

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
OCTOBER 17, 2000 - 7:00 P.M.**

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

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

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

"CONNECTING WITH KIDS" PROCLAMATION APPROVED Mayor Maetzold proclaimed that children and adolescents deserve to grow up safe, healthy, loved, secure and educated. He suggested the City Council and the Edina Board of Education endorse the effort and support the community efforts in "Connecting With Kids".

Member Faust made a motion approving the proclamation as presented. Member Johnson seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF OCTOBER 3, 2000, APPROVED** Motion made by Member Johnson and seconded by Member Hovland approving the Minutes of the Regular Meeting of October 3, 2000.

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 and action taken as recorded on the following proposed assessments:

1. CURB AND GUTTER IMPROVEMENT NO. A-096

Location: BROOKVIEW AVENUE AND WEST 56TH STREET

Analysis of Assessment for Curb and Gutter Improvement No. A-096 showed twelve assessable lots with various amounts based on lineal front footage of 880.15 feet or \$57.24 per lineal foot for a total assessment of \$50,376.46. The term of the special assessment shall be ten years beginning in the year 2001.

Comments have been received regarding the condition of some of the newly placed sod. Engineering reviewed the condition and concurred that the bad areas need replacing. Due to a dryer than normal fall, the sod will be replaced in spring 2001. The higher costs for this project were due to the placement of curb and gutter to acquire proper drainage. Sixty-two percent of the project is being charged to the Utility Fund.

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No public comment was heard.

Member Johnson made a motion seconded by Member Hovland closing the public hearing of Improvement No. A-096.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. A-096, as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

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

2. STREET, CURB AND GUTTER IMPROVEMENT NO. A-184

Location: BROOKSIDE HEIGHTS NEIGHBORHOOD

Analysis of Assessment for Street, Curb and Gutter Improvement No. A-184 showed one-hundred sixty-six assessable units for street improvements at \$1,223.33 per unit and fifty-nine assessable units for curb and gutter at \$909.10 per unit for a total assessment of \$256,708.90. The term of the special assessment shall be for 10 years beginning in the year 2001.

Public comment

A letter was received from a Curtis D. Brown, 5125 Oxford Avenue, stating that properties on the 5100 block of Oxford Avenue are being assessed for curbs and gutters in error. Assistant Engineer Houle acknowledged the letter and requested the public hearing be continued to the November 6, 2000, regular Council meeting to allow notification of the residents.

No public comment was heard.

Member Kelly made a motion to continue the assessment for Street, Curb and Gutter Improvement No. A-184 until November 6, 2000, allowing notification of residents. Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

3. STREET IMPROVEMENT NO. A-185

Location: SKYLINE DRIVE AND BLOSSOM COURT

Analysis of Assessment for Street Improvement No. A-185 showed 25.67 assessable lots at \$2,691.84 per lot for a total assessment of \$69,090.46. The term of the special assessment shall be ten years beginning in the year 2001.

Public comment

Irene Helland, 5121 Blossom Court, submitted a letter dated October 2, 2000, to the Council stating the assessment to be an undue hardship for her and inquired whether it could be deferred without interest. Manager Hughes explained the Senior Citizen deferral which permits persons

over 65 years of age to defer the assessment, provided that the first years installment of principal and interest exceeds two percent of their income. If eligibility is guaranteed, the assessment may be deferred until the property is sold and is payable by the new owner at that time. Ms. Helland asked why improvements are not paid for by the City. Assistant Public Works Director Houle said currently there are no funding mechanisms in place to have the City pay for these improvements.

Motion of Member Johnson, seconded by Member Kelly closing the public hearing for assessment of Improvement No. A-185.

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

Council comments

Member Faust inquired about the age of the street. Mr. Houle stated the streets were over 30 years of age and had perhaps had a light seal-coating or thin slurry coat at some time. Member Faust asked what the life expectancy of a road is. Mr. Houle said between 25 - 35 years.

Member Hovland stated it is the Council's responsibility to maintain the infrastructure of the City. The Council must rely on City staff to monitor this infrastructure for reclamation/reconstruction/replacement. He explained that it is a burden that falls on every citizen at some point.

Member Johnson inquired whether there was anything in place to help a person remain in their home but are under financial duress. Manager Hughes explained our ability to defer is limited under state law and available only on undeveloped property and for only the period of time until the properties are developed.

Member Faust asked what the interest rate is on a deferral for a homeowner. Manager Hughes said interest rates are pegged to the borrowing rate of the city or currently at 7 ½ percent simple interest.

Member Johnson said once the project is approved, not much flexibility exists to help residents any further. Public Works Director Hoffman commented that the term of the assessment can be changed as well as there are a number of ways to pay off the assessment.

Mayor Maetzold commented that the City's infrastructure is going to need maintenance and the Council must rely on staff to make decisions about when it is done. Mr. Hoffman commented that the term on each assessment can be different. Manager Hughes advocated some consistency in how these assessments are set. Mayor Maetzold noted if the term of an assessment were lengthened, the amount of interest accrued could be a factor as well.

Member Johnson asked if, during the review of the assessment process, the Council would review the determination of the allocation for each property owner. He asked if assessments could be based on assessed property valuations.

Attorney Gilligan explained the test is based on the benefit to the property by the improvement. Typically it is not a reflection of the assessed value.

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Member Hovland complimented City staff in containing costs by using reclamation as much as possible rather than total reconstruction of the road.

Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. A-185, as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

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

4. STREET IMPROVEMENT NO. A-186

Location: DUNDEE ROAD, MIRROR LAKES ROAD, CHANTRY ROAD,
GLENGARRY PARKWAY, MERRITT CIRCLE, DONCASTER WAY, AYRSHIRE
BOULEVARD, SOUTH DRIVE AND NORTHWOOD DRIVE

Analysis of Assessment for Street Improvement No. A-186 showed 216 assessable lots at \$2,366.09 per unit based on assessable unit for a total assessment of \$511,076.28. The term of the special assessment shall be ten years beginning in the year 2001.

Resident comment

Chuck Abrahamson, 5221 Doncaster, stated the amount assessed is excessive. His property abuts the park and the street in front of his home is used more by park patrons than by his family. Mayor Maetzold explained the taxes on the home is based on its value. Mr. Abrahamson disagreed and believes his taxes are based on the proximity of his home to the park. He stated his belief that the street assessment should be a shared burden for the community and not assessed on individual homes.

John J. Carlson, 5509 Merritt Circle, asked about the excavation going on across the street from his home. Mr. Houle explained the project was proposed before the gas company replaced the gas mains. Mr. Carlson asked why the street is being replaced. Mr. Houle responded that the pavement in Merritt Circle was over 30 years old and very brittle. Any future maintenance would not buy more time with the condition of the pavement. Mr. Carlson said traffic has increased tenfold in the 20 years he has lived on Merritt Circle. Mr. Houle explained that they analyzed the number of trips into the park by various vehicles and came up with a figure of \$56,000 which was subsequently taken off the project cost. The remainder of the actual construction costs was assessed back to the neighbors.

Grace McNeill, 5400 Glengarry Parkway, concurred with Mr. Carlson regarding the parking on residential streets. No Parking signs on the park side of the street forces parking on the residential side of the street. She further believes a lot of damage was done to the street when the underground drainage was completed in Highland Park for Mirror Lakes. Mr. Houle explained there was a utility component to the project emanating from the sump pump program. The costs of these repairs did come out of the utility fund.

Johnson made a motion closing the public hearing seconded by Member Faust.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

Member Faust said since 30% of Edina citizens will be seniors soon, the policy for seniors should be included in with the assessments. Mr. Houle explained that information was included in the assessment with a number to phone for questions.

Mayor Maetzold commented that all homes near parks have the same issue. There is just no way to have a surtax on individuals when they use other parts of the community. In this case the improvements are being subsidized by the school district and the City.

Member Hovland indicated the resident comments were good and mirrored what staff had anticipated. The project had an actual cost of over \$800,000 and the City through its Utility Fund is absorbing approximately \$300,000.

A letter was received from John J. and Sylvia L. Carlson, 5509 Merritt Circle, stating their objection to the assessment and do not believe the reclamation will benefit them in any way.

Member Hovland made a motion seconded by Member Johnson approving assessment of Improvement No. A-186, as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

5. STREET IMPROVEMENT NO. A-187

Location: ROSEMARY LANE

Analysis of Assessment for Street Improvement No. A-187 showed fourteen lots assessed at \$1,826.28 per unit for a total assessment of \$25,567.90. The term of the special assessment shall be ten years beginning in the year 2001.

No public comments were received.

Member Johnson made a motion closing the meeting, Member Hovland seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

Member Johnson made a motion seconded by Member Hovland approving assessment of Improvement No. A-187 as presented.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

6. STREET IMPROVEMENT NO. A-188

Location: EDEN PRAIRIE ROAD

Analysis of Assessment for Street Improvement No. A-188 showed 57.33 Street Improvement Units at \$809.06 per unit and 10.33 for Curb and Gutter Improvement Units at \$1,053.90 per unit for a total assessment of \$57,276.58. The term of the special assessment shall be ten years beginning in the year 2000.

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No public comments were received.

Motion of Member Johnson seconded by Member Faust closing the public hearing for assessment of Improvement No. A-188.

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

Motion made by Member Johnson and seconded by Member Kelly approving the assessment of Improvement No. A-188 as presented.

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

7. SIDEWALK IMPROVEMENT NO. S-075

Location: MAPLE ROAD - WEST 48TH STREET TO WEST 50TH STREET AND TOWNES ROAD

Analysis of Assessment for Sidewalk Improvement No. S-075 based on 41.33 assessable units at \$1,336.03 for a total assessment of \$55,218.24. The term of the special assessment shall be for ten years beginning in 2001.

No public comments were heard.

A letter was received from the law firm of Larkin, Hoffman, Daly & Lindgren, Ltd, Attorneys at Law, dated October 13, 2000, who have been retained by property owners objecting to the proposed sidewalk improvement No. S-075 on Maple Road.

Motion of Member Hovland seconded by Member Faust closing the public hearing for assessment of Improvement No. S-075.

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

Motion made by Member Hovland and seconded by Member Kelly approving the assessment of Improvement No. S-075 as presented.

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

8. SIDEWALK IMPROVEMENT NO. S-076

Location: COUNTRYSIDE ELEMENTARY SCHOOL NEIGHBORHOOD: STUART AVENUE AND GROVE STREET

Analysis of Assessment for Sidewalk Improvement S-076 showed 69 units based on per area assessable units at \$375.02 per unit for a total assessment of \$25,876.58. The term of the special assessment shall be ten years beginning in the year 2001.

No public comment was heard.

A letter was received from Marie Anderson, 5821 Grove Street, appealing the assessment proposed for Sidewalk Improvement No. S-076.

Motion of Member Johnson and seconded by Member Hovland closing the public hearing for assessment of Improvement No. S-076.

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

Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. S-076, as presented.

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

9. SIDEWALK IMPROVEMENT NO. S-077

Location: CORNELIA ELEMENTARY SCHOOL NEIGHBORHOOD: CORNELIA DRIVE, MAVELLE DRIVE AND WEST 72ND STREET

Analysis of Assessment for Sidewalk Improvement No. S-077 for 103 units based on per area assessable unit at \$368.15 for a total assessment of \$37,919.73. The term of the special assessment shall be ten years beginning in 2001.

No public comment was heard.

Correspondence was received from Mrs. Eunice A. Holmgren, 7009 Heatherton Trail, stating the proposed sidewalk assessment would be an impossible hardship to her. A letter was received from Robert E. Rofidal, 7125 Bristol Boulevard, stating that payment for the sidewalk should be the responsibility of the people who caused the problem, i.e., the commercial area of Edina.

Member Faust said usually a school or park has a number of units assessed to them. With this assessment, do they just pay 25% rather than being taxed by a unit amount. Mr. Houle explained that sidewalks are different than street reclamation. With street reclaiming you use vehicle trips to base unit amounts. With sidewalks no vehicle trips are used and the reason an area assessment is used with a percentage for the City and School District. Member Faust asked if the 25% the school is paying is adequate. Mr. Houle said yes, elementary school properties are similar in size throughout the City. Manager Hughes noted the Council adopted a policy concerning sidewalks and the cost sharing of them. As other neighborhoods around the schools petition for sidewalks, under our policy the school would still be liable to pick up the 25% portion of sidewalks as opposed to the policy for single family lots where they would only pay once.

Motion made by Member Hovland and seconded by Member Johnson closing the public hearing for assessment of Improvement No. S-077.

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

Motion made by Member Hovland and seconded by Member Johnson approving the assessment of Improvement No. S-077 as presented.

Rollcall:

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

10. MAINTENANCE IMPROVEMENT NO. M-00

Location: 50TH STREET AND FRANCE AVENUE BUSINESS DISTRICT

Analysis for Assessment for Maintenance Improvement No. MG-00 showed a total maintenance cost of \$88,474.55 against 339,561 assessable square feet at \$0.2606 per square foot. One year assessable payable in 2001.

No oral or written objections were heard.

Motion made by Member Hovland, seconded by Member Johnson closing the hearing for assessment of Improvement No. M-00.

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

Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. M-00 as presented.

Rollcall:

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

11. MAINTENANCE IMPROVEMENT NO. MG-00

Location: GRANDVIEW LANE BUSINESS DISTRICT

Analysis of Assessment for maintenance Improvement No. MG-00 showed a total cost of \$10,676.27 against 364,043 square feet at \$0.0293 per square foot. One year assessment payable in 2001.

No public comments were heard.

Motion of Member Johnson and seconded by Member Hovland closing the hearing for assessment of Improvement No. MG-00.

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

Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. MG-00 as presented.

Rollcall:

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

12. TREE REMOVAL IMPROVEMENT NO. TR-00

Location: 4004 MONTEREY AVENUE, 4500 PARKSIDE LANE AND 412 TYLER AVENUE

Analysis of Assessment for Tree Removal Improvement No. TR-00 showed three parcels assessed as follows:

412 Tyler Avenue	\$3,115.13	5 year assessment
4004 Monterey Avenue	\$1,682.70	5 year assessment
4500 Parkside Lane	\$ 303.53	1 year assessment

No public comment was heard.

Motion made by Member Johnson and seconded by Member Hovland closing the hearing for assessment of Improvement No. TR-00.

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

Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. TR-00 as presented.

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

13. AQUATIC WEEDS IMPROVEMENT NO. AQ-00

Location: ARROWHEAD, INDIANHEAD LAKE AND MINNEHAHA CREEK MILLPOND

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

Location: MINNEHAHA CREEK MILL POND

Analysis of Assessment for Aquatic Weeds Improvement No. AQ-00 for Minnehaha Creek Mill Pond showed a total of \$4,540.00 to be assessed against 63 parcels at \$72.06 per parcel. One year assessment payable in 2001.

No public comments were heard.

Member Johnson made a motion seconded by Member Hovland closing the hearing on Improvement No. AQ-00.

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

Motion made by Member Johnson and seconded by Member Hovland approving assessment of Improvement No. AQ-00 for Minnehaha Creek Mill Pond.

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

Location: ARROWHEAD LAKE

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Analysis of Assessment for Aquatic Weeds Improvement No. AQ-00 for Arrowhead Lake showed a total of \$14,445.70 proposed to be assessed against 35 homes at \$412.73 per home. One year assessment payable in 2001.

No public comments were heard.

Motion made by Member Johnson and seconded by Member Hovland closing the hearing on Improvement No. AQ-00.

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

Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. AQ-00 as presented.

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

Location: INDIANHEAD LAKE

Analysis of Assessment for Aquatic Weeds Improvement No. AQ-00 for Indianhead Lake showed a total cost of \$11,984.70 against 33 homes at \$363.17 per home. One year assessment payable in 2001.

No public comments were heard.

Motion made by Member Johnson and seconded by Member Hovland closing the hearing on Improvement No. AQ-00.

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

Motion made by Member Johnson and seconded by Member Hovland approving the assessment of Improvement No. AQ-00 as presented.

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

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

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

RESOLUTION NO. 2000-108

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

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

**Curb and Gutter Improvement No. A-96
Street Improvement No. A-185**

- Street Improvement No. A-186
- Street Improvement No. A-187
- Street Improvement No. A-188
- Sidewalk Improvement No. S-75
- Sidewalk Improvement No. S-76
- Sidewalk Improvement No. S-77
- Maintenance Improvement No. M-00
- Maintenance Improvement No. MG-00
- Tree Removal Improvement No. TR-00
- Aquatic Weeds Improvement No. AQ-00

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 assessment shall be payable in equal installments, the first of said installments, together with interest at a rate of seven and one half percent (7 1/2%) per annum, on the entire assessment from the date hereof to December 31, 2001, to be payable with the general taxes for the year 2001. 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 and Gutter Improvement No. A-96, Levy No. 14966	10 years
Street Improvement No. A-185, Levy No. 14964	10 years
Street Improvement No. A-186, Levy No.14961	10 years
Street Improvement No. A-187, Levy No. 14963	10 years
Street Improvement No. A-188, Levy No.14962	10 years
Sidewalk Improvement No. S-75, Levy No. 14968	10 years
Sidewalk Improvement No. S-76, Levy No. 14969	10 years
Sidewalk Improvement No. S-77, Levy No. 14967	10 years
Maintenance Improvement No. M-00, Levy No. 14958	1 year
Maintenance Improvement No. MG-00, Levy No. 14959	1 year
Tree Removal Improvement No. TR-00, Levy No. 14971	5 year
Tree Removal Improvement No. TR-00, Levy No. 14972	1 year
Aquatic Weeds Improvement No. AQ-00, Levy No. 14960	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 17th day of October, 2000.

Motion for adoption of the resolution seconded by Member Kelly.

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Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Resolution adopted.

ORDINANCE NO. 2000-10, AN ORDINANCE AMENDING EDINA CITY CODE RELATED TO SUMP PUMP AND REMOTE WATER REDUCTION DEVICE

Attorney Gilligan explained that an amendment had been prepared to the City Code to provide that the City shall withhold the issuance of any building, mechanical and plumbing permits for any property which is in violation of the City's sump pump ordinance because of an improper connection or refusal to allow an inspection or provide a plumber's certificate in lieu of an inspection.

The ordinance also amends the City Code to authorize the City Council to impose a surcharge on the sewer and water bill for a property where the City has not been permitted to install a remote radio reading device. At this time, the ordinance does not impose the surcharge or set forth the amount of the surcharge. The surcharge will be imposed by an amendment to Section 185 of the Code relating to fees and charges and will be considered by the Council during its review of fees and charges later this year.

The surcharge to be imposed should reflect the additional cost to the City related to having to manually read water meters that do not have the remote reading device installed. Staff has reviewed the additional time and vehicle use related to manually reading meters and recommends the surcharge be set at \$30 per quarter.

Attorney Gilligan explained that at a previous Council meeting, a question was raised as to how a prospective property owner could be made aware that a residence is not in compliance with the sump pump ordinance. The City does not have a requirement for hosing inspection in connection with a sale of a house and does not become involved in the sale of a house, so there is presently no manner for a new homeowner to be informed that a house is not in compliance with the sump pump ordinance. He explained he had checked with real estate lawyers within his firm and the City is not able to file an instrument or notice in the real estate records with respect to properties not in compliance.

Council comments

Member Faust asked if Edina could have some standard for housing, similar to what they have in St. Louis Park since the housing stock is aging. Mayor Maetzold responded a review of setting a standard for housing would be a good idea. Manager Hughes commented that a similar report was done a few years ago and staff could revisit the issue.

Resident comment

Jim Grotz, 5513 Park Place, asked if realtors could be asked to disclose as a part of the Sellers Property Disclosure Statement if compliance has been met regarding sump pump installation. Member Kelly said that would be part of staff's revisiting the issue of standards in housing.

Member Kelly made a motion introducing Ordinance No. 2000-10 and moved its adoption with waiver of second reading:

**EDINA ORDINANCE NO. 2000-10
AN ORDINANCE AMENDING SECTION 445.08 TO
WITHHOLD ISSUANCE OF BUILDING, MECHANICAL AND**

**PLUMBING PERMITS UPON VIOLATION OF SECTION 445.07
AND AMENDING SECTIONS 1100.03 AND 1100.04 TO
AUTHORIZE A SURCHARGE IF A REMOTE RADIO WATER
METER READING DEVICE IS NOT PERMITTED TO BE
INSTALLED IN A BUILDING OR PREMISES**

The City Council of the City of Edina Ordains:

Section 1. Section 445.08 of the City Code is hereby amended to read as follows:

"445.08 Removal of Prohibited Connections; Surcharge; Withholding of Building Permits. Any person, owner, lessee or occupant, and any plumber or building contractor who has presently made or permitted to be made, or shall make or permit to be made, any connection or installation in violation of Subd. 1 of Subsection 445.07 shall immediately remove such connection or correct such an installation. If not removed or corrected within 30 calendar days after notice of the violation has been delivered personally or by certified mail to such person, owner, lessee or occupant, the City may impose a surcharge in the amount provided in Section 185 of this Code. Such a surcharge may also be imposed upon any property owner, lessee, or occupant who, after 30 calendar day notice, refuses to allow their property to be inspected or fails to provide the certificate from a City registered State licensed plumber as required by Subd. 2 of Subsection 445.07. The owner, lessee, occupant of a building or premises found to be not in conformance as required in Subsection 445.07 during periodic re-inspections may be subjected to a surcharge as provided in Section 185 of this Code, for all months between the two most recent inspections or a maximum charge not to exceed twelve (12) monthly surcharges. No building permit, mechanical permit or plumbing permit shall be issued for any building or premises found to have any connection or installation that is in violation of Subd. 1 of Subsection 445.07 until such correction is removed or corrected, or for any building or premises where the owner, lessee or occupant has refused to allow an inspection or re-inspection or failed to provide the certificate from a City registered State licensed plumber as required by Subd. 2 of Subsection 445.07. In addition, any such person, owner, lessee, occupant, plumber or building contractor may be subject to the provisions of Subsection 100.09 of this Code."

Section 2. Section 1100.31, subd. 4 is hereby amended by adding a new paragraph E as follows:

"E. Surcharges for buildings or premises in which the owner, occupant or lessee has not permitted the City to install a remote radio water meter reading device."

Section 3. Section 1100.04, subd. 1A is hereby amended to read as follows:

"A. All permanent service connections to the City water system shall be metered by a metering device and read-o-matic remote radio meter reading device issued by the City. The metering device and read-o-matic remote radio meter reading device shall be installed by the owner of the property in accordance with Section 440 of this Code."

Section 4. This Ordinance shall be in full force and effect upon passage and publication.

First Reading: October 17, 2000

Second Reading: Waived

Published in Edina Sun Current: October 25, 2000

Attest _____

City Clerk

Mayor

AWARD OF BID FOR AERIAL PLATFORM FIRE TRUCK Fire Chief Scheerer indicated that the proposed 100 foot aerial platform truck with 2000gpm pump would replace a 1983 Sutphen 92 foot aerial platform. The low bidder did not comply with specifications and, therefore, the second bidder, Pierce Manufacturing would be the recommended bidder. The Department currently has one other vehicle that is manufactured by Pierce and it has proven to be well-engineered and reliable. The 100-foot fire truck would be purchased through the Fire Department equipment replacement funds and would be on a twenty-five year replacement schedule.

Following a brief Council discussion, **Member Johnson made a motion for award of bid for a 100 foot aerial platform fire truck with 2000gpm pump to recommended second bidder, Pierce Manufacturing, Inc., in full compliance with specifications, at \$563,126.00.**

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

***BID AWARDED FOR 2001 PARK AND RECREATION ACTIVITIES DIRECTORY** Motion made by Member Johnson and seconded by Member Hovland for award of bid for the 2001 Park and Recreation Activities Directory to recommended low bidder, Bolger, at \$15,762.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR CONFIRMATION OF REPLACEMENT OF EDINBOROUGH PARK HEAT EXCHANGERS** Motion made by Member Johnson and seconded by Member Hovland for award of bid for Edinborough Park heat exchangers to recommended low bidder, Owens Services Corporation at \$31,934.03.

Motion carried on rollcall vote - five ayes.

TRAFFIC SAFETY REPORT OF OCTOBER 3, 2000, APPROVED Coordinator Bongaarts explained that a petition request for removal of the STOP signs on West 58th Street at Philbrook Lane had been received. The petition states, "that the STOP signs (installed in November 1998), have had no affect on slowing traffic along West 58th Street since their installation. 90% of the cars that approach this intersection do not come to a complete stop. Because so many cars fail to stop, it is felt that it is just a matter of time before a serious motor vehicle/pedestrian accident occurs."

The STOP signs were requested in October 1998 also in the form of a petition.

Staff recommends removal of the STOP signs on West 58th Street at Philbrook Lane for lack of warrants. Since the STOP signs were requested by petition by one group, and their removal being asked by another group, staff felt the Council may want to make a decision based on public comment. Both groups have been noticed about the October 17, 2000, meeting.

Resident comment

Doug Engelke, 4201 Philbrook Lane, said he lives on the intersection. After observing the intersection for two years, 90% of the cars do not stop and he worries when a car does stop.

Doris Sloan, 4304 Philbrook Lane, stated the STOP signs were well-intentioned but are not effective. People are not really speeding, they just do not see the signs.

Jane Ellis, 5825 Brookview Avenue, commented that persons who petitioned the STOP sign were not impacted as directly as the Brookview Avenue residents.

Gary Lundgren, 5841 Brookview Avenue said he has only one access and that is off Park Place. He sees the problem as people from Wooddale speeding down the hill. He mentioned that a number of accidents have occurred in the area but sees the main problem is not on Philbrook but on Oaklawn.

Council Discussion/Action

The Council discussed the issue and came to a consensus that removal of the signs and directing the Police Department to monitor speeds in the area would be a prudent action. Concerns noted included whether there would be any danger in removing the signs; whether a resident eastbound on 58th would see any signage warning of a hill, and acknowledgement of James Van Valkenburg's letter, 4204 Philbrook Lane, recommending removal of the STOP sign..

Member Kelly made a motion approving the Traffic Safety Staff Review of October 9, 2000, Section A-1:

- 1. Removal of the STOP signs on West 58th Street at Philbrook Lane for lack of warrants;**

Section B. and C. Member Faust seconded the motion.

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

***RESOLUTION NO. 2000-106 APPROVED APPOINTING DATA PRACTICES COMPLIANCE OFFICIAL** Member Johnson introduced the following resolution, seconded by Member Hovland and moved its adoption:

RESOLUTION NO. 2000-106

**A RESOLUTION APPOINTING CITY OF EDINA
DATA PRACTICES COMPLIANCE OFFICIAL**

WHEREAS, Minnesota Statutes, Section 13.05 Subd. 13 requires that the city appoint a city employee to act as its data practices compliance official to receive questions or concerns regarding problems in obtaining access to data or other data practices problems within the city, and,

WHEREAS, the city council shares the concern expressed by the Legislature about access to city data and wishes to satisfy this concern by immediately appointing a qualified data practices compliance official as required under statutes.

NOW, THEREFORE, BE IT RESOLVED, the Edina City Council appoints Debra Mangen as the data practices compliance official to receive questions regarding problems in obtaining access to data or other data practices problems.

ADOPTED this 17th day of October, 2000.

Motion carried on rollcall vote - five ayes.

***TECHNICAL CORRECTION TO SEPTEMBER 19, 2000 MINUTES APPROVED** Motion made by Member Johnson and seconded by Member Hovland approving the technical

correction setting hearing date of October 17, 2000, for Special Assessments to the September 19, 2000, Minutes.

Motion carried on rollcall vote - five ayes.

LIQUOR ENFORCEMENT PENALTY MATRIX REPORT PRESENTED Police Chief Siitari indicated when full liquor was approved in 1999, the Police Department was directed to develop an enforcement policy and penalty matrix for liquor violations. The adopted policy and matrix were used for three compliance checks in 1999 and 2000. Three licensed establishments that sold liquor to underage decoys appealed the penalty to the Council. The penalty matrix and police procedures were questioned at the hearings and the Police Department was directed to review the penalty matrix.

A survey of twenty cities' penalty matrixes was presented and depicting that Edina falls within the range of penalties approved by other communities. The matrixes range from a \$500 fine and five-day suspension for a first violation to no license suspension until the fourth violation. The duration of compliance periods for repeat violations ranges from 12 to 36 months and Edina's timeline falls in the middle range. The survey provides no compelling reason to modify the matrix. Edina has one of the highest compliance rates of the cities surveyed and frequent compliance checks provide licensees with a strong incentive to prevent repeat violations.

Staff recommended the compliance procedure and rates be monitored on an ongoing basis to determine if additional changes are needed. Staff further does not recommend changes be made to the matrix.

No further action was necessary.

***RESOLUTION NO. 2000-104 APPROVING SUBMISSION OF SAFE AND SOBER GRANT**
Member Johnson introduced the following resolution, seconded by Member Hovland and moved its adoption:

**RESOLUTION NO. 2000-104
A RESOLUTION AUTHORIZING
EXECUTION OF AGREEMENT FOR
SAFE AND SOBER GRANT**

WHEREAS, the City of Edina Police Department has chosen to enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled, SAFE AND SOBER COMMUNITIES during the period from October 1, 2000 through September 20, 2001; and

WHEREAS, the Chief of the Edina Police Department is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Edina Police Department and to be the fiscal agenda and administer the grant.

NOW, THEREFORE BE IT RESOLVED that the City of Edina hereby declares its commitment to enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitles, SAFE AND SOBER COMMUNITIES; and

BE IT FURTHER RESOLVED, that the SAFE AND SOBER COMMUNITIES grant be effective during the period October 1, 2000 through September 20, 2001.

Adopted the 17th day of October, 2000.

Motion carried by rollcall vote - five ayes.

*RESOLUTION NO. 2000-107 SETTING HEARING DATE OF NOVEMBER 6, 2000, FOR VACATION OF UTILITY AND DRAINAGE EASEMENT - OAK BEND LANE Member Johnson introduced the following resolution, seconded by Member Hovland and moved its adoption:

RESOLUTION NO. 2000-107
A RESOLUTION CALLING FOR PUBLIC HEARING
ON VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
FOR OAK BEND LANE

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

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 42.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 6th day of November, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
NOTICE OF PUBLIC HEARING ON
VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENT
OAK BEND LANE
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 November 6, 2000, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a public hearing for vacation of public drainage and utility easements as shown on the recorded plat thereof, described as follows:

The South five (5) feet of Lot 2 and the North five (5) feet of Lot 3, lying between the East ten (10) feet and the Westerly ten (10) feet of said Lots 2 and 3, Block 1, MIRROR OAKS, Hennepin County, Minnesota.

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

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk

Adopted this 17th day of October, 2000.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2000-105, APPROVING EXTENDING HENNEPIN COUNTY ELECTRONIC PROPRIETARY DATA BASE (EPDB) CONDITIONAL USE LICENSE AGREEMENT Member Johnson introduced the following resolution, seconded by Member Hovland and moved its adoption:

RESOLUTION NO. 2000-105
A RESOLUTION AUTHORIZING EXECUTION
AND DELIVERY OF CONDITIONAL USE AGREEMENT
WITH HENNEPIN COUNTY

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

Section 1. Recitals. Hennepin County (the "County") has developed an Electronic Proprietary Data Base (EPDB) (the "Data Base"). Which the City desires to utilize. There has been prepared and presented to the City a Conditional Use License Agreement (the "Agreement") between the City and County, pursuant to which the County grants the City a limited license to use the Data Base as provided in the Agreement and the City agrees to pay a fee for the use of the Data Base.

Section 2. Approvals. The form of the Agreement is hereby approved, and the Mayor and City Manager are authorized to enter into the Agreement on behalf of the City in substantially the form presented to the City with such changes or modifications thereto as do not change the substance of the Agreement and are approved by the Mayor and City Manager, such approval to be conclusively presumed by the execution and delivery of the Agreement by the Mayor and City Manager.

Adopted this 17th day of October, 2000.

Motion carried on rollcall vote - five ayes.

*HEARING DATE SET OF DECEMBER 19, 2000, FOR REVIEWAL OF LIQUOR LICENSE FEES Motion made by Member Johnson and seconded by Member Hovland setting December 19, 2000, to review proposed liquor license fees for 2001.

Motion carried on rollcall vote - five ayes.

CLAIMS PAID Motion made by Member Kelly approving payment of the following claims as shown in detail on the Check Register dated October 11, 2000, and consisting of 48 pages: General Fund \$915,286.86 ; Communications Fund \$ 7,798.61; Working Capital Fund \$94,754.75; Construction Fund \$163,396.17; Art Center Fund \$10,545.79; Golf Dome Fund \$233.65; Aquatic Center Fund \$5,152.53; Golf Course Fund \$38,858.55; Ice Arena Fund \$15,625.36; Edinborough/Centennial Lakes \$8,691.93; Liquor Fund \$305,857.97; Utility Fund \$44,974.90; Storm Sewer Fund \$3,977.16; Recycling Fund \$38,060.20; TOTAL \$1,653,214.43. Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Johnson, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 10:00 P.M.

City Clerk