

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
NOVEMBER 16, 1999 - 7:00 P.M.**

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

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

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

1999 BOYS SOCCER TEAM AND 1999 GIRLS TENNIS TEAMS COMMENDED FOR WINNING STATE CHAMPIONSHIPS Mayor Maetzold applauded the two teams for their state championships. He related his challenge to Edina High School students at a recent pep rally to help Edina earn 100 championships. With the two State titles from the soccer and tennis teams this brings Edina's total to 98.

Mayor Maetzold introduced the 1999 Edina Boys Soccer Team. He congratulated the team on their excellent season. **Member Kelly introduced the following resolution and moved its approval:**

**RESOLUTION OF COMMENDATION
EDINA HIGH SCHOOL
1999 BOYS SOCCER TEAM**

WHEREAS, the members of the Edina High School 1999 Boys Soccer Team were Champions of the Classic Lake Conference, Section Champions and State Champions; and WHEREAS, success has come to the members of the Team because of their extraordinary ability, hours of practice and the leadership of their coaches; and WHEREAS, as representatives of the City of Edina, the members of the Team exemplified the highest standards of athletic proficiency and good sportsmanship. NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that congratulations be extended to the members of the Team:

Kyce Chihi	Daniel Roddy	Phillip Johnson
Mike Eastman	Jeffrey Shideman	Eric Snover
Mike Kachan	Jeffrey Strickland	Chris York
Rick Krahl	Tommy Weber	Anthony Ruben
Jonathan Merrill	Andy Witchger	Aaron Witchger
Ryan Anderson	Patrick Cronan	David Jenson, Coach
Jonathan Lewis	Alexander Darbut	Bill Garner, Asst. Coach
Terence O'Connell	Robert Guelich	

BE IT FURTHER RESOLVED that this resolution be recorded in the Minutes of the Edina City Council and that copies be given to members of the Team.

ADOPTED this 16th day of November, 1999. Member Johnson seconded the motion.

Minutes/Edina City Council/November 16, 1999

Rollcall:

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

Mayor Maetzold introduced the 1999 Girls Tennis Team. He offered his congratulations on the team's accomplishments and commended them for their diligence and hard work. **Member Kelly introduced the following resolution and moved its adoption:**

**RESOLUTION OF COMMENDATION
EDINA HIGH SCHOOL
1999 GIRLS TENNIS TEAM**

WHEREAS, the members of the Edina High School 1999 Girls Tennis Team were Champions of the Classic Lake Conference, Section Champions and State Champions; and WHEREAS, Jeannette Cluskey was the Singles State Champion, Jane Anderson was the Singles Runner-Up, and Heidi Rovick and Molly Purdy were the Doubles Runner-Up; and WHEREAS, success has come to the members of the Team and individual players because of their extraordinary ability, hours of practice and the leadership of their coaches; and WHEREAS, as representatives of the City of Edina, the members of the Team and individual players exemplified the highest standards of athletic proficiency and good sportsmanship.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that congratulations be extended to the members of the Team:

Alexandra Archer	Alison Lawrence	Jaime Gaard
Kelly Berg	Sara Pedersen	Susan McClelland
Jessica Boe	Sarah Dorrian	Jane Anderson
Jeannette Cluskey	Molly Purdy	Steve Paulsen, Coach
Rebecca Crowe	Heidi Rovick	Greg Grosz, Asst. Coach
Jessica Flint	Kristina Bergstad	

BE IT FURTHER RESOLVED that congratulations be extended to Jeannette Cluskey as Singles State Champion, Jane Anderson as Singles Runner-Up, and Heidi Rovick and Molly Purdy as Doubles Runner-Up.

AND BE IT FURTHER RESOLVED that this resolution be recorded in the Minutes of the Edina City Council and that copies be given to all the members of the Team.

ADOPTED this 16th day of November, 1999. Motion seconded by Member Faust.

Rollcall:

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

PRESENTATION OF CHEMICAL HEALTH WEEK PROCLAMATION Mayor Maetzold presented the Chemical Health Proclamation adopted at the November 1, 1999, meeting to Edina's Chemical Health Coordinator, Kathy Iverson. Ms. Iverson thanked the Council for their support. She handed out information on Chemical Health Week along with Mothers Against Drunk Drivers (MADD) red ribbons, urging everyone to be vigilant in their support of chemical free youth in Edina.

MARY HILL SMITH, METROPOLITAN COUNCIL REPRESENTATIVE Mayor Maetzold welcomed Mary Hill Smith, Metropolitan Council representative for this area. Ms. Smith

briefly chatted with the Council applauding Edina's accomplishments and asking its support as the Metropolitan Council moves into the next century. Ms. Smith noted she would always be available to answer questions on specific issues challenging the City. The Council briefly discussed upcoming traffic issues including reconstruction of I-494 and the potential for light rail with Ms. Smith.

***MINUTES OF THE REGULAR MEETING OF OCTOBER 19, 1999, APPROVED Motion made by Member Hovland and seconded by Member Johnson approving the minutes of the November 1, 1999 Regular Council Meeting.**

Motion carried on rollcall vote - five ayes.

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.

Presentation By Engineer

Engineer Hoffman informed the Council that the Grandview Area Maintenance assessment will be the first one levied in this area. He noted that it was similar to the maintenance assessment levied against the businesses at 50th and France. The assessment rate was calculated at 3.84 cents per assessable foot, with 364,043 assessable feet in the district. The total assessment came to \$14,012.20. Mr. Hoffman stated that he had two phone calls from property owners with questions relative to the amount and reason for the assessment.

Mayor Maetzold called for public comment. No one appeared.

Member Johnson introduced the following resolution and moved its adoption:

**RESOLUTION LEVYING SPECIAL ASSESSMENTS
FOR GRANDVIEW AREA MAINTENENCE
PUBLIC IMPROVEMENT NO. M-99G**

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 Grandview Area Maintenance Improvement Project No. M-99-G.

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:

NAME OF IMPROVEMENT

NO. OF INSTALLMENTS

Maintenance Improvement No. M-99G, Levy No. 14760 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 16th day of November, 1999.

Motion for adoption of the resolution seconded by Member Faust.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

Presentation by Engineer

Mr. Hoffman stated the curb and gutter assessment was a petitioned improvement with 100% of the affected property owners signing letters waiving their right to a hearing. The project has been assessed on a footage basis to the eight residents requesting its installation. Special assessments against individual properties range between \$672.00 and \$3,186.00. He reported that homeowners are satisfied with the curb and gutter installation.

Mayor Maetzold called for public comment. No one appeared.

Member Kelly introduced the following resolution and moved its adoption:

**RESOLUTION LEVYING SPECIAL ASSESSMENTS
FOR CURB AND GUTTER WEST 48TH STREET
FROM MAPLE ROAD TO TOWNES ROAD
PUBLIC IMPROVEMENT NO. B-99**

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 Curb and Gutter Improvement No. B-99 West 48th Street from Maple Road to Townes Road.

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>
Curb & Gutter Improvement No. B-99, Levy No. 14761	10 years

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 16th day of November, 1999.

Motion for adoption of the resolution seconded by Member Johnson.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

ORDINANCE 1999-12 REPEALING SECTION 720 AND REPLACING IT WITH SECTION 721 (FOOD CODE) ADOPTED Sanitarian Velde reviewed the proposed changes to the Code. He explained the changes were needed to bring Edina's Code into compliance with Minnesota Statutes that has recently been updated after two years of hearings at the State level. The State now expects all delegated agencies, such as Edina to adopt the changes.

Member Kelly introduced Ordinance 1999-12 and moved adoption with waiver of second reading, noting the Ordinance would not be effective until January 1, 2000:

Edina Ordinance No. 1999-12

AN ORDINANCE REPEALING SECTION 720 OF THE CITY CODE AND REPLACING IT WITH A NEW SECTION 721 FOR THE PURPOSES OF REGULATING FOOD ESTABLISHMENTS

The City Council of the City of Edina Ordains:

Section 1. Section 720 of the City Code is repealed in its entirety.

Section 2. The City Code is amended by adding a new Section 1326 as follows:

Section 721 - Food Establishments and Food Vending Machines

721.01 Purpose and Objectives. The purpose of this Section is to establish standards to protect the health, safety and general welfare of the public pursuant to powers granted under Minnesota Statutes Section 145A.03 through 145A.14 and Section 412.221 and subsequent amendments as adopted.

The general objectives of this Section include the following:

A. Prevent Food-borne illness.

B. Correct and prevent conditions that may adversely affect persons utilizing food establishments.

C. Provide minimum standards for the design, construction, operation and maintenance of food establishments.

D. Meet consumer expectations of the quality and safety of food establishments.

721.02 Scope. This Section shall be applicable to all food establishments where food, meals, lunches or beverages are prepared or served for consumption on the premises or immediate consumption off the premises. This Section shall not apply to food service operations conducted in and for a House of Worship when the food service is primarily limited to preparation, service or consumption by the members of the House of Worship, or food service operations licensed by the Minnesota Department of Agriculture pursuant to M.S. 28A.

721.03 License Administration.

Subd. 1 License Required. No person shall operate a food establishment or operate any of the following types of enterprises within the City without first obtaining a license of the applicable type described in this Section, pursuant to this Section:

- Low Risk Food Establishment
- Medium Risk Food Establishment
- High Risk Food Establishment
- Supervised Group Home
- Additional Facility License
- Food Vehicle
- Food Vending Machine
- Itinerant Food Establishment
- Pushcart Food Establishment

An additional fee will be required for the following food establishments:

- Beer or Wine Table Service
- Alcohol Service from a Bar

Subd. 2. Application and License Fee.

A. The application for a license under this Section shall be submitted on forms provided by the City Clerk. The application shall be accompanied by a fee in the amount set forth in Section 185 of this Code. All license applications applied for after October 1 of each year may be charged one half of the license fee except the base fee may not be reduced by one half.

B. Each application for license for a Low Risk Food Establishment, Medium Risk Food Establishment, High Risk Food Establishment or Supervised Group Home, shall include a base fee as set forth in Section 185 of this Code.

Subd. 3. License Procedure and Control. The provisions of Section 160 of this Code shall apply to all licenses required by this Section and to the holder of such licenses.

Subd. 4. Term. Licenses issued pursuant to this Section shall expire on March 31 of each calendar year.

721.04 Self-Inspection Program.

Subd. 1. Every licensee of a food establishment shall arrange for and maintain a program of sanitation self-inspection conducted by the owner, manager, sanitation supervisor or designated agent.

Subd. 2. Every licensee self-inspection program shall be acceptable to the Health Authority.

721.05 Safety.

Subd. 1. Carbon dioxide and bottled gas cylinders must be secured by chains or other types of restraint.

721.06 Standards Adopted.

Subd. 1 Minnesota Food Code. Minnesota Rules 4626.0010 through 4626.1870, the Minnesota Food Code, in effect on the effective date of this Section, and all future revisions thereof, are hereby adopted by reference and made a part of this ordinance except where they are specifically amended by this Section.

Subd. 2 Definitions Amended. Minnesota Rules 4626.0020 are hereby amended by including the following terms and the meanings given them:

Additional Facility License is food service or operation which is separate, distinct or unique from the central or main food establishment, as determined by the Health Authority.

Alcohol Service from a Bar is a food establishment where alcoholic mixed drinks are served or where beer or wine are served from a bar.

Beer or Wine Table Service is a food establishment which serves only beer or wine to customers seated at tables.

Health Authority where used in this Section shall mean a designated member of the City of Edina Health Department. The term "regulatory authority" in the Minnesota Food Code, Minnesota Chapter 4626 shall mean Health Authority.

Itinerant Food Establishment is a food establishment operating for a temporary period, including but not limited to a fair, carnival, circus, church supper or public exhibition.

Low Risk, Medium Risk and High Risk Food Establishment are food establishments as defined in M.S. 157.

Pushcart Food Establishment is any non self propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters and other precooked ready-to-eat link sausages.

Supervised Group Home is a food establishment which includes sleeping accommodations for five (5) or more regular boarders and no more than ten (10) regular boarders for periods of one week or more and which provides supervision for the boarders and is registered for special services pursuant to M.S. 157.17.

Subd. 3 Standards Amended. The above adopted Rules are hereby amended as follows:

A. Minnesota Rules 4626.0410 TIME AS PUBLIC HEALTH CONTROL. Subp. 2. Notification. "The food establishment must submit written

notification to the regulatory authority for approval of its intention to use the procedures provided under this part prior to implementing the provisions of this part."

B. Minnesota Rules 4626.0925 MECHANICAL WASHING

- "A. Except as specified in item 2, linens shall be mechanically washed.
- B. In food establishments in which only wiping cloths are laundered as specified in part 4626.0695, item B, the wiping cloths may be laundered in a mechanical clothes washer, a sink designated only for laundering wiping cloths, or a ware-washing or food preparation sink that is cleaned as specified in part 4626.0750."

C. Minnesota Rules 4626.1050 HANDWASHING LAVATORY; WATER TEMPERAURE AND FLOW.

- "A. A handwashing lavatory shall be equipped to provide water at a temperature of at least 43 degrees C (110 degrees F) but not more than 54 degrees C (130 degrees F).
- B. A steam mixing valve shall not be used at a handwashing lavatory.
- C. An automatic self-closing faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet."

D. Minnesota Rules 4626.1325 SURFACE CHARACTERISTICS; INDOOR AREAS "Item A. Except as specified in Item B, materials for indoor floor wall and ceiling surfaces under conditions of normal use shall be:

- (1) smooth, durable and easily cleanable for areas where food establishment operations are conducted;
- (2) closely woven and easily cleanable carpet, where carpeting is permitted; and
- (3) nonabsorbent and constructed of material which resists the wear and abuse to which they are subjected such as quarry tile, ceramic tile, or terrazzo, for food preparation areas, wait station, kitchen, bar, walk-in refrigeration, warewashing, toilet, and interior garbage and refuse storage areas; areas subject to flushing or spray cleaning methods; and other areas subject to moisture. Antislip flooring may not be used beneath fixed equipment."

E. Minnesota Rules 4626.1440 HANDWASHING CLEANSER AND NAILBRUSH; AVAILABILITY." Each handwashing lavatory or group of two adjacent lavatories shall have available:

- A. A supply of liquid hand soap or powder dispensed from a mounted dispenser, or bar soap, and
- B. A nailbrush at the handwashing lavatory used by employees."

F. Minnesota Rules 4626.1445 HAND DRYING PROVISION. "Each handwashing lavatory or group of adjacent lavatories shall be provided with:

- A. Individual, disposable towels in a mounted dispenser;
- B. A continuous towel system that supplies the user with a clean towel; or
- C. A heated-air hand drying device except that a heated-air hand drying device shall not be the only device provided at a sink used by food employees in a food preparation or warewashing area."

G. Minnesota Rules 4626.1465 TOILET TISSUE; AVAILABILITY. "A supply of toilet tissue in a mounted dispenser shall be available at each toilet."

H. Minnesota Rules 4626.1470 LIGHTING INTENSITY. "All areas in which food is prepared, processed, manufactured, packaged or stored; or where utensils and equipment are washed; handwashing areas, locker rooms, toilet

A. All food contact surfaces must be illuminated at not less than seventy (70) foot-candles of light.

B. At least thirty (30) foot-candles of light must be provided on all other surfaces and equipment.

C. In food and equipment storage areas, a minimum of twenty (20) foot-candles of light measured at 30 inches from the floor must be provided.

D. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the above requirements must be available during all clean-up and maintenance periods in dining rooms and access areas."

I. Minnesota Rules 4626.1715, DENIAL, REVOCATION, OR REFUSAL TO RENEW; APPEALS, paragraph B, is amended to read as follows:

"B. A person may appeal the denial, revocation, or refusal to renew a variance by filing a written appeal to the City Council with the City Clerk within ten days of notification of the denial, revocation or refusal to renew said variance. The City Council shall hear such appeal at the next scheduled City Council Meeting."

J. Minnesota Rules 4626.1720, REVIEW OF PLANS is amended by replacing paragraph B with the following:

"B. Plans, specifications, an applications form and fees as set forth in Code Section 185 shall be submitted to the regulatory authority at least 30 days before beginning construction, extensive remodeling or conversion of a food establishment."

Section 3. Effective Date. This Section shall become effective January 1, 2000.

Adopted this 16th day of November, 1999.

Attest

City Clerk

Mayor

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

ORDINANCE 1999-13 AMENDING SECTION 735, HOTELS, LODGING AND BOARDING HOUSES ADOPTED

Mr. Velde explained that Edina Code Section 735 regulates Hotels, Motels and Lodging establishments in Edina. Over the last few years there have been changes in boarding and lodging establishments not addressed by the current Code. The proposed definitions will better identify boarding and lodging establishments such as small group homes.

Following a brief discussion Member Kelly introduced Ordinance 1999-13 and moved adoption with waiver of second reading, noting the Ordinance would not be effective until January 1, 2000:

**Edina Ordinance No. 1999-13
AN ORDINANCE AMENDING SECTION 735
HOTELS, LODGING AND BOARDING HOUSES**

The City Council of the City of Edina Ordains:

Section 1. Section 735.01 is amended by adding the following definitions.

Supervised Group Home. Whenever used in this Section, the term Supervised Group Home shall be as defined in Code Section 721.06, Subd. 2.

Boarding and Lodging House. Whenever used in this Section, the term Boarding and Lodging House shall mean an establishment which includes boarding and lodging for five (5) or more regular boarders but no more than ten (10) regular boarders for periods of one week or more.

Section 2. Section 735.02 is deleted and replaced by the following language:

735.02 License Required. No person shall operate or engage in the business of operating a hotel, supervised group home, boarding and lodging house, lodging establishment or boarding establishment within the City unless a license has been obtained from the City. The applicant for a license shall make application on forms provided by the City Clerk. The provisions of Section 160 of this Code shall apply to all licenses required by this Section and to the holders of such license.

Section 3. Effective Date. This Section shall become effective January 1, 2000.

Adopted this 16th day of November 1999.

Attest

City Clerk

Mayor

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

ORDINANCE NO. 1999-11 ESTABLISHING A TIME LIMIT FOR USE OF AN APPROVED FINAL DEVELOPMENT PLAN ADOPTED Planner Larsen noted the proposed ordinance that was granted first reading October 19, 1999, would place a two year limit for beginning work on an approved Final Development Plans. The amendment would also affect final Development Plans which have been approved in the past, but not yet been initiated. Approved plans would lapse two years after the effective date of the amendment. Mr. Larsen added the amendment would not affect the zoning of a property, only the approved development plan.

After a brief discussion, Member Johnson made a motion granting second reading to Ordinance No. 1999-11 as follows:

**ORDINANCE NO. 1999-11
AN ORDINANCE AMENDING SECTION 850 OF THE CITY CODE
BY ESTABLISHING A TIME LIMIT**

FOR APPROVED FINAL DEVELOPMENT PLANS

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS:

Section 1. Paragraph C of Subdivision 2, of Subsection 850.04 of the City Code is amended by adding the following subparagraph 11:

11. Lapse of Approved Final Development Plan by Non-User; Extension of Time.

a. If a building permit has not been obtained, and if erection or alteration of a building, as described in the application for final development plan, has not begun within two years after final development plan approval, the approval shall be null and void unless a petition for extension of time in which to commence the proposed work or improvements has been granted.

b. A petition for extension shall be made in writing and filed with the City Clerk within such two year period. The petition shall state reasons showing why a building permit has not been obtained, or why erection or alterations have not commenced, and shall state the additional time requested to begin the proposed work or improvement. The petition shall be presented to the Council for hearing and decision in the same manner as then required for an original application. The Council may grant an extension of up to one year upon finding that:

- i. there is a reasonable expectation that the proposed work or improvement will commence during the extension, and
- ii. the facts which were the basis for approving the final development plan have not materially changed. No more than one extension shall be granted.

Section 2. Effective Date. This ordinance shall be effective upon its passage and publication. For purposes of this ordinance final development plans approved prior to the effective date shall be considered to have been approved as of the effective date.

Adopted this 16th day of November, 1999.

Attest

City Clerk

Mayor

Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

***TRAFFIC SAFETY STAFF REVIEW OF NOVEMBER 1, 1999, APPROVED** Motion made by Member Hovland and seconded by Member Johnson approving the Traffic Safety Staff Review of November 1, 1999, Section A, as follows:

1. Install flashing lights and larger signs including advance warning signs at the pedestrian crosswalk on West 70th Street, mid-block between York Avenue and France Avenue and to deny the request for a new crosswalk between the Galleria and US Bank of West 70th Street
2. Install signs on Ohms Lane at West 73rd Street directing vehicles southbound on Ohms Lane at West 73rd Street to merge to a single lane.

Sections B and C.

Motion carried on rollcall votes - five ayes.

SPRINT SPECTRUM ANTENNA AUTHORIZED ON VAN VALKENBURG WATER TOWER Assistant City Manager Anderson presented the request from Sprint Spectrum to install six panel antennas on the corrugated section of the Water Tower next to Van Valkenburg Park, 60 feet from ground level. Part of the installation would include a fenced area for ground equipment 15 feet beyond the drip-line of the water tower. The equipment would be located in a 20 foot x 20 foot fenced compound on the SE corner of the tower area. Mr. Anderson noted that at this location the land contour and treeline will shelter the compound from public view. He added that all equipment will be outside the tower.

Mr. Anderson explained that Sprint also requests the right to add three additional antennas at a future time. He reviewed the proposed lease terms: 1) \$15,000 per year (\$1,250/month) for six antennas; 2) right to locate an additional three antennas for an additional \$3,000 per year (\$250/month); 3) initial lease term of five years with an option for four consecutive periods of five years each, option payment of \$1,000; and 4) increase for each renewal term would be the greater of 20% or Minnesota CPI - the option for three would increase by same percentage.

Mr. Anderson stated that staff would like: authorization to hire an outside attorney since Dorsey represents Sprint; conceptual approval of the lease and its financial terms; and direction to prepare the lease.

Council discussed the potential antenna lease. Their questions included how the proposed lease terms compared to other municipal antenna leases. Council also expressed concern with the twenty year lease term. Staff replied that the City's lease terms compare very favorably with those in other cities, noting that there is a great disparity in lease terms. He added that the long term lease should be to the City's advantage.

Member Johnson made a motion: 1) authorizing staff to hire an outside attorney; 2) conceptually approving the antenna placement and lease terms as presented; and 3) directing staff to prepare the lease. Member Kelly seconded the motion.

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

***PUBLIC HEARING SET OF DECEMBER 7, 1999, FOR 2000 BEER AND WINE FEES**

Motion made by Member Hovland and seconded by Member Johnson setting December 7, 1999 as the date for the public hearing to review proposed fees for beer and wine for 2000.

Motion carried on rollcall votes - five ayes.

***RESOLUTION ADOPTED AUTHORIZING MnDOT ROADSIDE BEAUTIFICATION PROJECT FOR T.H. 62 AT TRACY AVENUE**

Motion made by Member Hovland and seconded by Member Johnson for adoption of the following resolution:

RESOLUTION

BE IT RESOLVED that the City of Edina, enter into MN/DOT Agreement No. 79634 with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To provide for payment by the State to the City for acquisition of landscape materials to be placed along the north side of Trunk Highway No. 62 from Tracy Avenue to 1/3 mile east of Tracy Avenue within the corporate City limits under State Project no. 2763-969B (62=5)

BE IT FURTHER RESOLVED that the proper City officers be and hereby are authorized to execute such agreement, and thereby assume for and on behalf of the City all of the contractual obligations contained therein.

Passed and adopted this 16th day of November, 1999.

Motion carried on rollcall votes - five ayes.

COUNCIL YEAR END MEETING DATE SET - DECEMBER 28, 1999, 5:00 P.M. Following a brief discussion, Tuesday December 28, 1999, at 5:00 P.M. was chosen as the date for the Council Year End Meeting to be held in the Manager's Conference Room.

PUBLIC HEARING HELD PARK PLAZA REFUNDING BONDS SALE AUTHORIZED
Affidavits of Notice were presented, approved and ordered placed on file.

Attorney Gilligan explained that the City received a request to authorize the issuance of refunding bonds for the Edina Park Plaza Project. He noted that issuance of the bonds has no effect on the City's bonded indebtedness or bond rating. Since it is a revenue bond there is no liability to the City for its issuance. Mr. Gilligan concluded noting that the City will receive a fee for allowing Park Plaza to refund its bonds.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION

**AUTHORIZING THE ISSUANCE AND SALE OF
VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE
REFUNDING BONDS (EDINA PARK PLAZA PROJECT -
FREDDIE MAC CREDIT ENHANCED), SERIES 1999,**

AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS

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

Section 1. Recitals and Findings.

1.1. By the provisions of Minnesota Statutes, Chapter 462C, as amended (the "Act"), the City is authorized to plan, administer, issue and sell revenue bonds or obligations to make or purchase loans to finance one or more multifamily housing developments within its boundaries, which revenue bonds or obligations shall be payable solely from the revenues of the development. Pursuant to Section 462C.07, Subdivision 1 of the Act, in the purchase or making of multifamily housing loans and the issuance of revenue bonds or other obligations the City may exercise within its corporate limits any of the powers the Minnesota Housing Finance Agency may exercise under Minnesota Statutes, Chapter 462A, without limitation under the provisions of Minnesota Statutes, Chapter 475.

1.2. The Act provides that the City may plan, administer and make or purchase a loan or loans to finance one or more developments of the kinds described in Subdivisions

2, 3, 4 and 7 of Section 462C.05 of the Act, upon adoption of a program setting forth the information required by Subdivision 6 of Section 462C.05 of the Act.

1.3. The City adopted on June 17, 1985 a housing program (the "Original Program") under the Act relating to a multifamily housing development, consisting of acquisition of land located at 3330 Edinborough Way in the City and the construction and equipping thereon of a residential rental facility containing approximately 203 housing units and including functionally related and subordinate facilities (the "Development").

1.4. Pursuant to the Original Program, the City issued its Housing Development Revenue Bonds (FHA Insured Mortgage Loan - Edina Park Plaza Project), Series 1985 (the "1985 Bonds"), and used the net proceeds of the 1985 Bonds to make a mortgage loan to Edina Park Plaza Associates Limited Partnership, an Illinois limited partnership (the "Original Owner") and a supplemental loan to Partners for Senior Communities, Inc., an Illinois corporation and a general partner of the Original Owner, to finance the acquisition, construction and equipping of the Development.

1.5. Pursuant to an amendment to the Original Program adopted by the City under the Act and a Trust Indenture, dated as of November 15, 1989, between the City and First Trust National Association (now known as U.S. Bank Trust National Association), as trustee, the City issued \$17,415,000 in original principal amount of its Housing Development Refunding Revenue Bonds (FHA Insured Mortgage Loan - Edina Park Plaza Project), Series 1989-A and Series 1989-B (collectively, the "Prior Bonds"), for the purpose of refunding and redeeming the City's then outstanding 1985 Bonds.

1.6. Pursuant to covenants and restrictions entered into in connection with the Prior Bonds, the Development is required to be occupied for a specified period of time primarily by elderly persons and in part (at least 20%) by persons and families of low and moderate income.

1.7. This Council has received a proposal from Brookdale Living Communities of Minnesota, Inc., a Delaware corporation and the current owner of the Development (the "Owner"), that the City refinance the cost of the Development by issuing its refunding revenue bonds (the "Bonds"), for the purpose of refunding and redeeming the outstanding Prior Bonds.

1.8. The City has been advised by representatives of the Owner and U.S. Bancorp Piper Jaffray Inc., of Minneapolis, Minnesota (the "Underwriter"), that on the basis of information available to them and their discussions with the Owner and potential purchasers of bonds, the Bonds could be sold at favorable rates and terms to refund and redeem the Prior Bonds and refinance the Development.

1.9. The full faith and credit of the City will not be pledged to or responsible for the payment of the principal of, premium, if any, or interest on the Bonds.

1.10. The City has received drafts of the following documents in connection with the proposed issuance and sale of the Bonds, and has caused such documents to be placed on file in the office of the City Clerk:

(a) a Trust Indenture (the "Indenture") proposed to be entered into between the City and U.S. Bank Trust National Association, in Saint Paul, Minnesota, as trustee (the "Trustee");

(b) a Financing Agreement proposed to be entered into between the City, the Owner, the Trustee and Glaser Financial Group, Inc. (the "Servicer");

(c) an Amended and Restated Declaration of Covenants proposed to be entered into between the City, the Trustee and the Owner;

(d) a Multifamily Mortgage, Assignment of Rents, Security Agreement and Fixture Financing Statement proposed to be executed by the Owner, as mortgagor, to the City, as mortgagee;

(e) an Assignment of Mortgage proposed to be executed by the City in favor of the Federal Home Loan Mortgage Corporation

(f) a Direct Pay Credit Enhancement Agreement proposed to be entered into by Federal Home Loan Mortgage Corporation ("Freddie Mac") and the Trustee;

(g) a Bond Purchase Agreement (the "Bond Purchase Agreement") proposed to be entered into between the City, the Owner and the Underwriter;

(h) a Remarketing Agreement proposed to be entered into between the Owner and the Underwriter, as Remarketing Agent; and

(i) a Preliminary Official Statement relating to the Bonds (the "Preliminary Official Statement") to be used by the Underwriter in the offer and sale of the Bonds.

The documents described in clauses (a), (b), (c), (d), (e) and (g) are referred to herein collectively as the "City Financing Documents."

1.11. Pursuant to notice duly published in a newspaper of general circulation in the City not less than 15 days prior to the date fixed therefor, this Council held a public hearing on November 16, 1999, on the proposed issuance of the Bonds and the refinancing of the Development, at which all interested persons were afforded an opportunity to express their views, in person or in writing.

Section 2. Approval and Authorization.

2.1. Based on the information presented at the public hearing referenced in Section 1.11 and other available information, this Council hereby approves and authorizes upon the terms and conditions hereinafter set forth the refinancing of the Development and the issuance of the Bonds to refund the Prior Bonds or, if the Owner has provided its own funds or borrowed funds to redeem or discharge the Prior Bonds, to reimburse the Owner therefor.

2.2. It is hereby determined that it is desirable for the City to proceed with the issuance of the Bonds in fully registered form, in an aggregate principal amount not to exceed \$15,040,000, bearing interest at the interest rates established from time to time pursuant to the Indenture, with the Initial Rate (as defined in the Indenture) not to exceed six percent (6.00%) per annum, maturing not later than December 1, 2029, and bearing the further terms and conditions set forth in the Indenture heretofore filed with the City (as the same may be amended or completed as hereinafter provided). Subject to the limitations set forth in this Section 2.2, authority is hereby delegated to the Mayor and the City Manager of the City, acting jointly, to determine the aggregate principal amount of Bonds to be issued, the maturities thereof and the Initial Rate of interest payable thereon.

2.3. The form of the Bond Purchase Agreement heretofore filed with the City is hereby approved, subject to such changes as may be deemed desirable by the Mayor, the City Manager and the City Attorney. The Mayor and the City Manager of the City are hereby authorized and directed, on behalf of the City, to execute and deliver a bond

purchase agreement in substantially the form of the Bond Purchase Agreement heretofore filed with the City, together with such changes and completions thereof as may be approved by the Mayor, the City Manager and the City Attorney, subject to the limitations contained in this resolution, the execution thereof to constitute conclusive evidence of the approval of such changes and completions.

2.4. Authority is hereby delegated to the Mayor and the City Manager of the City, acting jointly, to determine the aggregate purchase price of the Bonds, provided that the aggregate compensation to the Underwriter (whether in the form of a discount, fees or other compensation) shall not exceed an amount equal to 0.75% of the aggregate principal amount of the Bonds.

2.5. The forms of the City Financing Documents heretofore filed with the City are hereby approved. The Mayor and the City Manager of the City are hereby authorized and directed, on behalf of the City, to execute and deliver the City Financing Documents in substantially the forms hereby approved, but including such modifications, insertions and additions as are necessary and appropriate in their opinion and in the opinion of the City Attorney and consistent with the Act. The execution of the City Financing Documents by the appropriate officers of the City shall be conclusive evidence of the approval thereof by the City.

2.6. The distribution of a preliminary official statement to prospective purchasers, in substantially the form of the Preliminary Official Statement heretofore filed with the City and with such changes, insertions, omissions and revisions as the Mayor, City Manager and City Attorney shall deem advisable, and the use thereof by the Underwriter in connection with the offering of such Bonds, are hereby authorized and approved. The City hereby consents to the preparation and use of a final Official Statement, in substantially the form of the Preliminary Official Statement; provided, however, that the City has not conducted any investigation as to the accuracy or completeness of the Preliminary Official Statement and takes no responsibility for, and makes no representations or warranties as to, the accuracy, completeness or sufficiency of the information contained therein or in the final Official Statement, except as to information regarding the Issuer as provided in the Bond Purchase Agreement. The City Manager is hereby authorized to deem the Preliminary Official Statement "near final," as of its date, for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

2.7. The Mayor and the City Manager of the City are authorized and directed to prepare and execute the Bonds and to deliver them to the Trustee pursuant to the Indenture for authentication and delivery to the purchasers thereof, together with a certified copy of this resolution and other documents required by the Trust Indenture. As provided in the Indenture, the Bonds shall be executed by the manual or facsimile signatures of the Mayor and City Manager and shall be authenticated by the Trustee, as authenticating agent, pursuant to Minnesota Statutes, Section 475.55, Subdivision 1.

2.8. As provided in the Indenture, the Bonds are special, limited obligations of the City. Principal of, premium, if any, and interest on, and the purchase price with respect to, the Bonds are payable solely out of the revenues derived from the sources described in the granting clauses of the Indenture. Neither the State of Minnesota nor the County of Hennepin shall in any event be liable for the payment of the principal of, premium, if any, or interest on, and the purchase price with respect to, the Bonds or for the performance of

any pledge, mortgage, obligation or agreement of any kind whatsoever that may be undertaken by the City. Neither the Bonds nor any of the agreements or obligations of the City contained in the City Financing Documents shall be construed to constitute an indebtedness of the State of Minnesota, the County of Hennepin or the City within the meaning of any constitutional or statutory provisions whatsoever, nor to constitute or give rise to a pecuniary liability or be a charge against the general credit or taxing power of the State of Minnesota, the County of Hennepin or the City.

2.9. The Mayor, the City Manager and the City Clerk of the City are authorized and directed to prepare and furnish to bond counsel and the Underwriter certified copies of all proceedings and records of the City relating to the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

2.10. The Mayor and the City Manager of the City are hereby authorized to execute such additional agreements, documents and certificates in connection with the Bonds, the refunding or redemption of the Prior Bonds or the assignment of security documents to Freddie Mac or others as may be necessary and appropriate in their opinion and in the opinion of the City Attorney and consistent with the Act. Copies of such additional agreements, documents and certificates, when executed, shall be delivered, filed and recorded as provided therein.

2.11. The approvals hereby given to the various documents referred to above includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be approved by the City Attorney and by the Mayor and the City Manager authorized herein to execute said documents prior to their execution; and the Mayor and the City Manager are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the Mayor or the City Manager, the approvals authorized by this resolution to be given and the documents authorized by this resolution to be executed may be given or executed by the Acting Mayor or the Assistant City Manager.

Adopted by the City Council of the City of Edina on this 16th day of November, 1999.

Mayor

Attest: _____
City Clerk

Motion seconded by Mayor Maetzold.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

Minutes/Edina City Council/November 16, 1999

CLAIMS PAID Motion made by Member Johnson approving payment of the following claims as shown in detail on the Check Register dated November 10, 1999, and consisting of 30 pages: General Fund \$316,376.82; Communications \$19,149.25; Working Capital \$13,446.28; Art Center \$8,277.76; Golf Dome Fund \$3,292.97; Swimming Pool Fund \$5,041.72; Golf Course Fund \$22,775.88; Ice Arena Fund \$20,442.61; Edinborough/Centennial Lakes \$21,180.76; Utility Fund \$44,278.62; Storm Sewer Utility Fund \$3,034.45; Recycling Program \$35,092.44; Liquor Dispensary Fund \$273,520.22; Construction Fund \$410,178.01; Park Bond Fund \$940.13; TOTAL \$1,197,027.92 and for confirmation of payment of claims as shown in detail on the Check Register dated November 4, 1999, and consisting of 4 pages: General Fund \$620,448.75; Working Capital \$71.53; Art Center \$2,402.01; Golf Dome Fund \$1,264.22; Swimming Pool Fund \$1,370.62; Golf Course Fund \$6,750.16; Ice Arena Fund \$17,916.97; Edinborough/Centennial Lakes \$18,163.42; Utility Fund \$35,329.15; Storm Sewer Utility Fund \$427.06; Liquor Dispensary Fund \$73,368.40; Construction Fund \$254,853.45, TOTAL: \$1,032,365.74. Member Faust 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 8:25 P.M.

City Clerk