

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

City Council Minutes
Regular Meeting

October 11, 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 and flag ceremony 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
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

APPROVAL OF MINUTES

Motion was made by Council Member Stauner seconded by Council Member Elder, **to approve work session meeting minutes of September 20, 2010**. All present voted in favor. Motion carried.

Motion was made by Council Member Elder, seconded by Council Member Lammle, **to approve regular meeting minutes of September 27, 2010**. All present voted in favor. Motion carried.

OPEN FORUM

- Beau Doboszinski, representing Doboszinski & Sons, Inc., provided an update regarding the Hosterman School demolition project.
- Tom Shultz, District 287, emphasized the district's enthusiasm regarding the construction of the North Education Center and their desire to continue the good relationship with city and 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.

MOTION Consent Items	Motion was made by Council Member Elder, seconded by Council Member Hoffe, to approve the Consent items. All present voted in favor. <u>Motion carried.</u>
FINANCIAL CLAIMS Item 6.2	Approval of financial claims through October 11, 2010.
LIABILITY CLAIMS Item 6.3	Acknowledgement of liability claim nos. 2010-36 (New Hope Liquor) and 2010-37 (Freda and Kent Confeld).
MOTION Item 6.4	Motion to waive temporary sign permit fee for special event signs for 2010 Cooper craft sale.
RESOLUTION 2010-138 Item 6.5	Resolution accepting a \$102.80 contribution from Calibre Chase Apartments for the city's Donut Make You Wonder program.
PUBLIC HEARING ON SALE LIQUOR LICENSE Item 7.1	<p>Mayor Hemken introduced for discussion Item 7.1, Consideration of an On-Sale Restaurant Class I liquor license to Apple Minnesota LLC (dba Applebee's Neighborhood Grill & Bar at 4203 Winnetka Avenue North).</p> <p>Mr. Kirk McDonald, city manager, explained that all Minnesota Applebee's are being sold to a new company, Apple Minnesota LLC. He stated the closing will take place later this month, and a new corporate owner necessitates submission of a new license. He indicated staff has received the required paperwork and fees, and Investigator Loser conducted the investigation and found nothing detrimental to report.</p> <p>Mr. McDonald reported the day-to-day operations of the Applebee's restaurant, including on-site manager, employees, menu and hours of operation will remain the same. He stated a representative of Applebee's was asked to attend the public hearing and Ms. Jennifer Barkmeier is available for questions.</p> <p>Ms. Jennifer Barkmeier, manager of Applebee's, was recognized. Council Member Elder questioned whether the restaurant staff will change. Ms. Barkmeier responded no staffing changes are expected.</p> <p>Mayor Hemken commented that Applebee's is a good corporate citizen and participates in community fundraising events.</p> <p>There was no one in the audience desirous to address the Council relative to the public hearing.</p>
CLOSE HEARING Item 7.1	Motion was made by Council Member Hoffe, seconded by Council Member Elder, to close the public hearing. All present voted in favor. <u>Motion carried.</u>
MOTION Item 7.1	Motion was made by Council Member Elder, seconded by Council Member Hoffe, to approve the on-sale restaurant Class I liquor license to Apple Minnesota LLC (dba Applebee's Neighborhood Grill & Bar at 4203 Winnetka Avenue North). All present voted in favor. <u>Motion carried.</u>

**DELINQUENT UTILITY
SERVICE CHARGES
Item 7.2**

Mayor Hemken introduced for discussion Item 7.2, Resolution adopting and confirming assessments for delinquent utility service charges and administrative citations.

Mr. Kirk McDonald, city manager, stated a public hearing has been scheduled to assess unpaid bills for delinquent city service charges including nuisance weed removal, utilities, and administrative citations. He stated in accordance with Minnesota Statutes the city may collect unpaid charges against properties through certification to property taxes. All affected property owners were notified of the hearing date and time, the process for challenges, and the total to be assessed.

Mr. McDonald reported the current total for delinquent utility charges is \$218,776.79 which is approximately \$10,000 less than last year's figure. He stated the total of delinquent administrative citations is \$6,580. He noted payments will be accepted up to 4:30 pm on November 24 so the final assessment total may be slightly lower. The assessment payment term is one year and is subject to 7% interest.

Mr. McDonald stated the city has received three written objections for the following properties: 4556 Oregon Ave N, 7720 47-1/2 Place North, and 4125 Oregon Avenue North.

Mayor Hemken opened the floor for comments:

Mr. Gregory Moroshek, property owner of 4556 Oregon Avenue North and 7720 47-1/2 Place North, was recognized. He stated his objection to the delinquent utility bills at both properties as the expense was incurred by tenants. He indicated when the properties were converted to rental properties the city did not advise him that he would be responsible for any delinquent water bills. He contended that collecting money from landlords is an abuse of government power.

Council Member Stauner advised that under Minnesota law the property owner is the responsible party and as a landlord he should be aware of the law. He advised Mr. Moroshek that his recourse is to obtain payment from the tenants and enforce the contract. He stated he is not unsympathetic, but it is the Council's role to make the city whole. Mayor Hemken invited Mr. Moroshek to attend city-sponsored property managers meetings to learn more about tenant/landlord issues.

Council asked the city attorney to comment regarding the written objection of the administrative citation fine for 4125 Oregon Avenue North. Mr. Steve Sondrall, city attorney, stated there may be an issue regarding the notification address. He stated he has spoken with the property owner's attorney already. Mr. Sondrall recommended removing the property from the assessment roll to allow staff time to resolve the matter. He noted any outstanding amount can be certified the following year if needbe.

**CLOSE HEARING
Item 7.2**

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

Item 7.2

adoption: "RESOLUTION ADOPTING AND CONFIRMING ASSESSMENTS FOR DELINQUENT UTILITY SERVICE CHARGES AND ADMINISTRATIVE CITATIONS." 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.

**PRECIOUS METAL
DEALER
Item 8.1**

Mayor Hemken introduced for discussion Item 8.1, Consideration of precious metal dealer license for Gold Buyers Minnesota, LLC.

Mr. Kirk McDonald, city manager, stated staff is seeking Council's consideration to approve a business license at 4461 Winnetka Avenue North. Mr. McDonald explained this is the first application for such a license and, therefore, the item was not included on the consent agenda to allow the opportunity for discussion. He stated on September 17, 2010, Susan Heiligman submitted an application for a precious metal dealer license. Mr. McDonald indicated a background investigation revealed no criminal records against the applicant only civil judgments as outlined on a memorandum prepared by Investigator Loser. He commented the city attorney has also reviewed this matter and provided written communication.

Ms. Susan Heiligman was recognized. She stated she and her husband have been in the jewelry industry business for over 25 years. She provided information regarding their finances and business dealings. She stated the New Hope store would be operated by Rod Hosman (business manager), her husband, herself, and occasionally by another family member.

Council Member Elder inquired whether the civil judgments against the applicant related to allegations of fraud. Ms. Heiligman responded in the negative.

Mr. Mark Heiligman, applicant's spouse, was recognized. He stated some of the judgments are as little as \$500, and they are making arrangements for payment.

Mr. Sondrall, city attorney, noted the applicant meets the conditions for license approval. He stated it is a renewable license so if any problems arise there is an opportunity to deal with them. He also pointed out the operation is subject to reporting requirements through the police department.

Mr. Gary Link, director of police, was recognized. He stated Detective Loser's report summarizes the background check. He commented there are no outstanding criminal actions. He stated the applicant is aware of the city's ordinance/reporting requirements and has operated a similar business in St. Louis Park.

Council Member Stauner inquired whether the bond requirements will be problematic. Ms. Heiligman assured the Council that they could secure the \$5,000

bond. She commented that she is a trustworthy person and is looking forward to operating in New Hope. Ms. Heiligman stated in addition to the photograph requirements, the store would be equipped with video recording devices.

The Council briefly discussed the lease and site plans. Mr. Sondrall indicated the building official can review the site plans and the signed lease. He noted the activity is a permitted use in a commercial business district and the lease does not require review by the city's legal counsel. Mr. Sondrall advised the applicant they would need to obtain a "BUOCO" (business use certificate of occupancy).

Council Member Stauner expressed his satisfaction with the applicant's answers and recommended granting the business license. The Council welcomed the new business.

**MOTION
Item 8.1**

Motion was made by Council Member Stauner, seconded by Council Member Elder, **to approve the precious metal dealer license for Gold Buyers Minnesota, LLC.** All present voted in favor. Motion carried.

**IN FOCUS AWARDS
Item 8.2**

Mayor Hemken introduced for discussion Item 8.2, Discussion regarding the recipients of the 2010 In Focus awards.

Mr. Curtis Jacobsen, director of community development, stated this summer the city instituted a photo contest as a way to inspire civic pride, motivate photographers and encourage those who live and work in New Hope to explore their city. He stated the program was modeled after the successful photo contest held in Golden Valley. He explained the city received 48 photographs from 19 photographers, four of which were under the age of 18.

Mr. Jacobsen reported a judging panel selected winners in the following three categories: natural, people/places, and youth photographer; and residents voted on the people's choice award. He illustrated the photos and explained the selected recipients will be invited to the October 25 Council Meeting for the award presentation. Mr. Jacobsen conveyed staff's appreciation to the judging panel for their assistance: Sue Webber, Cheryl Weiler, John Engstrom, and Jane Engstrom.

Council Member Elder noted the concept was brought to the city through a citizen.

**MOTION
Item 8.2**

Motion was made by Council Member Elder, seconded by Council Member Stauner, **to accept the judges' recommendations for the recipients of the 2010 In Focus awards.** All present voted in favor. Motion carried.

**WMFR 2011 BUDGET
Item 10.1**

Mayor Hemken introduced for discussion Item 10.1, Resolution approving West Metro Fire-Rescue District's 2011 budget.

Mr. Kirk McDonald, city manager, recommended the Council approve the 2011 budget submitted by the West Metro Fire-Rescue District as was discussed at the September 20 Council Work Session. He stated the Board of Directors approved

the budget at their June 9 meeting.

Mr. McDonald explained that West Metro Fire-Rescue District was formed in 1998 as a joint powers agreement between the cities of New Hope and Crystal, and Article VIII, Section 4 of the agreement requires the budget be approved by both cities by the end of October.

Mr. McDonald stated the original 2010 budget for West Metro was \$2,035,984 of which New Hope was responsible for 49.0515% or \$998,861.84. He explained earlier this year due to state aid reductions the budget was reduced to \$1,962,587 (approximately 4% reduction), and New Hope's share was amended to \$962,679.28.

Mr. McDonald stated the proposed 2011 West Metro Fire-Rescue District budget is \$2,043,735 and the cost sharing formula is based on average number of calls over five years, population, and taxable market value. He stated New Hope's share will increase slightly from 49.0515% to 49.474% (an increase of .4225%) due to a slight increase in the number of calls for New Hope and because New Hope's taxable market value decreased less than Crystal's. He stated with the new formula applied, New Hope's financial share is \$970,970.

Mr. McDonald stated New Hope's share will be represented in the city's final 2011 general fund budget.

Council Member Lammle inquired of an issue in 2009 concerning a merit increase for the fire chief. Council Member Stauner commented that two of New Hope's representative on the board cast dissenting votes for the Chief's wage increase but did not prevail.

RESOLUTION 2010-140
Item 10.1

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION APPROVING WEST METRO FIRE-RESCUE DISTRICT'S 2011 BUDGET."** 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.

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:

- October 12 • Citizens Advisory Commission (7 p.m.)
- October 13 • New Hope Business Forum (8 a.m.)
- TOD workshop – City Council/Planning Commission (6 p.m.)
- October 14 • Shingle Creek Watershed (12:45 p.m.)
- Candidates forum (LWV) (7 p.m.)
- October 16 • Farmers Market business day (8 a.m. – 1 p.m.)

- October 18 • Council work session (6:30 p.m.)
- October 18 • District 45 candidates forum (LWV) (7 p.m.)
- October 20 • Mayors Prayer Breakfast (7 a.m.)
- October 21 • Twin West Business Council (7:30 a.m.)
- October 21 • Bassett Creek Watershed (11:30 a.m.)
- October 25 • City Council Meeting (7 p.m.)
- October 28 • District 287 North Education Center ground breaking (5 p.m.)
- October 30 • Extended hours for absentee voting at city hall (10 a.m. – 3 p.m.)
- November 1 • Last day to cast an absentee ballot (city hall open til 5 p.m.)
- November 2 • General Election (polls open 7 a.m. to 8 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 8:10 p.m.

Respectfully submitted,



Valerie Leone, City Clerk