

**MINUTES  
OF THE JOINT MEETING OF THE  
EDINA CITY COUNCIL AND THE  
EDINA HOUSING AND REDEVELOPMENT AUTHORITY  
HELD AT CITY HALL  
SEPTEMBER 7, 1999 - 7:00 P.M.**

**SCOTT JOHNSON APPOINTED TO VACANT COUNCIL POSITION** Mayor Maetzold stated that twenty-four applications were received for the vacancy on the Council. The Council interviewed eleven finalists, but Scott Johnson stood out above all the candidates as having just the right mix of experience and knowledge to help lead the City. **Mayor Maetzold made a motion appointing Scott Johnson to the Edina City Council to fill the vacancy left by Dennis Maetzold for an interim term ending December 31, 2000.** Members Faust, Hovland, and Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried unanimously.

**OATH OF OFFICE ADMINISTERED** Clerk Mangen administered the Oath of Office to Scott Johnson to serve as Council Member of the City of Edina for the unexpired term to December 31, 2000.

**ROLLCALL** Answering rollcall were Members Faust, Hovland, Johnson, Kelly, and Mayor Maetzold.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Kelly and seconded by Member Hovland approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**CONSTITUTION WEEK PROCLAIMED** Mayor Maetzold proclaimed the week of September 17 through 23 as Constitution Week in Edina. He urged all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

**Member Faust made a motion declaring the week of September 17 through 23 as Constitution Week in the City of Edina.** Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF AUGUST 17, 1999, AND SPECIAL MEETING OF AUGUST 17, 1999, APPROVED** Motion made by Member Kelly and seconded by Member Hovland approving the Minutes of the August 17, 1999, Regular Council Meeting and Special Meeting of August 17, 1999.

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Motion carried on rollcall vote - five ayes.

**RESOLUTION ADOPTED APPROVING VACATION OF PORTION OF CIRCLE WEST (22 CIRCLE WEST)** Affidavits of Notice were presented, approved and ordered placed on file.

Presentation By Engineer

Engineer Hoffman explained the City had received a request from the residents of 22 Circle West to vacate some excess public right-of-way adjacent to their property. He noted that there are utilities existing in the area for the City, U.S. West and NSP. Mr. Hoffman said that he recommended the Council vacate the street, but retain the utility and drainage easement, noting that if the utility easement would need to be vacated, the requestor would have to pay for relocating any utilities. He noted receipt of a letter from Bob Strachota, 7 Circle West, supporting the vacation.

Mayor Maetzold asked for public comment. No one appeared to speak.

**Member Hovland made a motion to close the public hearing.** Member Faust seconded the motion.

Ayes: Faust, Hovland, Johnson, Maetzold

Abstain: Kelly

Motion carried.

**Member Hovland introduced the following resolution and moved its adoption noting that the utility and drainage easement would be retained:**

**RESOLUTION VACATING PORTION  
OF CIRCLE WEST**

**WHEREAS, a motion of the City Council, on the 17<sup>th</sup> day of August, 1999, fixed a date for a public hearing on a proposed vacation of a portion of Circle West; and**

**WHEREAS, two weeks published and posted notice of said hearing was given and the hearing held September 7, 1999, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and**

**WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and**

**WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following portion of Circle West is hereby vacated effective as of September 7, 1999:**

That part of Circle West as dedicated on the plat of HILLDALE-LALONE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota lying easterly of the following described line:

Commencing at the southeast corner of said Circle West; thence North 78 degrees 16 minutes 00 seconds West assumed bearing along the southerly line of said Circle West a distance of 36.05 feet to the point of beginning of the line to be described; thence North 05 degrees 19 minutes 14 seconds East a distance of 25.36 feet; thence northerly a distance of 42.76 feet along a tangential curve concave to the east, having a radius of 92.00 feet, and a central angle of 26 degrees 37 minutes 51 seconds; thence northeasterly a distance of 47.31 feet along a compound curve concave to the southeast, having a radius of 55.77 feet and a central angle of 48 degrees 35 minutes 59 seconds to the northerly line of said Circle West and there terminating.

BE IT FURTHER RESOLVED that said vacation does not affect, and there are continued, reserved, and retained, by the said resolution ordering the vacation, the following existing easements and authority in, on and under the above vacated area:

The authority of Northern States Power Company, USWest Communications, Paragon Cable Minnesota, or Minnegasco to enter upon the above vacated area for the maintenance, replacement, repair and removal of and for otherwise attending to, underground conduit, manholes, cables, wires and poles required for utility service now in, on or under the above vacated area.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851. Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Maetzold

Abstaining: Kelly

Resolution adopted.

PUBLIC HEARING CONTINUED TO OCTOBER 5, 1999, TO CONSIDER WEST 49½ STREET PARKING RAMP IMPROVEMENT NO P-4a Affidavits of Notice were presented, approved and ordered placed on file.

Engineering Presentation

Mr. Hoffman explained the ramp expansion project Improvement P-4a would be a project authorized jointly by the City of Edina and the Edina HRA. The proposed project would construct a ramp expansion of 115 cars by expanding up one level and horizontally over the Lee property located on West 49½ Street directly west of the existing ramp. The expansion would be funded eighty percent from the District's tax increment funds and twenty percent from special assessments against the 50<sup>th</sup> and France businesses. The estimated cost of the project is \$1,998,000. Mr. Hoffman stated that one issue is the setback variance needed from the north line property line of the ramp due to the height of the ramp.

Mr. Hoffman reported staff has noted that the two north ramps (north of West 50<sup>th</sup> Street) tend to fill frequently. With the addition of the building next to the theater, full use of the

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south ramp is expected. He noted that there are currently 1000 public parking spaces available on the Edina side of the Business District. The proposed addition to the ramp would increase available spaces by ten percent.

A second consideration is the financing of the proposed ramp. Mr. Hoffman noted that the 50<sup>th</sup> and France Tax Increment District will not be available after early 2001. Mr. Hoffman added that the City acquired the Lee property in 1997 with the thought of being able to use the TIF dollars to expand parking in the area. When the City was in the process of acquiring the Lee property it contracted with Walker Parking to study the area and propose alternatives for additional parking. Expansion of the ramp at West 49½ Street was the preferred option.

Mr. Hoffman used graphic boards prepared by Walker depicting a tentative design. He showed the area on the north side of the ramp where the design will be changed in an attempt to mitigate the addition's impact on adjacent properties. Mr. Hoffman explained that when the ramp was originally built, a height variance from the rear property line setback was granted. He noted that the addition will require an additional variance. Mr. Hoffman noted that Jan Monson, 3925 West 49<sup>th</sup> Street, had presented a letter stating her objections and requests regarding the parking ramp expansion, that had been placed before the Council.

Member Kelly asked if the ramp expansion could be done in phases, and how was the 80/20 cost split derived. He added that he understood assessments must be proportionate to benefit derived and commented that the 80/20 split seemed low. Mr. Hoffman explained that if the Council wishes to finance the ramp expansion with TIF then it must do so before the 2001 deadline. He added that the 80/20 cost split formula began in 1973 and has been carried forward since that time. Manager Hughes stated he believed when the 80/20 split was originally approved it was a negotiated split.

Member Faust asked if the northwest corner were cut out of the ramp would the need for a height variance be eliminated. She also wanted to know how many spaces would be lost by removing the corner. Mr. Hoffman said the height variance could not be eliminated through any redesign because of the variance necessary for the existing ramp. He added it was not known how many spaces would be eliminated until further design work could be completed.

Member Hovland stated everyone realizes the need for parking in the 50<sup>th</sup> and France area, however, he still felt uncomfortable with the neighborhood impact. He asked what the possibilities would be of excavating and building additional ramp levels underground. Member Hovland noted the incremental cost of each additional parking stall and asked if the Council were to decide to wait could they expect the cost to go down. Mr. Hoffman replied that he believed building additional parking below ground would cut off Hooten Cleaners. He introduced Scott Froemming of Walker to respond to the question of construction costs. Mr. Froemming explained that Walker solicited prices from contractors. He noted the marketplace was currently very busy, but stated he believed the estimated cost was a reasonable cost for the proposed project.

Member Hovland asked if the Council decided the costs were reasonable and to build the entire 115 space addition, how would staff propose to mitigate the impact on the surrounding neighborhood. Mr. Hoffman used pictures and graphics showing the height of the existing landscaping relative to the existing ramp. He pointed out the changes proposed and explained that the ramp would still have to be redesigned. The proposed height issue will be from the middle not the back side of the ramp.

Attorney Gilligan clarified that there will be an April 1, 2001, sunset for expenditure of funds in the 50<sup>th</sup> and France TIF District, meaning the check must be written by that date. Member Faust asked if TIF funds could be used to mitigate the neighbor's impact. Mr. Gilligan replied that TIF funds could be used to lessen neighborhood impact.

#### Public Comment

Marty Rud, Edina Properties, 6222 France Avenue South, representing the Edina side of France business owners, stated he had a resolution endorsing the ramp addition. Mr. Rud stated that parking is very important to customers and employees. He added that the number of employees in the area has increased dramatically. Mr. Rud noted that Spalon Montage has around 200 employees. All of these employees need to park in order to serve their clients and the area businesses would like to keep parking out of the nearby residential areas. Mayor Maetzold asked if the increased number of employees were in response to increased sales. Mr. Rud acknowledged that sales are strong, however, the increase is only partially attributable to sales. Member Faust asked if the new development across France Avenue in Minneapolis has adequate additional parking. Mr. Rud said he believed that the need for increased parking was being addressed.

Keith Moe, 1752 Montreal, St. Paul, owner of the business at 3939 West 50<sup>th</sup> from the 50<sup>th</sup> and France Business Association presented a resolution formally supporting the addition to the ramp. Mr. Moe said the ramp addition will increase parking by ten percent where it is really needed. He urged approval of the ramp improvement.

Gail Dean, 3925 West 49<sup>th</sup> Street, said that ten years ago the City told residents the ramp would not be built higher. Ms. Dean asked how the ramp would benefit her property. She added she will not benefit from additional sales in the business district. Ms. Dean said she should not suffer from people cutting through her yard, the invasion of her privacy, the increased noise intrusion (car alarms), and the landscaping maintenance needed to keep up the trees and shrubs between the ramp and her property. The additional level of the ramp will have a dramatic effect on her property and she urged that the Council mitigate the height as much as possible

Ted Dean, 3929 West 49<sup>th</sup> Street, added that he recently noticed the light fixtures on the back of the parking ramp are broken off. Mr. Dean stated he was against any addition to the existing ramp. He suggested the City purchase Hooten's Laundry and expand the ramp into that area going underground, but not up. Mr. Dean said the maintenance of the existing ramp is not at the level that it should be.

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Anthony Park, Hooten Cleaners asked if the expansion could be done without the west side expansion. He wanted to preserve the Hooten Cleaners drive through availability.

Kathleen Godfrey, West 49<sup>th</sup> Street, stated she is also a member of the 50<sup>th</sup> and France Business Association. Ms. Godfrey questioned whether a parking problem existed. She asked if there was not a higher and better use of the vacant land. Ms. Godfrey stated she hates to see residents lose their view and the existing landscaping. She noted the problems with parking is only during the hours of 9 a.m. until 5 p.m. and in her opinion spending two million dollars did not seem prudent.

Jan Monson, 3945 West 49<sup>th</sup> Street, stated the ramp is a very expensive solution to a business parking problem during 10:00 a.m. until 6:00 p.m. Ms. Monson said she did not believe that there really was the severe parking problem purported by the businesses. She suggested that parking be expanded behind Edina 5-0. Ms. Monson thanked Mr. Hoffman for meeting with her and referred to her letter requesting: all set-back requirements are met; the strategic utilization of fencing and landscaping to provide privacy; "reduce" air and noise pollution; and installation of screens to deter people from using adjacent properties as walkways or shortcuts.

David Stein, 3920 West 49<sup>th</sup> Street, stated he opposed the ramp expansion. Mr. Stein added he believed that much more parking could be obtained on the Edina 5-0 location. He said the businesses are going to reap the benefits while the residents will suffer a huge loss forever. Mr. Stein recommended the residents be compensated.

Roberta Costellano, 4854 France Avenue, said she was initially pleased with the project, however, when she considered the effects on her neighbors she changed her mind. Ms. Costellano urged the Council to consider the residents' privacy, maintenance, security and the noise issue. She added that the commercial garbage pick ups have been occurring too early and waking up the neighborhood. Mr. Costellano said the haulers have been picking up between 5:20 a.m. and 5:40 a.m. She asked the Council to seek other alternatives rather than adding on 115 spaces to the West 49½ Street ramp. Ms. Costellano also asked about the status of the Minneapolis development.

Tom Nelson, Minneapolis resident and 50<sup>th</sup> and France Area business owner, noted that the area is a victim of its own success. Mr. Nelson urged the Council to move ahead with the ramp expansion, stating this was a tremendous opportunity to add parking that is needed both by clients and employees.

Cecil Basset, 4916 Maple Road, asked what is the full 25 year plan for the area. He stated that what happens in the 50<sup>th</sup> and France Area affects more than 49<sup>th</sup> Street, it also affects Maple Road. He asked if more businesses are planned, the potential traffic impacts of future expansion and expressed concern on behalf of all residents of the area. Mayor Maetzold replied that traffic in Edina has become a fact of life for all areas of the City. He added that the City provides the infrastructure for business and residential areas, but does not have a twenty-five year plan for 50<sup>th</sup> and France. Mayor Maetzold added that when the Lee property

became available, the Council purchased the land because it thought it prudent knowing there existed a need for additional parking in the area. He noted that traffic cannot be controlled from coming into and moving through or out of Edina. The City staff has been and will continue to work on traffic calming strategies as have been discussed at previous meetings. Member Kelly added that each business would need to be asked what their future plans are because there is not one "plan" for the area.

The Council discussed the issues raised by citizens and directed staff to work with the City's consultant to mitigate the impact of the proposed ramp expansion on the adjacent properties. **Member Johnson made a motion continuing the public hearing for the West 49½<sup>th</sup> Street Parking Ramp Improvement No. P-4a until October 5, 1999.** Member Faust seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**\*HEARING DATE OF SEPTEMBER 21, 1999, SET FOR PLANNING MATTER** Motion made by Member Kelly and seconded by Member Hovland setting September 21, 1999, as hearing date for planning matter:

1. JMS Addition to Edina, 5233 Richwood Drive, Jeff and Nancy Schoenwetter.

Motion carried on rollcall vote - five ayes.

**\*BID AWARDED FOR ONE ½ TON PICK-UP TRUCK WITH EXTENDED CAB** Motion made by Member Kelly and seconded by Member Hovland for award of bid for one ½ ton pick-up truck with extended cab to sole bidder, Falls Automotive under State of Minnesota Contract #421925 at \$19,993.00.

Motion carried on rollcall vote - five ayes.

**\*SPECIAL ASSESSMENT PUBLIC HEARING SET FOR OCTOBER 5, 1999** Motion made by Member Kelly and seconded by Member Hovland adopting the following resolution setting October 5, 1999, as the public hearing date for special assessments:

**RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA:**

1. A public hearing shall be held on the 5<sup>th</sup> day of October, 1999, in the Council Chambers at City Hall at 7:00 P.M. to pass upon the proposed special assessments for the 1998-99 construction season. All persons owning property affected by such improvements at such time and place will be given an opportunity to be heard with reference to such assessments.
2. The city clerk is hereby directed to cause a notice of hearing on the proposed assessments to be published in the Edina Sun-Current at least two weeks before the hearing and shall in the notice state the total cost of the improvements. The clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment rolls not less than two weeks before the hearings.

Motion carried on rollcall vote - five ayes.

**RESOLUTION ADOPTED APPROVING 2000 - 2003 EDINA COMMUNITY HEALTH SERVICES PLAN** Sanitarian Velde presented the 2000-2003 Edina Community Health

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Services Plan, which has been developed with input from various agencies: 1) Minnesota Department of Health, 2) Hennepin County Community Health Services, 3) Minneapolis Department of Health and Family Support, 4) Bloomington Division of Public Health, 5) providers and consumers within the community and 6) the Edina Community Health Services Advisory Committee.

The community health assessment component of the plan relied heavily on the Minnesota Student Survey, the Hennepin County Survey of the Health of Adults, the Population and the Environment (SHAPE) and vital statistics prepared by the Minnesota Department of Health.

The plan is similar to previous plans in that many of the services provided are on-going public health and safety programs. These include home health visits, immunization clinics, flu vaccinations, food inspections, emergency medical services, public health nuisance abatement, adult health clinics, disease outbreak investigation and maternal and child health clinics.

Mr. Velde noted areas that will receive new attention or additional attention are; 1) Tobacco; 2) Alcohol, 3) Marijuana, 4) Diet and Physical Activity, 5) Asthma, 6) Dental Disease, 7) Vulnerable Adults, 8) Elderly, 9) Food Safety, 10) Bioterrorism, 11) Unintentional Injury, and 12) Mental Illness.

Following a brief Council discussion, **Member Kelly introduced the following resolution and moved its adoption:**

**RESOLUTION APPROVING THE PLAN FOR PROVISION OF  
COMMUNITY HEALTH SERVICES IN THE CITY OF EDINA  
AND THE SUBMISSION OF AN APPLICATION FOR THE  
COMMUNITY HEALTH SERVICES ACT SUBSIDY**

**WHEREAS, the City Council of the City of Edina is the official governing body of the City of Edina and functions as the official Community Health Board in the City of Edina; and**

**WHEREAS, the City Council is committed to promote, support and maintain the health of the entire community at the highest level; and**

**WHEREAS, the Community Health Services Act provides for subsidies in support of public health services on the local level throughout the State of Minnesota; and**

**WHEREAS, a special needs study has been made and a special public meeting held relative to the needs and priorities of the community for Community Health Services; and**

**WHEREAS, the Community Health Services Advisory Committee of the City of Edina has reviewed the plan for the provision of public health services in the City of Edina and recommends its approval to the City Council; and**

**WHEREAS, the City Council has reviewed this public health services plan and finds it consistent with the needs and priorities of the community as determined by the Community Health Services Advisory Committee and as expressed by the citizens of Edina.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina that the Community Health Services Plan for the City of Edina is approved and authorization is hereby given to submit an application for the Community Health Services Act subsidy for the years 2000-2003.**

**ADOPTED this 7th day of September, 1999.** Member Faust seconded the motion

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**EDINA GRILL NEW WINE AND 3.2 BEER LICENSE APPROVED** Mr. Hughes said the Blue Plate Restaurant Company d.b.a./Edina Grill applied to the City for an on-sale wine and 3.2 beer license for their establishment located at 3907 West 50<sup>th</sup> Street. The applicant filed all necessary documentation and paid all necessary fees. The Planning Department, Health Department and Police Department have completed their investigation and given their approval.

**Member Hovland made a motion approving the 3.2 beer and wine license for Edina Grill, 3907 West 50<sup>th</sup> Street.** Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**\*RESOLUTION APPROVED REVISING LEGAL DESCRIPTION FOR T.H. 169 PROPERTY ANNEXATION** Motion of Member Kelly, seconded by Member Hovland introducing the following resolution and moving its adoption

**RESOLUTION EXPRESSING THE CITY OF EDINA'S DESIRE TO  
DETACH CERTAIN LAND FROM BLOOMINGTON FOR CONCURRENT  
ANNEXATION TO EDINA**

**WHEREAS, the City Council of the City of Edina is the governing body of the City of Edina; and**

**WHEREAS, the City Council finds that certain property now located in the City of Bloomington, County of Hennepin, State of Minnesota, described in Exhibit A (the "W. 78<sup>th</sup> Street Property") which is attached hereto and made a part hereof, abuts the City of Edina and is properly subject to concurrent detachment and annexation by resolutions of the two councils of the two municipalities pursuant to Minnesota Statutes Section 414.061; and**

**WHEREAS, it is the desire of the City of Edina that the W. 78<sup>th</sup> Street Property described in Exhibit A be concurrently detached from the City of Bloomington and annexed to the City of Edina; and**

**WHEREAS, this resolution is contingent upon adoption by the City Council of the City of Bloomington of a resolution approving the concurrent detachment and annexation of the property as provided above;**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Edina in Regular Meeting assembled, that the above-described concurrent detachment and annexation be effective upon the issuance of the order of the Office of Strategic and Long-Range Planning or at such later date as provided by the Office of Strategic and Long-Range Planning in its order.

**ADOPTED this 7<sup>th</sup> day of September, 1999.**

**EXHIBIT A**

**PROPOSED PROPERTY DESCRIPTION**

**78th Street as dedicated in the plat of BRAEWOOD PARK, according to the plat thereof on file or of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota;**

and

Those parts of the following described properties:

**Interstate Highway No. 494 as dedicated in said plat of BRAEWOOD PARK;**

**and**

**The Northwest Quarter of the Northeast Quarter of Section 18, Township 116, Range 21, Hennepin County, Minnesota;**

**and**

**The Northeast Quarter of the Northwest Quarter of said Section 18;**

**and**

**Lot 1, Block 2, CISKOVSKY'S ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota;**

**and**

**The Northwest Quarter of the Northwest Quarter of said Section 18;**

**Lying southerly and westerly of said Lots 1, 2 and 3, Block 1, BRAEWOOD PARK and westerly, northerly, northeasterly and easterly of a line described as beginning at the southeast corner of said Lot 3, Block 1, BRAEWOOD PARK; thence South 1 degree 07 minutes 04 seconds East, assumed bearing, along the southerly extension of the east line of said Lot 3, a distance of 60.52 feet to a line 60.00 feet southerly of and parallel with the southerly line of said Lot 3; thence westerly, parallel with said southerly line of Lot 3 and its westerly extension, a distance of 890.11 feet along a non-tangential curve concave to the north having a radius of 7549.44 feet, a central angle of 6 degrees 45 minutes 20 seconds and a chord that bears South 84 degrees 47 minutes 50 seconds West; thence South 88 degrees 10 minutes 30 seconds West tangent to said curve a distance of 198.39 feet; thence North 1 degree 49 minutes 30 seconds West a distance of 9.74 feet; thence northwesterly a distance of 447.53 feet along a non-tangential curve concave to the northeast having a radius of 958.00 feet, a central angle of 26 degrees 45 minutes 56 seconds and a chord that bears North 67 degrees 26 minutes 21 seconds West; thence North 55 degrees 27 minutes 23 seconds West not tangent to said curve a distance of 737.85 feet; thence northwesterly a distance of 211.76 feet along a tangential curve concave to the northeast having a radius of 433.00 feet and a central angle of 28 degrees 01 minute 14 seconds; thence North 27 degrees 26 minutes 09 seconds West a distance of 17.66 feet to the north line of said Northwest Quarter of the Northwest Quarter of Section 18 and said line there terminating.**

Motion carried on rollcall vote - five ayes.

**SOUTH RAMP WASTE MANAGEMENT IMPROVEMENT APPROVED** Mr. Hoffman informed the Council that the 50<sup>th</sup> & France Waste Management Group had been working with staff to develop an improved program at the south ramp garbage room/recycling area. The current methods are inadequate for today's needs. When the ramp was constructed in the 1980's, the area was sufficient.

The proposed project would remove the existing area east of the current garbage room and would provide a wider sidewalk. A wall will be built between the sidewalk and a new automated dumpster device. Additionally, new doors and a cardboard bailing device would be added to the old area. Estimated project cost of \$48,000 would be proposed to be funded by HRA funds.

Following a brief Council discussion, **Member Johnson made a motion approving the project to improve waste management facilities adjacent to the south ramp and authorized staff to prepare plans and specifications and solicit bids.** Member Faust seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**\*IMPROVEMENT NO. STS-261 - ADDITION OF CURB AND GUTTER TO STORM SEWER PROJECT FOR MAPLE ROAD TO TOWNE ROAD APPROVED** Motion of Member Kelly, seconded by Member Hovland introducing the following resolution and moving its adoption:

**RESOLUTION  
RECEIVING PEITIONS AND  
ADDING CURB & GUTTER TO A PORTION  
OF STORM SEWER WEST 48<sup>TH</sup> STREET  
FROM MAPLE STREET TO TOWNES ROAD  
PROJECT IMPROVEMENT NO. STS-261**

**WHEREAS**, petitions requesting the installation of curb and gutter to portions of West 48<sup>th</sup> Street e was duly presented to the Council on the 7<sup>th</sup> day of September, 1999; and

**WHEREAS**, the City Engineer has determined the project to be feasible as an addition to the Storm Sewer West 48<sup>th</sup> Street from Maple Street to Townes Road Project Improvement No. STS-261

**NOW, THEREFORE, BE IT RESOLVED BY THE EDINA CITY COUNCIL:**

- 1. The Council finds and determines that said petition was signed by at least 35% of all owners of real property abutting upon the aforementioned street named as the location of the improvement.**
- 2. Such improvement is hereby ordered as proposed.**
- 3. Francis Hoffman is hereby designated as the engineer for this improvement. He shall prepare plans and specifications for the making of such improvement.**

**Adopted this 7<sup>TH</sup> day of September, 1999.**

Motion carried on a rollcall vote.

**MAPLE ROAD SIDEWALK APPEAL RECEIVED**

Sharna Wahlgren, Attorney for Larkin, Hoffman, Daly, & Lindgren, Ltd., submitted a letter dated September 1, 1999. Ms. Walgren elaborated:

- 21 property owners on Maple Road object to the proposed sidewalk improvement No. S-75 and wish to appeal any special assessment;
- Maple Road is a beautiful tree-lined street - construction of sidewalk would damage aesthetics of neighborhood;
- Appears City is making a policy change by constructing sidewalks throughout the greater area - Maple Road should be designed, constructed and funded within the larger sidewalk construction plans of the City;
- Residents are concerned with safety but sidewalk will not enhance safety nor will it alleviate traffic concerns;
- Property values will not increase;

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- If project goes forward, City should fund a substantial portion - project is necessitated by commercial development of the 50<sup>th</sup> & France area - owners should not be made to bear cost; and
- If project goes forward, owners ask the City permit resident involvement via a community meeting to ensure successful completion of project.

A letter was received from residents, Janet Becker, 4828 Maple Road; Patti Eastman, 4928 Maple Road; Lisa Holmberg 4811 Maple Road; stating their approval of the Maple Road sidewalk project and urging the project be constructed.

Mayor Maetzold said after much deliberation and careful examination, the Maple Road sidewalk project was ordered because pedestrian safety was a great concern. In the best judgement of the Council, sidewalks were the best resolution to the problem. Financing of the project was discussed and assessing of the residents was the final decision.

Mr. Hughes noted one of the hallmarks of the Engineering Department is the ability to work with property owners. This is done on a property owner by property owner basis and staff would meet with anyone to address special concerns.

Kathleen Godfrey, West 49<sup>th</sup> Street, Realtor, stated near neighbors to Arden and Bruce Avenue have sidewalks and property values have not changed with sidewalk installation.

Following a Council discussion, Council consensus was that no action was needed for the project to move forward as planned.

**ORDINANCE 1999-8 ADOPTED - AN ORDINANCE AMENDING SECTION 150 OF THE CITY CODE TO PROVIDE PAYMENT FOR UNUSED VACATION AND SICK LEAVE UPON TERMINATION** Mr. Hughes explained staff has prepared a report concerning sick leave benefits afforded to full-time City employees. The report concludes that based upon survey results of 52 cities, Edina is the only City that does not provide compensation to employees for accrued and unused sick leave - either upon separation from employment or on an on-going basis. He recommended that the City provide for such a payment by adopting the ordinance and policy. If adopted, this policy will phase out the current practice of providing six weeks severance pay to employees who leave employment in good standing after 20 years of service.

Mr. Hughes recommendations for the new policy are as follows;

- It is imperative that the City attract and retain quality employees. Prospective employees compare benefit packages of other employees. Our current practice places us in a less than competitive position.
- The current policy creates a "use it or lose it" attitude by some employees.
- The current practice of providing severance to 20+ year employees simply rewards someone for longevity, nor performance.
- Employees who use sick leave responsibly are, in effect, penalized by the current system.

- The current system isn't "free" some of the departments, particularly public safety, maintain minimum staffing levels in order to respond to emergencies with adequate manpower. If someone is missing due to sick leave, we must fill their position with off-duty personnel who then receive overtime or call-back pay rates. This contributes to the high overtime budgets in these departments.

The proposed ordinance and policy would provide that employees would be paid, upon separation, 50% of their accrued and unused sick leave balances up to 960 hours. All regular, full-time employees would be eligible for this benefit. Employees covered by collective bargaining agreements would be eligible if the policy is negotiated as part of their agreements.

The policy would phase out the current practice of providing severance to employees with 20 years of service. Employees hired after adoption of the policy would not be eligible for 20 year severance pay. Each current employee would be required to make an individual election if they wished to retain the severance pay option or opt for the new policy. No employee could receive both severance and sick leave payment unless they lost their job due to disability or lay off.

The new policy would be effective for persons employed on January 1, 2000, and thereafter. No payments would be made to persons who have separated from the City prior to January 1, 2000.

Mr. Hughes said the report analyzes retirements/resignations/terminations of employees during the past five years. This analysis compares severance payments received under the current policy with sick leave reimbursements that would have been made had the new policy been in effect.

Staff believes the added costs associated with this program does not necessitate a budget increase at this time. This is based upon, 1) our presumption that we will realize a savings from a reduction in overtime costs, and 2) our budget provides that each job is filled with an individual receiving the maximum pay for the position. In reality, new employees are hired at lower steps on the pay scale which results in excess funds which can be applied to the program.

Following a brief discussion, **Member Faust made a motion to adopt the Policy for the Payment of Unused Sick Leave and introduced Ordinance 1999-10 and moving adoption with waiver of second reading:**

**ORDINANCE NO. 1999-10  
AN ORDINANCE AMENDING SECTION 150  
OF THE CITY CODE TO PROVIDE PAYMENT FOR UNUSED VACATION AND SICK  
LEAVE UPON TERMINATION  
THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:**

Section 1. Subd. 6 of Subsection 150.09 of the City Code is amended to read as follows:

"Subd. 6 Terminal Leave. All employees who accrue vacation and who leave employment with the City in good standing, as described in Subsection 150.16, shall be compensated for all accrued and unused vacation at the date of separation."

Section 2. Subd. 7 of Subsection 150.10 of the City Code is amended to read as follows:

"Subd. 7 Unused Sick Leave Upon Termination. All employees who accrue sick leave and who leave employment with the City in good standing, as described in Subsection 150.16, shall be compensated for accrued and unused sick leave at the date of separation as provided in the Policy for the Payment of Unused Sick Leave adopted by the City Council on September 7, 1999. Employees covered by a collective bargaining agreement shall not be eligible for pay under this Subdivision.

Section 3. Subd. 2 of Subsection 150.17 of the City Code is amended to read as follows:

"Subd. 2 Eligible Employees.

General Rule. The City shall provide severance pay only to those regular full-time employees who are no longer in their original probationary period (as contrasted with a promotional probationary period), who leave employment in good standing as described in Subsection 150.16, whose employment ends, i) due to total and permanent disability, as determined by PERA under PERA rules, or ii) due to the effects of a permanent elimination by the City of any functions or activities of the City.

Special Rule. Regular full time employees hired prior to January 1, 2000, who leave employment in good standing as described in Subsection 150.16 after 20 years of continuous service to the City shall be eligible for severance pay but only as provided in the Policy for the Payment of Unused Sick Leave adopted by the City Council on September 7, 1999. Regular full time employees hired after January 1, 2000, shall not be eligible for severance payments as provided by this paragraph B.

Exclusion. Employees covered by a collective bargaining agreement shall not be eligible for severance pay under this Subsection.

Section 4. This ordinance shall be in full force and effect upon adoption.

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Ordinance and Policy adopted.

\*RESOLUTION SETTING HEARING DATE OF OCTOBER 5, 1999, FOR VACATION OF UTILITY EASEMENT, 4617 TOWNES ROAD Motion made by Member Kelly and seconded by Member Hovland approving the following resolution:

RESOLUTION CALLING FOR

PUBLIC HEARING ON VACATION OF PUBLIC DRAINAGE AND UTILITY

EASEMENT FOR 4617 TOWNES CIRCLE

BE IT RESOLVED BY THE City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 42.348. Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 5<sup>th</sup> day of October, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.

(Official Publication)  
CITY OF EDINA  
4801 WEST 50<sup>TH</sup> STREET  
NOTICE OF PUBLIC HEARING ON  
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT  
4617 TOWNES CIRCLE  
IN THE CITY OF EDINA  
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on October 5, 1999, at 7:00 p.m., in the Council Chambers at 4801 West 50<sup>th</sup> Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

A permanent ten foot (10') wide easement through Lot 3, Auditor's Subdivision No. 319 and Lot 9, White Oaks 6<sup>th</sup> Addition, the center line of which easement is described as follows:

Beginning at a point on the east line of said Lot 9, six feet (6') southerly of the northeast corner of said Lot 9; thence westerly to a point which is five feet (5') southerly of the northerly line of said Lot 9 and five feet (5') east of the west line of said Lot 9, both measurements being at right angles to said lot lines; thence westerly to a point in the southeasterly line of Townes Road Circle, which point is nine feet (9') southwesterly from the most northerly corner of said Lot 3, Auditor's Subdivision No. 319.

All persons who desire to be heard with respect to the question of whether or not the proposed easement vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed easement vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk

Adopted this 7<sup>th</sup> day of September, 1999.

Motion carried on rollcall vote - five ayes.

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**CONCERN OF RESIDENT EXPRESSED** Mayor Maetzold informed the Council a letter was received from Joan M. Bonello, 4621 Arden Avenue, regarding placement of violent video games in public places accessible to children, such as movie theaters. She submitted a copy of her editorial published in the August 25<sup>th</sup> issues of the Edina Sun-Current. Ms. Bonello asked to be on the Agenda to discuss her concern. Ms. Bonello did not attend the Council meeting to voice her concern.

Attorney Gilligan explained under State Statute the City has the authority to regulate amusement devices. The location of these devices can be prevented from certain areas under our present Code, but attempts at regulating their content could be troublesome.

No action was taken.

**RESIDENT EXPRESSED CONCERN WITH GARBAGE** Roberta Castellano expressed concern with the time and the amount of noise that the garbage hauler in her area makes during their pick-up time. Sanitarian Velde said the Ordinance states pick-up should not be before 7:00 A.M. and receptacles must be located 200 feet from residences.

Mr. Hughes suggested Ms. Castellano call police dispatch immediately if they are picking-up garbage before 7:00 A.M. He further noted that staff would contact the hauler and reiterate the Code as well as talk to the 50<sup>th</sup> & France Association about the concern.

**1999 LEAGUE OF MINNESOTA CITIES REGIONAL MEETING NOTED** Mayor Maetzold noted the League of Minnesota Cities Regional Meeting has been set for Thursday, September 16, 1999. He encouraged Members to attend if possible as there are pertinent topics on their agenda of interest to Edina.

**COMMUNITY SURVEY RESULTS PRESENTED** Mr. Hughes presented the Edina Residential Survey Questionnaire results taken by Decision Resources, LTD. He noted Bill Morris, President of Decision Resources, will make a presentation before the Council on October 5, 1999.

Following an inquiry, Assistant Manager Anderson elaborated that a presentation on Vision 20/20 would follow Mr. Morris' speech.

**COMMUNITY CENTER STUDY PRESENTED** Mr. Hughes explained that the topic was before the Edina Housing and Redevelopment Authority earlier in the meeting. Staff is working with the School District on a plan to study the feasibility of adding some gymnasiums at the Community Center. The School District has been asked to expand the scope of a study they are doing on Kuhlman Field to include this possibility. Some architects have been interviewed and staff is proposing to hire TSP EOS to do a pre-design study. The purpose would be to develop the concept including cost estimates. to see if this is feasible. Staff is suggesting the \$16,500 cost of the study be split three ways. The three participants would be the City, the School and a private group that originated the idea initially.

Member Kelly asked if other potential sites for the school bus garage had been explored. Mr. Hughes said those things are still viable but the assignment of the architect for the pre-design study did not include that.

No Council action was taken.

**RESOLUTION APPROVED SETTING MAXIMUM TAX LEVY** Mayor Maetzold reminded the Council that action must be taken to adopt a proposed budget and tax levy for 2000 for certification to Hennepin County.

**Member Kelly introduced the following resolution and moved its adoption:**

**RESOLUTION ADOPTING PROPOSED BUDGET FOR  
THE CITY OF EDINA FOR THE YEAR 2000, AND  
ESTABLISHING THE PROPOSED  
TAX LEVY PAYABLE IN 2000**

**THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, DOES RESOLVE AS FOLLOWS:**

**Section 1: The Budget for the City of Edina for calendar year 2000, is hereby proposed as follows:**

**TOTAL GENERAL FUND** **\$19,268,154**

**Section 2. Estimated receipts other than General Tax Levy, including HACA Aid, are hereby proposed as follows:**

**TOTAL ESTIMATED RECEIPTS** **\$ 5,617,996**

**Section 3. That there is proposed to be levied upon all taxable real and personal property in the City of Edina a tax rate sufficient to produce the amount as follows:**

**FOR GENERAL FUND** **\$13,650,158**

Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

**RESOLUTION APPROVED SETTING TRUTH IN TAXATION HEARING DATES**

Director Wallin presented a calendar of dates available to hold the City's Truth in Taxation hearings. He recommended the Council set Monday, December 6, at 5:00 P.M. for the Truth in Taxation initial hearing and Monday, December 13, at 5:00 P.M. for the continuation hearing; and Tuesday, December 21, 1999, for the budget adoption hearing.

**Member Johnson introduced the following resolution and moved its adoption:**

**RESOLUTION  
SETTING HEARING DATES FOR TRUTH IN TAXATION HEARINGS  
AND BUDGET ADOPTION**

**WHEREAS, the city of Edina is required to inform Hennepin County of its Truth in Taxation Hearing dates as well as the Budget Adoption Hearing date:**

**NOW, THEREFORE, the City Council sets:**

**TRUTH IN TAXATION HEARING DATES:**

**Monday - December 6, 1999** **5:00 P.M.**

**Monday - December 13, 1999** **5:00 P.M.**

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BUDGET ADOPTION HEARING DATE:

Monday - December 21, 1999

7:00 P.M.

Passed this September 7, 1999. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

**\*HEARING DATE OF OCTOBER 5, 1999, SET FOR TAX RATE INCREASE** Member Kelly made a motion seconded by Member Hovland setting hearing date of October 5, 1999, for passing a resolution authorizing a property tax increase.

Motion carried on rollcall vote - five ayes.

**CLAIMS PAID** Motion made by Member Johnson approving payment of the following claims as shown in detail on the Check Register dated September 2, 1999, and consisting of 42 pages: General Fund \$432,531.34; C.D.B.G. \$4,450.00; Communications \$22,466.82; Working Capital \$9,465.61; Art Center \$15,394.54; Golf Dome Fund \$533.43; Swimming Pool Fund \$4,278.13; Golf Course Fund \$57,239.58; Ice Arena Fund \$16,768.35; Edinborough/Centennial Lakes \$21,718.45; Utility Fund \$331,653.98; Storm Sewer Utility Fund \$7,781.32; Liquor Dispensary Fund \$287,980.96; Construction Fund \$547,168.39; TOTAL \$1,759,430.90. Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 10:20 P.M.

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City Clerk