

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 2, 2012  
7:00 P.M.**

**I. CALL TO ORDER**

Mayor Hovland called the meeting to order at 7:09 p.m.

**II. ROLL CALL**

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

**III. MEETING AGENDA APPROVED**

**Member Bennett made a motion, seconded by Member Sprague, approving the meeting agenda.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV. CONSENT AGENDA ADOPTED**

Member Brindle made a motion, seconded by Member Swenson, approving the consent agenda as revised to remove Items IV.F. Resolution No. 2012-134, approving encroachment agreement for 4402 France Avenue; and, Item IV.H. Resolution No. 2012-136, no parking on Antrim Road from West 70<sup>th</sup> Street to Valley View Road and on Cahill Road from Dewey Hill Road to West 78<sup>th</sup> Street, as follows:

IV.A. Approve regular, work session, and closed meeting minutes of September 19, 2012

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated September 20, 2012, and consisting of 27 pages; General Fund \$432,197.36; Police Special Revenue \$104.93; Working Capital Fund \$860,264.80; Equipment Replacement Fund \$169,560.99; Construction Fund \$17,086.38; Art Center Fund \$932.98; Aquatic Center Fund \$7,042.25; Golf Course Fund \$79,956.87; Ice Arena Fund \$4,086.16; Edinborough Park Fund \$3,659.26; Centennial Lakes Park Fund \$2,399.48; Liquor Fund \$164,268.05; Utility Fund \$661,368.36; Storm Sewer Fund \$256,128.20; PSTF Agency Fund \$597.90; Centennial TIF District \$1,184.91; **TOTAL \$2,660,838.88** and for approval of payment of claims dated September 27, 2012, and consisting of 36 pages; General Fund \$293,913.80; Police Special Revenue \$105.46; Working Capital Fund \$144,898.21; Equipment Replacement Fund \$750.00; Art Center Fund \$4,451.05; Golf Dome Fund \$4,957.82; Aquatic Center Fund \$741.76; Golf Course Fund \$26,631.02; Ice Arena Fund \$394,091.94; Edinborough Park Fund \$2,698.84; Centennial Lakes Park Fund \$6,359.19; Liquor Fund \$206,655.88; Utility Fund \$249,420.94; Storm Sewer Fund \$33,324.72; Recycling Fund \$32.86; PSTF Agency Fund \$9,843.91; **TOTAL \$1,378,877.40**; and, Credit Card Transactions dated July 26 – August 25, 2012; **TOTAL \$34,111.43**.

IV.C. Adopt Resolution No. 2012-131, 2012-132, and 2012-137 providing for sale of G.O. Bonds Series 2012A, 2012B and 2012C

IV.D. Adopt Resolution 2012-133 appointing election judges for general election

IV.E. Approve one-year extension of the City Facilities Refuse and Recycling Collection Contract with Aspen Waste

~~IV.F. Resolution No. 2012-134, approving encroachment agreement for 4402 France Avenue~~

IV.G. Adopt Resolution No. 2012-135, authorizing special assessments for water service line repair, 6033 Wooddale Avenue

~~IV.H. Resolution No. 2012-136, no parking on Antrim Road from West 70<sup>th</sup> Street to Valley View Road and on Cahill Road from Dewey Hill Road to West 78<sup>th</sup> Street~~

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Minutes/Edina City Council/October 2, 2012**

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**IV.F. RESOLUTION NO. 2012-134 ADOPTED – APPROVING ENCROACHMENT AGREEMENT FOR 4402 FRANCE AVENUE**

Engineer Houle explained the encroachment agreement would allow an extension of utility service under the alleyway. Attorney Knutson advised the encroachment agreement language adequately addressed the issue of liability. **Member Swenson introduced and moved adoption of Resolution No. 2012-134, approving encroachment agreement for 4402 France Avenue.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.H. RESOLUTION NO. 2012-136 ADOPTED – NO PARKING ON ANTRIM ROAD FROM WEST 70<sup>TH</sup> STREET TO VALLEY VIEW ROAD AND ON CAHILL ROAD FROM DEWEY HILL ROAD TO WEST 78<sup>TH</sup> STREET**

Council members asked about the proposed resolution to prohibit parking on the east side of Antrim Road. Mr. Houle stated that staff had determined that the majority of residential properties were on the west side of the street, meaning that on-street parking on the west side would provide convenience parking to more homes. In addition, the long block from West 70th Street to Valley View Road would allow for a continuous bike lane adjacent to the continuous parking lane. Mr. Houle affirmed that the church on the east side of Antrim Road had an off-street parking lot and that the side street south of the church provided additional spaces for on-street parking. **Member Sprague introduced and moved adoption of Resolution No. 2012-136, for parking restriction on Antrim Road from West 70<sup>th</sup> Street to Valley View Road and Cahill Road from Dewey Hill Road to West 78<sup>th</sup> Street.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. 100 BEST COMMUNITIES FOR YOUNG PEOPLE ANNOUNCED**

Heather Haen Anderson, Executive Director for Connecting with Kids, announced the City of Edina had been named by America's Promise Alliance, for the third consecutive year, as one of America's 100 best communities for young people.

Julie Rogers Bascom, Service Learning Coordinator with Edina Public Schools, thanked all who had contributed to the application and Edina's recognition.

**V.B. FIRE PREVENTION WEEK PROCLAIMED**

Mayor Hovland read in full a proclamation declaring Fire Prevention Week. **Member Brindle made a motion, seconded by Member Swenson, approving proclamation declaring October 7-13, 2012, Fire Prevention Week in the City of Edina.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Fire Chief Scheerer accepted the proclamation and thanked the Council for its continued support of the Fire Department, which had resulted in a historically low number of fires given its population. He encouraged residents to test smoke detectors and recognized Police Officer Ryan Schultz for rescuing family members during a recent fire.

**V.C. POLICE COMMENDATIONS ANNOUNCED**

Police Chief Long presented Distinguished Officer Awards to Police Officers Vik Konters and Jim Rygg. The Council and audience responded with a round of applause.

**VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.**

**VI.A. SPECIAL ASSESSMENTS**

Mr. Houle described the final assessments public hearing process, in compliance with Chapter 429, and summarized options for payback, repayment periods, and interest charged at 1% over the net interest rate.

Finance Director Wallin explained the 1% over net interest rate was to cover the City's cost for bonds to finance the assessments, underpayments, and negative arbitrage.

**VI.A.1. TREE REMOVAL – IMPROVEMENT NO. TR-12 – RESOLUTION NO. 2012-116 ADOPTED**

Assistant Parks & Recreation Director Kattreh presented Code Section 1055 that called for the removal of trees with Dutch elm or oak wilt disease. She described the process to identify diseased trees, property owner notification, and options for removal. Ms. Kattreh presented the assessment roll for six properties to be assessed for tree removal plus an administrative fee.

Mayor Hovland opened the public hearing at 7:37 p.m.

Public Testimony

No one appeared to comment.

**Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2012-116, levying special assessments for Improvement No. TR-12 Tree Removal.** Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VI.A.2. AQUATIC WEEDS IMPROVEMENT NO. AQ-12 – RESOLUTION NO. 2012-117 ADOPTED**

Ms. Kattreh presented the assessment roll for City-administered aquatic weed control service upon request by homeowners. She displayed a map of the areas of improvement and presented the assessment roll for 33 Indianhead Lake residents to be assessed \$399.93 per home for a total of \$13,197.78; 36 Arrowhead Lake residents to be assessed \$380.32 per home for a total of \$13,691.46; and, 63 Minnehaha Creek Mill Pond properties to be assessed \$69.05 per home for a total of \$4,350.00.

Mayor Hovland opened the public hearing at 7:40 p.m.

Public Testimony

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2012-117, levying special assessments for Improvement No. AQ-12 Aquatic Weeds.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VI.A.3. WEED MOWING IMPROVEMENT NO. WD-12 – RESOLUTION NO. 2012-118 ADOPTED**

**Minutes/Edina City Council/October 2, 2012**

Ms. Kattreh reviewed the Code requirement for maintenance of vegetation and the process used by the City's Weed Inspector to notify the property owner to comply. If compliance was not gained, the weeds were cut by Park Maintenance staff and the cost assessed. Ms. Kattreh presented the assessment roll for eight properties that would be certified to the County Assessor for collection in addition to an administrative fee.

Mayor Hovland opened the public hearing at 7:42 p.m.

Public Testimony

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Bennett introduced and moved adoption of Resolution No. 2012-118, levying special assessments for Improvement No. WD-12 Weed Mowing.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VI.A.4. 50<sup>TH</sup> & FRANCE MAINTENANCE IMPROVEMENT NO. M-12 – RESOLUTION NO. 2012-119 ADOPTED***

Mr. Houle presented the assessment roll for properties within the 50<sup>th</sup> and France maintenance area that would be assessed \$0.6906 per square foot, an increase over 2011 due to additional paver replacement within the area.

Mayor Hovland opened the public hearing at 7:45 p.m.

Public Testimony

No one appeared to comment.

**Member Sprague made a motion, seconded by Member Brindle, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2012-119, levying special assessments for public improvements.** Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VI.A.5. GRANDVIEW BUSINESS DISTRICT MAINTENANCE IMPROVEMENT NO. G-12 – RESOLUTION NO. 2012-120 ADOPTED***

Mr. Houle presented the assessment roll for properties within the Grandview Business District to be assessed \$0.0144 per square foot, a decrease from 2011 due to replacing fewer plants. It was noted that staff anticipated an increase in the 2014 assessment for additional plant replacements and modifications to the irrigation system.

Mayor Hovland opened the public hearing at 7:49 p.m.

Public Testimony

No one appeared to comment.

**Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**Member Bennett introduced and moved adoption of Resolution No. 2012-120, levying special assessments for public improvements.** Member Swenson seconded the motion.

Rollcall:  
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

***VI.A.6. MINNEHAHA WOODS NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-334 – RESOLUTION NO. 2012-121 POSTPONED TO OCTOBER 16, 2012***

Mr. Houle displayed a map of the improvement area and presented the costs for the Minnehaha Woods neighborhood street reconstruction project totaling \$1,550,781.54 with a total project cost (including utilities and bridge) of \$4,581,773.19. The City's contribution towards utility costs was \$3,030,991.65 (66% of the total project). The assessment cost was \$1,989,775.51 or \$10,363.41 per Resident Equivalent Unit (REU). It was noted this assessment was 12% lower than the estimated assessment of \$11,800.00.

Mr. Houle indicated an e-mail of objection had been received from David Liebl of 5536 Park Place.

Mayor Hovland opened the public hearing at 7:53 p.m.

Public Testimony

Jeremiah Kearney, 5420 Woodcrest Drive, addressed the Council.

Andy Brown, 5512 Park Place, addressed the Council.

Mark Swenson, 5501 Dever Drive, addressed the Council.

Jim Grotz, 5513 Park Place, addressed the Council.

Larry Lomax, 5516 Park Place, addressed the Council.

John Crabtree, 5408 Oaklawn Avenue, addressed the Council.

Darren Wennen, 5525 Oaklawn Avenue, addressed the Council.

Elizabeth Johnson-McGarry, 5513 Brookview, addressed the Council.

**Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

Paul Pasko, SEH Engineering, and Mr. Houle addressed issues raised during public testimony. Mr. Pasko explained the contractor provided a one-year warranty that began September 2012 and items would be placed on a punch list and resolved with the contractor. In addition, performance bonds were in place. Mr. Houle indicated the sod had a 42-day warranty, which was a Mn/DOT specification, and had been an issue on all projects due to the drought. He stated staff would determine whether hydroseeding was an option and potential funding source.

## Minutes/Edina City Council/October 2, 2012

Mr. Pasko apologized that mis-scheduling had occurred and resulted in additional costs to residents. He explained a lot of effort goes into assuring those conflicts do not occur between the City's contractor and resident's private contractor.

The Council questioned the higher engineering percentages charged for an engineering consultant in comparison to in-house engineering. Mr. Pasko explained the City generally called upon engineering consultants for projects that required additional technical expertise and bench strength. It was considered to be competitive when within a range of 17% to 21% of the project cost. Mr. Houle reviewed engineering percentages for past projects. He explained that in the past, the City had applied a charge of 15% of project cost for in-house engineering. The Special Assessment Policy had been revised to charge direct engineering costs instead of a percentage. Mr. Neal advised that prior to the lawsuit, the charges between City engineering and private consultant engineering were comparable. He stated SEH was not over charging but, perhaps, the City was undercharging and not attributing all overhead or total compensation costs towards the project. It was noted the engineering percentage for this project was within an appropriate range.

Mr. Pasko described the difference between Type I and Type II trunk sanitary sewer construction and costs for each. The Council discussed the methodology of estimating private sewer line replacement costs and situations where the private contractor charged more than the City's contractor. Mr. Houle stated this was the second of three projects where the upgrade of the private sanitary sewer was required. In this project, the contractor bid the open cut portion lower than the SEH estimate. But, by that time, many of the homeowners had already contracted with a private contractor. Mr. Houle noted if the majority of homeowners had utilized the City's contractor, the cost per service would have been higher because it would have included trenchless work.

The Council asked questions of staff related to timing of the bid, notification to residents, number of Type I and Type II properties, and when residents received updates. Mr. Pasko explained the need to keep the project moving forward with a project of this size so it would not involve two seasons for street reconstruction. Mr. Houle indicated for the next year's projects, the schedule would be moved up with public hearings held the first week in December, bids received in February/March, and numbers would then be available to help residents make an informed decision. Mr. Pasko explained that based on the Country Club project where approximately eighty percent of the property owners contracted privately, it was assumed that not all property owners would use the City's contractor so the assumption was backed off to about sixty percent private contractors vs. forty percent Project contractor. He stated it was known if property would be Type I or Type II but the issue was the estimate on the number of residents who would use a private contractor and who would use the City's contractor so staff used a past-project model. In this project, homeowners knew as early as February which type of process (cured in place/open cut) was required for their property and the approximate cost. The Council indicated it understood this was difficult work and the intention was to determine where money could have been saved for residents.

Member Bennett-asked whether City staff had received all of the special assessment agreements, noting it appeared about 20 were missing from the information provided in the meeting packet. Mr. Knutson advised that all of the assessment agreements had to be received prior to taking action.

With regard to notifying residents that the City's contractor might charge a lower fee for sewer connections, Mr. Houle explained that based on the higher base prices with the Country Club project, staff anticipated this project would also be higher. Based on that assumption, staff had encouraged residents to complete work on their private property. However, the same contractor was awarded both bids and also had the Richmond Hills project so it wanted to get private contractors out of the right-of-way and estimated lower prices. **Member Brindle made a motion, seconded by Member Swenson, to postpone indefinitely consideration of Resolution No. 2012-121, levying special assessments for public improvements.**

Mr. Neal recommended postponing to October 16, 2012. **Member Bennett made a substitute motion, seconded by Member Brindle, to postpone consideration of Resolution No. 2012-121, levying special assessments for public improvements to October 16, 2012.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VI.A.7. GOLF TERRACE NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-355 – RESOLUTION NO. 2012-122 ADOPTED**

Mr. Houle displayed a map of the improvement area and presented the costs for the Golf Terrace neighborhood reconstruction project totaling \$1,016,002.93 with a total project cost (including utilities) of \$2,469,733.92. The City's contribution towards utility costs was \$1,453,730.99 (59% of the total project) The assessment cost was \$1,126,525.73 or \$12,379.40 per REU. It was noted this assessment was 0.3% lower than the estimated assessment of \$12,417.58.

Mayor Hovland opened the public hearing at 9:02 p.m.

Public Testimony

Susan Covnick, 4715 Golf Terrace, addressed the Council.

**Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Houle addressed the landscaping concern raised during public testimony, explaining it was bid separately from the general contractor and had a two-year maintenance contract. He indicated staff would determine how often it had been maintained and suggested residents not perform maintenance since it was the responsibility of the landscape contractor and the rain garden had been designed by a professional landscape architect. **Member Swenson introduced and moved adoption of Resolution No. 2012-122, levying special assessments for public improvements.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VI.A.8. WEST 70<sup>TH</sup> STREET NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NOS. BA-367 & A-241 – RESOLUTION NO. 2012-123 ADOPTED**

Member Sprague recused himself and left the chambers as his property was within this improvement project.

Mr. Houle displayed a map of the improvement area and presented the costs for the West 70<sup>th</sup> Street neighborhood reconstruction project totaling \$496,192.96 with a total project cost (including utilities) of \$3,199,527.46. The City's contribution toward utility costs was \$702,335.47 (21.95% of the total project). The assessment cost was \$511,316.51 or \$3,706.54 per REU. It was noted this assessment was 2% lower than the estimated assessment of \$3,795.70.

Mayor Hovland opened the public hearing at 9:20 p.m.

Public Testimony

No one appeared to comment.

**Member Bennett made a motion, seconded by Member Brindle, to close the public hearing.**

Ayes: Bennett, Brindle, Swenson, Hovland

**Minutes/Edina City Council/October 2, 2012**

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2012-123, levying special assessments for public improvements.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

Member Sprague returned to the Council dais.

***VI.A.9. CARSON'S HILL NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-370 – PUBLIC HEARING AND RESOLUTION NO. 2012-124 CONTINUED TO OCTOBER 16, 2012***

Mr. Houle displayed a map of the improvement area and presented the costs for the Carson's Hill neighborhood reconstruction project totaling \$1,143,811.37 with a total project cost (including utilities) of \$1,827,254.08. The City's contribution toward utility costs was \$683,442.71 (37% of the total project). The assessment cost was \$1,254,398.85 or \$7,743.20 per REU. It was noted this assessment was 17% lower than the estimated assessment of \$9,316.77.

Mr. Houle advised that a letter of objection had been received from Chris Johnson of 5308 Highwood Drive.

The Council indicated there were 161 REUs in the project area; however, the assessment roll was based on 162 REUs. Mr. Knutson advised if the assessment amount increased, the Council would not have to hold another hearing but the change would have to be noticed. Mr. Houle recommended a continuance to allow time for staff to verify the number of REUs. **Member Sprague made a motion, seconded by Member Swenson, to continue the public hearing for consideration of Resolution No. 2012-124, levying special assessments for public improvements, to October 16, 2012.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VI.A.10. KILLARNEY SHORES NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-371 – RESOLUTION NO. 2012-125 ADOPTED***

Mr. Houle displayed a map of the improvement area and presented the costs for the Killarney Shores neighborhood reconstruction project totaling \$509,039.12 with a total project cost (including utilities) of \$941,408.03. The City's contribution toward utility costs was \$432,368.03 (45.9% of the total project). The assessment cost was \$554,147.85 or \$7,196.73 per REU. It was noted this assessment was 26% lower than the estimated assessment of \$9,740.26.

Mayor Hovland opened the public hearing at 9:33 p.m.

Public Testimony

No one appeared to comment.

**Member Sprague made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2012-125, levying special assessments for public improvements.** Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**VI.A.11. MCCAULEY HEIGHTS NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-372 – RESOLUTION NO. 2012-126 ADOPTED**

Mr. Houle displayed a map of the improvement area and presented the costs for the McCauley Heights neighborhood reconstruction project totaling \$140,851.43 with a total project cost (including utilities) of \$216,189.50. The City's contribution toward utility costs was \$75,338.07 (35% of the total project). The assessment cost was \$169,683.31 or \$6,476.46 per REU. It was noted this assessment was 7.6% lower than the estimated assessment of \$7,000.

Mayor Hovland opened the public hearing at 9:35 p.m.

Public Testimony

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**Member Bennett introduced and moved adoption of Resolution No. 2012-126, levying special assessments for public improvements.** Member Swenson seconded the motion.

Rollcall:  
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**VI.A.12. OSCAR ROBERTS NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-373 – RESOLUTION NO. 2012-127 ADOPTED**

Mr. Houle displayed a map of the improvement area and presented the costs for the Oscar Roberts neighborhood reconstruction project totaling \$305,633.20 with a total project cost (including utilities) of \$639,888.91. The City's contribution toward utility costs was \$334,255.71 (52% of the total project). The assessment cost was \$358,757.60 or \$4,429.11 per REU. It was noted this assessment was 15% lower than the estimated assessment of \$5,200.00.

Mayor Hovland opened the public hearing at 9:38 p.m.

Public Testimony

No one appeared to comment.

**Member Bennett made a motion, seconded by Member Swenson, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**Member Sprague introduced and moved adoption of Resolution No. 2012-127, levying special assessments for public improvements.** Member Swenson seconded the motion.

Rollcall:  
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**VI.A.13. WEST 44<sup>TH</sup> STREET NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-383 – RESOLUTION NO. 2012-128 ADOPTED**

Mr. Houle displayed a map of the improvement area and presented the costs for the West 44<sup>th</sup> Street neighborhood reconstruction project totaling \$211,591.94 with a total project cost (including utilities) of \$2,499,540.33. The City's contribution toward utility costs was \$1,229,512.04 (49% of the total project).

**Minutes/Edina City Council/October 2, 2012**

The assessment cost was \$218,566.21 or \$2,031.85 per REU. It was noted this assessment was 5% lower than the estimated assessment of \$2,138.24.

Mayor Hovland opened the public hearing at 9:41 p.m.

Public Testimony

No one appeared to comment.

**Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Bennett introduced and moved adoption of Resolution No. 2012-128, levying special assessments for public improvements.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VI.A.14. RIDGE ROAD NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-384 – RESOLUTION NO. 2012-129 ADOPTED***

Mr. Houle displayed a map of the improvement area and presented the costs for the Ridge Road neighborhood reconstruction project totaling \$142,210.15 with a total project cost (including utilities) of \$713,632.87. The City's contribution toward utility costs was \$571,422.72 (66 80% of the total project). The assessment cost was \$261,622.00 or \$10,930.82 for 17.67 REUs and \$9,787.26 for 07 REUS. It was noted this assessment was .63% lower than the estimated assessment of \$11,000.00. It was also noted the assessment roll had been corrected to address the type of curb and gutter installed.

Mayor Hovland opened the public hearing at 9:45 p.m.

Public Testimony

No one appeared to comment.

**Member Swenson made a motion, seconded by Member Sprague, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Bennett introduced and moved adoption of Resolution No. 2012-129, levying special assessments for public improvements.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VI.B. CERTIFICATION OF DELINQUENT UTILITIES IMPROVEMENT NO. DU-12 – RESOLUTION NO. 2012-130 ADOPTED***

Mr. Wallin presented certification of delinquent utilities per Statute 444.075 and City Code. He described the notification process for utility accounts with balances over \$50 and delinquent 15 days or longer. It was noted customers had opportunity to pay overdue balances up until November 16, 2012. A \$30 administrative fee would be added and assessed for one year at 6.5% interest. Mr. Wallin noted the assessment roll included three Edina properties that received St Louis Park utility service. Four Edina properties received Richfield utility services pursuant to agreements between the cities; however, none were included in the delinquent list. Mr. Wallin reported that in August, 950 properties were sent notices

for a total of \$382,346.29. He compared that number to previous years. It was noted the final delinquent list would be attached to the draft resolution and sent to Hennepin County for certification.

Mr. Wallin answered questions of the Council related to a commercial establishment that, in the past, had been delinquent in payment of utilities. Mr. Wallin advised that business was not on this current list but continued to owe Hennepin County for past certifications and taxes. Mr. Neal indicated that business was in compliance with the agreement reached. Mr. Wallin reviewed the circumstances of the \$13,000 delinquency on a commercial establishment and indicated that 90% of certifications were paid within one year and the remaining 10% paid over a five to six year period.

Mayor Hovland opened the public hearing at 9:55 p.m.

Public Testimony

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**Member Brindle introduced and moved adoption of Resolution No. 2012-130, authorizing the certification of delinquent utility charges to the Hennepin County Auditor.** Member Bennett seconded the motion.

Rollcall:  
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**VII. COMMUNITY COMMENT**

No one appeared to comment.

**VIII. REPORTS / RECOMMENDATIONS**

**VIII.A. RESOLUTION NO. 2012-114 ADOPTED – ACCEPTING VARIOUS DONATIONS**

Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

**Member Bennett introduced and moved adoption of Resolution No. 2012-114 accepting various donations.** Member Swenson seconded the motion.

Rollcall:  
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**IX. CORRESPONDENCE AND PETITIONS**

**IX.A. CORRESPONDENCE**

Mayor Hovland acknowledged the Council's receipt of various correspondence.

**IX.B. PETITION DO.TOWN REGARDING PARK AND PLAYGROUND AT LAKE EDINA PARK – RECEIVED**

**Member Sprague made a motion, seconded by Member Brindle, to receive do.town petition regarding park and playground at Lake Edina Park.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland  
Motion carried.

**IX.C. ADVISORY BOARDS & COMMISSION CORRESPONDENCE:**

1. ENERGY & ENVIRONMENT COMMISSION, AUGUST 9, 2012
2. EDINA HUMAN RIGHTS & RELATIONS COMMISSION, AUGUST 28, 2012

**Minutes/Edina City Council/October 2, 2012**

Informational; no action required.

**X. MAYOR AND COUNCIL COMMENTS** – Received

**XI. MANAGER'S COMMENTS** – Received

**XII. ADJOURNMENT**

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:55 p.m.

Respectfully submitted,

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Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, October 16, 2012.

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James B. Hovland, Mayor

Video Copy of the October 2, 2012, meeting available.