

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

City Council Minutes  
Regular Meeting

January 25, 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 which was led by Girl Scout Troop #13342.

**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  
Shari French, Director of Parks & Recreation  
Curtis Jacobsen, Director of Community Development  
Guy Johnson, Director of Public Works  
Rich Johnson, Human Resources Manager  
Valerie Leone, City Clerk  
Gary Link, Director of Police  
Jason Quisberg, City Engineer  
Steve Sondrall, City Attorney

**APPROVAL OF MINUTES**

Motion was made by Council Member Hoffe, seconded by Council Member Lammle **to approve the regular meeting minutes of January 11, 2010**. All present voted in favor. Motion carried.

**OPEN FORUM**

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

**PRESENTATION - APPRECIATION Item 5.1**

Mayor Hemken introduced for discussion Item 5.1, Presentation of Resolution No. 2010-02 expressing appreciation to Diane Stauner for her service as Shingle Creek Watershed Commissioner. The resolution had been approved at the January 11, 2010, Council Meeting.

Mayor Hemken presented the resolution to Ms. Diane Stauner, thanked her for her service, and noted the city is fortunate that Ms. Stauner will likely continue to volunteer in other capacities within the community.

**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. Item 6.4 was 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 Stauner, seconded by Council Member Elder, **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 25, 2010.

**RESOLUTION 2010-22**  
**Item 6.5** Resolution accepting and verifying 2010 Pay Equity Implementation Report.

**CONSENT ITEMS**  
**REMOVED**  
**SIDEWALK**  
**SNOWPLOW**  
**Item 6.4** Mayor Hemken introduced for discussion the consent item removed for discussion, Item 6.4, Resolution authorizing the purchase of equipment and appropriation of funds in the amount of \$131,557.78 for the purchase of a sidewalk snowplow machine and attachments from Scharber & Sons Inc.

Council Member Elder inquired of the age of the existing equipment and whether the purchase could be delayed a year.

Mr. Guy Johnson, director of public works, explained that the current sidewalk snowplow is 10 years old and will be kept as a backup unit. He commented on the benefits of having two sidewalk plows as there are two designated routes. Mr. Johnson spoke of the heavy snowfall and the burden it places on the older machine.

Council Member Hoffe asked Mr. Johnson to comment on the EPA requirement.

Mr. Guy Johnson stated the EPA has mandated the use of "Tier III" diesel engines since 2009. He stated this is an emissions-related requirement of all diesel equipment and increases the cost by approximately \$20,000.

**RESOLUTION 2010-23**  
**Item 6.4** Council Member Elder introduced the following resolution and moved its adoption: **"RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT AND APPROPRIATION OF FUNDS IN THE AMOUNT OF \$131,557.78 FOR THE PURCHASE OF A SIDEWALK SNOWPLOW MACHINE AND ATTACHMENTS FROM SCHARBER & SONS INC."** The motion for the adoption of the foregoing resolution 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 resolution was declared duly passed and adopted, signed by the mayor

**PUBLIC HEARING  
LIQUOR LICENSE –  
VIKING LIQUOR  
Item 7.1**

which was attested to by the city clerk.

Mayor Hemken introduced for discussion Item 7.1, Consideration of an off sale liquor license for LMQ Holdings LLC dba Viking Liquor, Wine & Tobacco, 7141 42<sup>nd</sup> Avenue North.

Mr. Kirk McDonald, city manager, stated Nathan Bigbee has submitted application for an off-sale liquor license for the existing liquor store at 7141 42<sup>nd</sup> Avenue North. He stated Mr. Bigbee and a representative from the police department are in the audience for any questions. Mr. McDonald stated the liquor store is currently owned by Amare Berhie (ATB, LLC dba Viking Liquor, Wine & Tobacco) which opened in July of 2008. He stated Mr. Berhie has notified the city of his intent to relinquish the liquor license to permit consideration of a new license being granted to Nathan Bigbee. Mr. McDonald reported the Council's intentions to reduce the number of off sale establishments through attrition but indicated the Council had previously indicated they would not oppose ownership sales at existing stores. Mr. McDonald indicated the applicant submitted a full application and an investigation conducted by the New Hope Police Department found the applicant to be in good standing.

Mr. McDonald stated the Council may wish to ask the applicant whether he understands the liquor laws and the city's compliance check monitoring process. Also, the Council may want to remind the applicant that he can make a request through the police department for alcohol and tobacco compliance training. This service is offered free of charge through the New Hope police department.

Mr. McDonald advised the Council that the item is a public hearing, and therefore, an opportunity should be provided for comments from the audience. He also advised the Council if they desire to approve the license, a motion should be made to close the hearing followed by another motion to grant the license.

Council Member Elder reported on recent compliance check failures and questioned the means Mr. Bigbee intends to utilize to prevent underage sales.

Mr. Nathan Bigbee was recognized. He stated an electronic identification scanner will be used, and sales cannot be made without scanning customers' IDs. Council Member Elder encouraged Mr. Bigbee to attend the police department's identification training class. Mr. Bigbee acknowledged his intentions to do so.

Mayor Hemken opened the floor for comments. There was no one present in the audience to address the Council for the public hearing.

Council Member Stauner expressed concern regarding Mr. Bigbee's criminal history record for traffic related offenses. He pointed out the need for Mr. Bigbee to exercise good judgment and not sell liquor to impaired customers. It was noted Mr. Bigbee has not had an offense during the past four years. Council Member Stauner advised the applicant of the importance of

complying with city code to retain a liquor license.

Mr. Bigbee confirmed his awareness of city code and his intentions to be a responsible owner.

Mayor Hemken commented regarding the Council's past discussions of reducing the number of off sale establishments in the city. She informed Mr. Bigbee that his application was being considered because the liquor store was already in existence. She wished Mr. Bigbee success in his business.

**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.

**MOTION  
Item 7.1**

Motion was made by Council Member Lammle seconded by Mayor Hemken, **to approve the off sale liquor license for LMQ Holdings LLC dba Viking Liquor, Wine & Tobacco, 7141 42<sup>nd</sup> Avenue North.** All present voted in favor. Motion carried.

**YOUTH SPORTS  
PROGRAM GRANT  
Item 8.1**

Mayor Hemken introduced for discussion Item 8.1, Resolution of agreement between city of New Hope and Hennepin County for a Hennepin Youth Sports Program capital grant.

Mayor Hemken conveyed the Council's gratitude to staff for pursuing grant opportunities.

Ms. Shari French, director of parks and recreation, reported that last fall Hennepin County sought grant applications from local units of government interested in developing facilities for amateur sports or recreation. She stated legislation authorizing the building of the new Twins stadium allows Hennepin County to grant up to \$2 million dollars each grant cycle to Hennepin County communities to create, expand or improve sports or recreational facilities to enhance opportunities for athletics and recreation.

Ms. French explained staff's recommendation to seek grant funds to complete a project to improve the New Hope Athletic Field located at 49<sup>th</sup> and Ensign Avenues North. She stated one reason for this recommendation was the fact that projects receiving a grant needed to be "shovel ready" within the next 6-9 months and preliminary engineering work had already been completed for this project in 2006. She also advised the project is currently included in the 2010 Park CIP listing.

Ms. French stated the city has received formal notification that the grant application for an improvement project for the New Hope Athletic Field complex has been awarded in the amount of \$48,956 which is approximately 50% of the cost of the project, and the remainder of the project cost would be paid by the Parks Infrastructure Fund. She stated the improvements to the New Hope Athletic Field complex will include replacement of the softball/football field irrigation system, infield grading and drainage improvements, and installation of bituminous trail improvements at a total

estimated cost of \$97,891.20.

She stated staff is also seeking authorization for the preparation of plans and specifications for this project which will be presented by the city engineer as Item 8.2.

Council Member Elder requested consideration be given to design the field so that it can accommodate soccer usage as well as football usage. Ms. French advised that staff would explore the concept.

Council Member Stauner questioned whether the project would be constructed directly by the city or through a contractor. Ms. French stated the city will be contracting the work out.

Council Member Stauner pointed out language contained in paragraph 10c on page 4 of the grant agreement which restricts the LGU (local unit of government) from subcontracting the agreement without the county's permission. Mr. Steve Sondrall, city attorney, stated the clause is probably to prevent the city from subcontracting it to another LGU. He stated the matter can be clarified with Hennepin County.

**RESOLUTION 2010-24**  
**Item 8.1**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION OF AGREEMENT BETWEEN CITY OF NEW HOPE AND HENNEPIN COUNTY FOR A HENNEPIN YOUTH SPORTS PROGRAM CAPITAL GRANT."** 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.

**IMP. PROJECT 862**  
**Item 8.2**

Mayor Hemken introduced for discussion Item 8.2, Motion to authorize preparation of plans and specifications for New Hope Athletic Field improvements (project no. 862).

Mr. Jason Quisberg, city engineer, reviewed the scope of the project to address the failing irrigation system and to reduce down time of field usage caused by poor drainage. He stated the project cost, including preparation of plans and specifications, is approximately \$98,000. He stated the improvements were proposed in 2006 but were not completed due to budget constraints. He stated the grant will fund \$48,945 of the project cost.

Mr. Quisberg stated the project could be bid this spring with improvements constructed in August, 2010. He noted the only item requiring additional time would be the irrigation system to ensure its operation at start-up the following spring.

Mayor Hemken reminded the city engineer of the suggestion to design the

project as a dual field for soccer and football.

**MOTION**  
**Item 8.2**

Motion was made by Council Member Elder, seconded by Council Member Hoffe, **to authorize preparation of plans and specifications for New Hope Athletic Field improvements (project no. 862)**. All present voted in favor. Motion carried.

**IMP. PROJECT 839**  
**Item 8.3**

Mayor Hemken introduced for discussion Item 8.3, Resolution declaring cost to be assessed, confirming preparation of proposed assessment, and calling for a public hearing in connection with the 2008 Street Infrastructure Improvement Project No. 839.

Mr. Jason Quisberg, city engineer, stated the resolution sets a public hearing on February 22, 2010, to consider the assessments for the 2008 street infrastructure improvement. He stated the project is complete and final costs are known. He reviewed the properties to be assessed:

New Hope Church:

18-118-21-22-0005, 4401 Independence Ave N

18-118-21-22-0051, 4225 Gettysburg Ave N

18-118-21-22-0008, 4419 Independence Ave N

Holy Trinity Lutheran Church:

18-118-21-22-0038, 4332 Gettysburg Ave N

18-118-21-21-0039, 4240 Gettysburg Ave N

The city engineer and the city attorney explained the city's special assessment policy which requires special assessments to be paid by tax exempt properties. It was noted that New Hope is unique in that it does not assess taxpaying properties for street improvements due to the city's establishment of the street infrastructure levy (taxpaying properties contribute annually to the city's street infrastructure fund).

The policy of requiring commercial properties to pay a higher rate for additional wear and tear of streets was discussed.

Mr. Kirk McDonald, city manager, stated staff has been in contact with the two churches and it appears there will be no objections to the special assessments.

Mr. Steve Sondrall, city attorney, reported that a notice will be published, and the public hearing will be held on February 22, 2010.

**RESOLUTION 10-25**  
**Item 8.3**

Council Member Hoffe introduced the following resolution and moved its adoption: **"RESOLUTION DECLARING COST TO BE ASSESSED, CONFIRMING PREPARATION OF PROPOSED ASSESSMENT, AND CALLING FOR A PUBLIC HEARING IN CONNECTION WITH THE 2008 STREET INFRASTRUCTURE IMPROVEMENT PROJECT NO. 839."** The motion for the adoption of the foregoing resolution 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 resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**TEMPORARY SIGNS  
Item 10.1**

Mayor Hemken introduced for discussion Item 10.1, Ordinance 2010-02, an ordinance amending New Hope Code Section 3-50(j)(2) regulating setback requirements for temporary signs.

Mr. Curtis Jacobsen, director of community development, stated adoption of the ordinance will amend chapter 3 regulating the placement of temporary free standing signs not requiring a permit. He stated the Planning Commission recognizes the city's existing ordinance has been rigorously enforced over the last four years which has become contentious among residents. He stated the ordinance amendments will make New Hope's regulations more in line with sign practices in neighboring cities.

Mr. Jacobsen stated the proposed ordinance would allow temporary signs less than six square feet in size and under three feet in to be placed within two feet of the curb and within the corner sight triangle.

Mayor Hemken inquired whether the change will only impact placement of garage sale signs. Mr. Jacobsen stated temporary signs typically include garage sales signs, open house signs, for sale signs, and other small signs in residential areas that do not require a sign permit.

Council Member Elder expressed his gratitude to the Planning Commission and the Codes and Standards Committee for creating a good end product which will be community friendly and will prevent complaints by residents. Council Member Stauner concurred and noted the sign issue has been a point of contention and staff have been caught in the middle. He stated the ordinance amendment is a positive step.

**ORDINANCE 2010-02  
Item 10.1**

Council Member Elder introduced the following ordinance and moved its adoption: **"ORDINANCE NO. 2010-02, AN ORDINANCE AMENDING NEW HOPE CODE SECTION 3-50(J)(2) REGULATING SETBACK REQUIREMENTS FOR TEMPORARY SIGNS"** 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.

**OFF-LEASH  
DOG PARK  
Item 11.1**

Mayor Hemken introduced for discussion Item 11.1, Motion approving establishment of an off-leash dog park area at Civic Center Park.

Mayor Hemken requested the Council also consider the establishment of Lions Park as an off-leash dog park on a trial basis.

Ms. Shari French, director of parks and recreation, was recognized. She stated the hockey rink at Civic Center Park, located at 44<sup>th</sup> & Xylon avenues, served as a temporary site for an off-leash dog area during 2009. Ms. French stated the Citizen Advisory Commission evaluated the program after the trial period and is recommending establishment of an off-leash dog park on a permanent basis during the spring, summer and fall seasons. She stated the Commission is also recommending Lions Park hockey rink, located at 38<sup>th</sup> & Oregon avenues, be established as an off-leash dog park for a trial basis during 2010. She indicated police and parks and recreation staff are supportive of both recommendations.

Ms. French explained that New Hope does not have any permanent off-leash dog parks in the city whereas a number of the surrounding cities have such facilities. She stated the need for off-leash dog areas was first discussed by the Citizens Advisory Commission in 2004 and discussion was re-initiated in 2008 with hockey rinks in parks as recommended sites. She stated Crystal has successfully established off-leash dog areas in their park hockey rinks.

Ms. French reported on the Citizen Advisory Commission's study and public input process which took place in 2008-09. She stated Civic Center Park's hockey rink was a designated off-leash dog area on a trial basis for 2009, and at the end of the trial period (end of November) residents were asked once again to give their opinion as to the off-leash dog area in the hockey rink at Civic Center Park. She reported that four responses were received and those offering an opinion were supportive of the idea. Ms. French stated the CAC discussed the topic again at their meeting of January 12, 2010, and is making a recommendation to Council to make the designation at Civic Center Park permanent and to open up the hockey rink at Lions Park as an off-leash dog area during 2010 spring, summer, and fall on a trial basis.

She reported that police staff believes existing ordinances are sufficient to deal with any violations and that none occurred during the trial period at Civic Center Park. She stated there have not been any complaints regarding lack of feces removal or noise.

Ms. French stated if the Council supports both recommendations, the motion should be amended accordingly.

The Council acknowledged its appreciation to the CAC for undertaking the study and achieving good results.

Council Member Elder suggested consideration of dog park equipment such as ramps to make the area higher quality. Ms. French indicated the idea will be explored including issues such as cost and equipment storage during winter months.

**MOTION**  
**Item 11.1**

Motion was made by Council Member Hoffe, seconded by Council Member Lammler, **to approve the permanent establishment of an off-leash dog park area at Civic Center Park and a trial basis dog park at Lions Park.** All present

voted in favor. Motion carried.

**EXCHANGE OF  
COMMUNICATION  
Item 12.1**

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

Mayor Hemken

- Reported upcoming meetings/events:
  - January 27 – 6:30 pm – West Metro Fire Joint Powers Agreement committee
  - January 28 – 4:00 pm – Minneapolis Water Advisory Board
  - January 28 – 7:00 pm – District 281 Divestiture Advisory Committee public information meeting at Plymouth Middle School
  - February 1 – 10:00 am – Metropolitan Council State of the Region Address
  - February 2 – 7:30 am – District 281 Government Advisory Council
  - February 6 – 9:00 am – City Council Strategic planning session
  - February 8 – 7:00 pm – City Council Meeting
  - February 9 – 7:30 am – TwinWest/City of New Hope – State of City presentation
  - February 11 – noon – New Hope Crime Prevention Fund 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 7:58 p.m.

Respectfully submitted,



Valerie Leone, City Clerk