



**CITY OF NEWPORT
REGULAR COUNCIL MEETING
NEWPORT CITY HALL
MARCH 15, 2012 – 5:30 P.M.**

MAYOR:	Tim Geraghty	City Administrator:	Brian Anderson
COUNCIL:	Tom Ingemann	Supt. of Public Works:	Bruce Hanson
	Bill Sumner	Chief of Police:	Curt Montgomery
	Tracy Rahm	Fire Chief:	Mark Mailand
	Steven Gallagher	Executive Analyst:	Renee Helm

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPT AGENDA
5. ADOPT CONSENT AGENDA – All items listed under this section are considered routine and non-controversial by the Council and will be approved by a single motion. An item may be removed from the consent agenda and discussed if a Council member, staff member, or citizen so requests.
 - A. List of Bills in the Amount of \$129,385.31
6. VISITORS PRESENTATIONS/PETITIONS/CORRESPONDENCE
7. MAYOR'S REPORT
8. COUNCIL REPORTS
9. ADMINISTRATOR'S REPORT
 - A. Approval of Annual Financial Report for Year Ended December 31, 2011
 - B. Discuss the Establishment of a Finance Committee
 - C. **Public Hearing** – To consider an amendment to Chapter 2, Administration and Operations, of the City of Newport Code of Ordinances.
 1. Memo from Renee Helm, Executive Analyst
 2. Ordinance No. 2012-4 – Amending the City Code of Ordinances Chapter 2, Administration and Operations
10. ATTORNEY'S REPORT

Agenda for 03-15-2012

11. POLICE CHIEF'S REPORT

A. February 2012 Activity Report

12. FIRE CHIEF'S REPORT

13. ENGINEER'S REPORT

14. SUPERINTENDENT OF PUBLIC WORKS REPORT

15. NEW / OLD BUSINESS

16. ADJOURNMENT

Upcoming Meetings and Events:

- | | | |
|-------------------------------------|----------------|-----------------------|
| 1. Library Open House | March 20, 2012 | 6:00 p.m. – 8:00 p.m. |
| 2. 2030 Comprehensive Plan Workshop | March 21, 2012 | 6:00 p.m. – 8:00 p.m. |
| 3. City Council Meeting | April 5, 2012 | 5:30 p.m. |
| 4. Planning Commission Meeting | April 12, 2012 | 7:00 p.m. |
| 5. City Council Meeting | April 19, 2012 | 5:30 p.m. |

NEWPORT, MN

03/12/12

*Check Summary Register©

March 2012

Name	Check Date	Check Amt	
10100 Central Bank			
Paid Chk# 000017E DELTA DENTAL OF MN	3/1/2012	\$1,133.95	dental premiun
Paid Chk# 000018E MN REVENUE	3/7/2012	\$2,030.30	state withholding
Paid Chk# 000019E FEDERAL TAXES	3/7/2012	\$8,784.92	withhold, fica, ss
Paid Chk# 000020E ING LIFE INSURANCE & ANNUIT	3/7/2012	\$422.40	hcsp
Paid Chk# 000021E PSN	3/7/2012	\$12.95	gateway fee
Paid Chk# 013324 APWA	3/1/2012	\$186.25	membership renewal
Paid Chk# 013325 BANYON DATA SYSTEMS, INC.	3/1/2012	\$4,809.01	prop rec lic pmt support
Paid Chk# 013326 BDM Consulting Engineers	3/1/2012	\$5,051.50	engineering
Paid Chk# 013327 CARLSON MCCAIN, INC	3/1/2012	\$7,480.48	knauff property
Paid Chk# 013328 COMCAST	3/1/2012	\$123.31	
Paid Chk# 013329 DAKOTA SUPPLY GROUP	3/1/2012	\$194.25	water meter
Paid Chk# 013330 FAIR OFFICE WORLD	3/1/2012	\$1,284.98	chair, office supplies
Paid Chk# 013331 GERLACH OUTDOOR POWER E	3/1/2012	\$94.35	vehicle supplies
Paid Chk# 013332 HACH COMPANY	3/1/2012	\$64.20	chemicals
Paid Chk# 013333 HAWKINS	3/1/2012	\$15.00	chlorine
Paid Chk# 013334 HIGHLAND SANITATION	3/1/2012	\$151.87	trash removal
Paid Chk# 013335 KENNEDY & GRAVEN, CHARTER	3/1/2012	\$798.00	façade loan prog att fees
Paid Chk# 013336 Knaak & Assoc. PA	3/1/2012	\$5,200.00	legal retainer
Paid Chk# 013337 MENARDS - COTTAGE GROVE	3/1/2012	\$19.06	supplies
Paid Chk# 013338 MMKR	3/1/2012	\$2,900.00	bank recs
Paid Chk# 013339 MN NCPERS LIFE INSURANCE	3/1/2012	\$112.00	life insurance
Paid Chk# 013340 NORTHLAND TRUST SERVICES,	3/1/2012	\$5,146.25	685k go bond
Paid Chk# 013341 PITTNEY BOWES POSTAGE BY	3/1/2012	\$99.62	
Paid Chk# 013342 SHARON MCCOY	3/1/2012	\$20.00	garden plot refund
Paid Chk# 013343 STAR TRIBUNE	3/1/2012	\$72.80	subscription
Paid Chk# 013344 SW/WC SERVICES COOPERATI	3/1/2012	\$14,526.00	
Paid Chk# 013345 VERIZON	3/1/2012	\$323.34	cell phones
Paid Chk# 013346 XCEL ENERGY	3/1/2012	\$8.03	electricity
Paid Chk# 013347 Domeier, Brian	3/8/2012	\$1,478.13	
Paid Chk# 013348 Gallagher, Steven	3/8/2012	\$298.78	
Paid Chk# 013349 Ingemann, Thomas	3/8/2012	\$293.88	
Paid Chk# 013350 Laughton, Michael E.	3/8/2012	\$368.02	
Paid Chk# 013351 Schute, James	3/8/2012	\$187.00	
Paid Chk# 013352 Sumner, William	3/8/2012	\$262.86	
Paid Chk# 013353 ADVANCED GRAPHIX INC.	3/7/2012	\$527.96	city hall sign, caution tape
Paid Chk# 013354 ATOMIC-COLO, LLC	3/7/2012	\$3,441.50	computer support
Paid Chk# 013355 BOYER TRUCKS	3/7/2012	\$315.59	fd exhaust repairs
Paid Chk# 013356 CENTURY LINK	3/7/2012	\$377.18	phone service
Paid Chk# 013357 CINTAS -754	3/7/2012	\$294.14	rugs, uniforms
Paid Chk# 013358 FLEET ONE LLC	3/7/2012	\$2,210.74	fuel, police, fire, pw
Paid Chk# 013359 ING LIFE INSURANCE & ANNUIT	3/7/2012	\$1,024.62	
Paid Chk# 013360 INTERNATIONAL UNION OF OP.	3/7/2012	\$160.00	
Paid Chk# 013361 LIBERTY NAPA OF NEWPORT	3/7/2012	\$146.64	repair parts
Paid Chk# 013362 MED COMPASS	3/7/2012	\$2,060.00	medical screening
Paid Chk# 013363 Metropolitan Council	3/7/2012	\$15,613.70	
Paid Chk# 013364 MN HELICOPTERS INC	3/7/2012	\$700.00	deer count

NEWPORT, MN

03/12/12

*Check Summary Register©

March 2012

Name	Check Date	Check Amt
Paid Chk# 013365 ON SITE SANITATION	3/7/2012	\$149.62 ice rink bathrooms
Paid Chk# 013366 PERA	3/7/2012	\$8,238.16
Paid Chk# 013367 RIVERTOWN NEWSPAPER GRO	3/7/2012	\$348.04 publishing
Paid Chk# 013368 SELECTACCOUNT	3/7/2012	\$581.00
Paid Chk# 500056E Anderson, Brian	3/8/2012	\$2,697.72
Paid Chk# 500057E Brodin, Jeremy	3/8/2012	\$2,270.97
Paid Chk# 500058E Domeier, Brian	3/8/2012	\$190.00
Paid Chk# 500059E Frazer, Michael	3/8/2012	\$1,462.18
Paid Chk# 500060E Freemyer, Scott	3/8/2012	\$1,825.47
Paid Chk# 500061E Geraghty, Tim	3/8/2012	\$323.88
Paid Chk# 500062E Hanson, Bruce	3/8/2012	\$2,202.84
Paid Chk# 500063E Helm, Renee	3/8/2012	\$1,505.75
Paid Chk# 500064E Hill, Debora	3/8/2012	\$1,335.77
Paid Chk# 500065E Joa, Jason	3/8/2012	\$1,391.02
Paid Chk# 500066E Johnson, Charles	3/8/2012	\$1,486.00
Paid Chk# 500067E Luedke, Jeffrey	3/8/2012	\$1,486.00
Paid Chk# 500068E Martin, Tyler	3/8/2012	\$1,701.05
Paid Chk# 500069E McArdell, Sean	3/8/2012	\$1,709.52
Paid Chk# 500070E Montgomery, Curtis	3/8/2012	\$1,722.09
Paid Chk# 500071E Muellner, Joel	3/8/2012	\$2,391.50
Paid Chk# 500072E Neska, John	3/8/2012	\$1,842.17
Paid Chk# 500073E Rahm, Tracy	3/8/2012	\$298.78
Paid Chk# 500074E Swearingen, Dean	3/8/2012	\$1,400.22
Total Checks		\$129,385.31

FILTER: None

KNAAK & ASSOCIATES, P.A.

Attorneys at Law

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Donald W. Kohler

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Wisconsin & Colorado*

Of Counsel
Thomas M. Dailey, P.A.
Matthew E. Ludt
Joseph B. Marshall

MEMORANDUM

TO: MAYOR AND MEMBERS OF THE CITY COUNCIL
FROM: FRITZ KNAAK, CITY ATTORNEY
DATE: MARCH 15, 2015



RE: UTILIZATION OF A FINANCE COMMITTEE OR COMMISSION

Some time ago a group of concerned citizens approached the City Council seeking approval for the creation of a Financial Committee, or a Commission, or similar organization in which unelected individuals would be involved in some way in the administration of the financial affairs of the City of Newport.

The exact nature of the “outside” participation of the citizen group was not made clear. I was directed, however, to find what alternatives, if any, may be available for such activity and to ascertain what other cities similar or near to Newport might have done in this regard.

Fundamental in any analysis of this sort is the understanding that, however much it may wish to from time to time, the City Council cannot delegate its legislative or discretionary duties to third parties. A.G. Op. 624a-3 (Nov. 2, 1998); See: Johnson v. State, 553 N.W.2nd 40 (Minn. 1996); Muehring v. School Distr. No. 31, 224 Minn. 432, 28 N.W.2d 655 (1947).

More specifically, absent a specific state statute to the contrary, the Council cannot delegate any discretionary power to other persons or bodies, including independent citizen boards or commissions. A.G. Op 624a-3 (Nov. 2, 1998); A.G. Op 1007 (July 8, 1977); A.G. Op 1001-a (Sept. 19, 1950); A.G. Op 1001-a (Aug. 27, 1957).

Essentially, this means that the Council cannot delegate such things as budgetary or expenditure approvals to third parties.

The City Council has the express authority, however, to create “advisory boards” to assist it in performing its duties. See: Minn.Stat. § 412.111. These can be created or dissolved by resolution, and the Council may appoint their members and exercise other powers of general supervision. Minn. Stat. § 462.354, subd. 1.

Advisory boards conduct studies and investigations on behalf of the council, and submit reports and recommendations for council consideration. An advisory board recommendation does not take effect unless the council accepts it by passing an ordinance or resolution. The Council may

organize advisory boards or groups in any manner it deems appropriate. See: League of Minnesota Cities, Handbook for Minnesota Cities, at Chapter 6, 12B.

It appears that other cities have used this authority to create a variety of financial advisory boards of varied levels of participation and responsibility on financial matters. I am surveying and compiling responses of other City attorneys on the LMC listserv to determine what their experience has been and hope to be able to update you on these efforts at the upcoming Council meeting.

A brief snapshot to date reveals, for example, a very active advisory role for citizens in another City I represent, the City of Afton, where long, positive experience has resulted in considerable and appreciative deference to citizens who review budgets and advise the City. The most active advisory board I have seen to date is in Woodbury, where there is an Audit and Finance Committee that advises the Council on financial matters, including reviewing and commenting on annual financial information, the annual audit report and letter, and working with the independent auditor in review accounting and financial controls. They also, apparently, advise the City on its investment portfolio.

Most such panels I have seen in other cities to date, however, appear far less active. It would appear to be a matter fully dependent on the needs, desires and circumstances of a particular City or council, not a more generalized approach to city government and administration.



MEMO

TO: Mayor and City Council
Brian Anderson, City Administrator

FROM: Renee Helm, Executive Analyst

DATE: March 8, 2012

SUBJECT: Combing Newport Precincts

BACKGROUND

Currently, the City is divided into two voting precincts, with the polling places being City Hall and Fire Hall #1. During an even election year, the City administers a Primary Election in August and a General Election in November. In order to properly administer these elections, the City is required to hire election judges for each polling place. In 2010, the City hired 16 election judges, two of which were head judges, to work from 6:00 a.m. to 10:00 p.m., the two election judges worked later since they had to travel to Stillwater to drop off the equipment. Prior to the 2011 School District Elections, it was requested that staff review the possibility of combing the two precincts, with the polling place being Newport Elementary.

DISCUSSION

One of the items that the City Council will need to discuss at the March 15 City Council meeting is whether or not to combine Precinct 1 and Precinct 2. If so, the City Council will need to decide where the polling place will be. City staff has talked with Washington County, Independent School District 833 and the two head election judges from 2010 regarding combining the two precincts.

Washington County informed the City that the precincts could be combined through an ordinance after the State finalized its redistricting, which was done on February 21, 2012. Furthermore, if the City Council wishes to combine the precincts, it needs to do so by April 3, 2012 per Minnesota Statutes. This allows Washington County to receive the new precinct information and have time to redistrict before their deadline on May 1, 2012.

It is recommended that the polling place be Newport Elementary because the school is large enough to accommodate the registered and non-registered voters for both elections. ISD 833 has agreed to be the primary polling place for the combined precinct.

Staff met with the two head election judges from 2010 to determine if the City could properly administer one polling place. The two head election judges were in favor of combining the precincts and recommended that the City utilize a split shift schedule for the election judges. The head election judges feel that the election judges from 2010 would prefer this and it would minimize the potential for error since the election judges will not be working a 16 hour shift. It is estimated that it would cost the same amount to do two shifts at the combined precinct as it would to have only one shift. The City would be able to reduce the personnel budget by about half if were to combine the two precincts.

RECOMMENDATION

It is recommended that the City Council approve Ordinance No. 2012-4 to combine the two precincts and designate Newport Elementary has the polling place.

**CITY OF NEWPORT
ORDINANCE 2012-4**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, AMENDING THE CITY
CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION AND OPERATIONS**

THE CITY COUNCIL OF THE CITY OF NEWPORT, MINNESOTA, HEREBY ORDAINS THAT:

Section 210.02 Precincts shall be amended to read:

That the City of Newport shall hereby consist of one (1) election precinct, as set forth in this Section, and that the polling place in this precinct shall be as follows:

Subd. 1 Polling Place: Newport Elementary at 851 6th Avenue. The boundaries of this Precinct shall consist of the territory of the City of Newport.

The foregoing Ordinance was moved by Councilmember _____ and seconded by Councilmember _____.

The following Councilmembers voted in the affirmative:

The following Councilmembers voted in the negative:

Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 15th day of March, 2012.

Signed: _____

Tim Geraghty, Mayor

Attest: _____

Brian Anderson, City Administrator

210.02 Precincts. That the City of Newport shall ~~be hereby divided into two (2) consist of one (1)~~ election precincts, as set forth in this Section, and that the polling places in ~~each of the precincts this precinct~~ shall be as follows:

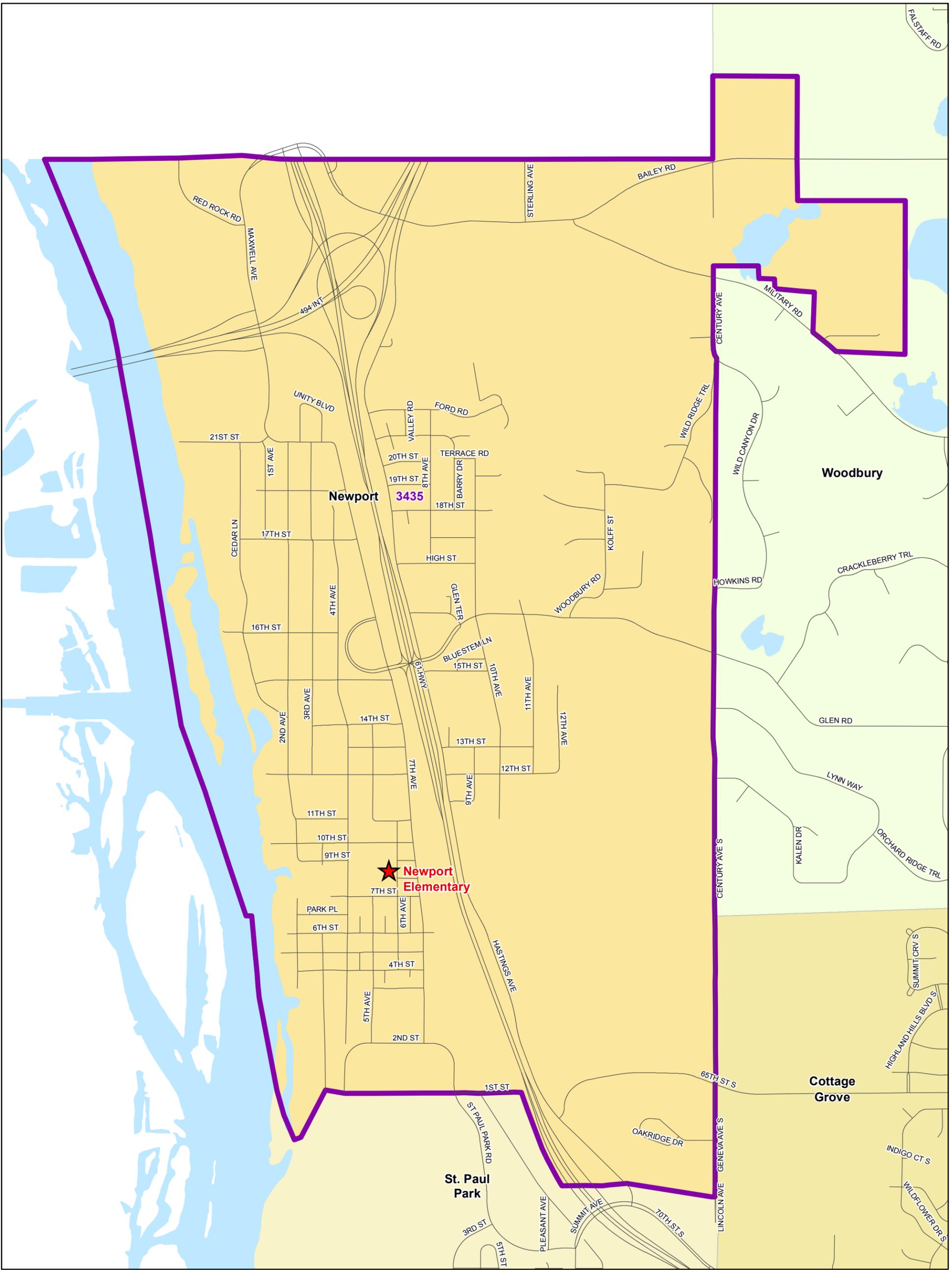
Subd. 1 Polling Place: ~~City Hall at 596 7th Avenue.~~ ~~The boundaries of Precinct No. 1 shall be as follows: Newport Elementary at 851 6th Avenue. The boundaries of this Precinct shall consist of the territory of the City of Newport.~~

~~All that part of the City of Newport lying south of the following described line: Commencing at the centerline of 21st Street and the western boundary of the City, thence easterly to the centerline of Cedar Lane, thence southerly along the centerline of Cedar Lane to the intersection of Cedar Lane and 16th Street, thence westerly to the western boundary of the City, thence southerly along the western boundary of the City to the intersection of the western boundary of the City to the centerline of 12th Street, thence easterly along the centerline of 12th Street to the intersection of 12th Street and 10th Avenue, thence northerly along the centerline of 10th Avenue to the intersection of 10th Avenue and 13th Street, thence easterly along the centerline of 13th Street to the intersection of 13th Street and 11th Avenue, thence northerly along the centerline of 11th Avenue to the intersection of 11th Avenue and Glen Road, thence easterly along the centerline of Glen Road to the easterly boundary of the City.~~

Subd. 2 Polling Place: ~~Fire Hall at 155 20th Street.~~ ~~The boundaries of Precinct No. 2 shall be as follows:~~

~~All that part of the City of Newport lying north of the following described line: Commencing at the centerline of 21st Street and the western boundary of the City, thence easterly to the centerline of Cedar Lane, thence southerly along the centerline of Cedar Lane to the intersection of Cedar Lane and 16th Street, thence westerly to the western boundary of the City, thence southerly along the western boundary of the City to the intersection of the western boundary of the City to the centerline of 12th Street, thence easterly along the centerline of 12th Street to the intersection of 12th Street and 10th Avenue, thence northerly along the centerline of 10th Avenue to the intersection of 10th Avenue and 13th Street, thence easterly along the centerline of 13th Street to the intersection of 13th Street and 11th Avenue, thence northerly along the centerline of 11th Avenue to the intersection of 11th Avenue and Glen Road, thence easterly along the centerline of Glen Road to the easterly boundary of the City.~~

Subd. 3-2 Changes. The City Council of the City of Newport may by resolution, from time to time change the polling place in either of the above precincts.



Newport



February 2012

Newport Police Department
Activity Report

		Monthly Total	Yearly Total
ACCIDENTS		6	11
ADMINISTRATIVE		76	146
ALARMS		3	18
ANIMAL CALLS		6	7
ARRESTS	Felony	2	3
	Misdemeanor	1	4
	Gross Misd.	1	2
ASSAULTS	Aggravated		
	Simple		3
ASSIST OTHER DEPT/OFFICER		50	122
ASSIST PUBLIC		108	281
AUTO THEFT		0	3
	Attempted	1	1
BURGLARY			2
	Attempted		
CHILD ABUSE/NEGLECT		1	2
CIVIL DISPUTES		4	10
CRIMINAL SEXUAL CONDUCT		1	1
CURFEW			
DAMAGE TO PROPERTY		4	10
DEATH INV.		2	2
DISORDER CONDUCT		1	5
DOMESTICS		16	29
DRIVING COMPLAINT		8	12
DRUGS/PARAPHERNALIA		1	1
DRUNKS/DETOX			
D.W.I.		1	2
FIRECALLS		4	6
FORGERY			1
FOUND PROPERTY		3	5
HAR/COMM		8	10
HANG UPS (911)		1	8
JUVENILE PETTY CITATIONS		9	9
JUVENILE PROBLEMS		3	3
LOCK-OUTS		3	10
MEDICAL CALLS		17	34
MISSING PERSONS		1	1
ORDINANCE VIOLATIONS		1	11
ORDINANCE WINTER PARK			27
PROWLERS			
ROBBERY			
	Attempted		
RUN-AWAY		1	1
STOLEN AUTOS RECOVERED			3
SUSPICIOUS ACTIVITY		25	42
THEFT		18	27
	Attempted		
CITATIONS		104	169
TRAFFIC WARNINGS		75	176
		Monthly Total	Yearly Total
Overall Grand Total All Events		563	1237