

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 6, 2001
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hovland, Masica, and Mayor Maetzold.

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

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

POLICE COMMENDATIONS PRESENTED Mayor Maetzold commended the Edina Police Department for their valor in performing their duty on November 16, 2000, when an armed robber held up the Firststar Bank in Edina, fled the scene and engaged in gun battles with Edina Police officers, wounding Officers Michael Blood and Billie Moir, before he was apprehended by Sergeant Scott Kuyper and Officer Jim Rygg. Mayor Maetzold introduced Mark Huggett and Glen Walters of Firststar Bank. Mr. Walters and Mr. Huggett thanked Officer Mike Blood and presented checks to Cheri Blood in appreciation of his courageous actions November 16, 2000. They also presented a donation to the City on behalf of Firststar.

Mayor Maetzold introduced Police Chief Siitari and together they commended the following individuals for their demonstrated courage and commitment under very grave conditions. On Thursday, November 16, 2000, lives were saved because of their heroic actions.

Glen Walters, Firststar Employee	Departmental Commendation
Mark Chamberlain, Citizen	Departmental Commendation
John Scheerer, Public Works Employee	Departmental Commendation
Edina Fire Department Paramedics	Recognition Award
Wally Fasulo	Dominic Hadzima
Mike Hughes	Jim Julkowski
Bob Lawson	Andy Medzis
Darrell Todd	Scott Vadnais
Audrey Hodge, Communication Specialist	Distinguished Service Award
Mike Short, Communication Specialist	Distinguished Service Award
Officer Shelby Lane	Departmental Commendation
Officer Billie Moir	Award of Valor
Officer Jim Rygg	Award of Valor
Sergeant Scott Kuyper	Award of Valor
Officer Michael Blood	Award of Valor

***MINUTES OF THE REGULAR MEETING OF JANUARY 16, 2001, APPROVED** Motion made by Member Masica and seconded by Member Housh, approving the Minutes of the Regular Meeting of the Edina City Council of January 16, 2001.

Motion carried on rollcall vote - four ayes.

*PUBLIC HEARING DATE SET OF FEBRUARY 20, 2001, CONDITIONAL USE PERMIT FOR INDEPENDENT SCHOOL DISTRICT 273, HIGHLANDS ELEMENTARY SCHOOL, 5505 DONCASTER WAY Motion made by Member Masica and seconded by Member Housh setting February 20, 2001, as hearing date for Conditional Use Permit for Independent School District 273, Highlands Elementary School, 5505 Doncaster Way.

Motion carried on rollcall vote - four ayes.

*RESOLUTION NO. 2001-09 LOT DIVISION APPROVED FOR 5532-5534 MALIBU DRIVE Motion made by Member Masica and seconded by Member Housh approving the following resolution:

RESOLUTION NO. 2001-09
A RESOLUTION
APPROVING A LOT DIVISION FOR
5532-5534 MALIBU DRIVE

WHEREAS, the following property is at present a single tract of land:

Lot 23, Block 1, INTERLACHEN HILLS 3RD ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota; and

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

PARCEL A: (Northerly Parcel)

That part of Lot 23, Block 1, INTERLACHEN Hills 3rd Addition, Hennepin County, Minnesota lying north of the following described line:

Beginning at a point on the west line of said Lot 23 distant 93.93 feet southerly from the northwest corner of said Lot 23; thence easterly to a point on the east line of said Lot 23 distant 51.67 feet southerly from the northeast corner of said Lot 23, as measured along said east line, and said line there terminating.

PARCEL B: (Southerly Parcel)

That part of Lot 23, Block 1, INTERLACHEN Hills 3rd Addition, Hennepin County, Minnesota lying south of the following described line:

Beginning at a point on the west line of said Lot 23 distant 93.93 feet southerly from the northwest corner of said Lot 23; thence easterly to a point on the east line of said Lot 23 distant 51.67 feet southerly from the northeast corner of said Lot 23, as measured along said east line, and said line there terminating.

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 newly created 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 above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are 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 now 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 6th day of February, 2001.

Motion carried on rollcall vote - four ayes.

***RESOLUTION NO. 2001-10 LOT DIVISION APPROVED FOR 5217 AND 5219 MALIBU DRIVE** Motion made by Member Masica and seconded by Member Housh approving the following resolution:

**RESOLUTION NO. 2001-10
A RESOLUTION APPROVING A
LOT DIVISION FOR
5217 - 5219 MALIBU DRIVE**

WHEREAS, the following described property is at present a single tract of land:

Lot 3, Block 1, PARKWOOD KNOLLS COUGAR ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota; and

WHEREAS, the owner has requested the subdivision of said tract into separate parcels (herein called "parcels") described as follows:

PARCEL A:

The north 39.88 feet of Lot 3, Block 1, PARKWOOD KNOLLS COUGAR ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota. Containing 5,982 square feet or 0.1373 acres more or less

PARCEL B:

That part of Lot 3, Block 1, PARKWOOD KNOLLS COUGAR ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying south of the north 39.88 feet thereof. Containing 9,018 square feet or 0.2070 acres more or less.

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 newly created 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 above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are 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

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subject to the limitations set out in Code Section 850 and said Ordinances are now 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 6th day of February, 2001.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR BRAEMAR GOLF DOME GOLF BALLS** Motion made by Member Masica and seconded by Member Housh for award of bid for 4,200 dozen golf balls for the Braemar Golf dome to recommended low bidder, Maxfli Golf, at \$19,827.36.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR ANNUAL FERTILIZER PURCHASE FOR BRAEMAR AND FRED RICHARDS GOLF COURSES** Motion made by Member Masica and seconded by Member Housh for award of bid for annual fertilizer purchase for Braemar and Fred Richards Golf Courses to recommended low bidder, Simplot Partners, Inc., at \$21,885.75.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR MAINTENANCE TRACTOR FOR CENTENNIAL LAKES PARK** Motion made by Member Masica and seconded by Member Housh for award of bid for one Kubota Maintenance Tractor for Centennial Lakes Park to Lano Equipment under Minnesota State Bid Contract at \$30,562.31.

Motion carried on rollcall vote - four ayes.

***AWARD OF BID FOR 2001 CHEVROLET SILVERADO 3500 PICK-UP FOR BRAEMAR GOLF COURSE MAINTENANCE** Motion made by Member Masica and seconded by Member Housh for award of bid for one 2001 Chevrolet Silverado 3500 Pick-up for Braemar Golf Course Maintenance to recommended low bidder, Suburban Chevrolet at \$23,297.77.

Motion carried on rollcall vote - four ayes.

JOINT POWERS AGREEMENT AND FACILITIES USE AGREEMENT BETWEEN THE CITY OF EDINA AND THE EDINA SCHOOL DISTRICT NO. 273 APPROVED City Manager Hughes presented the Joint Powers Agreement and Facilities Use Agreement proposed between the City of Edina and the Edina School District No. 273 drafted to address construction, ownership, maintenance, access to, and operation of, recreational facilities funded by the City of Edina's recreational facilities referendum.

The Joint Power Agreement would establish an eight member Board representing the City and School District for the purpose of designing and constructing projects on School District property associated with the City of Edina's recreational referendum. After construction was completed of the improvement, the Board would be dissolved.

Mr. Hughes stated the Facilities Use Agreement was crafted under the premise that all recreational facility additions and improvements on School District property funded by the City of Edina's recreational facilities referendum would be:

- Owned by the School District
- Maintained by the School District

- Operated by the School District
- Subject to School District imposed user fees commensurate with expenses
- Accessible to the City of Edina's recreational user groups

Staff recommended Council approve the proposed Facilities Use Agreement and the Joint Powers Agreement between the City of Edina and Edina School District No. 273 contingent upon: 1) City Council's approval to call for a recreational facilities referendum, and 2) approval of the Joint Powers Agreement and Facilities Use Agreement by Edina School District No. 273, before March 6, 2001.

The Council briefly discussed the two agreements. Questions included citizen involvement on Joint Powers Board and discomfort in charging user fees after asking citizens to fund the \$37 million referendum. Staff explained that the user fees would typically not be revenue generating for the School District, but rather charged to cover their incremental operating expense increases from running the new facilities. **Member Housh made a motion approving the Facilities Use Agreement and the Joint Powers Agreement between the City of Edina and the Edina School District No. 273, and contingent upon calling for a recreational facilities referendum, and approval of the Joint Powers Agreement and Facilities Use Agreement by the Edina School District No. 273 prior to March 6, 2001.** Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

PRESENTATION BY MINNESOTA DEPARTMENT OF TRANSPORTATION Tom Keefe, Corridor Manager with the Minnesota Department of Transportation (Mn/DOT), Edina area, explained he had newly been appointed the area manager after reorganization. Mr. Keefe stated he would be responsible for Southwestern Hennepin County. He said the contract for the Crosstown Commons improvement would be let this spring with construction beginning this year, however, there should be no closure until 2002. Mr. Keefe introduced Wayne Norris and Chris Roy of his staff who listed for the Council the various projects planned for area roads during the next two construction seasons.

No Council action was taken.

SENIOR STUDY REPORT PRESENTED Mr. Hughes introduced Debra Ehret, a consultant who presented an overview of the report, Communities For All Ages. Ms. Ehret was hired in 1999 by the Research, Planning and Coordination, formerly SHERPA, of the Hennepin South Services Collaborative to conduct a year-long study involving focus groups and dialogues on aging and building life-cycle communities in Richfield and Edina. The study incorporates the findings of recent work by the Minnesota Department of Human Services Project 2030 which focused on how Minnesota should prepare for an aging population and community transitions. Objectives of the Communities For All Ages study are as follows:

- To forecast trends and identify the role of local communities in addressing issues
- To identify best practices nationwide in aging communities
- To engage residents in learning about trends
- To provide strategies and solutions to address community priorities

The complete Communities For All Ages report is located in the Clerk's office at Edina City Hall.

No Council action was taken.

RESOLUTION NO. 2001-11, APPROVING FEASIBILITY STUDY FOR STREET IMPROVEMENT NO. BA-304 (WEST 65TH STREET FROM VALLEY VIEW ROAD TO FRANCE AVENUE) AND STREET IMPROVEMENT NO. BA-322 (DREW AVENUE FROM WEST 66TH STREET TO WEST 65TH STREET; HEARING DATE SET FOR MARCH 6, 2001

Assistant Engineer Houle indicated staff is requesting street improvements as initiated by the Development Plan for Fairview Southdale Hospital which was approved by the Council on May 2, 2000. The improvements were scheduled in two phases:

Phase One - Drew Avenue from West 66th Street to West 65th Street

Phase Two - Valley View Road and TH62 Interchange and West 65th Street from Valley View Road to France Avenue

The proposed schedule is as follows:

Phase One - Summer 2001 - Drew Avenue from West 66th Street to West 65th Street and West 65th Street from Valley View Road to France Avenue, and

Phase Two - (Late Fall 2001/Spring 2002) - Valley View Road and TH62 Interchange

The public hearing for Phase Two (the interchange at Valley View Road and TH62) will be requested after staff has acquired preliminary approval from the Minnesota Department of Transportation. Timing on this public hearing could be in mid-2001 with proposed construction to begin in late 2001. Staff has discussed the modifications with Mn/DOT.

Mr. Houle suggested a public hearing date be set for March 6, 2001.

Following a brief Council discussion, **Member Hovland introduced the following resolution and moved its approval:**

RESOLUTION NO. 2001-11

WHEREAS, feasibility reports have been prepared by the City Engineer with reference to Street Improvement No. BA-304, West 65th Street from Valley View Road to France Avenue and No. BA-322, Drew Avenue from West 66th Street to West 65th Street; and

WHEREAS, said feasibility reports were received by the City Council on February 6, 2001.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Edina, Minnesota, the Council will consider at a public hearing on March 6, 2001, the improvements of such aforementioned streets in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvements pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost for BA-304 at \$107,800.00 and for BA-322 at \$155,000.00.

Adopted this 6th day of February, 2001.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

***DATA PRACTICES POLICY ADOPTED Motion made by Member Masica and seconded by Member Hovland adopting the data practices policy as presented.**

Motion carried on rollcall vote - four ayes.

APPOINTMENT TO HERITAGE PRESERVATION BOARD APPROVED Mayor Maetzold explained an application was received from Peggy Jennings expressing an interest in filling an unexpired term on the Heritage Preservation Board.

Following a brief Council discussion, **Mayor Maetzold made a motion appointing Peggy Jennings to fill the unexpired term to February 1, 2002, on the Heritage Preservation Board.** Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

***PETITION RECEIVED REQUESTING ALLEY IMPROVEMENTS FOR 5228-5240 HALIFAX AVENUE AND 5229-5241 MINNEHAHA BOULEVARD** Motion made by Member Masica and seconded by Member Housh acknowledging receipt of petition for alley improvements between 5228-5240 Halifax Avenue and 5229-5241 Minnehaha Boulevard and submission to the engineering department for feasibility.

Motion carried on rollcall vote - four ayes.

CONCERNS OF RESIDENTS Tina Scott, Ken McNiel, Traci Brewington, Yana Chernyshova, Don Daleske and Lucy Harrington representing the Oak Glen Tenant Association, spoke to the Council urging them to help them save their homes. The spokespersons explained the differences finding Oak Glen Townhomes had made in their lives. In addition the residents explained the adverse affects being forced to move would have on their lives and that of their families. They all acknowledged that Mr. Hyatt was within his right to sell or change the townhomes after his twenty-year contract with HUD expires, however, they asked for assistance in saving their homes. Mayor Maetzold thanked the residents for their comments and informed them the Council would be seeking remedies to their dilemma.

Bradford Teslow, 4128 West 62nd Street, expressed his concern that he had received inadequate notice when the Pamela Park Improvement project was undertaken. He asked that the Council review the process followed. He further complained that he felt the project should have been stopped when he pointed out his concerns to the staff. Mr. Teslow also complained about traffic management and police responses to his e-mail reports of vandalism. Council thanked Mr. Teslow for his concerns. Member Hovland pointed out that the project had been done because of a request received from the neighborhood association. Further Member Hovland said that when hearings were held he recalled several residents being present and urging the project be ordered.

Beverly Hill, 4508 Bruce Avenue, asked the Council to look at the zoning in the Country Club District. Ms. Hill said that she had been shocked when the property next to hers was purchased, the house torn down and a substantially larger house constructed. Ms. Hill asked that zoning changes be enacted to prevent areas where there are substantially small homes being overwhelmed with new construction of larger homes.

SPECIAL MEETING DATES SET Mr. Hughes informed the Council the School Board has requested a joint School Board/City Council work session at 5:30 p.m. on February 26, 2001 before the Board's 7:00 p.m. meeting. Members Housh, Hovland and Mayor Maetzold stated they were available, but Member Masica was not available. Council directed staff to check with Member Kelly and schedule the meeting if he was available.

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Mr. Hughes asked the Council to extend the time of their March 24, 2001 work shop beginning at 8:00 a.m. and going until 2:00 p.m. in the afternoon. Consensus was this would work.

Mr. Hughes reported that Rep. Erhardt has requested the Council meet with the legislative delegation to discuss the pending session's agenda. March 6, 2001, at 5:30 p.m. was chosen.

***CLAIMS PAID** Member Masica made a motion seconded by Member Housh approving payment of the following claims as shown in detail on the Check Register dated January 18, 2001, and consisting of 28 pages: General Fund \$212,440.21; Communications Fund \$9,050.50; Working Capital Fund \$4,169.28; Construction Fund \$54,125.48; Art Center Fund \$5,291.98; Golf Dome Fund \$8,328.91; Aquatic Center Fund \$302.75; Golf Course Fund \$17,658.45; Ice Arena Fund \$33,399.41; Edinborough/Centennial Lakes Fund \$18,312.08; Liquor Fund \$129,632.31; Utility Fund \$73,265.41; Storm Sewer Fund \$220.91; Recycling Fund \$2.99; TOTAL \$566,200.67; and for claims as shown in detail on the Check Register dated January 26, 2001, and consisting of 29 pages: General Fund \$412,248.80; Communications Fund \$5,153.93; Working Capital Fund \$12,113.87; Construction Fund \$80.00; Art Center Fund \$200.00; Golf Dome Fund \$4,990.65; Aquatic Center Fund \$37.28; Golf Course Fund \$3,399.03; Ice Arena Fund \$7,655.28; Edinborough/Centennial Lakes \$14,862.71; Liquor Fund \$103,897.86; Utility Fund \$250,847.62; Storm Sewer Fund \$37,324.75; Payroll Fund \$480,000.00; TOTAL \$1,332,811.78; and for claims as shown in detail on the Check Register dated January 31, 2001, and consisting of 34 pages: General Fund \$130,476.77; CDBG Fund \$5,639.49; Communications Fund \$9,314.76; Working Capital Fund \$2,924.59; Construction Fund \$6,347.62; Art Center Fund \$15,221.91; Golf Dome Fund \$8,048.92; Aquatic Center Fund \$623.07; Golf Course Fund \$14,273.01; Ice Arena Fund \$2,693.70; Edinborough/Centennial Lakes \$9,555.45; Liquor Fund \$102,048.04; Utility Fund \$51,785.31; Storm Sewer Fund \$15.47; Recycling Fund \$410.00; TOTAL \$359,378.11.

Motion carried on rollcall vote - four ayes.

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

City Clerk