

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

City Council Minutes
Regular Meeting

August 9, 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
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
Steve Sondrall, City Attorney
Eric Weiss, Community Development Assistant

APPROVAL OF MINUTES

Motion was made by Council Member Stauner, seconded by Council Member Hoffe, **to approve regular meeting minutes of July 26, 2010**. All present voted in favor. Motion carried.

OPEN FORUM

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

PRESENTATIONS BUSINESS AWARD Item 5.1

Mayor Hemken introduced for discussion Item 5.1, Presentation of the Summer 2010 New Hope Outstanding Business Award to North Central Builders.

Mr. Kirk McDonald, city manager, stated there are over 400 businesses in New Hope, and the purpose of the Outstanding Business Award is to recognize the contributions of New Hope businesses to the community and to encourage other businesses to rise to the excellence achieved by recipients.

Mr. McDonald stated North Central Builders is a siding and window company located at 7401 42nd Avenue North that has been in business since 1974. He stated the company was nominated for the award by Mark Jennings of Frattalone's Ace Hardware.

Mr. Frank Wattunen and Mr. Larry Kraatz, owners of the company, were recognized to accept the award. Mr. Wattunen expressed their gratitude to their customers and the referral business throughout the years.

**PRESENTATIONS
RAVE! AWARD
Item 5.2**

Mayor Hemken introduced for discussion Item 5.2, Presentation of the 2010 RAVE! Awards.

Mr. Eric Weiss, community development assistant, explained the annual program was adopted in 2006 as a way to promote well-maintained properties. He stated in 2008 the program the program was expanded to include an engraved paver for award recipients to place in their yard. He also noted in 2009 the name was changed to the RAVE! Award. He reviewed the award categories and announced the award recipients:

- **Garden:** 5242 Quebec Ave – Joan and Bob Sable
- **Landscaping:** 9432 Northwood Pkwy – Quan Truong family
- **Exterior Renovation:** 3639 Jordan Cir – Tom Christensen family
- **Interior Renovation:** 8009 38 1/2 Ave – Robyn Majestic and Dan Rudie

The Council congratulated the residents and nominees. The Council also conveyed their gratitude to the judging panel for volunteering their time: Joyce Sievert, Al Anderson, Carol Friesen, Alice and Gary Blumenschein.

Mr. Weiss stated in addition to the engraved stone for display in the yard or wall plaque, the award recipients will have their names engraved on a plaque at city hall, and recognition articles and photographs will be included in city publications and the Sun Post.

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.

**MOTION
Consent Items**

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

**FINANCIAL CLAIMS
Item 6.2**

Approval of financial claims through August 9, 2010.

**WAIVE TENT FEE
Item 6.4**

Motion to approve waiving the tent permit fee for Off Broadway Musical Theatre for the 40-year gala celebration held on August 1, 2010.

**RESOLUTION 2010-115
Item 6.5**

Resolution approving the Lead Service Agreement with Best Technology Systems, Inc. for the 2011-13 firearms range cleaning and decontamination - \$8,690 a year maximum (\$10,950 maximum in 2013 for deceleration chamber

cleaning).

**RESOLUTION 2010-116
Item 6.6**

Resolution approving agreement with Meggitt Training Systems for the 2011 and 2012 firearms range maintenance agreement - \$1,785.

**RESOLUTION 2010-117
Item 6.7**

Resolution authorizing the purchase of equipment and appropriation of funds for \$6,559.98 for the purchase of a walk behind paint striper from Earl F. Anderson, Inc.

**TOBACCO
COMPLIANCE CHECK
Item 7.1**

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

Mr. Kirk McDonald, city manager, explained that the police department conducted compliance checks on July 8 and 10, 2010. He stated out of 22 businesses, only one establishment, Winnetka Marathon, 7900 Bass Lake Road, failed the tobacco compliance check. He stated the licensee has been notified of the required appearance before the city council.

Mr. Dean Showalter representing Winnetka Marathon was recognized. He stated his position to deny the allegations that they failed to check the customer's identification. He requested a formal hearing before the city council.

Mr. Steve Sondrall, city attorney, indicated staff would contact Mr. Showalter regarding his rights to a hearing.

**LIQUOR
COMPLIANCE
CHECKS
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 July 8 and 10, 2010, by the Police Department. He reported out of 18 businesses, there were three failures. He indicated the City Clerk has notified all affected licensees of tonight's required appearance to admit or deny the allegations. He stated failure to appear at the meeting is admission of the illegal sale.

The Council called upon the licensees:

Mr. Abboud Abboud of Liquor and Tobacco World, 4225 Winnetka (off sale intoxicating), was recognized. He admitted to the illegal sale and explained the clerk checked the customer's identification but made a mistake in the age. He expressed his regrets and apologized for the incident. He noted the incident was the business' first compliance check failure.

Mayor Hemken provided Mr. Abboud with a Notice of Violation outlining the administrative fine.

There was no one present from Tienda Mexico Supermercado, 4361 Winnetka (off sale 3.2 beer). It was noted the business has changed ownership and although it is no longer selling off sale beer, the new owner is required to pay

the administrative fine.

Ms. Shari French, director of parks and recreation, was recognized. She explained the unfortunate incident of the compliance check failure at New Hope Village Golf, 8130 Bass Lake Road (on-sale 3.2 beer) and reported on steps taken including identification training for all golf course employees.

Mayor Hemken explained the golf course will be required to pay the administrative fine in the same manner as other businesses who failed the compliance checks. She provided Ms. French with a Notice of Violation.

Council Member Lammle expressed the Council's gratitude to the businesses who appeared before Council regarding the compliance check process

**MOTION
Item 7.2**

Motion was made by Council Member Elder, seconded by Council Member Lammle, **to impose fines per city code.** All present voted in favor. Motion carried.

**PUBLIC HEARING
LIQUOR LICENSE
CINEMA GRILL
Item 7.3**

Mayor Hemken introduced for discussion Item 7.3, Consideration of an on-sale intoxicating liquor license and Sunday Sales license for Fuhrmann Entertainment, LLC, dba New Hope Cinema Grill, 2749 Winnetka Avenue North.

Mr. Kirk McDonald, city manager, stated in September of 2009 the applicant was granted an on-sale wine license for the existing business at 2749 Winnetka when the business was sold by Erick Kitchen to Timothy Sean Fuhrmann. He stated Mr. Fuhrmann worked at Cinema Grill for 10 years prior to assuming ownership, and he is knowledgeable of the business operations and liquor sales. He explained the business meets the definition of a "restaurant" and is eligible for an on-sale liquor license. The background investigation was conducted by Investigator Tony Loser of the New Hope Police Department, and the applicant has been found to be in good standing. Mr. Fuhrmann is aware of the liquor laws and the city's compliance check monitoring process. He stated the intoxicating liquor license and Sunday sales license fees will be pro-rated for 2010.

Mr. Sean Fuhrmann was recognized. He thanked the city council for recent code changes relating liquor licensing (elimination of minimum investment requirements).

Mayor Hemken pointed out the dimly lit theatre and how Cinema Grill employees can check identification for liquor sales. Mr. Fuhrmann stated employees are required to carry flashlights.

The Council congratulated Mr. Fuhrmann on his new ventures and wished him well.

**CLOSE PUBLIC
HEARING
Item 7.3**

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

MOTION
Item 7.3

Motion was made by Council Member Elder, seconded by Council Member Lammle, **to approve the on-sale intoxicating liquor license and Sunday Sales license for Fuhrmann Entertainment, LLC, dba New Hope Cinema Grill, 2749 Winnetka Avenue North.** All present voted in favor. Motion carried.

MAYOR/COUNCIL
SALARIES
Item 10.3

Mayor Hemken introduced for discussion Item 11.1, Discussion regarding Mayor and Council Member salaries for 2011 and 2012.

Mr. Kirk McDonald, city manager, stated per Minnesota Statute 415.11 there can be no change in council members' salary until after the next succeeding municipal election. He stated the Council's annual salary is \$7,552 for council members and \$10,673 for the mayor. He noted the salary has remained unchanged since 2002. He explained that action must be taken prior to the General Election in November if the Council desires to increase mayor and council member salaries.

Following discussion, the Council unanimously declined an increase in Council salaries for years 2011 and 2012.

MOTION
Item 10.3

Motion was made by Council Member Elder, seconded by Council Member Lammle, **to continue the salary freeze for council salaries for years 2011 and 2012.** 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.

Council Member Elder

- Congratulated Plymouth New Hope Little League for playing in the regional trials for Little League World Series in Indianapolis
- Thanked city staff and all attendees of the July 31 City Day open house to show case the city. Also noted over 2,000 people attended public safety day at the community farmers market.

Council Member Hoffe

- Thanked Off Broadway Musical Theatre for the summer performances

Council Member Lammle

- Encouraged residents to vote on August 10 and to be aware that Precinct 6 polling location has changed from Hosterman School to Cooper High School Community Gyms

Mayor Hemken

- Announced upcoming events:
 - August 10
 - Primary Election – polls open from 7 a.m. – 8 p.m.
 - Safety Camp starts
 - Blood Drive (2:00-5:30 p.m.)
 - August 11
 - New Hope Business Forum at city hall at 8 am
 - Lions Club Corn Feed (4:30-8:00 p.m.)
 - City Center TOD Study Session (6:30 p.m.)
 - Augusts 12
 - Shingle Creek Watershed (12:45 p.m.)
 - Safety camp graduation (5:00 p.m.)
 - August 14
 - Farmers Market (8:00 am – 1:00 p.m.)

- August 16 • Council work session (6:30 p.m.)
- August 17 • Community meeting by District 287 at Winnetka Learning Center regarding Hosterman site (6:30 p.m.)
- August 18 • Mayors Prayer Breakfast Committee meeting (7:30 am)
- August 19 • Twin West Business Council (7:30 am)
- Bassett Creek Watershed (11:30 am)
- Minneapolis Water Advisory Board (4:00 p.m.)
- August 21 • Farmers Market (8:00 am – 1:00 p.m.)
- August 23 • City Council Meeting (7:00 p.m.)

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 7:45 p.m.

Respectfully submitted,



Valerie Leone, City Clerk