

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

City Council Minutes
Regular Meeting

October 25, 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
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 Elder, seconded by Council Member Hoffe, **to approve regular meeting minutes of October 11, 2010**. All present voted in favor. Motion carried.

Motion was made by Council Member Stauner seconded by Council Member Elder, **to approve work session meeting minutes of October 13, 2010**. All present voted in favor. Motion carried.

OPEN FORUM

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

**PRESENTATIONS IN FOCUS AWARDS
Item 5.1**

Mayor Hemken introduced for discussion Item 5.1, Presentation of the 2010 "In Focus" awards.

Mr. Curtis Jacobsen presented monetary awards to the following photo contest award recipients:

- Jennifer Schmidt – Fire in the Sky (Natural category)
- Terri Bangasser – Lake at Hidden Valley (People and Places category)
- Naomi Chan – Adventure (Youth photograph)
- Jennifer Schmidt – Fire in the Sky (People's Choice category)
- Kenneth Fromm – Winter Wonderland (People's Choice category)

The Council congratulated the award recipients and expressed their gratitude to all photo contest participants and the judging panel. Mayor Hemken noted a total of 48 entries was a good response for the city's first photo contest.

**PRESENTATIONS
ACCEPT
RESIGNATION
Item 5.2**

Mayor Hemken introduced for discussion Item 5.2, Resolution accepting the resignation of Melodie Hanson from the New Hope Human Rights Commission and recognizing her for her service on that Commission.

Mr. Gary Link, director of police and staff liaison to the Human Rights Commission, acknowledged Melodie Hanson's numerous contributions to the city during her six years of service. He presented her with an engraved plaque.

Ms. Melodie Hanson thanked Chief Link for his leadership and thanked the City Council for its commitment to the Human Rights Commission.

The Council conveyed their appreciation to Ms. Hanson.

**RESOLUTION 2010-141
Item 5.2**

Council Member Lammle introduced the following resolution and moved its adoption: **"RESOLUTION ACCEPTING THE RESIGNATION OF MELODIE HANSON FROM THE NEW HOPE HUMAN RIGHTS COMMISSION AND RECOGNIZING HER FOR HER SERVICE ON THAT COMMISSION."** 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.

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. Item 6.4 was removed for discussion later in the meeting.

**MOTION
Consent Items**

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

**BUSINESS LICENSE
Item 6.1**

Approval of business licenses.

**FINANCIAL CLAIMS
Item 6.2**

Approval of financial claims through October 25, 2010.

- Item 6.5** application to improve Lions Park (improvement project no. 871).
- MOTION**
Item 6.6 Motion authorizing staff to solicit plans for Lions Park play equipment (improvement project no. 871).
- RESOLUTION 2010-143**
Item 6.7 Resolution ratifying Council action of October 25 related to Twin Cities Habitat for Humanity's acquisition of 5428 Sumter Avenue North in the city of New Hope and granting a six month extension for the use of NSP funds.
- RESOLUTION 2010-144**
Item 6.8 Resolution authorizing the purchase and design of street banners for display along 42nd Avenue from Northern Lights Display at a cost of approximately \$3,000.
- RESOLUTION 2010-145**
Item 6.9 Resolution authorizing the selection of Springsted to conduct the 2010 Classification and Compensation Update for the city.
- RESOLUTION 2010-146**
Item 6.10 Resolution authorizing the purchase of volleyball equipment for Community Gyms for \$3,470.
- RESOLUTION 2010-147**
Item 6.11 Resolution authorizing the appropriation of \$9,774 to replace flooring at the Ice Arena Community Room by Division 9 Tile, LLC (improvement project no. 881).
- CONSENT ITEM**
REMOVED -
SIREN
MAINTENANCE
Item 6.4
- Mayor Hemken introduced for discussion the Consent item that was removed for discussion, Item 6.4, Resolution approving 2011 maintenance agreement with Embedded Systems, Inc. for tornado/civil defense siren maintenance in the amount of \$1,434.60.
- Council Member Elder inquired whether the new siren at 5437 Yukon is covered by warranty and could be excluded from the 2011 maintenance agreement. Mr. Kirk McDonald, city manager, stated he believes the maintenance agreement covers the decoder portion of the siren system. He indicated he would follow up on the question with Chief Link and the vendor.
- Council Member Elder recommended approving the item with the condition that the contract price could be reduced if the new siren is excluded.
- RESOLUTION 2010-148**
Item 6.4 Council Member Elder introduced the following resolution and moved its adoption: **"RESOLUTION APPROVING 2011 MAINTENANCE AGREEMENT WITH EMBEDDED SYSTEMS, INC. FOR TORNADO/CIVIL DEFENSE SIREN MAINTENANCE IN THE AMOUNT OF \$1,434.60."** 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.
- Mr. Kirk McDonald, city manager, requested Item 8.1 be considered prior to Item 7.1 as Items 7.1 and 8.2 are related.

**\$1,900,000 G.O. BONDS
Item 8.1**

Mayor Hemken introduced for discussion Item 8.1, Resolution relating to \$1,900,000 general obligation certificates of indebtedness and refunding bonds, series 2010B; awarding the sale, fixing the form and details and providing for the execution and delivery thereof and security therefor and levying ad valorem taxes for the payment thereof.

Mr. Kirk McDonald, city manager, introduced Dave Callister of Ehlers & Associates and provided a brief background on the details and actions related to the bond sale.

Mr. Callister reported on the bond sale results of October 25, 2010. He stated Ehlers received four competitive underwriter bids, and the favorable bid was submitted by Wells Fargo Advisors with a true interest cost of 2.2439%. He noted the presale estimate was 2.58%. Mr. Callister stated the bond proceeds are to be used to refinance existing 2002 storm sewer revenue bonds and to finance the purchase of new fire engines. He noted the refinancing will result in an average savings of \$8,200 for 11 years. He stated the certificates of indebtedness for the fire engines will result in an average debt service of \$154,700 per year for 9 years.

Mr. Callister stated the city's AA credit rating and the market conditions enabled the city to reduce the bond issuance from \$1,900,000 to \$1,850,000.

**RESOLUTION 2010-149
Item 8.1**

Council Member Elder introduced the following resolution and moved its adoption: **"RESOLUTION RELATING TO \$1,850,000 GENERAL OBLIGATION CERTIFICATES OF INDEBTEDNESS AND REFUNDING BONDS, SERIES 2010B; AWARDING THE SALE, FIXING THE FORM AND DETAILS AND PROVIDING FOR THE EXECUTION AND DELIVERY THEREOF AND SECURITY THEREFOR AND LEVYING AD VALOREM TAXES FOR THE PAYMENT THEREOF."** 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.

**PUBLIC HEARING
HEIGHT
RESTRICTIONS
Item 7.1**

Mayor Hemken introduced for discussion Item 7.1, Ordinance No. 2010-10, an ordinance amending the New Hope zoning code by permitting public, educational and religious buildings to exceed building height restrictions in the R-1, R-2 and R-3 zoning districts.

Mr. Curtis Jacobsen, director of community development, presented items 7.1 (text amendment) and 8.2 (conditional use permit request). Mr. Jacobsen stated Intermediate District 287 has requested a zoning text amendment to allow them to consider the construction of a three-story North Education Center (NEC) at 5530 Zealand Avenue North. He stated city code currently only allows a maximum height in the R-1 zoning district of 32 feet, and the text amendment would allow a three story building up to 48 feet in height. Mr. Jacobsen explained that the R-1 zoning district is predominantly single family homes but public, educational and religious buildings are also allowed in the R-1 zoning district. He

stated these types of buildings are generally sited on larger parcels of land and it is reasonable to conclude that increasing the height limitation on these buildings will not unreasonably impair access to light or air nor will it encroach upon neighboring properties. Mr. Jacobsen stated the Planning Commission considered the matter at its October 5 meeting and unanimously recommended approval of the text amendment. He noted the text amendment includes increased setbacks and other conditions and would be applicable to R-2 and R-3 zoning districts as well.

Mr. Jacobsen presented information regarding Intermediate District 287's request for a 46 foot tall building that exceeds the current 32 foot height maximum. He stated the three story option would accommodate a 1st floor for daycare and elementary students; 2nd floor for middle and high school students; and 3rd floor for high school to age 21 persons. He briefly reviewed site designs such as landscaping, lighting, and utilities plans. He noted the new building would be an improvement to the previous use of the site, and the neighborhood is accustomed to an educational facility and associated traffic. He stated the approval process of a conditional use permit requires the applicant to comply with many conditions. Mr. Jacobsen stated property owners within 350 feet of the property were notified and only a few comments were received. He also reported that District 287 hosted a public open house on August 17 and all concerns have been addressed. Mr. Jacobsen stated the Planning Commission recommends approval of the CUP subject to the conditions outlined in the resolution.

Mayor Hemken opened the floor to questions from the audience.

Mr. Larry Wilken, 5436 Yukon Avenue North, expressed concern regarding on-street parking. He noted that when North Ridge was constructed the neighbors were assured that the site had adequate parking but there is overflow into the neighborhood.

Mr. Tom Shultz, director of facilities for District 287 was recognized. He stated the district believes the parking design of 250 spaces is adequate. Council Member Stauner inquired whether the district expects growth in student population. Mr. Shultz stated student growth is not expected as the facility will be designed for a certain number of people.

The Council discussed the parking issue and directed staff to add condition #16: All parking must be on site with the exception of six community events per year that are subject to the approval of the city manager.

Council Member Lammle questioned whether the use of police resources has been discussed with District 287. Council discussed the need to ensure an undue burden is not placed upon the police department if there are excessive police calls to the facility.

Superintendent Lewandowski indicated they envision conducting an annual evaluation with the police chief.

City Manager McDonald noted discussions regarding the issue of police service have been ongoing and will continue over the next several months. He indicated staff will keep the Council apprised of the discussions. City Attorney Sondral recommended addressing the issue of police service separate from the conditional use permit request. Council Member Stauner noted past cost-sharing arrangements have been reached through a negotiation process.

CLOSE 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.

ORDINANCE 2010-10
Item 7.1

Council Member Lammle introduced the following ordinance and moved its adoption: **"ORDINANCE NO 2010-10, AN ORDINANCE AMENDING THE NEW HOPE ZONING CODE BY PERMITTING PUBLIC, EDUCATIONAL AND RELIGIOUS BUILDINGS TO EXCEED BUILDING HEIGHT RESTRICTIONS IN THE R-1, R-2 AND R-3 ZONING DISTRICTS."** The motion for the adoption of the foregoing ordinance 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 ordinance was declared duly passed and adopted, signed by the mayor which was attested to by the city clerk.

PLANNING CASE
10-05
Item 8.2

Mayor Hemken introduced for discussion Item 8.2, Resolution approving Planning Case 10-05, request for conditional use permit to allow construction of the North Education Center, 5530 Zealand Avenue North, Intermediate School District 287, petitioner.

Superintendent Sandi Lewandowski indicated it is a privilege to be in New Hope. She acknowledged there would be six or fewer times per year during which time the center would hold large community gatherings. She also addressed student population and noted if there is significant student growth in the future, it is likely that the workday would be extended.

Mayor Hemken thanked District 287, the planning commission, and city staff for the collaborative efforts. Superintendent Lewandowski invited the community to the October 28 ground breaking ceremony.

RESOLUTION 2010-150
Item 8.2

Council Member Lammle introduced the following resolution (with the addition of condition #16) and moved its adoption: **"RESOLUTION APPROVING PLANNING CASE 10-05, REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF THE NORTH EDUCATION CENTER, 5530 ZEALAND AVENUE NORTH, INTERMEDIATE SCHOOL DISTRICT 287, PETITIONER."** 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.

**CLEAN UP AT 5121
WINNETKA
Item 8.3**

Mayor Hemken introduced for discussion Item 8.3, Resolution authorizing/supporting an application for the tax base revitalization account for the environmental clean-up at 5121 Winnetka Avenue North.

Mr. Curtis Jacobsen, director of community development, invited Scott Tankenoff of Hillcrest Development to share the company's proposed plans for 5121 Winnetka Avenue North.

Mr. Scott Tankenoff, managing partner of Hillcrest Development, LLLP, provided background of their company and past projects. Mr. Tankenoff stated the building contains a significant amount of lead contamination from a previous occupant, and the current occupant is Range Systems with 27 employees. He stated the project includes abatement of all lead and ACMs, demolition of interior walls to open up spaces for today's uses, installation of new energy efficient lighting, installation of two new truck loading docks, repair of one existing loading dock, remodeling the main entrance area, lobby and restrooms, resurfacing major areas of the parking lots, painting exterior areas, roof repairs, installation of new ventilation systems, and replacement of all existing roll up garage doors with energy efficient doors.

Mr. Kirk McDonald, city manager, stated Hillcrest Development is interested in applying for a contamination cleanup grant through Met Council's Livable Communities Tax Base Revitalization Account and the city would act as a pass through agency.

The Council expressed support for the project. Council Member Stauner asked the company to consider treatment of storm water runoff at the site. Mr. Tankenoff noted they have spoken with the building official already and although they do not intend to add additional hard surface they will try to handle more runoff if possible.

Mr. Kirk McDonald inquired whether the project is dependent on grant funds. Mr. Tankenoff stated the project will proceed regardless of the outcome of grant dollars.

**RESOLUTION 2010-151
Item 8.3**

Council Member Stauner introduced the following resolution and moved its adoption: **"RESOLUTION AUTHORIZING/SUPPORTING AN APPLICATION FOR THE TAX BASE REVITALIZATION ACCOUNT FOR THE ENVIRONMENTAL CLEAN-UP AT 5121 WINNETKA AVENUE NORTH."** 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.

**RENTAL PROPERTIES
& HOUSING
MAINTENANCE FEES**

Mayor Hemken introduced for discussion Item 10.1, Ordinance No. 2010-11, an ordinance amending chapter 14 of the New Hope City Code increasing rental property registration and housing property maintenance inspection fees and

Item 10.1

increasing building permit and grading permit inspection fees.

Mr. Curtis Jacobsen, director of community development, stated the city annually reviews fees and makes adjustments when appropriate. He stated the ordinance amends chapter 14 by increasing rental property registration and housing property maintenance fees and increasing building permit and grading permit inspection fees. The increases range from \$3 to \$5 and the new rates would be effective January 1, 2011.

Council Member Stauner inquired whether the city’s inspection fees are the same rate for after normal business hours. Mr. Jacobsen reported that inspections are rarely conducted outside of normal business hours. He noted the use of salaried employees prevents any overtime costs to the city.

**ORDINANCE 2010-11
Item 10.1**

Council Member Stauner introduced the following ordinance and moved its adoption: **“ORDINANCE NO 2010-11, AN ORDINANCE AMENDING CHAPTER 14 OF THE NEW HOPE CITY CODE INCREASING RENTAL PROPERTY REGISTRATION AND HOUSING PROPERTY MAINTENANCE INSPECTION FEES AND INCREASING BUILDING PERMIT AND GRADING PERMIT INSPECTION FEES.”** The motion for the adoption of the foregoing ordinance 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 ordinance 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 27 • TOD workshop – City Council/Planning Commission (6:30 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.)
- Nov. 1 • Last day to cast an absentee ballot (city hall open til 5 p.m.)
- Community Gardens Workshop (6:30 p.m.)
- Human Rights Commission (7 p.m.)
- Nov. 2 • General Election (polls open 7 a.m. to 8 p.m.)
- Nov. 4 • Water Advisory Board (4 p.m.)
- Nov. 8 • City Council Canvas Board (6:45 p.m.)
- Regular City Council meeting (7 p.m.)
- Nov. 9 • District 281 Government Advisory Council (7:30 a.m.)
- Citizens Advisory Commission (7 p.m.)
- Nov. 10 • West Metro Fire-Rescue Fire Board (6 p.m.)
- Nov. 11 • Veterans Day – city offices are closed

Council Member Elder

- Reported the Farmers Market Board of Directors will hold an end of season wrap up meeting on November 6 beginning at 9 a.m.

ADJOURNMENT

Motion was made by Council Member Lammle, seconded by Council Member Stauner, **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 8:40 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Valerie Leone".

Valerie Leone, City Clerk