

**MINUTES  
OF THE JOINT MEETING OF THE  
EDINA CITY COUNCIL AND THE  
EDINA HOUSING AND REDEVELOPMENT AUTHORITY  
HELD AT CITY HALL  
OCTOBER 5, 1999 - 7:00 P.M.**

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

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Kelly and seconded by Member Johnson approving the Council Consent Agenda as presented with the exception of Agenda Item V.A. Set Hearing Date - Ordinance Amendment Establishing a Time Limit For Use of an Approved Final Development Plan (October 19, 1999).

Rollcall:

Ayes: Faust, Hovland, Kelly, Johnson, Maetzold

Motion carried.

**MINUTES OF THE REGULAR MEETING OF SEPTEMBER 21, 1999 AND SPECIAL MEETING OF SEPTEMBER 21, 1999 APPROVED** Motion made by Member Kelly and seconded by Member Johnson approving the minutes of the September 21, 1999, Regular Council Meeting and the September 21, 1999, Special Council Meeting.

Motion carried on rollcall vote - five ayes.

**VACATION OF UTILITY EASEMENT APPROVED (4617 TOWNES ROAD)** 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 4617 Townes Road requesting the vacation of the entire utility easement. The residents intent originally was to move the existing sewer line, allowing an addition to the existing home. However, upon further consideration the residents are requesting the City vacate only the southerly two feet of the easement. This removes an existing encroachment at the northeast corner of the home and allows for an addition on the westerly end.

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

**Member Johnson made a motion to close the public hearing.** Member Kelly seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

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

**RESOLUTION VACATING  
A PORTION OF THE UTILITY EASEMENT  
4617 TOWNES ROAD**

**WHEREAS, a motion of the City Council, on the 7th day of September 1999, fixed a date for a public hearing on a proposed utility vacation; and**

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WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on the 5th day of October, 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 easement 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 easement is hereby partially vacated effective as of October 5, 1999:

The south two feet (2') of 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.

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, US West 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.

Passed this 5<sup>th</sup> day of October, 1999. Motion seconded by Member Hovland.

Rollcall:

Ayes: Faust, Hovland, Kelly, Johnson, Maetzold

Motion carried.

RESOLUTION ADOPTED ORDERING WEST 49 1/2 STREET PARKING RAMP IMPROVEMENT NO. P-4a AND GRANTING VARIANCE FROM SETBACK Affidavits of Notice were presented, approved and ordered placed on file.

Engineering presentation

Mr. Hoffman explained the Council and the HRA conducted a joint hearing on September 7, 1999, to consider constructing additional parking spaces on the north ramp at 50<sup>th</sup> & France. Since September 7, 1999, staff and consultants have reviewed the project.

Staff, after reviewing the alternatives, recommended an alternative that uses only the Lee property and existing ramp property. The primary reasons for not using the Hooten Cleaners site were; 1) private property, 2) relocation of a business, and 3) impact upon more residential properties. The USBank site was rejected for similar reasons.

Mr. Hoffman added the "Clancy" surface lot was examined as well because it is a more centralized location. However Clancy's lot provides a low net gain of spaces, limited truck access, limited site, eliminates storefront visibility and disrupts centralized existing parking during construction. He noted that staff has over the past been made aware of the desire to have some non-structured open parking by businesses for customers who do not wish to park in a ramp.

Mr. Hoffman reported he met with the neighbors on September 27, 1999, to discuss options ranging from "no build" to "full-build" options. The results of the meeting were:

- Additional ramp expansion not justified at this time. Three traffic counts indicate many open spaces
- Adjacent property owners prefer no further encroachments on their property, i.e., visually or on their site
- Do not favor City purchasing properties and reselling to new owners
- Business activity is encroaching upon residential neighbors
- Ramp expansion has negative effect on property values
- Staff has received a packet from the neighborhood which opposes the ramp expansion

He stated potential options that might provide mitigation for the project include:

- Home improvements to the four adjacent residential properties similar to some of the Metropolitan Airports Commission relating to the Minneapolis/St. Paul Airport
- Residential landscape easements and landscaping
- Ramp modifications setting back some sections of the north ramp wall allowing for landscaping or design elements enhancing the north side view
- Providing sound mitigation activities on the interior ramp walls

Mr. Hoffman concluded that a ramp expansion would increase parking spaces by approximately 90 spaces to 110 spaces if the project were approved. Final design and mitigation concepts would be developed after the project is approved. Staff would expect the 50<sup>th</sup> & France Business area to finance any additional expenses occurring north of the north ramp.

#### Council comments

Member Kelly asked where funds would come from for landscaping and purchase of the easement. Mr. Hoffman said the funds would come from the special assessments.

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Member Faust said after cutting out the corner, how would the corner be restored. Mr. Hoffman described the landscape plan in detail. Member Faust asked further about the cedar fence. Mr. Hoffman explained the fencing would be for privacy concerns.

Mayor Maetzold asked whether the heavy landscaping would be in lieu of the improvements similar to the Metropolitan Airport improvements. Mr. Hoffman said the most feasible approach would be to soundproof the homes. He does not know whether this would be approved by the neighborhood.

Member Johnson asked if the ramp is approved would there be a broad enough resolution to achieve the desired outcome. Mr. Hoffman said if the neighbors were to file a claim against the City we would have to settle it.

Manager Hughes reminded the Council that what is being sought is authorization of the project with the notch removed and including direction to staff to pursue mitigation, and the landscaping plan. If neighbors did not want the landscaping, the City would not want to condemn the property to landscape.

Member Hovland inquired whether a mechanism exists to fund lawsuits if they were to occur. Mr. Hughes said the total project is partially funded with tax increments as well as assessments. Ultimately the project would be back before the Council during an assessment hearing and the cost split decided upon at that time. He cautioned that the north property line of the ramp is the boundary of the tax increment district. Therefore, it would be difficult to spend tax increment funds to the north. Staff would recommend that the cost split be shifted more to the assessment. Member Hovland asked what the cost per stall in the ramp is at today. Mr. Hoffman said there would be no change to the cost estimate as previously proposed.

Member Faust asked if the tax increment funds were coming from all of Edina. Mr. Hughes explained that tax increments come from taxes generated from the TIF District. These funds are not available for use by the City, School District and the County. Therefore they may only be used by the City to fund public improvements in this district. It could be argued that since those dollars are captured in this district, it forces the remainder of the community to pay higher taxes than would otherwise be paid. The converse of the argument is without the tax increment district, the development may not have occurred in the first place and therefore, the extra taxes would be a moot point.

### Resident comments

Bill Sleds, representing the commercial corner at 50<sup>th</sup> & France, voiced his opinion that a ramp addition is necessary.

John Smaby, Manager of Edina Realty Office adjacent to the parking ramp, stated while they are sympathetic to homeowners, being in the realty business, this ramp is necessary for the growth of the 50<sup>th</sup> & France area. If the ramp is not built, parking will begin spilling into the neighborhood. He concluded that every day the ramp is full.

Gail Dean, 3925 West 49<sup>th</sup> Street, commented she was appalled when she surveyed the ramp and found 68 spaces open in the middle ramp; and 34 in the north ramp. What she finds is rude people who find it an inconvenience to not park directly next to where they are going. She suggested reducing the number of 90 minute signs to open up longer parking times. Ms. Dean said the pictures are deceiving and she is totally against the ramp addition. She believes a survey should be done of the neighbors and further believes the easement will not be sufficient.

Kathleen Godfrey, 3938 West 49<sup>th</sup> Street, and a member of the 50<sup>th</sup> & France Business Association, said she had submitted a letter dated September 30, 1999, minutes from a meeting held September 24, 1999, and a petition with numerous signatures affixed. She stated the need for additional parking has not been substantiated. The ramp expansion and variance is not an option for the neighborhood.

Lee Wiseman, 4229 Chowen, owner of Fashion Avenue at 4936 France Avenue, stated the area does need the parking.

Shawna Engelsma, owners of Spalon Montage, said the area has a parking problem. She added they receive complaints often about no parking spots. She voiced concern that people will go elsewhere if they can't find a place to park their car.

Pat Tucker, 4705 Upper Terrace, representing the Edina Chamber of Commerce at 7701 Normandale Road, read the position statement submitted by the Chamber dated September 27, 1999, unanimously supporting the proposal to increase vehicle capacity of the north ramp at 50<sup>th</sup> and France from their August 26, 1999, board meeting.

Marty Rud, 6222 France Avenue South, elaborated that between 1991 and 1996 the City began surveying the ramp for potential expansion. Businessowners at 50<sup>th</sup> & France request this expansion and encourage the Council's approval.

Roberta Castellano, 4854 France Avenue South, read her submitted letter that her neighbors should be given credit for their concerns and are not an opposition-without-cause group. Her letter asked numerous questions about the ramp expansion project.

Richard Cochrane, 3922 West 49<sup>th</sup> Street, stated that anything higher than two stories would dominate the neighborhood, much like Uptown, and he does not believe that is what 50<sup>th</sup> & France wants to be. He suggested building a ramp over Clancy's lot or the USBank location.

Barbara Zwack, of Chico's on the corner of 50<sup>th</sup> & France, acknowledged that change is difficult but it is very important to keep parking within the commercial district.

Jan Monson, 3945 West 49<sup>th</sup> Street, inquired of Mr. Rud when, in his estimation, peak times happen. Mr. Rud responded 11:00 A.M. to 2:00 P.M. She said the most desirable parking lot is the Talbot's lot and people want to park there leaving other spots empty. She voiced concern with the proposed plantings and the work it will take to keep them acceptable. Ms. Monson concluded that her hope is the Council decision to build the ramp is not based on pressure to spend the tax increment funds on 105 - 115 new parking spaces.

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Karen Knudsen, Executive Director of the 50<sup>th</sup> & France Association, voiced assurance to the Council that the Association spends a great deal of time attempting to manage parking as efficiently as possible and remain good neighbors to the neighborhood. In 1999, over 800 parking permits were sold. They are told repeatedly that the #1 concern in the area is parking in trying to maintain the vitality of the business district. She said the Association would very much appreciate more parking availability.

Correspondence was received from Mitchell J. Avery, President of dana's, stating it appears the site as proposed is the most ideal site for an expansion or addition to parking in the area; and from Thomas M. Nelson, President, Eberhardt Properties, Inc., supporting the ramp addition as an intelligent continuation of a model infrastructrue that will benefit the 50<sup>th</sup> and France area owners and neighbors for many years to come.

**Member Kelly made a motion to close the public hearing, Member Johnson seconded the motion.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

### Council Comment

Mayor Maetzold said staff has recommended to proceed with the ramp and give staff the authority to work with the neighbors regarding landscaping, home improvements and related matters.

Member Kelly stated he believes the proposal is good under the circumstances. He voiced concern with the difference of opinion of whether we need the parking ramp now. Mr. Hoffman said each day is different. Mr. Kelly said this is a difficult situation and staff has handled it well in attempting to mitigate the concern. He said further he has never seen such a generous mitigation plan. This is a very important area for Edina. The Council has turned down expansive plans in the 50<sup>th</sup> & France area in the past, in an attempt to keep growth at a reasonable level and this ramp expansion proposal is important to protect the vitality of the area. Mr. Kelly concluded starting on this project sooner rather than later is appropriate. He reminded the neighbors they bought their homes near a commercial district with its risks and rewards and encouraged the neighbors to work with the plan.

Member Faust said she too had surveyed the area and found various states of fullness in the ramp. She said while she sympathizes with the neighbors she supports the proposal going forward.

Member Hovland said this is one of those judgement calls the Council is elected to make. He indicated it is not easy to live next to a commercial area with no buffer but despite that, he believes 49<sup>th</sup> Street to be a nice street. He looks at the area as a balancing act between private property and the business community. The Council must balance the interests of both. Mr. Hovland said he believes staff has done a great job with this solution. He would vote to expand the ramp.

Member Johnson said in his short tenure on the Council, he has been asked what he has learned. He responded that residents speaking before the Council are articulate and with passionate convictions. After much thought, he said he would support the ramp expansion.

Mayor Maetzold concurs with the Council. He stated there are key stakeholders, i.e. residents and business community. The Council needs to control the growth in the area and maintain it as a vibrant shopping area. He voiced his support for the ramp expansion.

Member Faust asked when construction would begin. Mr. Hoffman said construction should begin in the spring and be completed by fall of the year 2000.

**Member Kelly made a motion closing the hearing for ramp expansion P-4a, the north ramp at 50<sup>th</sup> & France.** Member Johnson seconded the motion

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried.

A resident asked which plan was being approved. Mr. Hoffman further explained the project scope which would add approximately 110 parking spaces.

**Mayor Maetzold made a motion introducing the following resolution and moving its adoption:**

**RESOLUTION ORDERING PARKING  
RAMP IMPROVEMENT PROJECT NO. P-4a**

**WHEREAS, the Edina City Council on the 3rd day of August, 1999, fixed a date for a council hearing on the proposed parking ramp expansion, Improvement No. P-4a and**

**WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 7<sup>th</sup> day of September, 1999, and continued to October 5, 1999, for Improvement No. P-4a expansion of West 49<sup>1/2</sup> Street Parking ramp, at which all persons desiring to be heard were given an opportunity to be heard thereon.**

**NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement Project No. P-4a West 49<sup>1/2</sup> .Street Parking Ramp Expansion**

**BE IT FURTHER RESOLVED that Improvement Project No. P-4a West 49<sup>1/2</sup> .Street Parking Ramp Expansion is hereby ordered as proposed.**

**BE IT FURTHER RESOLVED that City Engineer is hereby designated as the engineer for this improvement. The engineer shall cause plans and specifications to be prepared for the making of such improvement.**

**BE IT FURTHER RESOLVED the City Engineer shall work with adjacent property owners to the north of the ramp site to determine the mitigation needed.**

**BE IT FURTHER RESOLVED by the City Council grants a height setback variance from the north property line.**

Adopted this 5<sup>th</sup> day of October, 1999. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried.

**PUBLIC HEARINGS CONDUCTED ON SPECIAL ASSESSMENTS: ASSESSMENTS**

**LEVIED** Affidavits of Notice were presented, approved and ordered placed on file. Due notice having been given, public hearings were conducted and action taken as recorded on the following proposed assessments:

**1. STREET IMPROVEMENT NO. A-183**

Location: WOODDALE GLEN FROM WOODDALE AVENUE TO CUL DE SAC

Analysis of Assessment for Street Improvement No. A-183 showed five lots assessable with at \$4,889.84 per lot and two lots assessed at the side yard rate of \$1,613.64 for a total assessed of \$27,676.48 plus the county charge.

Public Comment

Willard Ott, asked why he had received assessment notices for both \$4,889.84 and \$1,613.64. Mr. Hoffman explained that the correct notice was the one for \$1,613.64 at the 1/3 rate because Mr. Ott's backyard was on Wooddale Glen. He went on to note that the Council could if it chose not assess Mr. Ott, however, would have to sign an agreement with the City waiving any right of access to Wooddale Lane forever. Mr. Ott indicated that he would rather pay the 1/3 assessment. The term of the special assessment shall be ten years beginning in the year 2000.

**Motion of Member Hovland seconded by Member Faust closing the public hearing for assessment of Improvement No. A-183.**

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

**Motion made by Member Johnson and seconded by Member Faust approving the assessment of Improvement No. A-183 as presented.**

Rollcall:

Ayes: Faust, Hovland, Kelly, Johnson, Maetzold

Motion carried. (Assessment levied by resolution later in Minutes)

**2. STREET, CURB AND GUTTER IMPROVEMENT NO. BA-319**

Location: WOODDALE LANE FROM WOODDALE AVENUE TO CUL DE SAC

Analysis of Assessment for Street, Curb and Gutter Improvement No. BA-319 showed nine lots assessed at \$4, 161.64 for a total assessed at \$37,454.76. The term of the special assessment shall be ten years beginning in the year 2000.

No public comment was heard

**Motion of Member Kelly seconded by Member Johnson closing the public hearing for assessment of Improvement No. BA-319.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**Motion made by Member Hovland and seconded by Member Johnson approving the assessment of Improvement No. BA-319 as presented.**

Rollcall:

Ayes: Faust, Hovland, Kelly, Johnson, Maetzold

Motion carried. (Assessment levied by resolution later in Minutes)

**3. MAINTENANCE IMPROVEMENT NO. M-99**

Location: 50<sup>TH</sup> AND FRANCE AVENUE BUSINESS DISTRICT

Analysis of Assessment for Maintenance Improvement No. M-99 showed a total maintenance cost of \$96,027.85 against 339,561 assessable square feet at \$0.2828 per square foot. One year assessment payable in 2000.

No oral or written objections were heard.

**Motion of Member Kelly, seconded by Member Faust closing the hearing for assessment of Improvement No. M-99.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. M-99 as presented.**

Rollcall:

Ayes: Faust, Hovland, Kelly, Johnson, Maetzold

Motion carried. (Assessment levied by resolution later in Minutes)

**4. TREE REMOVAL IMPROVEMENT NO. TR-99**

Location: 4600 ARDEN AVENUE

Analysis of Assessment for Tree Removal Improvement No. TR-99 showed one parcel assessed at \$803.25 over three years for removal of a tree at 4600 Arden Avenue.

No public comments were heard.

**Motion made by Member Johnson and seconded by Member Hovland closing the hearing for assessment of Improvement No. M-99.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**Motion made by Member Kelly and seconded by Member Johnson approving the assessment of Improvement No. TR-99.**

Rollcall:

Ayes: Faust, Hovland, Kelly, Johnson, Maetzold

Motion carried. (Assessment levied by resolution later in Minutes.)

**5. TREE TRIMMING IMPROVEMENT NO. TT-98 PHASE II**

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Location: AREA BOUNDED BY FRANCE AVENUE TO THE EAST, 54<sup>TH</sup> STREET TO THE SOUTH, HIGHWAY 100 TO THE WEST AND THE CITY LIMITS WITH THOSE BOUNDARIES TO THE NORTH

A total of 82 trees were trimmed: 52 large trees and 30 small trees for a total cost to be assessed against the 60 parcels totaling \$7,577.36 and payable in 2000.

No public comments were heard.

**Motion made by Member Kelly and seconded by Member Hovland closing the hearing for assessment of Improvement No. TT-98.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**Motion made by Member Hovland and seconded by Member Faust approving assessments of Improvement No. TT-98, as presented.**

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried. (Assessment levied by resolution later in Minutes)

**6. AQUATIC WEEDS IMPROVEMENT NO AQ-99.**

ARROWHEAD AND INDIANHEAD LAKES AND MILLPOND

The area proposed to be assessed for said improvement is as follows: All lots riparian to Arrowhead Lake and Indianhead Lake and Millpond.

Location: ARROWHEAD LAKE

Analysis of Assessment for Aquatic Weeds Improvement No. AQ-99 for Arrowhead Lake showed a total cost of \$13,804.35 to be assessed against 35 parcels at \$394.41 per parcel. One year assessment payable in 2000.

No public comments were heard.

**Motion made by Member Hovland, seconded by Member Kelly closing the hearing on Improvement No. AQ-99.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**Motion made by Member Kelly, seconded by Member Faust approving the assessment of Improvement No. AQ-99, Arrowhead Lake.**

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold.

Motion carried. (Assessment levied by resolution later in Minutes)

Location: INDIANHEAD LAKE

Analysis of Assessment for Aquatic Weeds Improvement No. AQ-99 for Indianhead Lake showed a total cost of \$12,097.80 proposed to be assessed against 33 homes at \$366.60 per home. One year assessment payable in 2000.

Member Faust asked for more information on the dyes used in Indianhead Lake, and why dyes are not used on all the treated lakes. City Mr. Hughes said the dye put in the lake prevents the sun from reaching root plants thereby retarding growth. The association of Indianhead Lake prefers using the dye process.

Member Hovland inquired what the county charge is that is added to the assessment per parcel. City Mr. Hughes said the charge is included on all assessments and is a processing fee for putting the assessment on the tax role.

No public comments were heard.

**Motion made by Member Hovland and seconded by Member Kelly closing the hearing on Improvement No. AQ-99.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried.

**Motion made by Member Faust and seconded by Member Kelly approving the assessment of Improvement No. AQ-99, Indianhead Lake.**

Rollcall:  
Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried. (Assessment levied by resolution later in Minutes)

Location: MILLPOND

Analysis of Assessment for Aquatic Weeds Improvement No. AQ-99 for Millpond showed a total cost of \$4,209.00 proposed to be assessed against 63 homes at \$66.80 per home. One year assessment payable in 2000.

**Member Hovland made a motion, seconded by Member Kelly closing the hearing of Improvement AQ-99.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried.

**Motion made by Member Faust and seconded by Member Hovland approving the assessment of Improvement No. AQ-99, Millpond.**

Rollcall:  
Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried. (Assessment levied by resolution later in Minutes)

The proposed assessment rolls are now on file in the office of the City Clerk and are open to public inspection.

Following presentation of the analysis of assessments and approval, **Member Hovland introduced the following resolution and moved adoption:**

**RESOLUTION LEVYING SPECIAL ASSESSMENTS  
FOR VARIOUS PUBLIC IMPROVEMENTS AND PROJECTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Edina City Council has met and heard and passed upon all written and oral objections to the proposed assessments for the improvements listed below:

- Street Improvement No. A-183
- Street Improvement No. BA-319
- Maintenance Improvement No. M-99
- Tree Removal Improvement No. TR-99
- Tree Trimming Improvement No. TT-98, Phase 2
- Aquatic Weeds Improvement No. AQ-99

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

1. Each assessment as set forth in the assessment rolls on file in the office of the City Clerk for each aforementioned improvement is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the improvement in the amount of the assessment levied against it.

2. The assessments shall be payable in equal installments, the first of said installments, together with interest at a rate of seven and one half (7½ %) percent per annum, on the entire assessment from the date hereof to December 31, 2000, to be payable with the general taxes for the year 2000. To each subsequent installment shall be added interest at the above rate for one year on all then unpaid installments. The number of such annual installments shall be as follows:

<u>NAME OF IMPROVEMENT</u>	<u>NO. OF INSTALLMENTS</u>
Street Improvement No. A-183, Levy No. 14705	10 years
Street Improvement No. BA-319, Levy No. 14706	10 years
Maintenance Improvement No. M-99, Levy No. 14699	1 year
Tree Removal Improvement No. TR-99, Levy No. 14704	3 years
Tree Trimming Improvement No. TT-98, Levy No. 14702	1 year
Aquatic Weeds Improvement No. AQ-99, Levy No. 14703	1 year

3. The owner of any property so assessed may, at any time prior to certification of assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution and they may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.

4. The clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 5<sup>th</sup> day of October, 1999.

Motion for adoption of the resolution seconded by Member Faust

Rollcall:

Ayes: Faust, Hovland, Kelly, Johnson, Maetzold

Resolution adopted.

**HEARING DATE SET OF OCTOBER 19, 1999, FOR ORDINANCE AMENDMENT ESTABLISHING A TIME LIMIT FOR USE OF AN APPROVED FINAL DEVELOPMENT PLAN** Member Faust said she removed the hearing date set of October 19, 1999, for Ordinance Amendment Establishing a Time Limit for Use of an Approved Final Development Plan for further clarification.

Mr. Hughes replied that both issues will be heard, but only the zoning ordinance amendment requires a public hearing.

**Member Faust made a motion setting the hearing date of October 19, 1999, for ordinance amendment establishing a time limit for use of an approved final development plan.** Member Hovland seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried.

**COMMERCIAL PHOTOGRAPHY PERMIT GRANTED 4602 GOLF TERRACE** Mr. Hughes informed the Council that Hometime Video Productions, Inc., is a production company that produces the nationally broadcast PBS show called Hometime. It is a program that documents home remodeling and is seen locally on KTCA TV.

Hometime Video Production purchased the home at 4602 Golf Terrace where they have plans to film nine, thirty-minute programs for future broadcast. Filming started in June and they expect to be filming for 25 more days. Once the staff at Hometime Video Production realized they needed a permit, they applied for that permit. Hometime before permits were required. The reason for the hearing before the Council is the Code requires Council approval if filming lasts longer than ten days.

Dean Johnson, President of Hometime Video Productions, Inc., explained the production schedule and the way the home at 4602 Golf Terrace is being remodeled.

Following a brief Council discussion, **Member Johnson closed the public hearing and Member Hovland seconded the motion.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried.

**Member Hovland made a motion granting the issuance of a Commercial Photography Permit to Hometime Video Productions, Inc., at 4602 Golf Terrace.** Member Johnson seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold  
Motion carried.

**USWEST WIRELESS ANTENNA REQUEST APPROVED FOR FOX MEADOW LANE AND BLAKE ROAD** Assistant Manager Anderson explained USWest Wireless requested to co-locate on a civil defense tower on the southeast corner of Blake Road and Fox Meadow Lane. Their request is to place three antennas fifteen feet higher than the existing civil defense site. He added the proposal would have USWest construct a new pole on City parkland and

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move the civil defense siren to the top of the new pole and place three panel antennas below the site. USWest would also construct some base station cabinets on the parkland next to the tower. USWest would pay the City \$750 a month to lease the site. Staff presented graphics describing the proposal and discussing the lease terms.

Dale Kasper, and Anthony Segale, Executive Director, USWest Wireless, explained the base cabinets as well as the entire installation.

**Member Kelly made a motion approving the USWest Wireless Antenna Request for co-location at Blake Road and Fox Meadow Lane subject to approval of the landscape plan for the site. Member Johnson seconded the motion.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

**\*MINUTE CORRECTION FOR AUGUST 26, 1999, LOT DIVISION FOR 6204 FOX MEADOW LANE AND 5204 BLAKE ROAD SOUTH, CHANGE OF LEGAL DESCRIPTION** Motion made by Member Kelly and seconded by Member Johnson approving the Minutes correction of August 3, 1999, legal description for Lot Division for 6204 Fox Meadow Lane and 5204 Blake Road South, as follows: (new text is underlined)

**"WHEREAS, the following described properties are at present single tracts of land:**

**PARCEL 1: Lot 5, Block 1 OAK PONDS OF INTERLACHEN, according to the recorded plat thereof, Hennepin County, Minnesota.**

**PARCEL 2: Tract B, REGISTERED LAND SURVEY NO. 1404, according to the recorded plat thereof, Hennepin County, Minnesota**

**WHEREAS, the owners have requested the subdivision of said tracts into separate parcels (herein called "Parcels") described as follows:**

**PARCEL 1: Lot 5, Block 1 OAK PONDS OF INTERLACHEN, according to the recorded plat thereof, Hennepin County, Minnesota; and the west 25 feet of Tract B, REGISTERED LAND SURVEY NO. 1404 as measured along the north and south lines thereof.**

**PARCEL 2: Tract B, REGISTERED LAND SURVEY No. 1404, except the west 25.00 feet as measured along the north and south lines thereof.**"

Motion carried on rollcall vote - five ayes.

**DECISION RESOURCES COMMUNITY SURVEY REPORT PRESENTED** Mr. Hughes introduced Dr. William Morris, President of Decision Resources, Ltd. Dr. Morris presented an overview of the survey that he undertook on behalf of the City. He introduced Mark Koegler from Hoisington Koegler who would explain further about how the results will move the City into the next phase of the 20/20 vision planning process.

Dr. Morris explained that:

- 400 residents of the City were randomly selected
- Interview took average of 25 minutes
- Results were completed via telephone between July 15 and August 2, 1999.

He summarized that:

- ◆ 69 percent of those surveyed approved of the job performance of the Mayor and Council. Lower ratings stemmed from "zoning issues" , "spending" and "the former mayor".
- ◆ 90 percent felt the City has "about the right" number of service and retail establishments and parks and open spaces.
- ◆ 88 percent of those surveyed felt the City has "about the right" number of service and retail establishments and parks and open spaces.
- ◆ 85 percent regarded age diversity in the City as "about right".
- ◆ 71 percent saw the number of entertainment and dining establishments as "about right" but 28 percent thought there were "too few".
- ◆ 68 percent felt the number of condominiums and townhouses as "about right" but 14 percent saw "too few" and 8 percent saw "too many".
- ◆ 64 percent thought income diversity was "about right" while 27 percent thought there was "too little".
- ◆ 59 percent rated the number of trails and bike paths as "about right: while 26 percent felt there were "too few".
- ◆ 59 percent rated the number of sidewalks as "about right" while 36 percent saw it as "too little".
- ◆ 57 percent thought the number of housing opportunities for the elderly was "about right": but 21 percent thought there were "too few". Twenty-one percent were uncertain.
- ◆ 55 percent labeled the number of rental housing units as "about right; 14 percent thought there were "too few; and 6 percent felt there were "too many". The remaining 25 percent were unsure.
- ◆ 47 percent thought the amount of racial diversity in the community was "too little," but 45 percent saw it as "about right."

Mr. Anderson noted that although "Edina 20/20" was to be completed by this fall, but there is about six months more work to be done.

Mark Koegler, Hoisington Koegler Group, explained the survey was a catalyst to glean information for the 20/20 Vision process which will now begin in November.

No Council action was taken.

**RESOLUTION ADOPTED APPROVING LEVY CERTIFICATION FOR TAX RATE INCREASE**

Mr. Hughes noted a new law that all cities over 500 population must pass a resolution if the levy for the subsequent year will result in a tax rate increase. Under the law, the County Auditor is required to provide information to affected cities and the County Board that will allow the City to calculate what its tax rate would be in the coming year if the levy was held constant. Essentially, a baseline tax rate is computed based on the prior year's levy and the current year tax base. The Resolution only has to affirm that the "levy certification tax rate" will increase, it does not have to specify an amount of increase. The Resolution is required to be filed with the County Auditor by October 20<sup>th</sup>.

**Member Johnson made a motion seconded by Mayor Maetzold closing the public hearing authorizing a tax rate increase for the 1999 tax levy, collectible in 2000.**

