

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

City Council Minutes  
Regular Meeting

August 23, 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  
Andy Hoffe, Council Member  
Daniel Stauner, Council Member

Council absent: John Elder, Council Member  
Eric Lammle, Council Member

Staff present: Kirk McDonald, City Manager  
Jim Corbett, Facilities Manager  
Shari French, Director of Parks & Recreation  
Curtis Jacobsen, Director of Community Development  
Valerie Leone, City Clerk  
Steve Sondrall, City Attorney

**APPROVAL OF MINUTES**

Motion was made by Council Member Stauner, seconded by Council Member Hoffe, **to approve regular meeting minutes of August 9, 2010**. Voting in favor: Hemken, Hoffe, Stauner; voting against: None; Absent: Elder, Lammle; Abstained: None. Motion carried.

Motion was made by Council Member Hoffe, seconded by Council Member Stauner, **to approve work session meeting minutes of August 16, 2010**. Voting in favor: Hemken, Hoffe, Stauner; voting against: None; Absent: Elder, Lammle; Abstained: None. Motion carried.

**OPEN FORUM**

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

**PRESENTATIONS  
IMP. PROJECT 857  
Item 5.1**

Mayor Hemken introduced for discussion Item 5.1, Motion accepting the New Hope Ice Arena engineering study conducted by Stevens Engineers, Inc. (improvement project no. 857).

Mr. Ken Pronovici, chair of the Citizen Advisory Commission and chair of the ice arena engineering study committee, stated the study provides a broad view of the current state of the facility and recommendations for phased improvements. He introduced Mr. Scott Ward of Stevens Engineers, Inc.

Mr. Ward acknowledged the presence of Tom Betti with 292 Design Group, Mike Rudie of Nelson Rudie & Associates, and Vince VanderTop of Wenck & Associates.

Mr. Ward repeated the presentation made to the City Council at its August 16 work session. Mr. Ward stated the purpose of the study was to evaluate the existing facility, focus on improvements for the mechanical and ice systems, provide detailed, accurate information and recommendations to assist the city in defining, budgeting and scheduling future improvements, and recommend sustainable design practices (reduce use of fossil fuels, reduce greenhouse gas emissions, reduce overall energy use of the facility).

He reviewed the priority of improvements and estimated costs for the mechanical and ice systems, electrical systems, and building systems. He reported the next step of the process is for the study to be submitted to Xcel Energy for funding of the study. He indicated the project schedules will be determined by the scope of the project(s) and recommended the projects be scheduled during off-peak season.

The Council thanked the consultants and committee members for their involvement with the study. Mayor Hemken thanked Mr. Pronovici for his leadership of the committee.

A brief discussion ensued regarding recent failures at the ice arena. Council Member Hoffe asked Mr. Corbett to relay the situation regarding the compressor replacement.

Mr. Jim Corbett, recreation facilities supervisor, explained the north ice sheet operates with two 100 horsepower compressors and one compressor recently failed. He stated the cost for replacement was estimated at \$15,900. Mr. Corbett explained that through Scott Ward's connections the city was able to purchase a used compressor from the city of Brooklyn Park for \$7,000 with minimal down time. He commented the city will likely encounter more system failures due to the aging ice system.

The Council noted the next step will be to explore funding options to make the phased improvements to the arena.

**MOTION**  
**Item 5.1**

Motion was made by Council Member Stauner, seconded by Council Member Hoffe, **to accept the New Hope Ice Arena engineering study conducted by Stevens Engineers, Inc. (improvement project no. 857).** Voting in favor: Hemken, Hoffe, Stauner; voting against: None; Absent: Elder, Lammle; Abstained: None. Motion carried.

**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 Hoffe, seconded by Council Member Stauner, **to approve the Consent items.** Voting in favor: Hemken, Hoffe, Stauner; voting against: None; Absent: Elder, Lammle; Abstained: None. Motion carried.

**FINANCIAL CLAIMS**

**Item 6.2**

Approval of financial claims through August 23, 2010.

**RESOLUTION 2010-120**

**Item 6.4**

Resolution authorizing the purchase and appropriation of funds of \$2,395 for painting of the Outdoor Theatre by Paul C. Hokr Painting Inc. (improvement project no. 878).

**RESOLUTION 2010-121**

**Item 6.5**

Resolution approving change order no. 1 for Athletic Field improvements (improvement project no. 862).

**MOTION**

**Item 6.6**

Motion authorizing solicitation of request for proposals for a 2010 compensation study.

**RESOLUTION 2010-122**

**Item 6.7**

Resolution authorizing annual submission of Winter Trail Activities Permits with Three Rivers Park District.

**STREET BANNERS**

**Item 8.1**

Mayor Hemken introduced for discussion Item 8.1, Motion authorizing staff to seek quotes for replacement of street banners along 42<sup>nd</sup> Avenue.

Mr. Curtis Jacobsen, director of community development, requested City Council's consideration to authorize solicitation of quotes to replace both the winter and summer street banners along 42<sup>nd</sup> Avenue.

He stated the city has displayed street banners along 42<sup>nd</sup> Avenue between Winnetka and Louisiana avenues for several years. Mr. Jacobsen explained there are 23 poles and each pole holds two banners for a total of 46 banners. He stated the winter banners were purchased in 2005 and have exceeded their life expectancy. He noted although the summer banners were purchased in 2009 they are a poor quality and are also in need of replacement.

Mr. Jacobsen indicated there has been some discussion by the Council regarding the inclusion of space on the banners for business sponsorship. He stated this will be an option within the quotation form. He stated the quotes would be presented to Council at a later date, and the cost would be funded by EDA funds.

Council Member Hoffe expressed interest in viewing the banner design options.

Mr. Kirk McDonald, city manager, noted staff would welcome suggestions for banner themes. Mayor Hemken encouraged members of the community to

suggest banner designs.

Mayor Hemken inquired of the approximate cost and also recommended placement of the same design on the future light poles along Bass Lake Road corridor.

Mr. Jacobsen stated the set of banners is approximately \$5,000. He confirmed that banners would be considered for Bass Lake Road lighting structures upon completion of the construction project.

**MOTION**  
**Item 8.1**

Motion was made by Council Member Hoffe seconded by Council Member Stauner, **authorizing staff to seek quotes for replacement of street banners along 42<sup>nd</sup> Avenue.** Voting in favor: Hemken, Hoffe, Stauner; voting against: None; Absent: Elder, Lammle; Abstained: None. Motion carried.

**LOCAL HOUSING**  
**INCENTIVES**  
**Item 8.2**

Mayor Hemken introduced for discussion Item 8.2, Resolution electing to continue participating in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act.

Mr. Curtis Jacobsen, director of community development, stated the city has participated in the Metropolitan Council's Livable Communities Act program since 1996. He recommended the Council adopt a resolution extending its involvement in the program through the year 2020.

Mr. Jacobsen explained that inclusion in LCA allows the city to apply for and receive grants, loans and support from the Metropolitan Council to support activities that help the city meet its affordable and life cycle housing goals, clean up polluted sites, and support demonstration projects linking jobs, housing and transit.

Mr. Jacobsen stated the city's involvement has led to the awarding of \$380,500 in grant money which was utilized in the construction of the Winnetka Green and Winnetka Townhomes projects and planning for redevelopment of the City Center area.

Mr. Jacobsen explained to remain a member of the program and to be eligible for grant money, the city must pass a resolution by September 1, 2010, in support of the program and establishing housing goals for 2011-2020. He stated Met Council has suggested the following goals: Affordable housing: 138-213 units and Life Cycle Housing: 210-500 units. He explained that the Met Council recognizes the economic uncertainty and limited funding sources and will not penalize the city if the housing plan goals are not met. He stated Met Council establishes the goals as way to remind cities to keep affordable and life cycle housing a top priority. Affordable housing is defined as housing that a low- or moderate-income household can occupy without spending more than 30% of household income. Lifecycle housing is defined as varied housing options that meet people's preferences and circumstances at all of life's stages, providing a balance of single-family homes, apartments, condominiums, townhomes, and senior housing for independent living or with a range of

assisted-living services.

Mr. Jacobsen indicated the city will need to develop a Housing Action Plan before December 1, 2010, to outline the steps the city will take to help meet its LCA goals.

Council inquired whether the city met its goals for 1996-2010 timeframe. Mr. Jacobsen indicated he was uncertain of the exact goals but many goals were met through the construction of Winnetka Green and Winnetka Townhomes projects. Goals for 2011-2020 were briefly discussed and Mr. Jacobsen noted clean up efforts for site redevelopment would qualify such as 6113 West Broadway.

Council Member Stauner inquired of the cost to develop the action plan. Mr. Jacobsen indicated it would be completed in-house by staff.

He noted the city's Comprehensive Plan will be utilized to develop the plan.

**RESOLUTION 2010-123**  
**Item 8.2**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION ELECTING TO CONTINUE PARTICIPATING IN THE LOCAL HOUSING INCENTIVES ACCOUNT PROGRAM UNDER THE METROPOLITAN LIVABLE COMMUNITIES ACT."** 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, Hoffe, Stauner; and the following voted against the same: None; Abstained: None; Absent: Elder, Lammler; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**6113 WEST**  
**BROADWAY**  
**Item 8.3**

Mayor Hemken introduced for discussion Item 8.3, Resolution to claim tax forfeited parcel, 05 118 21 22 0058, 6113 West Broadway for the purposes of environmental cleanup and redevelopment.

Mr. Curtis Jacobsen, director of community development, stated staff requests the Council approve a resolution for the acquisition of 6113 West Broadway through claiming the property off the county tax forfeiture listing prior to August 31, 2010.

Mr. Jacobsen noted the city has in the past claimed various parcels of land through the tax forfeiture process. He stated due to changes in state statute, the city may be able to obtain the property without having to pay full market value if it is for the purpose of correcting blight or the creation of affordable housing.

Mr. Jacobsen noted the Council discussed the property at its August 16 work session and agreed to pursue acquisition for possible redevelopment of the area from West Broadway to the west along 62<sup>nd</sup> Avenue. He stated the parcel is a former gas station and will possibly need environmental cleanup. He stated the costs for acquisition could be taken from EDA reserves or from TIF

funds.

Council Member Hoffe inquired of the potential cost to acquire the property. Mr. Jacobsen stated the price would be negotiated but it would likely be less than \$55,000. Mr. Kirk McDonald, city manager, noted the Council will be asked to approve the actual purchase at a later date.

Mr. Steve Sondrall, city attorney, stated the first course of action is to request the county remove the property from the public sale list. Regarding potential soil contamination, Mr. Sondrall explained the law provides certain protection as the city would not be considered the responsible party for any soil contamination issues.

Discussion ensued regarding underground fuel tanks. It was noted there would be a cost to remove the tanks. Mr. Jacobsen referenced a Pollution Control Agency report completed for the property in the late 1990s. Mr. Sondrall recalled a past gas station owner was obligated to satisfy Pollution Control Agency regulations to upgrade gas tanks.

Council Member Stauner commented on the risks to the city and the need to take appropriate steps to protect the city against substantial soil contamination cleanup costs. He also noted the preference to limit any deed restrictions. Mr. Sondrall noted there should not be any restrictions as the property will not be used for park or green space.

Council expressed support for property acquisition and emphasized the need to study redevelopment opportunities for the 62<sup>nd</sup>/West Broadway area.

**RESOLUTION 2010-124**  
**Item 8.3**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION TO CLAIM TAX FORFEITED PARCEL, 05 118 21 22 0058, 6113 WEST BROADWAY FOR THE PURPOSES OF ENVIRONMENTAL CLEANUP AND REDEVELOPMENT."** 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, Hoffe, Stauner; and the following voted against the same: None; Abstained: None; Absent: Elder, Lammle; whereupon the resolution was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

**SCWMC LEVY CAP**  
**Item 10.1**

Mayor Hemken introduced for discussion Item 10.1, Resolution denying the Shingle Creek Watershed Management Commission's request to exceed the administrative budget levy cap.

Council Member Dan Stauner addressed the Council as the city's representative of Shingle Creek Watershed Management Commission. He indicated the assessment cap cannot be exceeded unless a majority of commission members adopt resolutions approving the higher assessment. He stated the commission requested member cities to consider exceeding the cap in 2011 to fund preparation of the Third Generation Plan.

Council Member Stauner noted the Council reviewed this item at the August 16 work session and he does not support exceeding the cap. He stated New Hope's \$24,186 assessment for 2011 is the same as 2010. He noted it was a challenge to obtain approval of the watershed commission's budget.

Mayor Hemken indicated the resolution denies exceeding the administrative budget levy cap.

**RESOLUTION 2010-125**  
**Item 10.1**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION DENYING THE SHINGLE CREEK WATERSHED MANAGEMENT COMMISSION'S REQUEST TO EXCEED THE ADMINISTRATIVE BUDGET LEVY CAP."** 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, Hoffe, Stauner; and the following voted against the same: None; Abstained: None; Absent: Elder, Lammler; 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

• Reported on upcoming events:

- August 28 • Farmers Market (8:00 a.m. – 1:00 p.m.)
- September 4 • Farmers Market (8:00 a.m. – 1:00 p.m.)
- September 6 • City offices closed in observance of Labor Day
- September 7 • City Council budget work session (7:00 p.m.)
- September 8 • New Hope Business "Coffee Break" at Northwest YMCA (8:00 a.m.)
- September 9 • Shingle Creek Watershed Commission (12:45 p.m.)
- September 9 • Neighborhood Open House for MnDOT Sound Wall on Hwy 169 between 36<sup>th</sup> and 42<sup>nd</sup> Avenues (6:30 pm at city hall)
- September 11 • Farmers Market (8:00 a.m. – 1:00 p.m.)
- September 13 • Council meeting (7:00 p.m.)
- September 14 • Citizen Advisory Commission meeting (7:00 p.m.)
- September 15 • West Metro Fire Board (6:00 p.m.)
- September 16 • Twin West Business Council at LDI (7:30 a.m.)
- September 16 • Bassett Creek Watershed Commission (11:30 a.m.)
- September 17 • Absentee voting begins for November 2 General Election

**ADJOURNMENT**

Motion was made by Council Member Stauner, seconded by Council Member Hoffe, **to adjourn the meeting, as there was no further business to come before the Council.** Voting in favor: Hemken, Hoffe, Stauner; voting against: None; Absent: Elder, Lammler; Abstained: None. Motion carried. The New Hope City Council adjourned at 8:20 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Valerie Leone". The signature is written in a cursive style with a large, prominent initial "V".

Valerie Leone, City Clerk