

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

City Council Minutes  
Regular Meeting

March 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  
Shari French, Director of Parks & Recreation  
Curtis Jacobsen, Director of Community Development  
Guy Johnson, Director of Public Works  
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 Stauner seconded by Council Member Lammle, **to approve the work session meeting minutes of February 22, 2011.** All present voted in favor. Motion carried.

Motion was made by Council Member Hoffe seconded by Council Member Elder, **to approve the regular meeting minutes of February 28, 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. Item 6.10 was removed for discussion later in the meeting.

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

<b>Consent Items</b>	Lammle, <b>to approve the remaining Consent items.</b> All present voted in favor. <u>Motion carried.</u>
<b>FINANCIAL CLAIMS Item 6.2</b>	Approval of financial claims through March 14, 2011.
<b>RESOLUTION 2011-39 Item 6.4</b>	Resolution approving agreement with Off Broadway Musical Theatre.  Council Member Stauner suggested exploring a coordinated effort with the Farmers Market to promote the musical production.
<b>RESOLUTION 2011-40 Item 6.5</b>	Resolution approving contract with Reliakor Services Inc. for 2011 street sweeping services.  Council discussed the importance of sweeping streets prior to spring rainfalls to collect winter sand/salt operations which impact water quality.
<b>RESOLUTION 2011-41 Item 6.6</b>	Resolution approving contract with Reliakor Services Inc. for disposal of debris collected during spring 2011 street sweeping operation.
<b>MOTION Item 6.7</b>	Motion to waive the permit fee for temporary signs for New Hope Lions Club's annual pancake breakfast to be held on April 17, 2011.
<b>RESOLUTION 2011-42 Item 6.8</b>	Resolution approving final payment of \$4,959.60 to Veit & Company Inc. for the sanitary sewer pipe relining project (improvement project no. 885).
<b>RESOLUTION 2011-43 Item 6.9</b>	Resolution approving change order no. 1 for the Bass Lake Road water main infrastructure improvement project (improvement project no. 861).
<b>CONSENT ITEMS REMOVED IMP. PROJECT 861 Item 6.10</b>	Mayor Hemken introduced for discussion the consent item removed for discussion, item 6.10, Resolution approving change order no. 2 for the Bass Lake Road water main infrastructure improvement project (improvement project no. 861).  City Engineer Quisberg explained the original contract proposal did not include provisions for state prevailing wage rates.  Council Member Stauner expressed his opinion that the contractor should have known it was a state aid project and should bear the costs for all wages.  Mr. Quisberg explained that extensive discussions were held with Northland Construction, the contractor, and the state aid office. He stated the contractor has the support of the state office.
<b>RESOLUTION 2011-44 Item 6.10</b>	Council Member Elder introduced the following resolution and moved its adoption: <b>"RESOLUTION APPROVING CHANGE ORDER NO. 2 FOR THE BASS LAKE ROAD WATER MAIN INFRASTRUCTURE IMPROVEMENT PROJECT (IMPROVEMENT PROJECT NO. 861)."</b> 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; and the following voted against the same: Stauner; 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  
IMP. PROJECT 883  
Item 7.1**

Mayor Hemken introduced for discussion item 7.1, Resolution ordering construction, approving plans and specifications and ordering advertisement for bids for public improvement no. 883 (Boone Avenue improvements 2011).

Mr. Jason Quisberg, city engineer, stated the Boone Avenue project includes street, water main, and storm sewer improvements. He explained the project is divided into part 1 (42<sup>nd</sup> to 46<sup>th</sup> Avenue) and part 2 (46<sup>th</sup> to 49<sup>th</sup> Avenue) for bidding purposes. Mr. Quisberg stated the estimated project cost is \$1.1 million with the majority of the expense for street improvements. He indicated the city's current state aid account balance is \$1.6 million of which \$858,000 will be used for the project.

He reviewed the proposed project timeline.

Mayor Hemken opened the floor for public comments.

Mr. Dave Rodquist, New Hope Church, was recognized. He indicated New Hope Church will be assessed for two properties in the project area. Mr. Rodquist explained the use of the properties and spoke of the good relationship with the city. He stated the church paid \$118,000 in 2010 for assessments for the Gettysburg Avenue project. He commented on the negative impact to the church's budget but acknowledged as a non-profit entity the assessment is the church's fair share for infrastructure improvements. He asked that the city continue to provide the highest quality product at the lowest possible cost (as was done with the Gettysburg Avenue project). He questioned the front footage measurements. He also inquired whether the project will involve any change in elevation as the sidewalk at 4217 Boone differs from the street elevation.

City Engineer Quisberg explained that the front footage is based on the county records. He stated there is no plan to change the street grade but noted problem areas could be reviewed. He encouraged church staff to discuss the situation with the city if the project is ordered. Mr. Quisberg also explained that the estimated assessment costs could change based on the bids.

Council Member Lammler thanked Mr. Rodquist for his comments.

No one else addressed the Council for the public hearing.

**CLOSE PUBLIC  
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.

City Attorney Sondrall indicated the resolution will be revised to reflect

advertisement of the project in the Finance and Commerce publication instead of the Construction Bulletin.

Council Member Stauner requested the city engineer to ensure the contract contains all provisions regarding prevailing wage rates since state aid funds will be utilized for the project.

Council Member Stauner commented on his previous concerns regarding the costs to be borne by the Water Fund. He noted he is convinced that the city can adequately fund the project.

**RESOLUTION 2011-45**  
**Item 7.1**

Council Member Stauner introduced the following resolution and moved its adoption: **“RESOLUTION ORDERING CONSTRUCTION, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR PUBLIC IMPROVEMENT NO. 883 (BOONE AVENUE IMPROVEMENTS 2011).”** 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 871**  
**Item 8.1**

Mayor Hemken introduced for discussion Item 8.1, Resolution approving plans and specifications and authorizing advertisement for bids for Lions Park renovation project (improvement project no. 871).

Mr. Jason Quisberg, city engineer, reviewed the proposed improvements which include a new play equipment container, play equipment (previously bid), parking lot sealcoat and lighting, and trail improvements.

Mr. Quisberg noted grant applications were submitted twice for the Hennepin County Youth Sports Grant which would have expanded the project but unfortunately the city was not awarded the grant.

He explained the parking lot lighting will be bid as an alternate. He stated the base bid (play area container, bituminous trail and concrete walk, and water fountain) is estimated at \$106,250, and Alternate 1 (parking lot lighting) is estimated at \$25,000.

Mr. Quisberg reported that bids would be presented to Council on April 25.

Council Member Elder relayed the Council’s gratitude to the neighborhood for their input.

Mr. Kirk McDonald, city manager, commented that funding options have been identified for the parking lot lighting improvements.

**RESOLUTION 2011-46**  
**Item 8.1**

Council Member Elder introduced the following resolution and moved its adoption: **“RESOLUTION APPROVING PLANS AND SPECIFICATIONS**

**AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR LIONS PARK RENOVATION PROJECT (IMPROVEMENT PROJECT NO. 871)."** 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.

**5121 WINNETKA  
Item 8.2**

Mayor Hemken introduced for discussion Item 8.2, Resolution accepting Metropolitan Livable Communities Act grant funds in the amount of \$433,150 and approving grant agreement for cleanup funds to be used at 5121 Winnetka Avenue North.

Mr. Curtis Jacobsen, director of community development, stated the property owner, Hillcrest Development, LLP, and the city worked collaboratively to submit a grant application for contamination cleanup at 5121 Winnetka. He explained that the site contains a significant amount of lead contamination from the building's previous occupant. Mr. Jacobsen indicated a grant of \$443,150 was awarded by the Metropolitan Council.

Mr. Jacobsen stated the city will act as the developer's fiscal agent/pass-through agency to administer the grant dollar. He stated no city funding is required.

Council Member Elder conveyed the city's gratefulness that Hillcrest Development acquired the property. He also thanked city inspectors and fire personnel for educating the new business on various code and building issues.

**RESOLUTION 2011-47  
Item 8.2**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION ACCEPTING METROPOLITAN LIVABLE COMMUNITIES ACT GRANT FUNDS IN THE AMOUNT OF \$433,150 AND APPROVING GRANT AGREEMENT FOR CLEANUP FUNDS TO BE USED AT 5121 WINNETKA AVENUE NORTH."** 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.

**GOLF CART  
Item 9.1**

Mayor Hemken introduced for discussion Item 9.1, Resolution authorizing the purchase and appropriation of funds of \$5,836.17 for a utility golf cart for the Golf Course from Yamaha Golf and Utility.

Mr. Kirk McDonald, city manager, stated \$10,000 was budgeted in the 2011 CIP for purchase of the golf cart. He stated the normal life expectancy is five years and the vehicle is eight years old. He stated the low quote of \$5,836.17 submitted

by Yamaha Golf and Utility was substantially lower than the budgeted amount.

**RESOLUTION 2011-48**  
**Item 9.1**

Council Member Elder introduced the following resolution and moved its adoption: **“RESOLUTION AUTHORIZING THE PURCHASE AND APPROPRIATION OF FUNDS OF \$5,836.17 FOR A UTILITY GOLF CART FOR THE GOLF COURSE FROM YAMAHA GOLF AND UTILITY.”** 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.

**ESTABLISH**  
**FINDINGS OF FACT**  
**Item 10.1**

Mayor Hemken introduced for discussion Item 10.1, Resolution establishing findings of fact and conclusions of law relating to request for therapeutic massage enterprise license and therapeutic massage therapist license for property at 2763 Winnetka Avenue North and denying request (Huan Zhong Pan, applicant).

Mr. Steve Sondrall, city attorney, stated Items 10.1, 10.2, and 10.3 relate to applications for therapeutic massage licenses at 2763 Winnetka Avenue North.

Mr. Sondrall explained that the police department conducted extensive background investigations and misrepresentation was discovered. He stated a regulatory body of therapeutic massage informed the city that the school listed on the applicants’ training certificates had been suspended. Mr. Sondrall also indicated the police department’s investigation revealed on-line advertisement of inappropriate activity at the premises. He stated based on these two issues staff is recommending denial of the licenses.

Discussion ensued regarding closure of the business. Mr. Sondrall commented regarding possible language barriers and the need for an interpreter. It was determined that operations should immediately terminate upon notification of the Council’s decision regarding non-issuance of the license.

Mr. Gary Link, director of police, indicated he has conferred with the city clerk, and the police department will assist with delivering a formal letter to the business owner.

Council Member Lammle inquired of the implications of Council’s action and whether the applicant could be considered for a license if he submitted the required training documents in the future.

Mr. Sondrall stated any future application would require a separate review.

**RESOLUTION 2011-49**  
**Item 10.1**

Council Member Elder introduced the following resolution and moved its adoption: **“RESOLUTION ESTABLISHING FINDINGS OF FACT AND**

**CONCLUSIONS OF LAW RELATING TO REQUEST FOR THERAPEUTIC MASSAGE ENTERPRISE LICENSE AND THERAPEUTIC MASSAGE THERAPIST LICENSE FOR PROPERTY AT 2763 WINNETKA AVENUE NORTH AND DENYING REQUEST (HUAN ZHONG PAN, APPLICANT)."** 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.

**ESTABLISH  
FINDINGS OF FACT  
Item 10.2**

Mayor Hemken introduced for discussion Item 10.2, Resolution establishing findings of fact and conclusions of law relating to request for therapeutic massage therapist license for property at 2763 Winnetka Avenue North and denying request (Jing Wang, applicant).

**RESOLUTION 2011-50  
Item 10.2**

Council Member Elder introduced the following resolution and moved its adoption: **"RESOLUTION ESTABLISHING FINDINGS OF FACT AND CONCLUSIONS OF LAW RELATING TO REQUEST FOR THERAPEUTIC MASSAGE THERAPIST LICENSE FOR PROPERTY AT 2763 WINNETKA AVENUE NORTH AND DENYING REQUEST (JING WANG, APPLICANT)."** The motion for the adoption of the foregoing resolution was seconded by Council Member Lammler, 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.

**ESTABLISH  
FINDINGS OF FACT  
Item 10.3**

Mayor Hemken introduced for discussion Item 10.3, Resolution establishing findings of fact and conclusions of law relating to request for therapeutic massage therapist license for property at 2763 Winnetka Avenue North and denying request (Yu Zhen Peng, applicant).

**RESOLUTION 2011-51  
Item 10.3**

Council Member Elder introduced the following resolution and moved its adoption: **"RESOLUTION ESTABLISHING FINDINGS OF FACT AND CONCLUSIONS OF LAW RELATING TO REQUEST FOR THERAPEUTIC MASSAGE THERAPIST LICENSE FOR PROPERTY AT 2763 WINNETKA AVENUE NORTH AND DENYING REQUEST (YU ZHEN PENG, APPLICANT)."** 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.

**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:

- March 16 • New Hope Business Networking Group, New Hope Golf Course (2 pm)
- March 17 • Twin West Business Council (11:30 am)
- March 21 • City Council Work Session (6:30 pm)
- March 28 • City Council Meeting (7:00 pm)
- April 14 • Board of Appeal & Equalization (7:00 pm)

**ADJOURNMENT**

Motion was made by Council Member Elder, seconded by Council Member Lammle, **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 8:17 p.m.

Respectfully submitted,



Valerie Leone  
City Clerk