

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

City Council Minutes  
Regular Meeting

February 14, 2011  
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  
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 Lammle, **to approve the work session meeting minutes of January 18, 2011.** Voting in favor: Hemken, Hoffe, Lammle, Stauner; Abstained: Elder. Motion carried.

Motion was made by Council Member Elder seconded by Council Member Stauner, **to approve the regular meeting minutes of January 24, 2011.** All present voted in favor. Motion carried.

**OPEN FORUM** There was no one present to address the Council for the Open Forum.

**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. Mr. Kirk McDonald, city manager, reviewed the consent items. Items 6.5, 6.7, and 6.8 were removed for discussion later in the meeting.

**MOTION** Motion was made by Council Member Elder, seconded by Council Member

<b>Consent Items</b>	Hoffe, <b>to approve the remaining Consent items.</b> All present voted in favor. <u>Motion carried.</u>
<b>BUSINESS LICENSES Item 6.1</b>	Approval of business licenses.
<b>FINANCIAL CLAIMS Item 6.2</b>	Approval of financial claims through February 14, 2011.
<b>LIABILITY CLAIMS Item 6.3</b>	Acknowledgement of liability claim no. 2011-07 (Kim Pregler).
<b>RESOLUTION 2011-25 Item 6.4</b>	Resolution authorizing execution of the DataMaster DMT-G with Fuel Cell Option Evidential Breath Tester Instrument Agreement with the Minnesota Department of Public Safety.
<b>RESOLUTION 2011-26 Item 6.6</b>	Resolution accepting a \$105 contribution from Chardon Courts and Woodbridge for the city's Donut Make You Wonder program.
<b>CONSENT ITEMS REMOVED: DOG PARKS Item 6.5</b>	<p>Mayor Hemken introduced for discussion the consent item removed for discussion, Item 6.5, Motion approving establishment of a permanent off-leash dog park area at Lions Park and a temporary off-leash dog area at Liberty Park.</p> <p>Council Member Elder agreed with establishing Lions Park as a permanent off leash dog park area. However, he expressed concern with making Liberty Park a temporary off-leash dog area due to the neighborhood opposition a couple years ago. The rest of the Council concurred and supported seeking neighborhood input again. Council Member Stauner noted since Liberty Park was originally suggested two parks have been tested and assigned permanent dog parks. He noted the success of the other off leash dog parks may help alleviate Liberty Park neighborhood's concerns.</p>
<b>MOTION Item 6.5</b>	Motion was made by Council Member Elder, seconded by Council Member Stauner, <b>to approve establishment of a permanent off-leash dog park area at Lions Park and recommended the Citizens Advisory Commission obtain neighborhood input from Liberty Park neighborhood prior to designating Liberty Park as a trial off leash dog park.</b> All present voted in favor. <u>Motion carried.</u>
<b>STATE AID ROUTES Item 6.7</b>	<p>Mayor Hemken introduced for discussion the consent item removed for discussion, Item 6.7, Resolution designating Sumter Avenue North, from County Road 10 to 58<sup>th</sup> Avenue North, as well as 58<sup>th</sup> Avenue North, from Quebec Avenue North to Pennsylvania Avenue North, as city of New Hope state aid routes.</p> <p>Council Member Stauner questioned the impact to the city's state aid account and how the parking restrictions might impact area businesses.</p>

Mr. Guy Johnson, director of public works, explained the street project proposed by the city of Crystal to widen 58<sup>th</sup> avenue to 32-feet, and the city's practice of sharing street resurfacing costs for boundary streets. He stated staff is recommending the west half of Sumter Avenue, between Bass Lake Road and 58<sup>th</sup> Avenue, as well as 58<sup>th</sup> Avenue, between Quebec to Pennsylvania, be established as state aid roads. He stated the city has unused credits from the state aid office that can be used for this designation. He stated the city is allotted 12.87 miles for state aid streets but has only been using 12.7 miles. Mr. Johnson explained that designation of this street as a state aid roadway will allow the city to use state aid funds for its share of the street reconstruction work which is estimated to be \$40,000.

Mr. Johnson also explained the parking restrictions (item 6.8) on the west side of Sumter would impact three properties (Wincrest Apartments, Winnetka Townhomes, and Kapala-Glodek-Malone Funeral Home). He stated all three properties have parking lots on site and could utilize the east side of Sumter for on-street parking.

**RESOLUTION 2011-27**  
**Item 6.7**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION DESIGNATING SUMTER AVENUE NORTH, FROM COUNTY ROAD 10 TO 58<sup>TH</sup> AVENUE NORTH, AS WELL AS 58<sup>TH</sup> AVENUE NORTH, FROM QUEBEC AVENUE NORTH TO PENNSYLVANIA AVENUE NORTH, AS CITY OF NEW HOPE STATE AID ROUTES."** 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.

**PARKING**  
**RESTRICTIONS**  
**Item 6.8**

Mayor Hemken introduced for discussion the consent item removed for discussion, Item 6.8, Resolution relating to parking restrictions on Sumter Avenue North.

**RESOLUTION 2011-28**  
**Item 6.8**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION RELATING TO PARKING RESTRICTIONS ON SUMTER AVENUE NORTH."** 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.

**PUBLIC HEARING**  
**CDBG FUNDS**  
**Item 7.1**

Mayor Hemken introduced for discussion Item 7.1, Resolution approving proposed use of 2011 Urban Hennepin County Community development Block Grant Funds and authorizing execution of sub-recipient agreement with Hennepin County and any third party agreements.

Mr. Curtis Jacobsen, director of community development, explained the city's

allocation of \$117,162 in CDBG funds which can be allocated to funds that meet requirements set forth by the Department of Housing and Urban Development. He spoke of the proposals at the federal level that could impact the CDBG program by reducing or eliminating all funding. He stated the Council is being asked to make a determination based on the current funding. He stated staff would make a presentation at a later date if the city's allocation changes. Council Member Stauner recommended staff prepare a contingency plan for funding.

Mr. Jacobsen reviewed funding requests and staff recommendations to various programs:

<u>Agency</u>	<u>Request</u>	<u>Recommendation</u>
Five Cities Sr. Transportation	\$13,700.00	\$13,700.00
CAPSH	2,000.00	1,292.00
HOME Line	4,000.00	1,291.30
Sr. Community Services	2,262.00	1,291.00
New Hope Scattered Site Housing Program	<u>99,587.70</u>	<u>99,587.70</u>
Total	\$121,549.70	\$117,162.00

Mr. Rita DeBruyn, Five Cities Sr. Transportation, was recognized. She reported that during 2010 there were 127 New Hope residents who used the transportation 2,161 times. She noted rider fares covered 19% of the program costs in 2010. Ms. DeBruyn responded to Council Member Stauner's inquiry about the joint powers agreement entered in 1985. She stated each of the five cities is to contribute equal amounts. She stated any funding deviation would require renegotiation of the joint powers agreement.

The Council spoke of the important service provided by the Five Cities Sr. Transportation program.

The following representatives of other agencies also addressed the Council and explained various programs offered to the community: Diane Anastos, CAPSH; Tracy Goodwrench, HOME Line; Kitty Engle, Senior Community Services.

The Council spoke of the difficulty in making funding decisions as all programs are worthy.

**CLOSE HEARING**  
**Item 7.1**

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

**RESOLUTION 2011-29**  
**Item 7.1**

Council Member Elder introduced the following resolution and moved its adoption: **"RESOLUTION APPROVING PROPOSED USE OF 2011 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND AUTHORIZING EXECUTION OF SUB-RECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY THIRD PARTY AGREEMENTS."** 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.

## **IMP. PROJECT 883**

### **Item 8.1**

Mayor Hemken introduced for discussion Item 8.1, Resolution providing for a public hearing on proposed city improvement project no. 883 (Boone Avenue improvements 2011).

Mr. Jason Quisberg, city engineer, explained the area for the proposed improvements on Boone Avenue between 42nd and 49<sup>th</sup> Avenues. He noted the area between 49<sup>th</sup> to the railroad tracks was eliminated to reduce the water main construction costs.

Mr. Quisberg stated the project includes reclamation of streets, spot replacement of curb and sidewalk, and spot replacement of water main, storm sewer, and sanitary sewer improvements.

He stated the estimated project cost is \$1.29 million of which \$921,000 is eligible for state aid funding. He stated the state aid fund will cover 71% of the project; storm water fund 7%, sewer fund less than 1%, water fund 11%, and assessments 11%. Mr. Quisberg stated the four assessable properties include 4800 Boone, 4741 Zealand, 4217 Boone, and 4201 Boone.

Mr. Quisberg explained the project could begin this summer with substantial completion occurring by fall. He stated adoption of the resolution would set the public hearing for March 14.

Mayor Hemken acknowledged Boone Avenue between 42<sup>nd</sup> to 49<sup>th</sup> is in dire need of repairs.

Council Member Stauner spoke of the low balance in the water fund account. He thanked staff for exploring funding options and noted although bonding is an option, he would not support assuming additional debt.

Mr. Steve Sondrall, city attorney, pointed out the resolution and notice in the agenda packet will be modified to reflect the reduced scope of the project and reduced costs.

## **RESOLUTION 2011-30**

### **Item 8.1**

Council Member Hoffe introduced the following resolution and moved its adoption: **“RESOLUTION PROVIDING FOR A PUBLIC HEARING ON PROPOSED CITY IMPROVEMENT PROJECT NO. 883 (BOONE AVENUE IMPROVEMENTS 2011).”** 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.

**IMP. PROJECT 883**  
**Item 8.2**

Mayor Hemken introduced for discussion Item 8.2, Resolution relating to financing of certain proposed expenditures relating to reconstruction of streets, water mains, sanitary sewers and storm sewers; establishing compliance with reimbursement bond regulations under the internal revenue code (2011 Boone Avenue improvement project no. 883).

Mr. Kirk McDonald, city manager, stated adoption of the resolution would allow the city to reimburse itself with bonds in the future if deemed necessary. He stated decisions on financing is not required at this time, but it is prudent to keep all options open.

The Council commented on New Hope's "pay as you go" philosophy.

Mr. Steve Sondrall, city attorney, noted the resolution would be amended to reflect the lower proposed amount of debt.

**RESOLUTION 2011-31**  
**Item 8.2**

Council Member Elder introduced the following resolution and moved its adoption: **"RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED EXPENDITURES RELATING TO RECONSTRUCTION OF STREETS, WATER MAINS, SANITARY SEWERS AND STORM SEWERS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE (2011 BOONE AVENUE IMPROVEMENT PROJECT NO. 883)."** 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.

**2011 TAHOE**  
**Item 9.1**

Mayor Hemken introduced for discussion Item 9.1, Resolution authorizing the purchase of equipment and appropriation of funds in the amount of \$41,354.45 for the purchase and setup of one 2011 Chevrolet Tahoe police vehicle.

Mr. Kirk McDonald, city manager, stated the request is a routine 2011 CIP purchase. He indicated last month the Council approved the purchase of a Tahoe to replace the vehicle used for scaling heavy vehicles. The current request is to replace the 2005 marked K-9 squad that has over 100,000 miles.

Council Member Elder noted the importance of vehicle replacement.

Mr. Guy Johnson, director of public works, explained that a large portion of the purchase is due to the set up costs for the kennel. He stated due to the changes in the Tahoe's design between model year 2005 and 2011, much of the kennel portion of the current K-9 unit cannot be re-used.

Council Member Lammle questioned the additional vehicles planned for

replacement. Mr. Johnson indicated two more squads are scheduled for replacement, and staff hopes the state contract will contain a GM vehicle. Mr. McDonald commented that staff will be reviewing public works, parks and recreation, and central garage purchases at a future council work session.

**RESOLUTION 2011-32  
Item 9.1**

Council Member Lammle introduced the following resolution and moved its adoption: **“RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT AND APPROPRIATION OF FUNDS IN THE AMOUNT OF \$41,354.45 FOR THE PURCHASE AND SETUP OF ONE 2011 CHEVROLET TAHOE POLICE VEHICLE.”** 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.

**APPOINTMENTS  
Item 11.1**

Mayor Hemken introduced for discussion Item 11.1, Motion appointing Eric Skalland to Planning Commission; Nick Peterson to Human Rights Commission; and Al Sarvi to Citizens Advisory.

Mayor Hemken noted the Council held commission interviews preceding the regular council meeting. The Council thanked all applicants for their interest in the city.

**MOTION  
Item 11.1**

Motion was made by Council Member Lammle, seconded by Council Member Hoffe, **to appoint Eric Skalland to Planning Commission; Nick Peterson to Human Rights Commission; and Al Sarvi to Citizens Advisory.** Voting in favor: Hemken, Elder, Hoffe, Stauner; Abstained: Lammle. 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

Announced upcoming events:

- Feb. 16 • TOD City Center study open house at Sonnesyn Elementary  
7 pm
- Feb. 17 • NW Cable Commission 7:30 am
- Bassett Creek Watershed Commission 11:30 am
- Feb. 21 • Presidents’ Day – city offices closed
- Feb. 22 • Council work session 6/6:30 pm
- Feb. 28 • City Council meeting 7 pm
- March 1 • District 281 Gov. Advisory Council 7:30 am
- No planning commission meeting
- March 2 • TOD City Center study open house at golf course club house  
7 pm

Council Member Stauner:

- Commended Human Rights Commission for sponsoring the well

attended "Know Your Neighbor" event on February 10

Council Member Elder:

- Announced many events are being planned for the 2011 Community Farmers Market that opens June 18

**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 8:20 p.m.

Respectfully submitted,



Valerie Leone, City Clerk  
City Clerk