying to foster development... I'd be comfortable with us paying for that time.

Mayor Geraghty - What about the reinspection fee?

Councilman Lund - Yes, we can leave that.

Mayor Geraghty - I'm willing to look at it more but I'd like to know more about the actual cost.

Engineer Herdegen - I think it'd be at that \$600.

Councilman Lund - How many do we get in a year.

Executive Analyst Eisenbeisz - We've issued 2 this year and last year we issued 4 or 5. It does stall the certificate of occupancy. We just issued one that was done in November 2014 because the as-built wasn't correct.

Mayor Geraghty - What about the rebuild for the house that burned.

Executive Analyst Eisenbeisz - Yes, three then.

Councilman Lund - I propose there's no fee but we charge the reinspection fee.

Councilman Ingemann - So they'll go out?

Engineer Herdegen - Let me put something together.

Mayor Geraghty - We can take out the \$600 and approve the fees as presented.

Councilman Rahm - What's our senior discount?

Mayor Geraghty - The first 8,000 gallons.

Councilman Rahm - And the logic behind it?

Mayor Geraghty - We've debated it before and never got rid of it.

Councilman Rahm - It just seems like we're favoring a certain class.

Councilman Lund - They're property taxes are helping your kids go to school.

Motion by Geraghty, seconded by Ingemann, to approve Resolution No. 2015-45 Adopting the 2016 Annual Fee Schedule removing the Engineering Fee for Survey Review. With 5 Ayes, 0 Nays, the motion carried.

F. Personnel Policy Amendments

Executive Analyst Eisenbeisz presented on this item as outlined in the December 3, 2015 City Council packet.

Mayor Geraghty - With the maximum for vacation, do they have to be down by a certain time of the year?

Executive Analyst Eisenbeisz - We don't specify that. Once they hit that maximum, they don't accrue. It's similar to our sick leave.

Mayor Geraghty - Do we have anyone over the maximums now?

Executive Analyst Eisenbeisz - We may.

Mayor Geraghty - So once they hit the maximum, they need to constantly take off?

Executive Analyst Eisenbeisz - Yes and that's similar in other organizations.

Councilman Lund - So we're going to switch and people have been getting lump sums on their anniversary and were planning to use it. Now we're going to give them a smaller one.

Executive Analyst Eisenbeisz - It won't take effect until their anniversary date in 2016. It only covers non-union employees that are covered by the personnel policy.

Admin. Hill - We consider it fair because you could load someone up on their anniversary date and they could leave 2 months later and get paid for 10 months worth of vacation.

Councilman Ingemann - Under seasonal employee it says that a student needs to be enrolled in a non-profit or public institution, students going to for-profit schools should be included.

Executive Analyst Eisenbeisz - I'll check with Ms. Abrhams on that, I know there are some State Statutes regarding seasonal employees so I'll see if she pulled this directly from the Statutes.

Councilman Ingemann - And then with the Whistleblower thing, you have half a page, just state that the City follows MN Statute 181.932.

Councilman Lund - I agree given recent developments. I'd like employees to be aware of that policy.

Councilman Ingemann - With those changes, I'll make a motion.

Motion by Ingemann, seconded by Lund, to approve the Personnel Policy as presented but directing staff to check on the definition of seasonal employees and change the Whistleblower Policy to reference MN Statute 181.932. With 5 Ayes, 0 Nays, the motion carried.

G. Resolution No. 2015-46 - Accepting Donations for the Period of November 16 - November 30, 2015

Executive Analyst Eisenbeisz presented on this item as outlined in the December 3, 2015 City Council packet.

Councilman Sumner - Who will write the checks for the items bought by the Fire Department? Does the Fire Department typically pay for its own purchases? Also, does Northern Tier specifically state that it is for the Fire Department?

Councilman Ingemann - Yes, same with the Lions. We told the Lions what we needed and how much they'll cost.

Chief Wiley - Yes. My recommendation would be that the equipment that the Lions donated money for be purchased and taken out of the donation's fund. For the Northern Tier donation, I recommend leaving it in the Relief Association Fund. We'll report back to the Council on the purchases.

Mayor Geraghty - I don't know that we've ever asked to see the expenditures out of the Relief Fund, are those records open to us to see how it's being spent?

Councilman Rahm - I think it's good practice.

Chief Wiley - Yes. We're looking at pagers, they're no longer supported by Motorola.

Mayor Geraghty - I don't have a problem with it staying in the Relief Fund, but we should be approving them. If we're going to keep track of the expenditures, I don't know if they come to the City and then we pay it out or you make your expenditures public every year.

Councilman Ingemann - There are quite a few things that the Relief Association has bought.

Attorney Knaak - Mr. Mayor, you need to accept the donation, the Relief Association can't. You are ultimately responsible for what gets spent. You are clearly entitled to look at whatever records you want to. When you get a donation like this, they can't accept it, you have to.

Mayor Geraghty - Even if it's specifically for the Relief Fund?

Attorney Knaak - The Council has to accept it and if you choose to accept those conditions, that is where it goes. If someone gives a grant to the Fire Department for that purpose and the City says thank you but we're not going to use it for that purpose, they could rescind the grant. It's your call and your responsibility.

Councilman Lund - I think we should give it to the Fire Department.

Mayor Geraghty - It will but I just want to make sure we're properly following the expenditures procedure.

Councilman Lund - It's your plan to report back to Northern Tier on where the money was spent?

Chief Wiley - Yes.

Councilman Lund - I think we would like to see that too.

Motion by Geraghty, seconded by Rahm, to approve Resolution No. 2015-46 as presented. With 5 Ayes, 0 Nays, the motion carried.

Admin. Hill - Just one thing, we did receive the FEMA grant. FEMA pays for 75% and the DNR will be paying for half of our 25% so we're paying for 12.5%. We should save about \$285,000.

Councilman Sumner - Thank you for all the work that went into that.

Councilman Lund - I expect that whatever elevation the line is drawn at, the next person in line will be upset. The houses that have been bought up to this point were significantly lower in elevation than the remaining properties.

10. ATTORNEY'S REPORT -

A. Public Hearing - To consider, and possibly approve, a Street Vacation for 1st Street Between the BNSF and CP Rail Right-of-Ways

The Public Hearing opened at 6:59 p.m.

Attorney Knaak - You may recall that a few months ago we reached a resolution on the dispute between the City and Mr. Quade and part of that was the vacation of 1st Street. That was originally set for last month but the newspaper didn't publish it even though it was sent to them. So this public hearing is to vacate 1st Street as agreed upon in the resolution. Upon passage of this and the filing of the necessary paperwork, the City will receive an easement per the agreement.

Mayor Geraghty - The stipulation agreement remains unchanged?

Attorney Knaak - Yes.

The Public Hearing closed at 7:01 p.m.

Motion by Lund, seconded by Sumner, to approve Resolution No. 2015-47 as presented. With 5 Ayes, 0 Nays, the motion carried.

Attorney Knaak - You have our report for the month, the volume was down. My staff indicates that it was because there were a couple conferences. I'm also curious to see if the reduced number of officers is having an effect on it.

Mayor Geraghty - I thought I read something about a public hearing for Troje's.

Executive Analyst Eisenbeisz - Yes, a public hearing has been set for the 17th.

Mayor Geraghty - We didn't need to take action to set it?

Executive Analyst Eisenbeisz - We received a letter from the Department of Revenue giving us 30 days to act. I spoke with Attorney Knaak and we needed to set it immediately.

Mayor Geraghty - So we're ok?

Attorney Knaak - Yes.

Councilman Lund - And you spoke with Allied?

Executive Analyst Eisenbeisz - Yes and I did get a certificate of clearance from the Department of Revenue today saying that the debt has been paid. It'll still be on the agenda.

Councilman Lund - It's in relation to Allied?

Executive Analyst Eisenbeisz - No, Troje's.

Councilman Lund - Do we need a resolution for Allied?

Executive Analyst Eisenbeisz - I'll have two before you, one for Troje's and one for Allied. We did give Allied Waste until January 30th to notify their customers depending on what the Council decides on the 17th.

Councilman Lund - I think we should give them another year.

11. POLICE CHIEF'S REPORT - Nothing to report.

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

13. ENGINEER'S REPORT -

A. Resolution No. 2015-48 - Ordering Preparation of a Facility Plan for the 2016 I-I Reduction Project

Engineer Herdegen presented on this item as outlined in the December 3, 2015 City Council packet.

Councilman Rahm - Do we have to do this?

Mayor Geraghty - If we want to get money.

Engineer Herdegen - We're in the Met Council's surcharge program so we're obligated to spend \$500,000 over the next three years. We're already attributed about \$330,000. We'll eventually have to spend \$500,000. In order to get the bonding bill or revolving loan, we have to complete this.

Councilman Lund - Will we have this done in time for bonding?

Engineer Herdegen - Our application is already in the bonding bill. There will also be efforts to contact Katie Sieben and Dan Schoen. We'll need bills in the House and Senate.

Mayor Geraghty - How long do we have to pay?

Councilman Lund - The annual expenditure is capped at around \$50,000.

Engineer Herdegen - Yes, they have a provision that you have to spend the annual expenditure for sewer.

Councilman Lund - So instead of having to spend \$800,000 in four years, we have 16 years. They only fine you for your highest event so the new events only count if they exceed the highest. I don't think we want to hurry up and finish.

Mayor Geraghty - Unless we get the money from the bonding bill.

Motion by Ingemann, seconded by Geraghty, to approve Resolution No. 2015-48 as presented. With 5 Ayes, 0 Nays, the motion carried.

B. Cedar and 15th Street Storm Sewer Work

Engineer Herdegen presented on this item as outlined in the December 3, 2015 City Council packet.

Mayor Geraghty - So \$28,000 would take care of it?

Engineer Herdegen - It would provide a point of relief for that low area. I hesitate to say it'll fix the problem because we're not putting in the size of pipe that will be able to collect a 100 year storm. We're putting in a relief so that water can get out of this low point before it comes across his property. It crosses his side yard. He has sandbags in place right now to direct that water away from the garage.

Councilman Sumner - We would be constructing a catch basin?

Engineer Herdegen - Yes, in the right-of-way.

Councilman Lund - Is the real problem his driveway? This is a lot of money. A catch basin and culvert underneath his driveway and a little money for a drainage easement could get us a reasonable solution for a lot less.

Engineer Herdegen - There are enough trees to make a drainage swale difficult to construct. It's possible the erosion has gotten worse since the street project.

Dan Richardson, 1485 Cedar Lane - It's a lot worse.

Engineer Herdegen - The street used to be 24 to 26 feet wide and now it's 32 feet with curb. Now, any water that gets to the edge, goes down 15th to Cedar. The water that's east of this area is collected more efficiently because we have catch basins in the curb.

Mr. Richardson - I've been at that property for 7 years and have always had some type of erosion. Since the street improvements went in, we get rain in much more quantity and force. I've spent about \$1,000 to pay to fix the erosion by my barn and I have tree roots that are starting to be eroded. My driveway is starting to break away. I have improvements into my yard that I don't want to start. My barn's floor is being flooded. I understand that I live near the River but I think the street improvements have caused new problems which is why I called Jon to see if there's anything that can be done to help alleviate the problems from a normal rain storm.

Mayor Geraghty - Would this help any other properties?

Engineer Herdegen - I think the neighbor to the north, more for standing water.

Supt. Hanson - My one concern is that the pipe that this will be hooked to is an original pipe and won't take the heavy rains. Any time we get a major rainfall, this won't help.

Mr. Richardson - I did offer an easement across my property to alleviate it but Jon said that would be more expensive. I would just like to see it fixed.

Councilman Lund - How much more would it be to have a separate pipe?

Engineer Herdegen - The distance from his driveway and the area that's flooding is about 225 feet and the cost to put in that separate pipe, I don't know how much it would be but I expect it being significantly more plus we would lose most of the trees along that route.

Mayor Geraghty - How long are the bids good for?

Engineer Herdegen - The intent was to try and get it done this year. We can talk with the contractor because we have a couple other projects for him to do. I'm happy to confirm that he'll hold his price.

Mayor Geraghty - So we don't have to make a decision tonight, maybe a site visit is required.

Councilman Lund - I'm happy to move forward with this.

Mayor Geraghty - Would it make sense to rebid it with the other projects.

Engineer Herdegen - I don't think it would affect the price that much. We don't have frozen ground yet.

Mayor Geraghty - I'm worried about doing this for one property and then someone else has another issue.

Engineer Herdegen - I think it can be shown that this was aggravated by the street improvement project. We wouldn't be able to do the street restoration this year but we could get the structures and pipe in the ground this year.

Mr. Richardson - I don't need to see it done this fall, I just want to know that you'll proceed with it.

Councilman Sumner - Bruce do you think this will solve it?

Supt. Hanson - I'm concerned that the pipe will fill to capacity and it becomes an outlet for it.

Councilman Lund - Is there a chance the valve isn't as good as we're hoping?

Engineer Herdegen - It's open to anything that'll flow down the street. We put a secondary valve on there so you can turn it and isolate it.

Councilman Sumner - It doesn't sound like the solution is much of a solution.

Engineer Herdegen - The issue is the pipe that goes to the River. It's 6 to 7 feet deep at Cedar and then by the time it drops to the River, it's about 15 feet deep.

Councilman Lund - Can we re-grade things?

Supt. Hanson - It's pretty much downhill to his place so it'd be tough and putting in a new pipe, we'd have to comply with new standards.

Engineer Herdegen - I think your only option would be to improve Cedar Lane but that's probably similar to what we did at 17th and Cedar and that cost about \$150,000.

Councilman Rahm - I can't envision what's going on with the aerial, I think I need to go there. I can't decide what's the best solution. I think we should keep it on our radar and look at it in the spring.

Councilman Sumner - I hate to throw this money at it and not be a good solution.

Councilman Rahm - Do we have a valve like that anywhere else?

Supt. Hanson - Yes, it's a 36 inch on Ford Road. We haven't had any problems with it so far.

Councilman Sumner - We don't want to put you in an even worse position. If we could take some more time to look at it.

Councilman Ingemann - Want to bring it back at the next meeting?

Councilman Lund - Let's bring it back in January.

Mayor Geraghty - I would encourage you to go look at it.

Engineer Herdegen - I do have pictures as well that I can send you.

14. SUPERINTENDENT OF PUBLIC WORKS REPORT -

Supt. Hanson - I have a few things. Our winter parking ordinance is in effect. Also, it's illegal to blow snow into the street. I have also seen tracks on the ponds, I want to stress that they are not safe yet. The City of Newport and St. Paul Park are joining up with the University of MN Forest Resource Department to offer a volunteer small tree pruning class in January. It's \$25 per person. I think it'll be a good program. Part of this will be citizens pruning the trees on the boulevards. There will be a link on our website to it. We're looking forward to trying it.

Councilman Sumner - Is this feet on the ground?

Supt. Hanson - Yes. The instructor has it down pretty well.

Councilman Sumner - If someone takes this and volunteers, I would propose that we reimburse them on the cost.

Supt. Hanson - That was discussed. The cost is there to make sure they show up.

Councilman Sumner - Are there any liabilities?

Supt. Hanson - She suggests a certain amount of safety gear. It's about an 8 hour course.

15. NEW/OLD BUSINESS

16. ADJOURNMENT

Motion by Geraghty, seconded by Ingemann, to adjourn the regular Council Meeting at 7:37 P.M. With 5 Ayes, 0 Nays, the motion carried.

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Eisenbeisz
Executive Analyst