

MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 21, 2000
7:00 P.M.

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

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

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly

Motion carried.

SUPPORT PROCLAIMED FOR 2000 UNITED STATES CENSUS Coral Houle from the U.S. Census Bureau, explained that Census 2000 is a top priority for all elected and appointed officials, and encouraged the public to partner with the Bureau in achieving an accurate and complete count in Census 2000. Motion of Member Hovland, seconded by Member Faust adopting the following proclamation:

CENSUS 2000 PROCLAMATION

WHEREAS, the 2000 Census will determine apportionment of seats in the United States House of Representatives, state legislatures and local governments, and is the basis for the allocation of billions of dollars of Federal funding; and

WHEREAS, Census information is confidential and protected by law, prohibiting any public or private agency from gaining access to confidential Census data; and,

WHEREAS, the City of Edina is committed to a full and accurate Census count and is placing special emphasis on enumerating members of traditionally undercounted population groups; and

WHEREAS, the City of Edina has agreed to be one of the 39,000 governmental entities in partnership with the U.S. Census Bureau; and,

NOW, THEREFORE, I Dennis F. Maetzold, Mayor of the City of Edina hereby proclaim Census 2000 as a top priority for all elected and appointed officials, and encourage the community to place an emphasis on partnering with the U.S. Census Bureau in achieving an accurate and complete count in Census 2000.

In Witness Whereof, I have hereunto set my hand and seal this 21st day of March, 2000.

Ayes: Faust, Hovland, Johnson, Kelly

Motion carried.

RESOLUTION OF APPRECIATION ADOPTED COMMENDING CORAL S. HOULE FOR HER YEARS OF PUBLIC SERVICE Motion of Members Faust, Hovland, Johnson & Mayor pro tem Kelly, seconded by Members Faust, Hovland, Johnson & Mayor pro tem Kelly introducing the following resolution and moving its adoption:

RESOLUTION NO. 2000-36

RESOLUTION OF APPRECIATION

WHEREAS, Coral Houle, served the City of Bloomington for ten years on the City Council, five years as Mayor; and

WHEREAS, Coral Houle, has been involved serving on Bloomington city boards and commissions back to 1971 when she was first appointed to the City of Bloomington's Human Rights Commission. Coral also served on Bloomington's Planning Commission, Housing and Redevelopment Authority, the Metropolitan Health Board and the Bloomington Port Authority;

WHEREAS, Coral Houle has also served the greater Metropolitan Community since 1972 as a volunteer for the American Cancer Society, the Bloomington Coalition Against Violence, Friends of the Minnesota River Valley; and

WHEREAS, through these twenty plus years of public service Coral Houle has demonstrated her care and concern for the public welfare of her fellow citizens.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council, City staff and all Edina residents hereby express their thanks and appreciation to

CORAL S. HOULE

for her tireless efforts in and sincere dedication to making the Metropolitan Community an outstanding place to live.

Ayes: Faust, Hovland, Johnson, Kelly

Motion carried.

***MINUTES OF THE REGULAR MEETINGS OF MARCH 6, 2000, APPROVED** Motion made by Member Johnson and seconded by Member Faust approving the Minutes of the Regular Meeting of March 6, 2000.

Motion carried on rollcall vote - four ayes.

RESOLUTION 2000-32 ADOPTED ORDERING BROOKVIEW AVENUE AND WEST 56TH STREET CURB AND GUTTER, AND PAVEMENT REPLACEMENT IMPROVEMENT NO. B-096 Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Assistant Engineer Houle reminded the Council that this project was approved in July of 1999. He added originally the project was to install concrete curb and gutter and to patch the bituminous pavement along West 56th Street from Oaklawn Avenue to Park Place and along Brookview Avenue south of West Street. However, in August, the bids were rejected because they came in higher than normal. Staff reanalyzed the project to include replacing all of the pavement within the construction area. Any drainage systems in the area would be tied into existing storm sewer. The total project cost was estimated at \$90,200 with the storm sewer fund paying for any utility work. The Engineering Department then resurveyed the twelve affected residents. Eleven of the residents responded: one objected to the project, nine supported the project including re-paving the entire road surface, while one supported the project installing the curb and gutter, but only patching the pavement. Mr. Houle reported that the reason for the public hearing was the changed scope of the project from its original proposal. He added that since this project would be assessed under M.S. 429 and was a staff proposed improvement, a four fifth vote of the Council would be necessary to proceed with the project. Mr. Houle concluded that the engineering staff has reanalyzed the project and feels that it is feasible from an engineering standpoint.

Member Hovland asked if there was a rough estimate of the individual homeowners' assessments. Mr. Houle explained that an estimate had been sent to each individual property

owner with their hearing notice and the assessment ranged between \$4,000-\$7,000. He added the corner lots will have the largest assessments.

Public Comment

Pat Turnbull, 5536 Brookview Avenue, stated he was opposed to the project because the cost was too high. Mr. Turnbull said that he initially supported the project, but now as it is proposed the project is too expensive. Paying this assessment would be a hardship because he is retired. Mr. Turnbull wanted to know why curb must be installed on the north side of 56th Street. He stated he objects to the entire project. Mr. Houle noted the higher cost reflects in the increased scope of the project and the relatively small construction area. Engineer Hoffman pointed out that this was an improvement hearing, not an assessment hearing. He added the Council will decide at a later date the method and amount of the special assessment. Manager Hughes said this was the first of three times the Council will review this project, they will review it when awarding the bid and later at the assessment hearing. At that time they may chose a different method of calculating the assessment. The proposed estimate was calculated using \$60.00 per linear foot with the sideyards assessed at 1/3 the front yard rate. This can be changed at the Council's discretion. Mr. Hoffman also pointed out that any utility improvement would be paid by the City's Utility funds.

Mark McCarthy 5537 Brookview Avenue, expressed concern that he would be assessed again in ten years when the rest of Brookview is re-paved. He also asked whether this project would alleviate the area water from pooling in his front yard. Mr. Houle replied that the new curb and gutter should be able to handle typical ten-year rain fall events. He added that Mr. McCarthy would not be assessed when the remainder of Brookview was re-paved because his property would not be redone a second time.

Cheril Morris, 5600 Brookview Avenue, noted that she was one of the petitioners back in 1997. They were originally told the cost would be about \$25.00 per linear foot. Ms. Morris said she still supports the project, but is frustrated that it still has not been completed and she worried that any additional delay would just increase the cost.

Council Discussion/Action

Member Johnson commented that it seems the high cost of the assessment resulted from the relatively small construction area. He asked why a larger area was not included in the project. Mr. Houle explained that originally in 1999 a larger project extending up to West 55th Street was reviewed. After the initial 1999 hearing, the Council directed that the affected property owners be re-surveyed. Based on the results of that survey the size of the project was reduced. He reiterated that about one third of the \$90,000 would be paid from utility funds, and added the catch basin will be rehabbed. He explained the design will handle ten-year rain events, but added a 100-year event will still most likely inundate many area front yards.

Member Hovland stated he could support the project, but would like to see more specific engineering before the bid is awarded.

Member Faust asked what per cent of the project would be paid by the utility fund. Mr. Hughes said that approximately 30% will be covered from the storm water utility fund.

Mayor pro tem Kelly pointed out that eleven residents support the project and one has said they do not want to wait longer and have costs increase.

Member Johnson introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2000-32
ORDERING CURB & GUTTER
IMPROVEMENT NO. B-096**

WHEREAS, the Edina City Council on the 6th day of March 2000, fixed March 21, 2000, as the date for a council hearing on the proposed concrete curb and gutter installation and replacement of pavement, Improvement No. B-096; and

WHEREAS, a report has been prepared by the Edina City Engineer with reference to the Improvement No. B-096 installation of concrete curb and gutter and replacement of pavement on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street, and this report was received by the Council on March 21, 2000; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 21st of March, for Improvement No. B-096 installation of concrete curb and gutter on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street, at which hearing 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 No. B-096 installation of concrete curb and gutter and replacement of pavement on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street.

BE IT FURTHER RESOLVED, by the Edina City Council:

1. Improvement No. B-096 installation of concrete curb and gutter and replacement of pavement on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street is hereby ordered as proposed;
2. The Edina City Engineer is hereby designated as the engineer for this improvement. The City Engineer shall prepare plans and specifications for the making of such improvement.
3. The City Engineer is hereby authorized to advertise and take bids for Improvement No. B-096 installation of concrete curb and gutter, and replacement of pavement on West 56th Street between Oaklawn and Park Place and Brookview Avenue between Woodland Road to West 56th Street.

Adopted this 21st day of March, 2000. Motion seconded by Member Hovland.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly

Resolution adopted.

***BID AWARDED FOR RANGE AND DOME GOLF BALLS FOR BRAEMAR GOLF COURSE**

Motion made by Member Johnson and seconded by Member Faust for award of bid for range and dome golf balls for Braemar Golf Course to recommended low bidder, Maxfli Golf at \$19,827.36.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR COMMODITIES PURCHASE FOR PUBLIC WORKS** Motion made by Member Johnson and seconded by Member Faust for award of bid for sand, rock, bituminous materials, concrete, propane and engine oil to recommended low bidders as follows: Concrete Sand (delivered) to SA-AG at \$4.58 per ton; Course Sand (Metro Seal) (delivered) to SA-AG at \$6.18 per ton; Cl.2 Limestone (delivered) Bryan Rock at \$8.77 per ton; Seal Coat Chips (delivered) to Dresser Trap Rock at \$23.70 per ton; *Asphalt 2331 (Base Type 31 or 32) (picked up at plant) to Bituminous Roadways (vendedor 1) at \$21.50 or Midwest Asphalt (vendedor 2) at \$22.40; *Asphalt 2331 (Base Type 41 or 42) (picked up at plant) to Bituminous Roadways (vendedor 1) at \$23.50 or Midwest Asphalt (vendedor 2) at \$25.90; *Asphalt 2331 (wear Type 41 or 42) (picked up at plant) to Bituminous Roadways (vendedor 1) at \$22.00 and Midwest Asphalt (vendedor 2) at \$25.00; *Asphalt 2331 (wear type 31 or 32) (picked up at plant) to Bituminous Roadways (vendedor 1) at \$23.50 or C.S. McCrossan (vendedor 2) at \$23.00; 2331 31/32 Asphalt (base type) (delivered) to Bituminous Roadways at \$26.00; 2331 41/42 Asphalt (base type) (delivered) to Bituminous Roadways at \$28.00; 2331 41/42 Asphalt (wear type) (delivered) to Bituminous Roadways at \$26.50; 2331 31/32 Asphalt (wear type) (delivered) to Bituminous Roadways at \$28.00; Concrete 1-3 yards (delivered) to Camas at \$70.00 per cubic yard; Emulsified Asphalt CRS2, no bid; Emulsified Tack Oil to Bituminous Roadways at \$4.00 per gallon; Rubberized Crack Filler to Brock White at \$0.2965 per pound; Manhole Covers to Ess Brothers at \$73.80 each; Engine Oil 15/40 to Hallman Oil at \$3.29 per gallon; Engine Oil 5W/30 to Hallman Oil at \$3.29 per gallon; Red Ball Aggregate to Bryan Rock at \$12.27 per ton; and Lannon Stone Wall Repair to Bjork Stone at \$9.00 per square foot.

(*these items are awarded on basis of total cost per ton including trucking and labor, and past year's performance)

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR WATER TREATMENT CHEMICALS** Motion made by Member Johnson and seconded by Member Faust for award of bid for Hydrofluosilic Acid and Liquid Chlorine for City wells and swimming pools to recommended low bidder, Dixie Petro Chem. at \$41.66 CWT; and for caustic soda to sole bidder Hawkins Chemical at \$25.00 per CWT; and for Polyphosphate Ortho-Phosphate Blend a six month split award to Dixie Petro and Hawkins Chemical at \$5.85 per gallon.

Motion carried on rollcall vote - four ayes.

***RESOLUTION AUTHORIZING EXECUTION OF MUNICIPAL LEGISLATIVE COMMISSION JOINT AND COOPERATIVE AGREEMENT APPROVED** Motion made by Member Johnson and seconded by Member Faust introducing the following resolution:

RESOLUTION NO. 2000-33

RESOLUTION

AUTHORIZING EXECUTION OF

MUNICIPAL LEGISLATIVE COMMISSION JOINT AND

COOPERATIVE AGREEMENT

WHEREAS, Minnesota Statutes Section 471.59 permits two or more governmental units, by agreement of their governing bodies, to jointly and cooperatively exercise any power common to each of them, and

WHEREAS, the parties have entered into this Joint and Cooperative Agreement to develop programs on matters of mutual concern and interest and identify, review and actively oppose proposals which may be in conflict with the interest of the members.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Clerk of the City of Edina are hereby authorized and directed to execute the Joint and Cooperative Agreement as amended and attached hereto.

ADOPTED this 21st day of March, 2000.

Motion carried on rollcall vote - four ayes.

*RESOLUTION OF SUPPORT APPROVED FOR NOISE WALL FROM 44TH STREET TO 43RD STREET Motion made by Member Johnson and seconded by Member Faust introducing the following resolution and moving its adoption:

RESOLUTION NO. 2000-34
RESOLUTION OF APPROVAL OF
NOISE ABATEMENT WALL ON T.H.100

WHEREAS, the City Council of the City of Edina has adopted policies supporting noise abatement along City freeways.

WHEREAS, the City Council is aware of the 1997 MnDOT study and associated rankings of the study.

WHEREAS, the City Council would encourage MnDOT to seek additional funding to accelerate noise abatement along City freeways.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Edina that the City supports the installation of a noise abatement wall along TH 100 from W. 41st Street to W. 44th Street with the request that the project include the W. 44th Street bridge on the east side only.

Adopted this 21st day of March, 2000.

Motion carried on rollcall vote - four ayes.

*RESOLUTION APPROVING SIDEWALK REPLACEMENT ON VERNON AVENUE, IMPROVEMENT #S-080 Motion made by Member Johnson and seconded by Member Faust introducing the following resolution and moving its adoption:

RESOLUTION NO. 2000-35 ORDERING
SIDEWALK REPLACEMENT
VERNON AVENUE
IMPROVEMENT NO. S-080

WHEREAS, a report has been prepared by the Edina City Engineer with reference to the Improvement No. S-080 replacement of bituminous sidewalk along Vernon Avenue from Grandview Avenue to Gleason Road and along Gleason Road from Vernon Avenue to TH 62, and this report was received by the Council on March 21, 2000; and

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 No. S-080 replacement of bituminous sidewalk along Vernon Avenue from Grandview Avenue to Gleason Road and along Gleason Road from Vernon Avenue to TH 62.

BE IT FURTHER RESOLVED, by the Edina City Council:

1. Improvement No. S-080 replacement of bituminous sidewalk along Vernon Avenue from Grandview Avenue to Gleason Road and along Gleason Road from Vernon Avenue to TH 62 is hereby ordered as proposed;
2. The Edina City Engineer is hereby designated as the engineer for this improvement. The City Engineer shall prepare plans and specifications for the making of such improvement.

3. **The City Engineer is hereby authorized to advertise and take bids for Improvement No. S-080 replacement of bituminous sidewalk along Vernon Avenue from Grandview Avenue to Gleason Road and along Gleason Road from Vernon Avenue to TH 62**

Adopted this 21st day of March, 2000.

Motion carried on rollcall vote - four ayes.

CONCERN OF RESIDENT EXPRESSED Doreen Frankel, Concord Elementary School Site Council Chair, and Susan Baker, 5036 Bruce Place, urged the Council to proceed with the joint city/school district project. She said that Concord is very short of space and must do something to address this issue. Ms. Frankel said Concord's parents and staff are very excited and anxious to have the City build the additional classroom at Concord.

Mark Lofthus, 5205 Danens Drive, Kathy Christiansen, 6841 Oaklawn Avenue, Steve Henke, 4386 Macke Drive, Sharrie Peterson, 6121 Artic Way, Mark Jones, 4805 School Road, Camile Nash, and Laura Knolls, all expressed concern with the potential joint school board/city project proposed for the Community Center which houses the French Immersion Elementary School. The parents concerns included security, parking, building access, the process followed by the school district and city, and the potential negative impact on the French Immersion School.

Mayor pro tem Kelly acknowledged the parents concerns. He informed them that they should be contacting the Edina School District Board to voice their concerns relative to issues impacting school operations which were totally outside of the City's control. Mayor pro tem Kelly explained the reason the dialogue started about finding additional gymnasium space and more athletic fields was because parents of children participating in athletic programs complained that their children were playing and practicing after 9:00 p.m. The Council also looked at what Edina needs to make the community attractive to residents and maintain its high value housing stock. To do this, Edina must compete with neighboring communities which offer facilities such as the proposed field house project. He noted that many factors were looked at before the Community Center was chosen as the site for the additional gyms. Mayor pro tem Kelly added that he believed the Normandale Elementary School was an asset to the community and that the concerns as stated can be worked through before the project is completed. The process is on going. At this point the Memorandum of Understanding with the Edina School District has not yet been completed. No final plans have been drawn. It is early in the process and he believed the parents still have time to be heard.

Member Faust stated that it should be very clear to the School District that they should be communicating with their constituents. She added the City would have legal issues building any classroom space, so any additional classroom space at Concord Elementary would be the School District's responsibility, not the City's.

Member Hovland expressed his concern at the lack of information the parents feel has been disseminated. He said that more information will be forthcoming as the true scope of the project is ascertained. Member Hovland said that he thought the safety, security and traffic concerns expressed this evening and two weeks ago would be addressed. In fact he raised these issues at a meeting with the School District and was assured they would be addressed. Member Hovland added that many factors were reviewed before deciding to locate the proposed additional gyms at the Community Center.

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Member Johnson said he was on the School Board when it was decided to locate the French Immersion School at the Community Center. At that time the Board felt it was in the best interest of the entire community. Now both the Council and School Board again must decide what is best for the entire community. He noted that some issues of local concern may need to be compromised to fulfill the needs of the greater community. Member Johnson agreed with Mayor pro tem Kelly about the scope of the City's control over programming or programming space of any facility that is owned by the Edina School District.

DISCUSSION OF STUDYING SOUTHDALE AREA Mayor pro tem Kelly suggested hiring an urban land planning consultant put to together a comprehensive plan for France Avenue north of the Galleria. He expressed his concern for moving ahead with the Fairview Southdale project before the greater Southdale area is looked at in more detail. He also expressed his reservations about the Fairview proposal. The Council briefly discussed the possibility of using a consultant to develop a comprehensive plan for use when development proposals are made along the France Avenue corridor. The City Manager was directed to contact Mark Enger of Fairview Southdale to suggest a work session reviewing their proposal before further Council action.

***DESIGNATION AND RESERVE OF FUND BALANCE APPROVED** Motion made by Member Johnson and seconded by Member Faust to approve the designation and reserve of Fund Balance as presented.

Motion carried on rollcall vote - four ayes.

CLAIMS PAID Motion made by Member Johnson approving payment of the following claims as shown in detail on the Check Register dated, and consisting of 32 pages: General Fund \$200,813.53; Communications \$7,648.65; Working Capital \$11,716.48; Art Center \$10,033.37; Golf Dome Fund \$17,410.39; Swimming Pool Fund \$7,034.26; Golf Course Fund \$32,749.16; Ice Arena Fund \$39,282.95; Edinborough/Centennial Lakes \$23,178.43; Utility Fund \$80,980.21; Storm Sewer Utility Fund \$1,000.00; Recycling Program \$37,935.20; Liquor Dispensary Fund \$218,515.16; Construction Fund \$16,400.24; TOTAL \$704,698.03. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly

Motion carried.

There being no further business on the Council Agenda, Mayor pro tem Kelly adjourned the Council Meeting at 9:15 P.M.

City Clerk