

A continuation of the City Council Meeting held Tuesday, September 8, 2009 was called to order September 21, 2009 at 6:30 p.m. for the purpose of taking care of unfinished business from the September 8, 2009 meeting.

### **Pledge of Allegiance**

**ROLL CALL:** Councilors Geissler, Koski, Stauber, Tafs; Arlene Tucker, Finance Director; Steve Overom, City Attorney

**ABSENT:** Mayor Boucher, John Mulder, City Administrator; Debbie Lund, City Clerk

**VISITORS:** 2

Acting Mayor Tafs presided over the meeting due to the absence of Mayor Boucher.

### **MINUTES**

Motion made by Councilor Koski, seconded by Councilor Geissler to approve the September 8, 2009 City Council Minutes. Motion carried.

### **PUBLIC DISCUSSION**

Shaine Stokke, Adolph Store – I would like to have a liquor store. The reason I feel it is a good fit is for one, we have a great traffic count in front of our store. There are over 7,400 cars a day that go by there and my customers really want one. I put a petition out for two weeks and I received over a thousand signatures. The reason I keep pursuing it is my customers would really like to get a liquor store in that area. There is no taxi service or mass transit (bus line) in Hermantown so most of my customers would like to pick up beer or a bottle of wine when they get their meats. We are by no churches, schools, playgrounds and no neighborhoods. I map quested the liquor stores in the area and the two closest liquor stores to my location are, one in Pike Lake, which isn't tax dollars for Hermantown at 5.33 miles and the second closest is Proctor at 5.38 miles which also isn't in our taxable area. Hermantown Liquor Store is 7.70 miles away and Sam's Club is 6.75 miles away. I think it would be a good fit, I already have a building, and I have a driveway, its separated from my building of Adolph Store and a separate entrance.

Acting Mayor Tafs stated there are other businesses that have asked for an off sale liquor license and you would have to get in line with three to five other business. It does look like a great plan you've got here. Do you think that people will buy more alcohol if there is another liquor store in town?

Shaine replied no because I don't have any walk in customers. If they want to get a twelve pack of beer they are going to drive I do not think I am going to create any more drinkers because I have a liquor store there. It is just a convenience for that area, which is a huge area and I draw a lot of out-of-town traffic. This is the first year I've really started

drawing a lot of Hermantown customers but I've been very aggressive with my price. I know there are other businesses that would like a liquor license but I think Hermantown needs to look at location. You don't want to put a liquor store by another liquor store where my location is perfect I have no other liquor stores around me and the two closest ones are out of our tax district.

Councilor Geissler asked Mr. Stokke if he had any idea on what type of revenue you would be pulling out of here on a monthly basis?

Mr. Stokke reported he is just guessing but his first year would be about \$1.5 million.

### **COUNCIL MEMBERS REPORT**

Councilor Geissler – No report

Councilor Koski- No report

Councilor Stauber – No report

Councilor Tafs – No report

Mayor Boucher – Absent

### **CITY ADMINISTRATOR REPORT**

John Mulder, City Administrator – Absent

### **DEPARTMENT HEADS REPORT**

Debbie Lund, City Clerk – Absent

Arlene Tucker, Finance Director – No report

### **COMMUNICATIONS**

Communications 2009-373 through and including 2009-385 were read and placed on file.

Communication 2009-374 from Hermantown Police Department to City Administrator regarding Notice of Desire to Negotiate

Communication 2009-379 from John Klaers, City Planner/Zoning Director to Chairman Archambeau & Planning Commissioners regarding Robert Jackman's Wetland Replacement Plan

Communication 2009-382 from John Klaers, City Planner/Zoning Director to Chairman Shaw & Park Board Members regarding August/September Update for Park Board Members

Communication 2009-385 from Minnesota Power to John Mulder regarding Request to Assist with Ball Field Lighting

### **NEW BUSINESS**

Motion made by Councilor Koski, seconded by Councilor Geissler appoint Councilors Geissler and Stauber as representatives to negotiate with Local #47. Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

### **ACCOUNTS PAYABLE**

Vouchers 41898 through and including 419567 from September 1, 2009 through September 18, 2009 in the amount of \$295,265.11 were read.

Motion made by Councilor Koski, seconded by Councilor Stauber to approve general city warrants in the amount of \$295,265.11. Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

### **ORDINANCES**

**2009-06**      An Ordinance Amending Ordinance No. 99-04 (Cable Television Franchise Ordinance)

The Second Reading was held on Ordinance 2009-06, An Ordinance Amending Ordinance No. 99-04, (Cable Television Franchise Ordinance).

Motion made by Councilor Koski, seconded by Councilor Geissler to adopt Ordinance 2009-06, An Ordinance Amending Ordinance No. 99-04 (Cable Television Franchise Ordinance. Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

**2009-07**      An Ordinance Amending Section 460 Of The Hermantown City Code Regarding Peddlers And Solicitors

The First Reading was held on Ordinance 2009-07, An Ordinance Amending Section 460 Of The Hermantown City Code Regarding Peddlers And Solicitors.

**2009-08**      An Ordinance Deleting And Re-Statng Section 270 Of The Hermantown City Code Authorizing Background Investigations And Criminal History Checks For Applicants For City Employment And City Licenses

The First Reading was held on Ordinance 2009-08, An Ordinance Deleting And Re-Statng Section 270 Of The Hermantown City Code Authorizing Background Investigations And Criminal History Checks For Applicants For City Employment And City Licenses.

**2009-09**      An Ordinance Amending The Hermantown City Code By Authorizing Background Investigations And Criminal History Checks For Certain City Licenses

The First Reading was held on Ordinance 2009-09, An Ordinance Amending The Hermantown City Code By Authorizing Background Investigations And Criminal History Checks For Certain City Licenses.

**RESOLUTIONS**

**2009-81**      Resolution Authorizing Execution Of Agreement With The Minnesota Department Of Public Safety, Office Of Traffic Safety For The Project Entitled “2010 Pilot County Enforcement Project” – Lake Superior Traffic Enforcement Team During The Period From October 1, 2009 Through September 30, 2010

Motion made by Councilor Koski, seconded by Councilor Geissler to adopt Resolution 2009-81, Resolution Authorizing Execution Of Agreement With The Minnesota Department Of Public Safety, Office Of Traffic Safety For The Project Entitled “2010 Pilot County Enforcement Project” – Lake Superior Traffic Enforcement Team During The Period From October 1, 2009 Through September 30, 2010. Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

**2009-82**      Resolution Directing Preparation Of Preliminary Engineering Report For Sewer Improvement District No. 433 Maple Grove Road (From Getchell Road West To Sewer Trunk Line)

Motion made by Councilor Koski, seconded by Councilor Stauber to adopt Resolution 2009-82, Resolution Directing Preparation Of Preliminary Engineering Report For Sewer Improvement District No. 433 Maple Grove Road (From Getchell Road West To Sewer Trunk Line). Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

**2009-83**      Resolution Directing Preparation Of Preliminary Engineering Report For Sewer Improvement District No. 434 Morris Thomas Road (From Getchell Road West Approximately 1000 Feet)

Motion made by Councilor Koski, seconded by Councilor Geissler to adopt Resolution 2009-83, Resolution Directing Preparation Of Preliminary Engineering Report For Sewer Improvement District No. 434 Morris Thomas Road (From Getchell Road West Approximately 1000 Feet). Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

**2009-84**      Resolution Calling Public Hearing On The Intention To Issue General Obligation Capital Improvement Plan Bonds And The Proposal To Adopt A Capital Improvement Plan Therefor

Motion made by Councilor Geissler, seconded by Councilor Stauber to adopt Resolution 2009-84, Resolution Calling Public Hearing On The Intention To Issue General Capital Improvement Plan Bonds And The Proposal To Adopt A Capital Improvement Plan Therefor with public hearing scheduled for Monday, October 19, 2009 at 6:30 p.m. Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

**2009-85**      Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Revised Tower And Ground Lease Agreement Between The City And New Cingular Wireless PCS, LLC (AKA AT & T Mobility)

Motion made by Councilor Koski, seconded by Councilor Geissler to table Resolution 2009-85, Resolution Authorizing And Directing The Mayor And City Clerk To Execute And Deliver A Revised Tower And Ground Lease Agreement Between The City And New Cingular Wireless PCS, LLC (AKA AT & T Mobility) for two weeks. Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

**2009-86**      Resolution Approving Wetland Replacement Plan Of Robert Jackman ("Landowner") And Imposing Conditions On Such Approval

Motion made by Councilor Geissler, seconded by Councilor Koski to adopt Resolution 2009-86, Resolution Approving Wetland Replacement Plan Of Robert Jackman ("Landowner") And Imposing Conditions On Such Approval. Roll Call: Councilors Geissler, Koski, Stauber, Acting Mayor Tafs, aye. Mayor Boucher, absent. Motion carried.

**CITY ATTORNEY**

Steve Overom, City Attorney – This wetland replacement plan is the model of rules and regulations that are followed and is being applied uniformly.

Acting Mayor Tafs thanked Nathan Gustavsson for running the video equipment

Motion made by Councilor Koski, seconded by Councilor Geissler to recess the meeting at 6:57 p.m. Motion carried.

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Acting Mayor

ATTEST:

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Clerk