

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MAY 1, 2001 - 7:00 P.M.**

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

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

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF APRIL 17, 2001, AND BOARD OF REVIEW MEETINGS OF APRIL 16, AND APRIL 23, 2001, APPROVED** Motion made by Member Hovland and seconded by Member Masica approving the Minutes of the Regular Meeting of April 17, 2001, and Board of Review Meetings of April 16 and April 23, 2001.

Motion carried on rollcall vote - four ayes.

PRELIMINARY REZONING PCD-4, PLANNED COMMERCIAL DISTRICT-4 TO PCD-1, PLANNED COMMERCIAL DISTRICT-1, AND AMENDMENT TO THE COMPREHENSIVE PLAN FOR EDWARD AND LISA NOONAN - 5400 FRANCE AVENUE SOUTH APPROVED Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen explained the subject property is located in the southwest corner of West 54th Street and France Avenue. The property is currently Zoned PCD-4, Planned Commercial District. The PCD-4 district allows various automotive service uses. The site was originally developed as a gas station in 1950. The tanks were removed in 1991, and the site was converted to a Mr. Tire. The building also housed a CAR-X facility, but is currently vacant.

Mr. Larsen said Ed Noonan petitioned the City to rezone the property to PCD-1. The PCD-1 district is a general retail district. The property immediately west of the subject property is PCD-1. Mr. Noonan intends to remodel the building for office use. The building has three service bays facing France Avenue and one facing West 54th Street. Mr. Noonan plans to convert one bay into office space and leave the remaining bays for parking and storage. The proposed remodeling would create an office area of 752 square feet with an additional 550 feet of storage area. Seven parking spaces would be required for this facility by Edina Code. The proposed site plan illustrates 11 angle stalls, 2 parallel stalls and 3 in-door stalls. Mr. Larsen stated that Mr. Noonan's plan includes completely redoing the exterior of the building. The existing flat roof would be replaced with a pitched roofed of either cedar or slate shingles. Exterior walls would be brick and stucco with wooden garage doors. The proposed materials meet Edina Code. Parking and circulation would remain unchanged. Mr.

Minutes/Edina City Council/May 1, 2001

Larsen said the Planning Commission recommended approval of proposal subject to: Final Rezoning, landscaping plan, and bond.

Council comment

Member Kelly asked what the status is of the property at 44th and France. Planner Larsen explained the building is being occupied by tenants and Ed Noonan, was pleased to have located the building at 5400 France for his business. Member Kelly inquired further about the property at 44th and France. Manager Hughes recollected there were concerns about the site's orientation and the parking garage. Mr. Larsen indicated with some re-engineering of the parking garage the parking variance was solved. Variances issued were because of non-conforming setbacks, not the new structure. Use of the building was limited to non-food related businesses.

Member Masica asked why a zoning change is required for the 5400 France Avenue building. Mr. Larsen responded that general office use is not permitted in a zoned PCD-4. PCD-4's uses are for automobile service and car washes. Other neighborhood services would not be allowed in the district. Ms. Masica inquired whether Mr. Noonan would have any other use for the site.

Ed Noonan, 4700 Merilane, said the site was his first choice for his office, but his bid was rejected. However, following acquisition of the 44th and France building, the owners of the 5400 France Avenue building accepted his offer. Mr. Noonan explained he has converted a similar building previously, which won awards from the City of Minneapolis.

Member Hovland asked who the tenants would be at the 44th and France building. Mr. Noonan said temporarily Noonan Construction will office in the lower level as the sole tenant. Mr. Hovland inquired what an appropriate tenant would be for the lower space when Noonan Construction moves out. Mr. Noonan said he has been approached by an insurance company and an accounting firm. Mr. Hovland asked what will become of the parking garage space when Noonan Construction vacates. Mr. Noonan explained the space has been re-engineered to accommodate 21 parking spaces and does not require any parking variances for retail or office use.

Member Kelly made a motion to close the hearing. Member Masica seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Kelly moved approval of the proposed preliminary rezoning and First Reading of the following:

ORDINANCE NO. 850-A19

AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 850)

BY REZONING PROPERTY TO PCD-1

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

Section 1. Subsection 850.06 of Section 850 of the Edina City Code is amended by adding the following thereto:

"The extent of the Planned Commercial District, PCD-1 is enlarged by the addition of the following property:

That part of the North Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 19, Township 28, Range 24, described as follows:

Commencing at the Northeast corner of said North Half of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter of said Section; thence South along the East line thereof 130.00 feet; thence West parallel with the North line thereof 138.00 feet; thence North parallel with the East line thereof 130.00 feet to the North line thereof; thence East along the North line 138.00 feet to the point of beginning; except the North 30.00 feet and except the East 33.00 feet taken for road purposes.

And also:

Commencing at a point 130.00 feet South of the Northeast corner of Section 19, Township 28, Range 24; thence West 138.00 feet; thence South 25.00 feet; thence east 138.00 feet; thence North 25.00 feet to the point of beginning.

The extent of the PCD-4, Planned Commercial District-4 is reduced by removing the property described above from the Planned Commercial District-4." Member Hovland seconded the motion.

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

PRELIMINARY REZONING AND AMENDMENT TO COMPREHENSIVE PLAN FOR THE BANCOR GROUP, INC. R-1 SINGLE DWELLING UNIT DISTRICT TO PCD-3, PLANNED RESIDENCE DISTRICT (4800 AND 4804 WEST 70th STREET) WITHDRAWN BY APPLICANT Mr. Hughes noted that a letter dated April 26, 2001, was received by the Planning Department withdrawing the application for the Preliminary Rezoning and Amendment to the Comprehensive Plan for Bancor Group, 4800 and 4804 West 70th Street.

No further action was taken.

PRELIMINARY PLAT APPROVAL FOR JMS DEVELOPMENT AND THORPE REAL ESTATE (6512 VERNON AVENUE) APPROVED Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen explained the proposed development is located at the northeasterly intersection of Vernon Avenue and Tamarac. The proposed development is approximately 6 acres and the home of Chapel Hills Church. The site was initially reviewed as a single dwelling subdivision. It is now the intent of the developer to develop the property as a detached townhouse development. The proposal must be reviewed under the Planned Residence District (PRD) standards of the Zoning Ordinance. The proposal also requires amending the Comprehensive Plan from Quasi-Public to Low Density Attached Residential. Chapel Hills Church would retain ownership of Lot 1 and Outlot A of the proposed plat. Outlot A includes one half of the proposed private street allowing the church access to the street from a new curb cut. The lot size for the church after development would be 3.3 acres

Minutes/Edina City Council/May 1, 2001

which meets the 3 acre minimum lot size for a church. Mr. Larsen added that no variances are being requested.

The PRD-2 district requires 7,200 square feet of lot area per dwelling unit. The development proposes fourteen dwelling units in a townhouse style of development meaning each unit has an individual lot. Nine of the units would be serviced from a private cul-de-sac off Vernon Avenue and four units would front on Tamarac. The proposed development provides 9,650 square feet of lot area per unit. Maximum building coverage is limited to 25 percent. The building coverage proposed is 20 percent. The only variances requested are for sideyard setbacks on lots 9 and 10. Interior sideyard setback in the PRD-2 district is 20 feet. These two lots provide no setback from Outlot A. Mr. Larsen added the lots do meet the setback requirement from the church property line.

Mr. Larsen explained that the Planning Commission recommended two Council actions, 1) changing the Comprehensive Plan designation from Single Family to Low Density Residential, and 2), approving the Preliminary Rezoning from R-1, PRD-3, Planned Residence District-3, subject to the four conditions; 1) Final Rezoning, 2) Final Plat Approval, 3) Developer's Agreement, 4) Watershed District Permits.

Council comment

Member Masica inquired if pictures of the proposed townhomes were available. Mr. Larsen responded that the developer may have pictures. Member Masica voiced concern that the homes might have a 'cookie-cutter' look. Mr. Larsen said while the footprint may be similar, the units will have variations, both inside and outside.

Member Kelly asked if the immediately adjacent properties are all zoned R-1. Mr. Larsen said all the homes that are on the north, west and south are traditional single family. There are double homes to the northeast.

Member Hovland asked if guest parking is included in the cul-de-sac. Mr. Larsen replied, guest parking would need to be on the driveways of the individual units. Extra parking might be allowed on one side of the sixteen foot street along Tamarac. Mr. Hovland asked if staff was satisfied with the landscape plan as presented. Mr. Larsen said the plan was only a concept. Mr. Hovland asked if after the City Engineer approved the drainage plan if additional abatements were considered with the new development. Engineer Hoffman said originally water drained to a catch basin, but will now be held in a pond and discharged at a slower rate. Mr. Hovland added this sounds like a positive thing for the single family homes in the area. Mr. Hoffman concurred.

Mayor Maetzold inquired whether the street could be posted for NO PARKING even though it is not a public street. Mr. Larsen said yes it can be posted.

Developer's comments

Jeff Schoenwetter, 5232 Ridgewood Drive, explained Chapel Hills Church decided to sell some of their property with the help of Edina Realty. Twenty-eight requests for proposals

were sent out and fifteen responded. The Church Council selected three finalists and JMS was selected to move forward with their proposal. The Church's objectives were to create a compatible project with the existing neighborhood, focusing on quality residential single family dwellings. The church will retain 3.3 acres of land but since they not expect to expand their church home, they have offered the land for sale. The proposed plat solidifies solutions for existing drainage problems, and facilitates the needs of the church.

Mr. Schoenwetter introduced the JMS development team. Sam Thorpe, a third generation Edina developer, resident and Mr. Schoenwetter's partner and Mr. Plagemann, Engineer and partner who also resides in Edina. He explained JMS specialty is single family homes. The proposed development is 'turn-key' meaning it will have an association which assures maintenance of the homes and neighborhood. The homes are cottage inspired, have options for universal design and could be considered transitional housing which is in higher demand in Edina. Mr. Schoenwetter said the most important concept is that the units are custom and have three floor plans that fit within the footprint. The subject area is a mixed use area with predominantly twin homes, some single family homes, condominiums and apartment houses. Mr. Schoenwetter added the plan unanimously approved by the neighborhood eliminates a curb-cut allowing church traffic access through the cul-de-sac. Mr. Schoenwetter said single side street parking is being suggested and he pointed out each home has two driveway parking spots.

Mr. Schoenwetter said neighbors on Tamarac asked what would happen if only three homes were built and 10 homes on the cul-de-sac. He said the most significant difference would be that Outlot C would become smaller. Most trees on the site will remain intact. Mr. Schoenwetter explained the variety of space uses for the cottage style home footprints. He stated there is a great demand for this type of life-cycle housing. Following meetings with the neighborhood, residents expressed that the plan bolsters their confidence to improve their homes.

Public Comment

Mark Brauer, 2006 Girard Avenue, explained that Chapel Hills Church has been part of the community for forty years and they want to be good stewards of the land. The Church would like to convert their excess land into something that would generate funds for maintenance of their church.

Don Kennedy, 5928 Tamarac, stated he lives across the street from the proposed development. Mr. Kennedy said in his opinion three houses on Tamarac fits best into the neighborhood and he asked that the Council ensure no more than three houses are approved for Tamarac.

Dick Bastyr, 6504 Aspen Road, said he understood the concern of Tamarac residents, but also expressed concern that pushing the "extra house" on his side of the development would adversely affect Aspen Road residents. Mr. Bastyr supported four homes on Tamarac and nine homes on the cul-de-sac.

Minutes/Edina City Council/May 1, 2001

Bill Peria, 5932 Tamarac, said a simple solution to the issue would be to reduce the total number in the development by one with three on Tamarac and nine on Aspen.

Scott Johnson, 7115 Tupa Drive, said he is a 40-year member of Chapel Hills Church. Mr. Johnson said the points raised by neighbors were also raised at the Planning Commission meeting. He noted the developer needs 13 units to make the development feasible. Mr. Johnson urged the Council to support the Planning Commission's recommendation and approve the proposal as submitted.

Member Hovland inquired what costs would be affected if approval were granted for three homes on Tamarac and nine on the cul-de-sac. Mr. Schoenwetter said pricing would be pro-rated among the approved number of lots. Mr. Hovland asked the difference with the four to five ratio compared to the four to four ration of back-to-back homes. Mr. Schoenwetter explained the adjustments made to the cul-de-sac and entrance space to accommodate both scenarios.

Member Kelly made a motion to close the hearing. Member Masica seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

Council comment

Member Kelly stated he did not favor additional lots on the cul-de-sac as it compromises the appearance of the site. He believes that removing one home on Tamarac would not be a hardship for the developer and he encouraged approval of nine lots on the cul-de-sac. Uniformity in the area, in his opinion, is extremely important. Mr. Kelly stated his concurrence with the plan as reviewed and approved by the Planning Commission (four homes on Tamarac and nine on the cul-de-sac) or reduce the total development by one lot on Tamarac.

Member Hovland said there is a demand in Edina for housing of this type, and thanked the developer for the proposal. He said he favored three homes on Tamarac. He asked the developer what would happen if 10 units in the development were approved and asked for a comparison with Olde Vernon. Mr. Schoenwetter deferred to Planner Larsen as he is not familiar with Olde Vernon. Mr. Larsen explained the sideyard setbacks at Olde Vernon are as little as five feet with a building separation of ten feet. Mr. Hovland asked if 10 units were approved for the main development, what would the sideyard setbacks be. Mr. Larsen said staff has not reviewed that scenario. Mr. Hovland commented that this proposal would not have as much building mass as Olde Vernon.

Member Masica indicated that 1) the drainage plan is very good; and 2) there is a real need for this type of housing. She voiced objection to the 'cookie cutter' type of construction, but the changes in the exterior look will help that. Ms. Masica favors three homes on Tamarac and nine units on the cul-de-sac.

Mayor Maetzold voiced agreement with the nine unit concept and three units on Tamarac. He explained it appears that the Council will approve the three units on Tamarac and nine on the cul-de-sac and he asked for an opinion by the developer. Mr. Schoenwetter said if he were given more design flexibility, the Council's vision of custom homes on the three lots could be realized.

Member Kelly reiterated that larger does not mean variances on the lots.

Mr. Larsen explained the intent of this type of zoning is to gather a uniform product with some cohesiveness as to size and design which is probably inevitable considering the area and site. Mr. Kelly said what he believes the Council is envisioning is that there will be proportionate increases in the sizes of the Tamarac lots but still maintain consistency in the proportional relationship between the size of the unit and the size of the lot.

Mr. Hughes said the action necessary would be to grant preliminary approval with conditions to be reflected in the final development plan which would go back to the Planning Commission and back to the Council in due course.

Member Kelly made a motion to grant preliminary approval to JMS Development and Thorpe Real Estate subject to the following changes from the plan approved by the Planning Commission: 1) the number of lots be reduced from thirteen to twelve, 2) the three lots facing on Tamarac footprint be increased proportionately with the size of lot size. Member Hovland seconded the motion.

Member Kelly withdrew the motion. Member Hovland withdrew the second.

Member Kelly made a motion to grant first reading to Ordinance No. 850-A20 rezoning the property as proposed and granting preliminary approval to JMS Development and Thorpe Real Estate subject to the following changes to the previously approved Planning Commission plan: 1) the number of lots be reduced from thirteen to twelve, 2) the proposed lots facing on Tamarac be reduced by one, 3) the footprint for the building of the lots on Tamarac be permitted to increase proportionately with the increase of the lots size.

ORDINANCE NO. 850-A20

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 850)
BY REZONING PROPERTY TO PRD-2**

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

Section 1. Subsection 850.06 of Section 850 of the Edina City Code is amended by adding the following thereto:

"The extent of the Planned Residential District, PRD-2 is enlarged by the addition of the following property:

That part of Lot 1, Block 1, Gleason First Addition, Hennepin County, Minnesota, lying east of the westerly 110 feet thereof and that part of the westerly 110 feet of said Lot 1, lying south of the north ten feet thereof.

The extent of the R-1 Single Dwelling District is reduced by removing the property described above." Member Hovland seconded the motion.

Minutes/Edina City Council/May 1, 2001

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Kelly introduced the following resolution and moved its adoption:

RESOLUTION NO. 2001-28

AMENDING THE COMPREHENSIVE PLAN

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Comprehensive Plan of the City be amended by changing the designation from Single Family to Low Density Residential for the property described as:

That part of Lot 1, Block 1, Gleason First Addition, Hennepin County, Minnesota, lying east of the westerly 110 feet thereof and that part of the westerly 110 feet of said Lot 1, lying south of the north ten feet thereof.

Adopted this 1st day of May, 2001.

Member Hovland seconded the motion.

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

***HEARING DATE SET OF MAY 15, 2001, FOR PLANNING MATTERS** Motion made by Member Hovland and seconded by Member Masica setting May 15, 2001, as hearing date for the following planning matters:

- 1. Preliminary Plat Approval. Grandview Square 2nd Addition, Phase II. Generally located south of Eden Avenue and east of Vernon Avenue;**
- 2. Amend Zoning Ordinance. Amend Ordinance allowing state licensed currency exchanges in certain zoning districts.**

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR AQUATIC VEGETATION CONTROL SERVICES** Motion made by Member Hovland and seconded by Member Masica for award of bid for aquatic vegetation control services to recommended low bidder, Lake Restoration, Inc., at \$19,341.00.

Motion carried on rollcall vote - four ayes.

OFF-LEASH DOG PARK REPORT PRESENTED Director Keprios explained that at a previous meeting, the Council directed staff to conduct a study to determine if there was a reasonable site for an off-leash dog park within the City. Ingraham and Associates were hired to study the issue and worked with staff to look at potential sites for a suitable off-leash dog park in addition to the one planned at the Minneapolis Public Works site on France Avenue.

Mr. Ingraham identified four potential areas: 1) Creek Valley Park (near water tower), 2) Braemar Park (site of former gun range), 3) Walnut Ridge Park (within south end of pathway), and 4) Van Valkenburg Park (around holding pond).

Mr. Ingraham presented his findings at the April 10, 2001, Park Board meeting. He elaborated that none of the four sites was ideal for an off-leash dog park site. Walnut Ridge

Park has a large flat open area for dogs to run but is not accessible due to its location. The Park Board, after lengthy discussions, recommended not using the Creek Valley Park at this time and recommended that only the Minneapolis Public Works property on France Avenue be considered as an off-leash dog park.

Greg Ingraham, Ingraham and Associates, explained there was no one ideal location for an off-leash dog exercise area in Edina. The established criteria for an off-leash dog park site are: 1) 2 ½ acres lot size, 2) open flat exercise area, 3) suitable buffers for surrounding properties, 4) good visibility and access, 5) parking, 6) fence or boundary, and 7) involved citizen group to monitor and maintain park.

Creek Valley

- irregular site with little flat area
- parking exists
- high visibility with convenient access
- drawbacks are small site size and lack of flat terrain

Braemar/Public Works

- requires extensive grading, fencing and reconfiguration
- area contemplated for regional police and fire training facility
- no room for off-leash park if training facility is built

Walnut Ridge Park

- center area only is suitable for off-leash park
- low wet site makes turf management difficult
- fencing required
- hidden access to neighborhood park
- dog use area would be approximately 200 feet from nearest home

Van Valkenburg Park

- small area around pond somewhat suitable
- area located between lower parking area and Lincoln Drive

Mr. Ingraham concluded that the suggested Edina locations are marginal at best. The Park Board concluded that the only off-leash dog park to be considered at this time would be the France Avenue site.

Member Masica voiced excitement about the possibility of an off-leash dog park in Edina and stated she did not care where it would be located. She inquired whether a 'trial run' could be done at one of the proposed locations and believes it would be self-maintaining. Mr. Ingraham explained dog ownership is up and whatever site was picked, it would get use.

Mayor Maetzold asked if discussions are on-going with the City of Minneapolis. Mr. Keprios said he, Mr. Hughes and Chief Siitari met with persons in similar positions with the City of St. Louis Park, the Minneapolis Park Board staff, Animal Control Officer, Attorney, and

Minutes/Edina City Council/May 1, 2001

administrative staff. Emanating from that meeting was a memo setting a number of conditions to make the site plausible for both Edina and St. Louis Park. The Minneapolis Park Board is anxious to make the site work and intend to meet the conditions.

Following a brief Council discussion, **Mayor Maetzold made a motion to accept the report of the Park Board and direct staff to continue discussions on the Minneapolis site.** Member Masica seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

***RESOLUTIONS NOS. 2001-27A AND 2001-27B ADOPTED APPROVING Mn/DOT INTERCHANGE CONSTRUCTION COOPERATIVE AGREEMENTS FOR 77TH STREET AND T.H.100** Motion made by Member Hovland and seconded by Member Masica introducing the following and moving its adoption:

RESOLUTION NO. 2001-27A

NOW, THEREFORE BE IT RESOLVED that the City of Edina enter into Mn/DOT Agreement No. 77637 with the State of Minnesota, Department of Transportation for the following purposes:

To provide payment by the State to the City of the State's share of the costs of the intersection reconstruction and other associated construction of the Trunk Highway No. 100 ramps and loops with West 77th Street which is to be performed within the corporate City limits under State Project No. 2733-78 (T.H. 100=005).

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

Adopted this 1st day of May, 2001.

Motion carried on rollcall vote - four ayes.

Motion made by Member Hovland and seconded by Member Masica introducing the following and moving its adoption:

RESOLUTION NO. 2001-27B

NOW, THEREFORE BE IT RESOLVED that the City of Edina enter into Mn/DOT Agreement No. 80359R with the State of Minnesota, Department of Transportation for the following purposes:

To remove the existing traffic control signals and install new traffic control signals with street lights, emergency vehicle pre-emption and signing on Trunk Highway No. 100 West Ramps - Trunk Highway No. 100 West Frontage Road at Industrial Boulevard - Industrial Boulevard/West 77th Street on Trunk Highway No. 100 East Ramps - Trunk Highway No. 100 East Frontage Roads at West 77th Street - West 77th Street/Industrial Boulevard, and on West 77th Street at Pentagon Park Office - Private Drive; and install interconnect on West 77th Street/Industrial Boulevard from Trunk Highway No. 100 West Ramps - Trunk Highway No. 100 West Frontage Road to Trunk Highway No. 100 East Ramps - Trunk Highway No. 100 East Frontage Road in accordance with the terms and conditions set forth and contained in Agreement No. 80359R.

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

Adopted this 1st day of May, 2001.

Motion carried on rollcall vote - four ayes.

FIRST AMENDMENT APPROVED FOR FACILITIES USE AGREEMENT Mr. Hughes explained the City of Edina and Independent School District No. 273 executed the Joint Powers Agreement and Facility Use Agreement for the contemplated referendum projects last month. Following further review of these agreements, the Joint Powers Board recommended an Amendment to the Facility Use Agreement to clarify some points. The Amendment provides the following:

1. The parties agree that a school principal may deny use for City sponsored activities during the school day, if the principal concludes that the use would be incompatible with educational uses of the school.
2. The Amendment clarifies the available hours of use for swimming pools.
3. The Amendment clarifies that the District may charge a fee at Kuhlman Field for the use of field lighting.
4. The Amendment provides that the District may use outside gifts and donations for the purpose of off-setting costs associated with the operation of facilities.

The Board of Education approved the proposed amendment at its April 23, 2001, meeting.

Member Kelly made a motion approving the First Amendment to the Facilities Use Agreement as presented. Member Masica seconded the motion.

Member Kelly said the Amendment is an attempt to resolve some of the issues raised by the opposition to the referendum. Member Masica added the original agreement just needed some fine-tuning.

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

AMENDED JOINT AND COOPERATIVE AGREEMENT FOR SOUTHWEST SUBURBAN CABLE COMMISSION Mr. Hughes indicated that a Amendment is being proposed to the Joint and Cooperative Agreement with respect to the Southwest Suburban Cable Commission. The Commission has prepared this amendment for consideration and approval by its member cities (Edina, Eden Prairie, Minnetonka, Hopkins and Richfield).

During its review of applications for new franchises, the Commission noted that the existing Joint and Cooperative Agreement was in need of updating to reflect the current practices of the Cable Commission. The commission has reviewed the attached Amendment and recommends its adoption by member cities.

Member Masica made a motion approving the Amended Joint and Cooperative Agreement for the Southwest Suburban Cable Commission. Member Hovland seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Minutes/Edina City Council/May 1, 2001

Motion carried.

***PETITION RECEIVED REQUESTING STREET LIGHTING FOR RYAN AVENUE BETWEEN VALLEY VIEW AND WEST 62ND STREET** Motion made by Member Hovland and seconded by Member Masica acknowledging receipt of petition for street lighting for Ryan Avenue between Valley View and West 62nd Street and to refer the petition to Engineering for processing as to feasibility.

Motion carried on rollcall vote - four ayes.

***PETITION RECEIVED REQUESTING SOUND WALL BETWEEN 6736 AND 6744 INDIAN WAY WEST** Motion made by Member Hovland and seconded by Member Masica acknowledging receipt of petition for a sound wall for 328 along McCauley Trail at Indian Way West and to refer the petition to Engineering for processing as to feasibility.

Motion carried on rollcall vote - four ayes.

***CONFIRMATION OF PAYMENT OF CLAIMS** Member Hovland made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated April 19, 2001, and consisting of 28 pages: General Fund \$304,439.97; CDBG Fund \$6,852.65; Working Capital Fund \$3,343.86; Construction Fund \$379.00; Art Center Fund \$1,876.74; Golf Dome Fund \$1,175.58; Aquatic Center Fund \$442.58; Golf Course Fund \$27,541.41; Ice Arena Fund \$13,251.08; Edinborough/Centennial Lakes Fund \$16,980.01; Liquor Fund \$109,953.03; Utility Fund \$266,148.23; Storm Sewer Fund \$2,024.53; Recycling Fund \$29,433.50; Payroll Fund \$375,000.00; TOTAL \$1,158,842.17; and for Check Register dated April 26, 2001, and consisting of 30 pages; General Fund \$228,490.31; Communications Fund \$1,346.77; Working Capital Fund \$2,593.58; Construction Fund \$16,319.64; Art Center Fund \$17,515.79; Golf Dome Fund \$50.00; Aquatic Center Fund \$317.09; Golf Course Fund \$34,359.94; Ice Arena Fund \$1,497.36; Edinborough/Centennial Lakes Fund \$9,280.64; Liquor Fund \$117,810.62; Utility Fund \$95,590.58; Storm Sewer Fund \$2,220.00; Recycling Fund \$4,605.00; TOTAL \$531,997.32.

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 9:15 P.M.

City Clerk