

CITY OF NEW HOPE
4401 XYLON AVENUE NORTH
NEW HOPE, MINNESOTA 55428

City Council Minutes
Regular Meeting

January 11, 2010
City Hall, 7:00 p.m.

CALL TO ORDER

The New Hope City Council met in regular session pursuant to due call and notice thereof; Mayor Hemken called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The City Council and all present stood for the Pledge of Allegiance to the Flag.

ROLL CALL

Council present: Kathi Hemken, Mayor
John Elder, Council Member
Andy Hoffe, Council Member
Eric Lammle, Council Member
Daniel Stauner, Council Member

Staff present: Kirk McDonald, City Manager
Jerry Beck, Communications Coordinator
Tim Fournier, Police Sergeant
Curtis Jacobsen, Director of Community Development
Guy Johnson, Director of Public Works
Valerie Leone, City Clerk
Jason Quisberg, City Engineer
Steve Sondrall, City Attorney

APPROVAL OF MINUTES

Motion was made by Council Member Stauner, seconded by Council Member Elder, **to approve the regular meeting minutes of December 14, 2009**. All present voted in favor. Motion carried.

Motion was made by Council Member Hoffe, seconded by Council Member Elder, **to approve the work session meeting minutes of December 21, 2009**. All present voted in favor. Motion carried.

OPEN FORUM

There was no one present desirous of addressing the Council for Open Forum.

**PRESENTATIONS
ACTIVE LIVING
Item 5.1**

Mayor Hemken introduced for discussion Item 5.1, Resolution approving partnership with Hennepin County and other cities in the county during 2010 to develop and implement Active Living strategies.

Ms. Lisa Peterson Bender, Hennepin County, explained the program components. She stated Active Living is a way of life that integrates physical activity into daily routines through activities such as biking, walking, and/or taking transit. She stated health problems associated with lack of physical activity and today's lifestyles of convenience attribute to obesity and rising health care costs. Ms. Bender stated Hennepin County is one of three

communities contracted by Blue Cross and Blue Shield of Minnesota to create Active Living initiatives.

Ms. Bender pointed out that 75% of trips less than two miles in distance are made by car. She stated the program promotes active living as a way of life that integrates walking and biking into daily routines. She indicated the city will be given an annual \$1,000 grant for participating in the program to help offset staff time. Ms. Bender pointed out New Hope's current initiatives such as Safe Routes to Schools, Comprehensive Plan, various programs and events; and other potential programs include completion of a streets policy, Safe Routes for Seniors, zoning and development guidelines, and more. She thanked New Hope for partnering with Hennepin County and other cities in the county to develop Active Living strategies.

Council Member Elder requested assistance with improving safety near Sonnesyn Elementary School. Mr. Kirk McDonald, city manager, reported that the city is working with the county and school for safety improvements.

RESOLUTION 2010-01
Item 5.1

Council Member Hoffe introduced the following resolution and moved its adoption: **"RESOLUTION APPROVING PARTNERSHIP WITH HENNEPIN COUNTY AND OTHER CITIES IN THE COUNTY DURING 2010 TO DEVELOP AND IMPLEMENT ACTIVE LIVING STRATEGIES."** The motion for the adoption of the foregoing resolution was seconded by Council Member Elder, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

APPRECIATION
Item 5.2

Mayor Hemken introduced for discussion Item 5.2, Resolution of appreciation to Diane Stauner for her service as Shingle Creek Watershed Commissioner.

RESOLUTION 2010-02
Item 5.2

Council Member Hoffe introduced the following resolution and moved its adoption: **"RESOLUTION OF APPRECIATION TO DIANE STAUNER FOR HER SERVICE AS SHINGLE CREEK WATERSHED COMMISSIONER."** The motion for the adoption of the foregoing resolution was seconded by Council Member Elder, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

Mayor Hemken announced that Ms. Stauner was unable to attend the meeting as she was under the weather, but she will be invited to the next meeting to personally accept the resolution.

Mayor Hemken and several council members described a variety of projects and activities that Ms. Stauner has been involved with for the betterment of the community.

**UPDATE BY
CONGRESSMAN
ELLISON
Item 5.3**

Mayor Hemken introduced for discussion Item 5.3, Update by Congressman Ellison.

Congressman Keith Ellison expressed his appreciation for the opportunity to address the Council and thanked the Council for their work. He offered to assist the city with any financial resources for key projects. He reported the main issues facing elected officials in Washington include health care, energy and financial reform. He stated the financial services bill includes consumer financial protection bill, addresses overdraft fees, and provides advocacy.

Congressman Ellison invited the Council to a field hearing with the finance subcommittee at the Minneapolis Public Library on January 23.

Council Member Stauner spoke of health care costs and the financial impact to the city and West Metro Fire-Rescue District. He indicated he is not optimistic regarding the outcome of the bill and urges Congress to consider creation of a public option for government entities to pool resources.

Congressman Ellison noted the health care bill is expected to provide coverage to 97% of the nation. He stated he would support a public option.

The City Council thanked Congressman Ellison for his presentation.

ROTATING VOTES

Please note that votes taken on each agenda item are called by the secretary on a rotating basis; however, the written minutes always list the Mayor's name first followed by the Council Members in alphabetical order.

CONSENT AGENDA

Mayor Hemken introduced the consent items as listed for consideration and stated that all items will be enacted by one motion unless requested that an item be removed for discussion. Items 6.6, 6.10, 6.11, 6.18 and 6.19 were removed for discussion later in the meeting. Mr. Kirk McDonald, city manager, reviewed the consent items.

**MOTION
Consent Items**

Motion was made by Council Member Elder, seconded by Council Member Stauner, **to approve the remaining Consent items.** All present voted in favor. Motion carried.

**BUSINESS LICENSES
Item 6.1**

Approval of business licenses.

**FINANCIAL CLAIMS
Item 6.2**

Approval of financial claims through January 11, 2010.

**RESOLUTION 2010-03
Item 6.4**

Resolution appointing Steven A. Sondrall as city attorney for 2010 (no rate increase from 2009).

**RESOLUTION 2010-04
Item 6.5**

Resolution appointing Jason Quisberg of Bonestroo as city engineer for sewer, water, street, storm sewer projects and general work (no rate increase from

2009).

RESOLUTION 2010-05
Item 6.7 Resolution designating Wells Fargo as depository for payroll account and general or special funds of the city of New Hope.

RESOLUTION 2010-06
Item 6.8 Resolution designating depositories for funds of the city of New Hope relative to investments.

RESOLUTION 2010-07
Item 6.9 Resolution appointing city manager as director to the HRG Board for a term expiring December 31, 2010.

RESOLUTION 2010-08
Item 6.12 Resolution re-appointing Brian Hubbard as New Hope's citizen representative to the West Metro Fire-Rescue District Board of Directors.

The Council expressed its appreciation for Mr. Hubbard's past service.

RESOLUTION 2010-09
Item 6.13 Resolution appointing Mayor Hemken as New Hope's representative on the Minneapolis Drinking Water Advisory Board.

WEED INSPECTOR
Item 6.14 Appointment of assistant weed inspector for 2010.

BOARD OF APPEAL
Item 6.15 Approval of April 8, 2010 (7:00 pm) as date for local Board of Appeal and Equalization Meeting.

RESOLUTION 2010-10
Item 6.16 Resolution approving extension of Conditional Use License Agreement with Hennepin County for use of the county's Electronic Proprietary Data Base (EPDB).

RESOLUTION 2010-11
Item 6.17 Resolution approving agreement between the city of New Hope and Home Free for the 2010 Domestic Assault Intervention Project - \$27,479.

CONSENT ITEMS
REMOVED
OFFICIAL--
NEWSPAPER
Item 6.6 Mayor Hemken introduced for discussion the consent item removed for discussion, Item 6.6, Resolution appointing New Hope – Golden Valley Sun Post as official newspaper for city of New Hope.

Council Member Elder expressed his appreciation to Sue Webber for reporting on New Hope news and promoting community events.

RESOLUTION 2010-12
Item 6.6 Council Member Lammle introduced the following resolution and moved its adoption: **"RESOLUTION APPOINTING NEW HOPE – GOLDEN VALLEY SUN POST AS OFFICIAL NEWSPAPER FOR CITY OF NEW HOPE."** The motion for the adoption of the foregoing resolution was seconded by Council Member Hoffe, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**BCWM
REPRESENTATIVE
Item 6.10**

Mayor Hemken introduced for discussion the consent item removed for discussion, Item 6.10, Resolution appointing Council Member John Elder as New Hope's representative on the Bassett Creek Watershed Management Commission.

Mayor Hemken pointed out that no one from the public has responded to the city's advertisement of alternate representative for the watershed commission vacancies. Mayor Hemken offered to serve as the Alternate Representative on both the Bassett and Shingle Creek Watershed Management Commissions on a temporary basis until the positions are filled.

**RESOLUTION 2010-13
Item 6.9**

Council Member Lammle introduced the following resolution and moved its adoption: **"RESOLUTION APPOINTING COUNCIL MEMBER JOHN ELDER AS NEW HOPE'S REPRESENTATIVE ON THE BASSETT CREEK WATERSHED MANAGEMENT COMMISSION."** The motion for the adoption of the foregoing resolution was seconded by Council Member Hoffe, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**SCWM
REPRESENTATIVE
Item 6.11**

Mayor Hemken introduced for discussion Item 6.11, Resolution appointing Council Member Daniel Stauner as New Hope's representative on the Shingle Creek Watershed Management Commission.

**RESOLUTION 2010-14
Item 6.11**

Council Member Lammle introduced the following resolution and moved its adoption: **"RESOLUTION APPOINTING COUNCIL MEMBER DANIEL STAUNER AS NEW HOPE'S REPRESENTATIVE ON THE SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION."** The motion for the adoption of the foregoing resolution was seconded by Council Member Hoffe, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**ZAMBONI
BATTERIES
Item 6.18**

Mayor Hemken introduced for discussion Item 6.18, Resolution authorizing the purchase and appropriation of funds of \$7,470.56 for Zamboni batteries by Midwest Industrial Battery, Inc.

Council Member Stauner indicated past financial records show the Ice Arena has been contributing to the central garage fund. He recommended utilizing the central garage fund to pay for the batteries instead of the park infrastructure fund. The other city council members concurred with the funding source.

**RESOLUTION 2010-15
Item 6.18**

Council Member Lammle introduced the following resolution and moved its adoption: **"RESOLUTION AUTHORIZING THE PURCHASE AND**

APPROPRIATION OF FUNDS OF \$7,470.56 FOR ZAMBONI BATTERIES BY MIDWEST INDUSTRIAL BATTERY, INC.” The motion for the adoption of the foregoing resolution was seconded by Council Member Hoffe, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammler, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**CONTRIBUTION
Item 6.19**

Mayor Hemken introduced for discussion Item 6.19, Acceptance of contribution for safety camp.

Council Member Elder acknowledged Twin West Chamber’s \$500 donation and pointed out Safety Camp would not be successful without the community’s support.

**MOTION
Item 6.19**

Motion was made by Council Member Lammler, seconded by Council Member Hoffe, **to accept the contribution for safety camp**. All present voted in favor. Motion carried.

**TOBACCO
COMPLIANCE
CHECK FAILURES
Item 7.1**

Mayor Hemken introduced for discussion Item 7.1, Appearance by tobacco licensees regarding consequences for failing compliance check.

Mayor Hemken stated Items 7.1 and 7.2 relate to failures of tobacco and alcohol compliance checks. She stated all tobacco and alcohol license holders have a responsibility of ensuring such products are not sold to underage persons. She stated representatives of each business will be called upon to admit or deny the allegations.

Mr. Kirk McDonald, city manager, stated compliance checks were conducted on November 28 and 29, 2009, by the police department. He stated four out of 24 businesses failed the tobacco compliance checks. He stated prior to imposing any civil penalties to the licensee, the city must give an opportunity for a hearing. He stated the city clerk has notified the affected licensee of their rights to attend the Council Meeting regarding the alleged violation. He indicated the licensee may admit or deny the allegation; and anyone failing to appear at the meeting relinquishes his rights to contest the allegation of an illegal sale.

Mr. McDonald stated the businesses that failed the compliance checks are all considered first failures within 24-months. He stated the penalty is a \$250 fine and either a suspension of tobacco sales for three days or identification training of all employees through the police department. He stated Sergeant Fournier is available for any questions.

Mayor Hemken reported that Brad Carlson, owner of New Hope BP at 7800 27th Avenue North, had contacted the city clerk earlier in the day to advise that he would not be in attendance. She stated Mr. Carlson admitted to the compliance check failure and opted for the training in lieu of the 3-day

suspension.

Council Member Elder indicated a representative of New Hope BP contacted him and was very apologetic regarding the failure and advised of their intent to increase employee training.

Mayor Hemken called upon New Hope Fuel & Wash, 9400 49th Avenue North. Ms. Valerie Leone, city clerk, indicated Adam Schlangen of New Hope Fuel & Wash also called the city and will not be in attendance. She stated he admitted to the allegation and requested employee training rather than the suspension. She stated license holders not in attendance will be mailed the "Notice of Violation" outlining the penalty.

Mayor Hemken called upon a representative of New Hope Smokes Inc. (2767 Winnetka Avenue North). Mr. Omar Abuisnaineh was recognized. He stated he misread the year on the identification as 1982 instead of 1992. He pointed out that his business passed all prior compliance checks. Mr. Steve Sondrall, city attorney, stated based on Mr. Abuisnaineh's narrative, he admitted to the violation. Staff handed the "Notice of Violation of Unlawful Sale of Tobacco" to Mr. Abuisnaineh.

Mayor Hemken called upon a representative of Walgreen Company, 4200 Winnetka Avenue North. Mr. Jim Meyers, manager, admitted to the failure. Mr. Meyers stated the employee had completed identification training and had carded the customer but chose to override the cash register when she was prompted not to make the sale. He noted the store had taken disciplinary measures. Staff handed the "Notice of Violation of Unlawful Sale of Tobacco" to Mr. Meyers.

CLOSE HEARING

Item 7.1

Motion was made by Council Member Elder, seconded by Council Member Hoffe, **to close the public hearing**. All present voted in favor. Motion carried.

LIQUOR COMPLIANCE CHECK FAILURES

Item 7.2

Mayor Hemken introduced for discussion Item 7.2, Appearance by liquor licensees regarding consequences for failing compliance check.

Mr. Kirk McDonald, city manager, stated compliance checks were conducted on November 28, 2009, by the police department, and two out of 19 businesses failed the checks. He stated both failures would be considered first time offenses and carry a \$250 fine plus either a 3-day suspension of liquor sales or employee identification training.

Mayor Hemken called upon a representative of Rony's Market, 2720 Winnetka.

Mr. George Eebassar was recognized. He explained that the individual that purchased the beer was asked her age and she stated she was 21. He advised the City Council he views the situation as entrapment.

Council Member Elder pointed out that underaged persons trying to purchase

alcohol can easily lie about their age. He stated it is the clerk's job to check the customer's identification.

Mayor Hemken asked if Mr. Eebassar is admitting to the allegation, and Mr. Eebassar said he was not.

Council Member Stauner expressed his concern that the underage person lied during a compliance check.

Sgt. Tim Fournier stated he supervised the officer who conducted the checks. He stated the police department tries to educate the underage person not to lie about their age and only to show identification to the cashier. He stated the purchase was still an illegal purchase and the action by the sales clerk was inappropriate.

Mayor Hemken advised Mr. Eebassar that the city clerk will contact him to schedule an Administrative Hearing. Note: discussion regarding Rony's Market resumed prior to adjournment of meeting – see page 14.

Mayor Hemken called upon a representative of Frankie's Pizza, 3556 Winnetka Avenue North.

Mr. Herbert Garbers, owner of Frankies Pizza, was recognized. He admitted the allegation of selling 3.2 beer to an underage person. He stated the employee has been disciplined, and the business decision has been made against renewing the 3.2 on-sale beer license for 2010.

Staff handed the "Notice of Violation of Unlawful Sale of Tobacco" to Mr. Garbers.

**CLOSE HEARING
Item 7.2**

Motion was made by Council Member Elder, seconded by Council Member Hoffe, **to close the public hearing.** All present voted in favor. Motion carried.

**EMERALD ASH
BORER
Item 8.1**

Mayor Hemken introduced for discussion Item 8.1, Resolution accepting funding from the Minnesota Department of Agriculture, not to exceed \$87,300, to aid in the planning and preparation for the arrival of the Emerald Ash Borer.

Mr. Guy Johnson, director of public works, stated to prepare for the Emerald Ash Borer infestation, the city forester has drafted a grant application for submission to the Minnesota Department of Agriculture. He stated the city has over 2,000 ash trees between public lands and street boulevards. He stated the past fall the state has made available \$880,000 through the Emerald Ash Borer planning and preparedness grant program, and the city's application is for \$87,300. He stated in December the city forester was informed that New Hope was tentatively scheduled to receive \$87,300. He stated if the city receives the grant, the funds will be used for the removal of ash trees, replanting a different species of trees, distribution of educational materials to the public, and for hiring a temporary intern.

Mayor Hemken expressed the Council's gratitude to Shawn Markham, city forester, for pursuing the grant. Council Member Hoffe noted the short timeline that staff was able to meet.

Council Member Stauner pointed out that he recently attended the Northern Green Expo (convention for the Minnesota Landscape and Nursery Association). He stated during the Expo he attended the legislative forum and part of the discussion dealt with funding of the Emerald Ash Borer grant program. He stated the grant is being funded by money from the constitutional amendment, and there is some doubt that the legislature will allow the grant to survive as there is much debate on whether this is an appropriate use of the amendment money. He commented that the Emerald Ash Borer is a major concern state-wide.

Council Member Lammle conveyed his appreciation to public works staff for the grant initiatives and called attention to a recent article in the Sun Post by a resident complimenting city staff. Council Member Elder also conveyed kudos to Shawn Markham.

**RESOLUTION 2010-16
Item 8.1**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION ACCEPTING FUNDING FROM THE MINNESOTA DEPARTMENT OF AGRICULTURE, NOT TO EXCEED \$87,300, TO AID IN THE PLANNING AND PREPARATION FOR THE ARRIVAL OF THE EMERALD ASH BORER."** The motion for the adoption of the foregoing resolution was seconded by Council Member Hoffe, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**CLEAN WATER
FUND
Item 8.2**

Mayor Hemken introduced for discussion Item 8.2, Resolution authorizing a grant application for a loan from the Minnesota Public Facilities Authority's (PFA) Application Clean Water Revolving Fund/Drinking Water Revolving Fund.

Mr. Jason Quisberg, city engineer, stated the loan being applied for would be used towards the Winnetka Avenue improvement project (between Bass Lake Road and 62nd Avenue). He stated the project includes street improvements as well as improvements to the water main system. He stated the cost associated with the water main improvements is eligible for funding through a state loan program. He stated the loan is administered through the Public Facilities Authority (PFA) and Minnesota Department of Health (MDH). He stated the program is known as the Drinking Water Revolving Loan Fund, and the city received written approval that the plan has been certified.

Mr. Quisberg explained the program which would require the city to enter a contract with the PFA and the PFA would acquire a bond to provide the

funding for the water main improvements. He stated the money would be dispersed to the city as needed to cover expenditures, and the city would submit loan payments to the PFA to repay the bond. He noted the loan requires certain additional contract provisions (prevailing wages, Buy American clause, and the Disadvantaged Business Enterprise Certification). He stated the resolution includes a reimbursement statement which allows expenditures to be made prior to execution of the contract. He reviewed the steps taken to date since February 2009 and noted the loan, estimated at \$418,644, is expected to be received this spring.

Mayor Hemken inquired of the interest rate on the loan.

Mr. Quisberg stated the loan cost could range from 1.5 to 3% of the bond.

RESOLUTION 2010-17
Item 8.2

Council Member Elder introduced the following resolution and moved its adoption: **“RESOLUTION AUTHORIZING A GRANT APPLICATION FOR A LOAN FROM THE MINNESOTA PUBLIC FACILITIES AUTHORITY’S (PFA) APPLICATION CLEAN WATER REVOLVING FUND/DRINKING WATER REVOLVING FUND.”** The motion for the adoption of the foregoing resolution was seconded by Council Member Hoffe, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

FARMERS MARKET
Item 8.3

Mayor Hemken introduced for discussion Item 8.3, Motion supporting the submission of a 2009-10 Local Government Innovation Awards Application for the New Hope Farmers Market.

Mr. Curtis Jacobsen, director of community development, stated the Local Government Innovation Awards program is in its fourth year, and is hosted by the Public and Nonprofit Leadership Center in association with the League, Minnesota Counties, and School Districts. He stated the award recognizes outstanding cities, counties, and public schools that have used innovative practices to improve local services. He recommended the Council pass a motion of support.

Mr. Kirk McDonald, city manager, commented that it was Eric Weiss’ idea to apply for the program.

Mayor Hemken boasted regarding the New Hope Farmers Market. She stated all those involved with the Market performed phenomenally.

Council Member Elder stated the Opening Day for the New Hope Community Farmers Market’s second season is June 19, 2010.

MOTION
Item 8.3

Motion was made by Council Member Elder, seconded by Council Member Hoffe, **to support the submission of a 2009-10 Local Government Innovation Awards Application for the New Hope Farmers Market.** All present voted in

favor. Motion carried.

**CDBG FUNDS
Item 8.4**

Mayor Hemken introduced for discussion Item 8.4, Resolution ordering published notice and scheduling public hearing to approve the projected use of funds for the 2010 Urban Hennepin County Community Development Block Grant program.

Mr. Curtis Jacobsen, director of community development, recommended scheduling the public hearing for the allocation of CDBG funds for 2010 be held on February 8, 2010.

Mr. Jacobsen reported that the city is scheduled to receive \$108,747 in CDBG funding which is the same level as 2009. He stated no more than 15% of the funds, or \$16,312.05 can be allocated to public service agencies (PSA). He stated the remaining \$92,434.95 may be allocated to Neighborhood Revitalization Activities (NRA). Mr. Jacobsen noted for the past three years the NRA funding has been allocated to the Housing Rehab program through Hennepin County.

Mr. Jacobsen reviewed last year's PSA funding allocations and noted the deadline for agencies to submit funding requests is February 2.

Council Member Stauner pointed out an inconsistency in the funding amounts outlined in the public hearing notice. Staff advised the notice would be corrected prior to publication.

**RESOLUTION 2010-18
Item 8.4**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION ORDERING PUBLISHED NOTICE AND SCHEDULING PUBLIC HEARING TO APPROVE THE PROJECTED USE OF FUNDS FOR THE 2010 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM."** The motion for the adoption of the foregoing resolution was seconded by Council Member Lammle, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**CIVIL DEFENSE
BOARD
Item 10.1**

Mayor Hemken introduced for discussion Item 10.1, Resolution appointing a council member to the Civil Defense Board.

Mayor Hemken stated Council Member Hoffe served in this capacity from 2005-2008; Council Member Lammle served in this capacity for year 2009.

Mayor Hemken opened the floor for nominations. Council Member Stauner nominated Council Member Lammle. There were no other nominations.

City Manager McDonald reported of his intention to continue working with Council Member Lammle on the CERTS program (Community Emergency

Response Team).

Council Member Lammle noted his intent to try to secure grant funding to implement the CERTS program.

**RESOLUTION 2010-19
Item 10.1**

Council Member Stauner introduced the following resolution and moved its adoption: **“RESOLUTION APPOINTING COUNCIL MEMBER ERIC LAMMLE TO THE CIVIL DEFENSE BOARD.”** The motion for the adoption of the foregoing resolution was seconded by Council Member Hoffe, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**MAYOR PRO TEM
Item 10.2**

Mayor Hemken introduced for discussion Item 10.2, Resolution appointing a council member as mayor pro tem for 2010.

Mayor Hemken stated Council Member Hoffe served as mayor pro tem from April, 2008, through December, 2009. She shared her recommendation at the December work session to rotate the position of mayor pro tem position and recommended the position be held by Council Member Stauner for 2010.

Mayor Hemken opened the floor for nominations. Council Member Hoffe nominated Council Member Stauner for mayor pro tem. There were no other nominations.

**RESOLUTION 2010-20
Item 10.2**

Council Member Hoffe introduced the following resolution and moved its adoption: **“RESOLUTION APPOINTING COUNCIL MEMBER DANIEL STAUNER AS MAYOR PRO TEM FOR 2010.”** The motion for the adoption of the foregoing resolution was seconded by Council Member Elder and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle; and the following voted against the same: None; Abstained: Stauner; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**POLICE PROBATION
PERIOD
Item 10.3**

Mayor Hemken introduced for discussion Item 10.3, Resolution endorsing a bill to amend MSA 44.10 creating a 12-month probation period for peace officers.

Mr. Kirk McDonald, city manager, stated the City Council adopted a resolution at the November 23 Council Meeting authorizing staff to pursue this change in state law. He stated Senator Rest’s office has drafted a bill that would change the probationary period for peace officers to 12 months from the current six months. He pointed out that New Hope and East Grand Forks are the only cities in the state that have the six month probationary period for police officer and both support the legislative change. He also noted the change has the support of the police officers. He explained the 12-month probationary period would benefit the city by giving a longer period of time

to evaluate new hires. Mr. McDonald stated Representative Sandra Peterson's office has been kept informed of the change.

Mr. McDonald stated the bill has been jacketed for presentation to the legislature, and adoption of the resolution will acknowledge the city's support of the bill.

Council Member Elder expressed his gratitude to the police officers' union for supporting the proposed legislation as it will have value to the officers and the city as a whole.

RESOLUTION 2010-21
Item 10.3

Council Member Lammle introduced the following resolution and moved its adoption: **"RESOLUTION ENDORSING A BILL TO AMEND MSA 44.10 CREATING A 12-MONTH PROBATION PERIOD FOR PEACE OFFICERS."** The motion for the adoption of the foregoing resolution was seconded by Council Member Elder, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

ON-SALE LIQUOR
LICENSING
Item 10.4

Mayor Hemken introduced for discussion Item 10.4, Ordinance 2010-01, an ordinance amending Chapter 10 of the New Hope City Code regulating on-sale liquor licensing requirements.

Mr. Curtis Jacobsen, director of community development, reported the Council discussed the proposed ordinance at its work session of December 21, 2009, and supported the changes. He explained the existing on-sale restaurant liquor regulations require businesses meet three standards: 1) minimum \$750,000 capital investment; 2) minimum 2,250 square feet of restaurant seating and bar area; and 3) minimum seating capacity for 150 guests. Mr. Jacobsen stated staff believes the regulations are too stringent in comparison to neighboring cities. He stated the proposed ordinance would eliminate the minimum investment requirement, eliminate the minimum building area requirement, and reduce minimum seating capacity to 30 for a class one restaurant liquor license and to 25 for a wine license.

Mayor Hemken questioned state regulations and inquired of the means to notify the business community.

Mr. Steve Sondrall, city attorney, stated the state statutes are minimum standards and cities can establish more stringent rules for liquor requirements. He also stated the licensing requirements for restaurants must still be met.

Mr. Jacobsen stated the city has had the strict liquor requirements in city code for many years, and it is anticipated that the ordinance changes will attract small sit down restaurants to fill vacant commercial spaces. Mr. Kirk McDonald, city manager, stated the city will use a variety of means to communicate the changes to the business community.

Council Member Stauner pointed out that the code amendments will bring New Hope's code more in line with state statute and remove barriers to attract potential restaurant and bistro businesses.

**ORDINANCE 2010-01
Item 10.4**

Council Member Elder introduced the following ordinance and moved its adoption: "**ORDINANCE NO. 2010-01, AN ORDINANCE AMENDING CHAPTER 10 OF THE NEW HOPE CITY CODE REGULATING ON-SALE LIQUOR LICENSING REQUIREMENTS**" The motion for the adoption of the foregoing ordinance was seconded by Council Member Stauner, and upon vote being taken thereon, the following voted in favor thereof: Hemken, Elder, Hoffe, Lammle, Stauner; and the following voted against the same: None; Abstained: None; Absent: None; whereupon the ordinance was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**UNFINISHED &
ORGANIZATIONAL
BUSINESS**

City Attorney Steve Sondrall requested permission to continue discussion regarding item 7.2. He informed the City Council that he had an opportunity to speak privately with Mr. Eebassar (Rony's Market) and Sgt. Fournier. He stated the City Council has the right to conduct the hearing or to refer the matter to an administrative law judge. Due to the circumstances, he recommended requiring the employees of Rony's Market to undertake the identification training but not to hold the violation against the business. He stated the business would pay for the training but the \$250 penalty would not be charged.

Council Member Elder opposed the recommendation and recounted a similar situation several years ago (the business was required to pay the fine and undergo training, but the incident was not counted as a violation). He stated training is the most important aspect.

Council Members Lammle and Hoffe concurred with Council Member Elder.

Council Member Stauner preferred the city attorney's recommendation as the person operating under the police department misrepresented herself. He stated the city might not prevail an administrative law judge hearing.

Discussion ensued regarding the cost of the hearing and the city attorney noted the costs are to be borne by the requestor (Rony's Market). He stated he could propose payment of the \$250 fine.

Mayor Hemken asked the city attorney or the city clerk to contact Rony's Market to discuss the matter further (require employee training, require payment of \$250 fine, but the sale will not be counted against the business as a violation).

**EXCHANGE OF
COMMUNICATION
Item 12.1**

Mayor Hemken introduced for discussion Item 12.1, Exchange of communication between members of the City Council.

Council Member Elder

- Addressed concerns regarding a January 7 editorial by Paul Wahl, managing editor of Sun Newspapers, regarding suggestions on operations of schools and cities
- Reported that the Farmers Market Board will hold a planning meeting on January 13 at 6:30 pm

Mayor Hemken

- Reported on upcoming meetings/events:
 - January 12 – 7:00 pm Citizen Advisory Commission
 - January 13 – 7:30 am – New Hope Business Forum (Room 117, Winnetka Learning Center – School District update)
 - January 13 - 6:00 pm – West Metro Fire Board
 - January 14 - 12:45 pm – Shingle Creek Watershed Commission meeting
 - January 15 – 6:30 pm – New Hope Police Reserves Annual appreciation banquet
 - January 18 – city offices closed in observance of Martin Luther King Jr. Holiday
 - January 19 – 6:30 pm - City Council work session
 - January 20 – 5:30 pm – North Metro Mayors Board Meeting
 - January 21 – 8:00 am – Twin West Business Council at LDI
 - January 21 – 11:30 am – Bassett Creek Watershed Commission meeting
 - January 23 – 8:30 am – Legislative breakfast (at Crystal City Hall)
 - January 25 – 7:00 pm – City Council Meeting
 - January 28 – 4:00 pm – Minneapolis Water Advisory Board Meeting

ADJOURNMENT

Motion was made by Council Member Lammle, seconded by Council Member Elder, **to adjourn the meeting, as there was no further business to come before the Council.** All present voted in favor. Motion carried. The New Hope City Council adjourned at 8:50 p.m.

Respectfully submitted,



Valerie Leone, City Clerk