

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
MARCH 6, 2000  
7:00 P.M.**

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

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

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

**\*AMY BRUNKOW DAY PROCLAIMED IN EDINA** Motion made by Member Hovland and seconded by Member Faust proclaiming February 29, 2000, as Amy Brunkow Day in the City of Edina in honor of her winning the State Individual Alpine Skiing Championship at the 2000 State Alpine Ski Meet.

Motion carried on rollcall vote - four ayes.

**\*MINUTES OF THE REGULAR MEETING OF February 15, 2000, APPROVED** Motion made by Member Hovland and seconded by Member Faust approving the Minutes of the Regular Meeting of February 15, 2000.

Motion carried on rollcall vote - four ayes.

**\*LOT DIVISION APPROVED FOR 7205-7203 BRISTOL CIRCLE** Member Hovland introduced the following resolution seconded by Member Faust:

**RESOLUTION NO. 2000-26**

**LOT DIVISION**

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

Lot 42, Block 1, OSCAR ROBERTS FIRST ADDITION, according to the recorded plats thereof, and situated in Hennepin County Minnesota.

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

**PARCEL A:**

That part of Lot 42, Block 1, OSCAR ROBERTS FIRST ADDITION, lying Northerly of a line drawn from a point on the East line of said Lot 42 a distance of 21.53 feet South of the Northeast corner thereof to a point on the Southwesterly line of said Lot 42 a distance of 24.52 feet Southeasterly of the most Westerly corner of said Lot 42, all according to the recorded plat thereof and situated in Hennepin County, Minnesota.

**PARCEL B:**

That part of Lot 42, Block 1, OSCAR ROBERTS FIRST ADDITION, lying Southerly of a line drawn from a point on the East line of said Lot 42 a distance of 21.53 feet South

of the Northeast corner thereof to a point on the Southwesterly line of said Lot 42 a distance of 24.52 feet Southeasterly of the most Westerly corner of said Lot 42, all according to the recorded plat thereof and situated in Hennepin County, Minnesota.

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said Parcels as separate tracts of land do not interfere with the purpose of the Subdivision and Zoning Regulations as contained in the City of Edina Code Sections 810 and 850;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the second above described Parcels as separate tracts of land is hereby approved and the requirements and provisions of code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are not waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina or with the prior approval of this Council as may be provided for by those Ordinances.

Adopted this 6<sup>th</sup> day of March, 2000.

Motion carried on rollcall vote - four ayes.

\*LOT DIVISION APPROVED FOR 5705 SCHAEFER ROAD AND 5705 VIEW LANE

Member Hovland introduced the following resolution seconded by Member Faust:

RESOLUTION NO. 2000-26

LOT DIVISION

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

Lot 2, Block 2, PARKWOOD KNOLLS 8<sup>TH</sup> ADDITION AND Lot 1, Block 3, PARKWOOD KNOLLS 11<sup>TH</sup> ADDITION, according to the recorded plats thereof, and situated in Hennepin County Minnesota.

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

PARCEL A:

Lot 1, Block PARKWOOD KNOLLS 11th ADDITION, according to the recorded plat thereof and situated in Hennepin County, Minnesota, except the east 20.00 feet thereof.

PARCEL B:

Lot 2, Block 2, PARKWOOD KNOLLS 8th ADDITION, and the east 20.00 feet of Lot 1, Block 3, PARKWOOD KNOLLS 11th ADDITION, all according to the recorded plats thereof and situated in Hennepin County, Minnesota.

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the

City of Edina will create an unnecessary hardship and said Parcels as separate tracts of land do not interfere with the purpose of the Subdivision and Zoning Regulations as contained in the City of Edina Code Sections 810 and 850;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the second above described Parcels as separate tracts of land is hereby approved and the requirements and provisions of code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are not waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina or with the prior approval of this Council as may be provided for by those Ordinances.

Adopted this 6<sup>th</sup> day of March, 2000.

Motion carried on rollcall vote - four ayes.

FINAL PLAT APPROVED FOR WATERMAN ADDITION Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen stated that Waterman Addition received preliminary plat approval August 17, 1999. He added the proponents have satisfied the conditions of the preliminary approval and are now requesting final plat approval.

No public comment was received.

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

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

**Member Hovland introduced the following resolution and moved its adoption conditioned upon subdivision dedication of \$19,200.00 as follows:**

**RESOLUTION NO 2000-27  
APPROVING FINAL PLAT  
FOR THE WATERMAN ADDITION**

**BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "WATERMAN ADDITION", platted by Waterman Partners, A Minnesota Limited Liability Partnership and presented at the regular meeting of the City Council on March 6, 2000, be and is hereby granted final plat approval.**

**Passed and adopted by the Edina City Council this 6<sup>th</sup> day of March 2000.**

Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

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2000 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPROVED

Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen explained Edina's 2000 Community Development Block Grant (CDBG) entitlement of \$181,261.00 reflected a \$1,057 reduction from 1999. HUD regulates that the public service portion of the budget not exceed 15% of the total entitlement. However, cities have historically been allowed to budget up to 20% of the funds for public services because not all cities have included a public service element in their budget. Hennepin County is requiring cities not to exceed the 15% beginning in 2000. Therefore, Edina 2000 budget for public services may not exceed \$27,189.00 leaving \$154,072.00 to be directed toward community development. Mr. Larsen reported three agencies have requested use of the 2000 CDBG funds:

Senior Community Services H.O.M.E. Program (Housing & Outdoor Maintenance for the Elderly)

Greater Minneapolis Daycare Association and  
Community Action for Suburban Hennepin (CASH).

Mr. Larsen added the agencies' request totaled \$35,000, exceeding the maximum allowable by \$7,189. The Planning staff proposed the following allocation:

**PUBLIC SERVICES**

H.O.M.E.	\$ 13,094
GMDCA Child Daycare	\$ 13,094
CASH Homeline	<u>\$ 1,000</u>
Total Public Services	\$ 27,189

**COMMUNITY DEVELOPMENT**

Rehabilitation of Private Property	\$ 54,072
Acquisition of Scattered Sites	-0-
Affordable Housing	
Homeownership Assistance	<u>\$100,000</u>
Total Community Development	<u>\$154,072</u>

**TOTAL 2000 CDBG ENTITLEMENT**    **\$181,261**

Mr. Larsen noted that the Human Relations Commission reviewed the staff proposal and made a different recommendation. He introduced Sharon Ming, representing the Human Resources Commission to explain the Commission's recommendation.

Sharon Ming, Edina Human Relations Commissioner, presented the Human Relations Commission's recommendation for distribution of the 2000 Community Development Block Grant Public Services Funds. Ms. Ming explained the Commission has, for the last eight years, reviewed the public services portion of the CDBG annual allocation. They attempt to stay in touch with the community. After their review and consideration, the Human Relations Commission made the following recommendation for the Public Services portion of the 2000 entitlement:

**PUBLIC SERVICES**

H.O.M.E.	\$ 9,189
GMDCA Child Daycare	\$ 17,000
CASH Homeline	<u>\$ 1,000</u>
Total Public Services	\$ 27,189

Ms. Ming explained the Commission had grave concern that reducing the daycare allocation would leave families without options to care for their children. She pointed out that the East Edina Housing Foundation had approved \$12,000 to assist H.O.M.E. Ms. Ming urged the Council to accept the Human Relations Commission recommendation and to seek additional funding for H.O.M.E. from another source.

Public Comment

Ruth Plotnicky, 5525 Kellogg Avenue, urged the Council to find the money to fund the H.O.M.E. programs. Ms. Plotnicky suggested that a City such as Edina should be able to find the resources needed to fund the request.

Ron Block, Senior Community Services, H.O.M.E., presented information to the Council and explained the H.O.M.E. programs funding challenges. He added they typically serve widowed seniors over 70 existing solely on Social Security. Mr. Block noted that during 1999 149 clients were served by homemaking, maintenance and a variety of services. These residents pay about 25% of the cost of providing the services. CDBG funds provide another share, but do not cover the entire cost, leaving a gap in funding each year.

Mary Jane Amlie, H.O.M.E., informed the Council the services provided keep many seniors in their homes and urged the Council to fully fund their request.

Betty Kelland, explained she has lived in her home since 1949 and uses H.O.M.E. because she has a totally disabled husband. The services they receive allow them to stay in their home and not go into a nursing home.

Mary Phillips, stated that although she lives on \$600.00 a month she does not need much. The services provided to her by H.O.M.E. means all the difference in the world. Ms. Phillips noted she had lived in her home since 1956.

Ann Shima, 5021 Edinbrook Lane, said she has been widowed 23 years and that when she moved into her Edina home six years ago, it was because the services provided by H.O.M.E. were available.

Naomi Hendricks, 6001 Concord Avenue, explained that her 82 year old husband has a hip problem. The H.O.M.E. services provide assistance that allows the Hendricks to remain in their home.

Doris Karris, said she was 86 years old. She added she was newly widowed when she moved into her home and could only handle it because of the services she receives.

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The Council briefly discussed the issue debating whether to request the Edina Foundation or East Edina Housing Foundation to assist with additional funding for the H.O.M.E. Consensus of the Council was that the Human Relations Commission's recommendation should be accepted. It was pointed out that the reason advisory groups were formed was to review just this type of issue and make recommendations. The Edina Foundation will be approached to see if they are able to find an additional \$4,000 for H.O.M.E. services.

**Member Hovland introduced the following resolution and moved its adoption, directing staff to make the necessary contact to solicit additional funds for H.O.M.E. services:**

**RESOLUTION NO. 2000-28  
APPROVING PROJECTED USE OF FUNDS FOR 2000  
URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM AND AUTHORIZING  
SIGNATURE OF SUBRECIPIENT AGREEMENT WITH  
HENNEPIN COUNTY AND ANY THIRD PARTY AGREEMENTS**

**WHEREAS, the City of Edina, through execution of a Joint Cooperation Agreement with Hennepin County, is cooperating in the Urban Hennepin County Community Development Block Grant Program; and**

**WHEREAS, the City of Edina developed a proposal for the use of Urban Hennepin County CDBG funds made available to it, and held a public hearing on March 6, 2000, to obtain the views of citizens on local and Urban Hennepin County housing and community development needs and priorities the City's proposed use of \$181,261.00 from the 2000 Urban Hennepin County Community Development Block Grant.**

**BE IT RESOLVED, that the City Council of Edina approves the following projects for funding from the 2000 Urban Hennepin County Community Block grant program and authorized submittal of the proposal to Hennepin County for review and inclusion in the 2000 Urban Hennepin County Community Block Grant Program.**

<u>Project</u>	<u>Budget</u>
Rehabilitation of Private Property	\$54,072
Homeownership Assistance	\$100,000
Housing & Outdoor Maintenance for the Elderly, H.O.M.E.	\$9,189
Daycare	\$17,000
C.A.S.H. Homeline	<u>\$1,000</u>
Total	\$181,261

**BE IT FURTHER RESOLVED, that the City Council hereby authorizes and directs the Mayor and City Manager to execute the Subrecipient Agreement and any required Third Party Agreement on behalf of the City to implement the 2000 C.D.G.B. Program.**

**Adopted this 6<sup>th</sup> day of March, 2000. Member Kelly seconded the motion.**

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

**\*BID AWARDED FOR PURCHASE OF REPLACEMENT STREET SWEEPER AND SALE OF 1990 MOBIL SWEEPER** Motion made by Member Hovland and seconded by Member Faust for award of bid for a new street sweeper to include the sale of the existing 1990 mobil sweeper to sole bidder MacQueen Equipment under State of Minnesota Contract 423201 at \$84,959.31.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED FOR BRAEMAR EAST ARENA RUBBER FLOOR MATTING REPLACEMENT** Motion made by Member Hovland and seconded by Member Faust for award of bid for Braemar East Arena rubber floor matting replacement to recommended low bidder, Acoustics Associates, Inc., at \$26,400.00.

Motion carried on rollcall vote - four ayes.

**\*BID AWARDED FOR UNMARKED INVESTIGATIVE VEHICLE FOR THE POLICE DEPARTMENT** Motion made by Member Hovland and seconded by Member Faust for award of bid for one Police Department investigative vehicle to Falls Automotive, Inc., under State of Minnesota Cooperative Purchasing Contract #424588, Group 3A at \$20,288.25.

Motion carried on rollcall vote - four ayes.

**PRESENTATION GIVEN ON COMMUTER RAIL** Scott Peters, Dakota Planning Office of Planning explained that the I-35W Solutions Alliance is looking for a consultant to evaluate the feasibility of establishing commuter rail service on an existing rail line from Northfield through the cities of Lakeville, Burnsville, Savage, Bloomington, Edina, and St. Louis Park to Minneapolis.

No decisions have been made on the use of the rail line for commuter purposes, nor will it be made until the state-funded study and potential future impact studies have been completed. The public will have several opportunities to provide input during the course of the feasibility study and other potential studies.

Th I-35W Solutions Alliance, a coalition of governments with an interest in improving the flow of metropolitan transportation, in April will select a project consultant to provide commuter rail expertise and undertake the greater part of the study. The Alliance will serve as project coordinator operating under a \$500,000 State of Minnesota grant for the "Dan Patch Corridor Commuter Rail Feasibility Study."

Although Edina, Northfield and St. Louis Park are not members of the Solutions Alliance, they serve on the group's Technical and Policy committees to further assist in developing the feasibility study. Mayor Maetzold and Manager Hughes represent Edina on the Policy Committee. Assistant Engineer Houle represents Edina on the Technical Committee. The Policy Committee will make recommendations to the Solutions Alliance. The Alliance will make decisions during the study and present them to MnDOT which will make the final decision for commuter rail service.

Mr. Peters explained the Alliance has invited the public to participate in the study. A newsletter and website will be established this summer to provide information. Web

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addresses and notices of open houses will be sent to newspapers, county and city newsletters for publication.

Mr. Peters said it is expected that the Study will be completed in the summer of 2001, and will provide an explanation of commuter rail and its relation to other transportation modes as well as land use patterns in the corridor. Additionally, the study will build on the analyses, findings and recommendations of MnDOT's "Twin Cities Metropolitan Commuter Rail Feasibility Study" of 1998. If recommended as a feasible transportation option, MnDOT will determine if the corridor will advance to a study phase in which physical design, environmental impacts and implementation cost will be determined.

MnDOT has identified the Dan Patch Corridor in the first tier of corridors for commuter rail support with recommendation for further study and evaluation. The corridor is one of three identified by the Minnesota Legislature to receive funding to study commuter rail alternatives. The others are the North Star Corridor from Elk River to Minneapolis and the Red Rock corridor from Hastings to St. Paul.

The Dan Patch Corridor spans more than 40 miles. The railroad line was used for passenger rail service between 1910 and 1942 and was named for the famous racehorse from Savage. Most of the line is now owned by the Canadian Pacific Railway, with the St. Louis Park to Minneapolis segment owned by Burlington Northern Sante Fe. Mr. Peters said there are three sites and MnDOT is looking at all different modes of transportation, i.e., light rail or dedicated bus ways.

### Public comment

Residents voicing concern with the Commuter Rail proposal were: Tom Sutliff, 6008 Hansen Road; Bill McCabe, 6124 Hansen Road; Bob Melby 6517 Walnut; Rosemary Nuwman 5344 Whiting; Todd Johnson, 5216 Hollywood Road; Russ Crevice, 4375 Thielen; Ed Noonan 4700 Merilane Avenue; Jim Starr, 5025 Edenbrook Lane; Cathy Fuller, 5401 West 60<sup>th</sup>; Sharon Garrison, 4810 Brookside; Cheryl Bertrand, 5213 Windsor Avenue South; Mark Johnson, 6104 Hansen Road; Leanne Montgomery, 5400 Grove Street; and Doris Ames, 5344 West 64<sup>th</sup> Street.

Residents' comments included:

- 1) Are there other corridors available other than the Dan Patch corridor?
- 2) It was suggested to use the 35W corridor.
- 3) Why was the public not informed earlier?
- 4) Citizens are apprehensive about commuter rail in their backyards.
- 5) Home values will go down with a commuter rail system installation; and now, since the study has been ordered its possible installation must be divulged if property is sold. Mayor Maetzold added this would be good information to have.
- 6) It might be too early to sue but not too early to make a political statement with some type of legal action.
- 7) Where would the proposed stops be located? Mr. Peters said tentatively up for study would be the Eden Avenue area.

- 8) If there is no transfer location in Edina, would that affect the study. Mr. Peters said yes that it would.
- 9) Does Edina have any plan similar to the upgrades planned by MAC in Richfield. Mr. Peters answered any specifics would come forward during the next phase and they do not know if the project will advance.
- 10) Who is specifically doing the study. Mr. Peters responded the Technical and Policy Committee is putting together an RFP. More than one firm may be completing the study, but it would include public participation.
- 11) What should citizens do next, how do they keep informed, and how will the citizen representative be chosen? Mayor Maetzold encouraged watching the City's Web page for updated information. Laurie McNamara, 6201 Crescent Drive, has volunteered to be the citizen representative. Her home backs-up to the tracks. Ms. McNamara commented that the City has been very helpful but there is a lot of misinformation being circulated.
- 12) Will there be one set or two sets of tracks? Mr. Peters said they do not know that at this time.
- 13) Typically, how much right-of-way is used with a system, as proposed. Mr. Peters said he did not know how much right-of-way would be necessary because it varies.
- 14) Has anyone studied the effect on residential areas? Mr. Peters commented he wasn't sure but this would be examined during the study.
- 15) How have Bloomington, St. Louis Park and other communities responded to this proposal? Laurie McNamara asked people to sign-up so information could be made available. Manager Hughes suggested residents go online and peruse the Web site.

Member Hovland added he is bothered that Edina, Northfield and St. Louis Park are not included in the decision-making process even though Edina sits on the commuter line. He said it is inappropriate that Edina is not on the Joint Powers Board. Mr. Peters noted that Edina has positions on both the Policy and Technical Committees. He said he would contact Commissioner Turner for further discussions about Mr. Hovland's concern.

A letter dated February 21, 2000, from Patrick M. Finley, 5603 Bernard Place, was received voicing concern with the Commuter Rail proposal.

A letter was received dated February 17, 2000, from Laurie McNamara requesting that she be appointed to represent Edina on the Commuter Rail Policy committee.

Mayor Maetzold explained that he had spoken with Laurie McNamara who has indicated a willingness to take his place on the Policy Subcommittee. **Mayor Maetzold made a motion appointing Laurie McNamara as one of Edina's representatives on the Commuter Rail Policy subcommittee.** Member Kelly seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

**\*RESOLUTION NO. 2000-31 ADOPTED SETTING HEARING DATE OF APRIL 4, 2000, FOR VACATION OF PUBLIC RIGHT-OF-WAY FOR NORTHEASTERN QUADRANT OF T.H. 169 AND I-494 Motion made by Member Hovland and seconded by Member Faust introducing the following resolution and moving adoption:**

RESOLUTION NO. 2000-31  
CALLING FOR PUBLIC HEARING ON VACATION  
DRAINAGE AND UTILITY EASEMENTS AND  
PUBLIC STREET RIGHT-OF-WAY

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 462.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 4<sup>th</sup> day of April, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

(Official Publication)  
CITY OF EDINA  
4801 WEST 50<sup>TH</sup> STREET  
EDINA, MINNESOTA 55424  
NOTICE OF PUBLIC HEARING ON  
VACATION OF DRAINAGE AND UTILITY  
EASEMENT AND PUBLIC STREET RIGHT OF WAY  
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 April 4, 2000, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following public street right of way and utility and drainage easement:

All drainage and utility easements, created by the plat of Braewood Park, which are contained within the following: Lot 1, except the Easterly 175 feet thereof, Block 1, Braewood Park;

Part of that certain drainage and utility easement, created by Document No. 1456628 of record in Hennepin County, Minnesota, being the West 10 feet of the East 185 feet of Lot 1, Block 1, Braewood Park;

All of 78<sup>th</sup> Street, as dedicated in Braewood Park, according to the plat thereof of record in Hennepin County, Minnesota, which lies northerly of the following described line:

Commencing at the southeast corner of Lot 1, Block 1, Braewood Park; thence westerly along a southerly line of said Lot, and along a curve concave northerly and having a radius of 7489.44 feet, a central angle of 1 degree 19 minutes 29 seconds and a chord of 173.16 feet bearing South 87 degrees 30 minutes 47 seconds West, an arc distance of 173.16 feet to the intersection of said southerly line with the easterly line of said 78<sup>th</sup> Street, being the point of beginning of the line to be described; then

South 88 degrees 10 minutes 30 seconds West 150.00 feet to the intersection of the westerly line of said 78<sup>th</sup> Street with the southerly line of said Lot, and there terminating.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage 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 street 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.

Adopted this 6<sup>TH</sup> day of March, 2000.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk

Motion carried on rollcall vote - four ayes.

APPOINTMENTS MADE TO THE COMMUNITY EDUCATION SERVICES BOARD AND RESEARCH PLANNING AND COORDINATION COMMISSION OF THE HENNEPIN SOUTH SERVICES COLLABORATIVE Mayor Maetzold explained two vacancies remained on Boards and Commissions following the January 18, 2000, meeting. He recommended filling the vacancy on the Community Education Services Board with the appointment of Linda Presthus whose term would run to June 30, 2000. Mayor Maetzold recommended Lynne Westphal be appointed to fill the vacancy on the now titled, Research, Planning and Coordination Commission of the Hennepin South Services Collaborative for a term ending February 1, 2002.

Member Faust made a motion appointing Linda Presthus to the Community Education Services Board for a term to June 30, 2000, and Lynne Westphal to the Research, Planning and Coordination Commission of the Hennepin South Services Collaborative for term ending February 1, 2002. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

\*ANNUAL APPOINTMENT OF ASSISTANT WEED INSPECTOR MADE Motion made by Member Hovland and seconded by Member Faust appointing Vince Cockriel, Park Superintendent as Assistant Weed Inspector for the year 2000.

Motion carried on rollcall vote - four ayes.

TIME WARNER TRANSFER OF CONTROL PRESENTED Mr. Hughes explained the City was officially notified of the merger of the parent company of our cable operator (Time Warner cable) with American Online, Inc., February 9, 2000. According to our franchise agreement, the merger constitutes a "transfer of control" requiring the City's approval.

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Mr. Hughes noted that within 30 days of notification the City may elect to: approve the transfer without further hearing or consideration, or call for a public hearing prior to further consideration. If the Council chose to conduct a hearing, it must then be held within 30 days of March 6. Due to notice requirements, such a hearing would be scheduled for the April 4, 2000, meeting. Following the hearing, the Council must issue their decision regarding the transfer prior to May 4, 2000.

Following a Council discussion, **Member Kelly made a motion calling for a public hearing to consider the Time Warner transfer of control for April 4, 2000, at 7:00 P.M. at which time action will be taken on the requested transfer.** Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

### **ON-SALE INTOXICATING, CLUB ON-SALE AND SUNDAY SALE LIQUOR LICENSE RENEWALS APPROVED**

Mr. Hughes indicated applications for renewal of On-Sale Intoxicating, Club On-Sale and Sunday On-Sale Liquor Licenses have been reviewed by the Edina Police Department and the applicants renewals were recommended. All applicants submitted required paperwork in accordance with the City's ordinance and State Statutes, and paid the required license fees.

Following a brief discussion, **Member Hovland made a motion approving On-Sale Intoxicating and Sunday Sale license renewals for the following restaurants: Big Bowl Café, Daniel's Italian Restaurant, Eden Avenue Grill, Romano's Macaroni Grill, Ruby Tuesday, Sidney's Pizza Café, Tejas and Two Guys From Italy; and Club On-Sale and Sunday Sale licenses: The Edina Country Club and Interlachen Country Club.** Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

### **ON-SALE WINE AND 3.2 ON-SALE BEER LICENSE RENEWALS APPROVED**

Mr. Hughes presented the list of restaurants holding On-sale wine and On-sale 3.2 licenses which are recommended for approval. When licenses are approved the establishments so licensed are also authorized under state statute to also sell strong beer in their restaurants without any additional license. Mr. Hughes reported that all necessary documentation has been submitted for renewal, fees collected, and the Police Department recommended renewal. Two previously licensed restaurants have not responded their intention of renewing their licenses. They are Sam and Nicki's Embers America and Rossini's.

**Member Kelly made a motion approving issuance of On-Sale Wine Licenses On-Sale 3.2 Beer Licenses as follows: Chuck E. Cheese's, Dayton's Boundary Waters Restaurant, D'Amico & Sons, Edina Grill, Good Earth Restaurant, Hawthorn Suites Edina, Locanda DeGiorgio, Inc., Pizzeria Uno, Szechuan Star Restaurant, and Yorktown Cinema Grill.** Mayor Maetzold seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

**3.2 BEER LICENSE RENEWALS (ON-SALE AND OFF-SALE) APPROVED** Mr. Hughes presented a list of applicants for renewal of their 3.2. beer licenses, both On-Sale and Off-Sale. All necessary documentation has been submitted for renewal, fees have been collected and the Police Department has recommended approval.

Member Faust made a motion approving issuance of beer license renewals as follows: **ON-SALE 3.2 BEER LICENSES:** Braemar Golf Course, Braemar Golf Dome, Chico's of the Midwest, Inc., Davanni's Pizza/Hoagies, Fred Richards Golf Course, New Hong Kong Kitchen, TJ's Family Restaurant; and **OFF-SALE 3.2 LICENSES:** Holiday Stationstore #217, Jerry's Foods, Kenny's Market Deli, and Speedway SuperAmerica LLC. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

**\*RESOLUTION 2000-30 AUTHORIZING ASSESSMENT OF CONNECTION CHARGES FOR INSTALL OF SEWER AND WATER AS REQUESTED BY PROPERTY OWNER 95232 RICHWOOD DRIVE)** Member Hovland introduced the following resolution seconded by Member Faust:

**RESOLUTION No. 2000-30  
AUTHORIZING CONNECTION  
CHARGES BE SPECIALLY ASSESSED AS  
REQUESTED BY PROPERTY OWNER**

**WHEREAS, Mr. Jeff M. Schoenwetter, 5232 Richwood Drive has requested installment payments of connection charges for Lot 1, Block 1, JMS Addition, Property Identification 33-117-21-22-0089 in Edina; and**

**WHEREAS, the connection charges are for access to sewer and water in the amount of \$2,000; and**

**WHEREAS, the assessment to be certified for collection would be \$333.33 plus interest for the year 2001 through 2006; and**

**WHEREAS, Edina Code Section 1105.02, Subd. 3B allows a property owner to request the Council to make connection charges payable by installment; and**

**WHEREAS, the Council may, by resolution, provide the connection charges be spread over a term of up to six years; and**

**WHEREAS, the unpaid balance shall bear interest at the rate charged by the City on special assessments and the amount certified to the County Auditor for collection with interest in the same manner as other special assessments and shall become a lien upon the property until paid.**

**NOW, THEREFORE, the Council authorizes the connection charges be specially assessed as requested by the property owner at 5232 Richwood Drive.**

Motion carried on rollcall vote - four ayes.

**\*RESOLUTION 2000-29 SETTING SUPPLEMENTAL HEARING DATE OF MARCH 21, 2000, FOR IMPROVEMENT B-096, CURB AND GUTTER IMPROVEMENT, BROOKVIEW AVENUE AND WEST 56<sup>TH</sup> STREET** Motion made by Member Hovland and seconded by Member Faust introducing the following resolution and moving its adoption:

**RESOLUTION NO. 2000-29  
CALLING SUPPLEMENTAL HEARING  
IMPROVEMENT PROJECT NO. B-096  
CURB AND GUTTER IMPROVEMENT**

**BROOKVIEW AVENUE AND WEST 56<sup>TH</sup> STREET**

**BE IT RESOLVED BY THE EDINA CITY COUNCIL that the Council shall meet at 7:00 p.m. on the 4<sup>th</sup> day of April, 2000, to consider the making of improvement B-096 installing curb and gutter on Brookview Avenue and West 56<sup>th</sup> Street and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429.**

**BE IT FURTHER RESOLVED, the City Clerk shall give mailed and published notice of such hearing and improvement as required by law.**

**Adopted this 6<sup>th</sup> day of March, 2000.**

Motion carried on rollcall vote - four ayes.

**COMMUNITY CENTER CONCERNS EXPRESSED** Mr. Hughes explained that he thought some residents were present who wanted to speak with the Council about the Community Center.

Kathy Christensen, 6841 Oaklawn Avenue, said she was representing herself only, but that she had spoken directly with over 30 parents of children attending either the French Immersion School or Early Childhood Classes at the Edina Community Center. Ms. Christensen expressed her concern regarding the proposed referendum and subsequent changes to the Community Center. Her concerns included security of the building, parking and the need for additional study before undertaking this type of project. Ms. Christensen urged that no referendum be held this spring and further study be done and reiterated her concern about safety at the Community Center.

Bill McCabe, 6124 Hansen Road, parent of ECC and French Immersion Students, echoed Ms. Christiansen's concerns. He said he had first heard of the project two weeks previous. Mr. McCabe urged more time be spent before moving forward.

Dan Rectenwald, 5611 Sherwood, said he lives about 4 houses from the Community Center and has two children in ECC programs and one in the French Immersion Program. Mr. Rectenwald explained that he was an architect and urban planner. He noted the proposed project is an opportunity to have a good urban response to community needs and urged the Council to take the time to make sure the plan is a good one.

Harold Little, 4502 Lakeview Drive, said that he felt the proposed referendum had been handled like an ultra stealth project. He encouraged the Council to solicit public input. Mr. Little voiced concern over lack of parental input and public disclosure.

Member Kelly said that when the final proposal is prepared, the staff has commented, a public meeting will be held and comments solicited. He continued stating; in his opinion, it is difficult to flyspeck a proposal not yet developed.

Member Hovland noted that before the last referendum John Keprios, Park Director, attended 45 or more meetings and presented the facts to various public groups. It was his belief that City staff would once again disseminate information when the final plan is developed.

Mayor Maetzold pointed out that many groups: basketball associations, swimmers art, etc. have been in front of the City Council over the years asking for improved gyms, pools, etc.

Margery Peter, 5120 Duggan Plaza, said she did not disagree with the need for the proposed improvements. However, Ms. Peter said she was surprised that the Kunz/Lewis property had not been chosen. She expressed her concern about parking, security, and that the school district does not follow public process in their deliberations.

Member Hovland noted the citizens' concerns are well placed and will be addressed. He said that as the plans proceed; parking and security will be reviewed. Member Kelly added that he sits on the Community Education Services Board and he understood that at all ECFE, Kids Clubs and Site Councils were aware of the project.

Andy Otness, 5433 Kellogg Avenue, Edina League of Women Voters President, added that as a point of clarification there were representatives from two different view points. Parents of children attending the French Immersion School view the location as an elementary school. However, when the Community Center was opened it was with a more global perspective of use. Therefore, many community residents do not view the building as primarily an elementary school.

Chuck Mooty, 4615 Moreland, stated he was and still believes himself to be a major proponent of the proposed improvement. Mr. Mooty stated he understood the proposed project was for everyone's children. He expressed frustration that a correct decision be made in a timely manner, but said he thought that moving the date would be wise. Mr. Mooty told the Normandale parents that when the improvements are made they will have an incredible facility.

Mary Hesdorffer, 6704 West Trail, said she was new to Edina. Ms. Hesdorffer urged the Council to wait until fall to hold a referendum, allowing time for adequate study to make the best decision.

Mr. Hughes informed the Council that several letters have been received with respect to the proposed project from parents of children enrolled in programs at the Community Center. Letters have been received from Sheri Peterson, 6121, Arctic Way; Robert Daudt, 6116 Scotia Drive; and Laurie and Jim Muehlbauer, 6217 Balder Lane.

Member Faust said she has reservations with a spring referendum. Especially with the time frame, because there has just not been enough time to gather the public input she felt necessary before making a decision.

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The Council discussed their concerns relative to the timing of the proposed referendum, when and how to gather public input, and their discomfort with making a decision by the April 4, 2000, deadline. Consensus was that the Council needs to move to the next step of looking at the public opinion survey, but that a May 2000, referendum was too rapid a time line.

**CLAIMS PAID** Motion made by Member Faust approving payment of the following claims as shown in detail on the Check Register dated March 1, 2000, and consisting of 36 pages: General Fund \$317,149.05; Communications \$2,327.73; Working Capital \$2,892.51; Art Center \$18,534.96; Golf Dome Fund \$1,637.52; Swimming Pool Fund \$267.00; Golf Course Fund \$26,208.35; Ice Arena Fund \$14,111.27; Edinborough/Centennial Lakes \$13,032.46; Utility Fund \$311,153.62; Liquor Dispensary Fund \$281,032.06; Construction Fund \$11,033.02; TOTAL \$ 999,379.55; and for confirmation of payment of claims as shown in detail on the Check Register dated March 2, 2000, and consisting of 10 pages: General Fund \$315,369.70; Communications \$156.90; Working Capital \$9,558.50; Art Center \$2,908.11; Golf Dome Fund \$4,507.62; Swimming Pool Fund \$410.25; Golf Course Fund \$9,174.51; Ice Arena Fund \$13,663.47; Edinborough/Centennial Lakes \$20,388.90; Utility Fund \$40,602.29; Storm Sewer Utility Fund \$217.17; Liquor Dispensary Fund \$75,355.01; Construction Fund \$1,767.34; IMP Bond Redemption #2 \$1,381.60; TOTAL \$495,461.37. Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 10:30 P.M.

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City Clerk