



**City of Newport
City Council Workshop Meeting Minutes
January 16, 2014**

1. ROLL CALL -

Council Present – Tim Geraghty, Tom Ingemann, Bill Sumner, Steven Gallagher, Tracy Rahm

Council Absent –

Staff Present – Deb Hill, City Administrator; Bruce Hanson, Superintendent of Public Works; Curt Montgomery, Police Chief; Mark Mailand, Fire Chief; Renee Helm, Executive Analyst; Fritz Knaak, City Attorney; Bob LaBrosse, Building Official

Staff Absent - John Stewart, City Engineer;

2. DISCUSSION REGARDING POSSIBLE CONDEMNATION POLICY TO ADDRESS DISTRESSED PROPERTIES

The City Council, City staff, and several residents were present to discuss the creation of a possible condemnation policy for distressed properties in Newport. This discussion was prompted by a number of complaints the City Council and staff have received in regards to 515 4th Avenue. Below is a summary of the discussion.

515 4th Avenue

The City Council, Attorney Knaak, Building Official Bob LaBrosse, Chief Montgomery, and several residents discussed the status and issue of 515 4th Avenue.

Mr. LaBrosse noted that the property was condemned in early 2013 due to the fact that there was no water or electricity at the property. The City Council approved a resolution in May 2013 declaring 515 4th Avenue a nuisance and the property owner had 20 days to bring the property into compliance or show a good-faith effort that he would bring it into compliance. The property owner did this and was issued electrical, reroof, reside, and windows permits. The reroof, reside, and windows permits expired at the end of December 2013 and the electrical permit will expire June 18, 2014. The property owner has submitted an application to renew the expired permits but Mr. LaBrosse noted that he would not issue them until the property owner provides a plan and shows that he is able to finish the work.

Attorney Knaak discussed what the City can do moving forward with this property. He noted that if the property owner is not able to provide the City with a plan and finish the work, the next step would be to bring him to court. When asked if the City could tear down 515 4th Avenue, Attorney Knaak noted that it is not easy for a city to tear down a home, especially if the owner is working to bring it into compliance. He did note that if there is a situation where the owner cannot afford to do the necessary work, the judge will allow the city to complete the repairs and assess the costs to the property taxes but the owner needs to agree to this. Additionally, Attorney Knaak noted that the City could cite the owner for violations such as construction material in the yard or conducting work without the proper permits but that the Police need to observe the violation in order to do so.

Chief Montgomery discussed what the Police Department has done in regards to 515 4th Avenue. Chief

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Montgomery has confirmed with the owner's mother that he lives with her and not at 515 4th Avenue. The Police have issued citations in the past for this property and the owner typically pays the fine. A resident asked the Chief if the City could issue citations on a regular basis and it can.

Several residents were present to discuss their concerns and complaints regarding 515 4th Avenue. The residents had the following statements or questions:

- The owner is there at various hours throughout the day and night to work. Should neighbors call the Police when he is there during the middle of the night? - Chief Montgomery noted that it is not illegal for him to be there during the middle of the night.
- He does not complete projects before moving on to another one
- It was the public's understanding that he would not be issued permits until the property was brought into compliance - The permits were needed to bring it into compliance
- It was asked if the City keeps a record of all complaints for a property - The Police do but City Hall staff do not. If the City went to court regarding this property, City staff would testify on the number of complaints that they have received relating to this property.

Councilman Gallagher asked staff to establish a plan for moving forward with resolving the issues at 515 4th Avenue.

Code Enforcement for All of Newport

The City Council, Attorney Knaak, Chief Montgomery, and several residents discussed code enforcement for the entire city. The below statements or questions were brought forward:

- The residents believe that these houses get this way because nothing is done at the beginning in regards to code enforcement.
- When residents call to report or ask for an update on a property they seem to get excuses from the City as to why nothing has been done.
- Councilman Gallagher recommended that the City Council create a policy where complaints/concerns for properties are given top priority for code enforcement and the second priority will go to ones that staff report on. The policy should also provide clear standards on what is and is not a violation. The residents do not believe that having only complaint-driven inspections work.
- The CSO is typically furloughed in the winter due to budget constraints. There are more code violations during the spring and summer. The residents recommended that the City Council review the budget to allow for a year-round CSO. Councilman Gallagher asked Chief Montgomery provide the City Council with how much more he would need in his budget for a full-time, two part-time, or year-round CSO.
- It was recommended that the City research other cities to see what they do for code enforcement.
- A resident, who is retired from St. Paul Code enforcement, stated that they developed a system for accountability that recorded complaints, when inspections were completed, and issues reported. This system is available on St. Paul's website. The resident recommended that the City create a similar system.
- A resident discussed the need to review the current codes and see what can and cannot be enforced. If the City cannot enforce a current code then it should be removed. He also stated that he would support a raise in taxes if it meant having a year-round CSO or having the City purchase these problem properties to demolish them or bring them into compliance. He recommended researching organizations that assist property owners with these projects.
- Councilman Gallagher reported on the Police Chief's activity report from December 2013 and noted that in December 2013 there were 30 ordinance violations and 421 for the entire year.
- A resident asked if the City could issue larger fines or additional fines for multiple offenses. - Attorney Knaak noted that the fines are set by the judges but he could request that the courts follow a schedule of fines with respect to Newport Code Violations.
- A resident requested that the Council state that they will come up with a policy, process and procedure for problem properties. - Councilman Rahm noted that that is why they were having the workshop. Mayor Geraghty and Councilman Sumner both noted that they were hearing requests for increased code

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enforcement. The City will look into that but there are court processes that need to be followed as well. Councilman Sumner also noted that when the City had a full-time CSO a couple years ago, the citizens complained because he was very active in issuing citations.

- It was requested that there be a report at each City Council meeting about problem properties or code enforcement issues - This would fall under the Police Chief's report
- Councilman Gallagher provide the following list for moving forward:
 - Talk with Sherri Buss, City Planner, about a policy for code enforcement and if she's done anything in the past
 - Look at the schedule of fines to see if we can increase them
 - Look at the budget for a year-round CSO
 - Connect with non-profits
 - Host another workshop
- Mayor Geraghty invited the public to send staff and the Council addresses for what they feel are distressed properties.
- The City Council and staff will continue to look into this to resolve the issues at hand.

3. ADJOURNMENT

Signed: _____
Tim Geraghty, Mayor

Respectfully Submitted,

Renee Helm
Executive Analyst