

A continuation of the City Council Meeting held Monday, August 3, 2009 was called to order August 17, 2009 at 6:30 p.m. for the purpose of taking care of unfinished business from the August 3, 2009 meeting.

### **Pledge of Allegiance**

**ROLL CALL:** Councilors Koski, Stauber, Tafs, Mayor Boucher; John Mulder, City Administrator; Debbie Lund, City Clerk; Mike Anderson, Chief of Police; Steve Overom, City Attorney

**ABSENT:** Councilor Geissler

**VISITORS:** 4

### **MINUTES**

Motion made by Councilor Tafs, seconded by Councilor Koski to approve the August 4, 2009 City Council Minutes. Motion carried.

### **PUBLIC DISCUSSION SUMMARY**

Pete Kilroy, 133 Chambersburg Drive, Duluth – I have come forward with regard to the proposed increase in pull tab rent from its current \$800 cap. I didn't know if anything had changed and I know there are some issues with Hermantown Soccer. I would like to say with a properly run organization as we do with Hermantown Hockey an increase in rent is not an issue it is still based upon the amount being sold.

Mayor Boucher stated the information has been gathered and staff is putting it together and it will be on the agenda again.

Joe Kramer, 5044 Hermantown Road – I am here to introduce myself as the potential owner of the Beacon Restaurant & Bar and to answer any questions you may have of me. My sister will be purchasing the 18 acres and I will have 5 acres, which are the ball field and the bar. I come from the cities with a sales background and a St. Paul State University business graduate. The last 8 years I was with the Red Cross and ran ten counties in southern Minnesota and western Wisconsin. I am very active in the communities I have lived in. My partner Jennifer Abdo's background is local, her parents owned the Breeze Inn and she has been working at the Eagles Nest for the last eight years and is a wonderful cook. I did give you an overview of how the business will be run.

Steve Overom City Attorney advised Mr. Kramer to check on the legal description of the land and asked if Paul Riesland has any interest in the business.

Mr. Kramer stated Mr. Riesland has no interest at all.

Mayor Boucher questioned whether Mr. Kramer was aware of the past liquor violations?

Mr. Kramer stated he was aware of most of them and was not involved in any of them. We did shut down a week ago Saturday. You will notice on every door now it says Beacon bartenders are carding everybody. I have also been calling last call at 12:45 and everyone out at 1:00 a.m.

### **COUNCIL MEMBERS REPORT**

Councilor Geissler – Absent

Councilor Koski – No report

Councilor Stauber – I would like to welcome my son Luke to the council meeting

Councilor Tafs – No report

Mayor Boucher – No report

### **CITY ADMINISTRATOR REPORT**

John Mulder, City Administrator – The on-boarding session on August 25<sup>th</sup> will be held at 9:30 a.m.

I have been accepted to attend the Blandin Leadership program from September 21-25, 2009.

### **DEPARTMENT HEADS REPORT**

Debbie Lund, City Clerk – No report

Mike Anderson, Chief of Police – No report

### **RESOLUTIONS**

**2009-66**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Tower And Ground Lease Agreement Between The City And New Cingular Wireless PCS, LLC (AKA AT & T Mobility)

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2009-66, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Tower And Ground Lease Agreement Between The City And New Cingular Wireless PCS, LLC (AKA AT & T Mobility) substantially in the form of the one that is attached and included in file along with initial rent of \$13,000.00 per year. Roll Call: Councilors Koski, Stauber, Tafs, Mayor Boucher, aye. Councilor Geissler, absent. Motion carried.

**2009-67**      Resolution Designating Michael Anderson As The City's Emergency Management Director

Motion made by Councilor Koski, seconded by Councilor Stauber to adopt Resolution 2009-67, Resolution Designating Michael Anderson As The City's Emergency Management Director. Roll Call: Councilors Koski, Stauber, Tafs, Mayor Boucher, aye. Councilor Geissler, absent. Motion carried.

**2009-68**      Resolution Receiving Preliminary Engineering Report In Connection With Sewer Improvement District No. 432 Ugstad Road (From Maple Grove Road To Hermantown Road)

Motion made by Councilor Tafs, seconded by Councilor Koski to adopt Resolution 2009-68, Resolution Receiving Preliminary Engineering Report In Connection With Sewer Improvement District No. 432 Ugstad Road (From Maple Grove Road To Hermantown Road.) Roll Call: Councilors Koski, Stauber, Tafs, Mayor Boucher, aye. Councilor Geissler, absent. Motion carried.

**2009-69**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Memorandum Of Understanding Between The City Of Hermantown And University Of Duluth, Minnesota

Motion made by Councilor Tafs, seconded by Councilor Stauber to adopt Resolution 2009-69, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver Memorandum Of Understanding Between The City Of Hermantown And University Of Duluth, Minnesota. Roll Call: Councilors Koski, Stauber, Tafs, Mayor Boucher, aye. Councilor Geissler, absent. Motion carried.

**2009-70**      Resolution To Continue Agreement Between The City Of Hermantown ("City") And Friends Of Animals Humane Society Of Carlton County ("Friends Of Animals")

Motion made by Councilor Koski, seconded by Councilor Tafs to adopt Resolution 2009-70, Resolution To Continue Agreement Between The City Of Hermantown ("City") And Friends Of Animals Humane Society Of Carlton County ("Friends Of Animals"). Roll Call: Councilors Koski, Stauber, Tafs, Mayor Boucher, aye. Councilor Geissler, absent. Motion carried.

**2009-71**      Resolution Authorizing The City Of Hermantown To Accept A Grant From The Minnesota Institute Of Public Health (“MIPH”) For Alcohol Compliance Checks

Motion made by Councilor Stauber, seconded by Councilor Koski to adopt Resolution 2009-71, Resolution Authorizing The City Of Hermantown To Accept A Grant From The Minnesota Institute Of Public Health (“MIPH”) For Alcohol Compliance Checks. Roll Call: Councilors Koski, Stauber, Tafs, Mayor Boucher, aye. Councilor Geissler, absent. Motion carried.

**2009-72**      Resolution Authorizing The Transfer Of The Intoxicating Liquor License Held By Paul Riesland To JoeJen Enterprises, Inc. D/B/A Beacon Restaurant & Lounge

Motion made by Councilor Koski, seconded by Councilor Tafs to adopt Resolution 2009-72, Resolution Authorizing The Transfer Of The Intoxicating Liquor License Held By Paul Riesland To JoeJen Enterprises, Inc. D/B/A Beacon Restaurant & Lounge. Roll Call: Councilors Koski, Stauber, Tafs, Mayor Boucher, aye. Councilor Geissler, absent. Motion carried.

**CITY ATTORNEY**

Steve Overom, City Attorney – I received a phone call from Sue Steinwall the attorney for Wal-Mart today and she apologized on behalf of Wal-Mart for the delay in their moving forward on the project. She indicated that the engineering consultant that they had left the firm of Ollsson Associates and because of the economic downturn they had laid off the next person that was working on the Wal-Mart project. They now have a couple of other engineers up to speed on the project who will be putting together the paperwork for the easement vacations that are required. Sue also indicated they would be submitting their comments on the development agreement that was submitted a few months ago sometime this week.

Mayor Boucher thanked Nathan Gustavsson for running the video equipment.

Motion made by Councilor Stauber, seconded by Councilor Koski to recess the meeting at 6:58 p.m. to Tuesday, August 25, 2009 at 9:30 a.m. to meet with Richard Fursman, The Brimeyer Group and to Tuesday, September 8, 2009 for the regular City Council meeting. Motion carried.

---

Mayor

ATTEST:

---

City Clerk