

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
OCTOBER 2, 2001
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hovland, Masica and Mayor Maetzold. Member Kelly entered the meeting at 7:15 p.m.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of Agenda No. IV. B., salt for snow and ice control.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

FIRE PREVENTION WEEK PROCLAIMED - OCTOBER 7-13, 2001 Mayor Maetzold proclaimed October 7-13 as "Fire Prevention Week" in the City of Edina and encouraged residents to attend an Open House hosted by the Fire Department on October 14, 2001, at Fire Station #1, 6250 Tracy Avenue.

Member Hovland introduced the following proclamation and moved its approval:

**FIRE PREVENTION WEEK PROCLAIMED
OCTOBER 7-13, 2001**

WHEREAS, cooking, heating, and electrical fires represent three of the nation's leading causes of home fires, and are collectively responsible for nearly half of all home fires and almost one-third of the associated fire deaths; and

WHEREAS, the vast majority of home cooking, heating, and electrical fires can be prevented by taking simple safety precautions; and

WHEREAS, developing a home fire escape plan and practicing it at least twice a year are critical to escaping a fire safely; and

WHEREAS, proper installation, testing, and maintenance of smoke alarms are part of a thorough home fire escape plan; and

WHEREAS, by preventing the leading causes of home fires, and by developing and practicing a thorough home fire escape plan, people can greatly reduce their risk of fire; and

WHEREAS, the Fire Prevention Week 2001 theme, "Cover the Bases & Strike Out Fire" teaches the public how to prevent cooking, heating and electrical fires, and encourages people to develop a home fire escape plan that includes working smoke alarms; and

WHEREAS, the fire service of the City of Edina is dedicated to the safety of life and property from the devastating effects of fire; and

WHEREAS, the members of the fire service are joined by other concerned citizens of this City as well as other emergency service providers and safety advocates, businesses, schools, service clubs, and organizations in their fire safety efforts.

NOW THEREFORE, BE IT RESOLVED that I, Dennis F. Maetzold, do hereby proclaim the week of October 7-13, 2001, as Fire Prevention Week. This week commemorates the Great Chicago Fire of 1871, which killed more than 250 persons, left 100,000 homeless, and destroyed more than 17,400 buildings.

BE IT FURTHER RESOLVED that I, as Mayor of the City of Edina, call upon the residents of Edina to participate in fire prevention activities at home, work, and school, and to take the steps needed to make their homes and families safe from the leading causes of home fires, which include cooking, heating and electrical.

ADOPTED this 2nd day of October 2001.

Member Masica seconded the motion

Ayes: Housh, Hovland, Masica, Maetzold

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Motion carried.

OCTOBER 2001, PROCLAIMED AS NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mayor Maetzold proclaimed the month of October, 2001, as National Domestic Violence Awareness Month in the City of Edina. **Member Masica made a motion to adopt the following proclamation:**

**National Domestic Violence Awareness Month
October 2001**

WHEREAS, the month of October is declared National Domestic Violence Awareness Month; and
WHEREAS, nearly one in three adult women experience at least one physical assault by a partner during adulthood; and
WHEREAS, young women, between the ages of 16-24 in dating relationships experience the highest rate of domestic violence and sexual assault; and
WHEREAS, each year, an estimated 3.3 million children witness their mothers or female caretakers being abused; and
WHEREAS, research suggests that early childhood victimization, either through direct abuse, neglect, or witnessing parental domestic violence, has demonstrable long-term consequences for youth violence, adult violent behaviors, and other forms of criminality; and
WHEREAS, increased awareness and education about domestic violence and the resources available to victims are steps toward the solution.
NOW, THEREFORE I, Dennis Maetzold, Mayor of the City of Edina, do hereby proclaim October 2001 as

DOMESTIC VIOLENCE AWARENESS MONTH IN THE CITY OF EDINA

And urge all individuals in Edina to become aware of the dynamics of domestic violence, the effects on families and our community, and when appropriate, seek help from Cornerstone, the local agency that serves victims of domestic violence. I further encourage residents to support Cornerstone's programming, and to become involved in the effort to end domestic violence.

Passed this 2nd day of October 2001.

Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried

Mayor Maetzold presented the proclamation to Rick Huber and Laurie LaCoun from Cornerstone. The Council briefly discussed domestic violence. Mr. Huber invited Council and the public to attend an open house at Cornerstone on Thursday October 11, 2001 between 3:00 and 5:00 p.m.

***MINUTES OF REGULAR MEETING OF SEPTEMBER 19, 2001, APPROVED Motion made by Member Masica and seconded by Member Housh approving the Minutes of the Regular Meeting of the Edina City Council for September 19, 2001.**

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2001-63 APPROVING VACATION OF PORTION OF SPRUCE ROAD ADJACENT TO 300 ARTHUR STREET

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

Staff Presentation

Engineer Hoffman stated that the Spruce Road right-of-way easement proposed to be vacated was located adjacent to 300 Arthur Street. Mr. Hoffman showed a graphic depicting the affected property. Ms. Dorothy Lundgren, the property owner, requested the vacation of the street right-of-way to allow her to replat her land. He explained that Ms. Lundgren owned 300 Arthur Street and the two lots directly south of 300 Arthur. City staff has reviewed the property owner's request, as have Qwest Communications, Excel Energy, Reliant Energy and Time Warner. All concur that the easement can be vacated. However, Mr. Hoffman added that the property across the street from 300 Arthur had recently

been sold and the new owner was contemplating replatting of that property. Mr. Hoffman stated staff's intent to make sure any future development has adequate right-of-way. Therefore, staff recommended vacating the easement as requested conditioned upon the property owner granting a right-of-way easement for future cul-de-sac.

Dorothy Lundgren, 309 Arthur Street, stated that she owned three lots - one was seventy feet and two were one hundred feet. The reason for requesting the vacation would be to allow replatting the property into three 100-foot lots more suitable to the existing neighborhood.

No one appeared to comment.

Member Masica made a motion, seconded by Member Hovland to close the public hearing.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Kelly introduced the following resolution and moved its adoption, seconded by Member Housh:

**RESOLUTION NO. 2001-63
VACATING SPRUCE ROAD
PUBLIC RIGHT-OF-WAY**

WHEREAS, a motion of the City Council, on the 7th day of August, 2001, fixed a date for a public hearing on a proposed vacation of the Spruce Road public right-of-way; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on October 2, 2001, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described Eden Circle public right-of-way easement is hereby vacated effective as of October 2, 2001:

All of the unimproved portion of Spruce Road as platted in Mendelssohn, north of and adjacent to Lot 10, Block 2, Mendelssohn, according to the recorded plat thereof on file or of record in the office of the registrar to titles, Hennepin County, Minnesota

BE IT FURTHER RESOLVED, that the aforementioned vacation is conditioned upon the owner granting a right-of-way easement for a future cul-de-sac on Arthur Street.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Passed and adopted this 2nd day of October 2001.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***PRELIMINARY PLAT APPROVAL FOR PARKWOOD KNOLLS 26th ADDITION, REPLAT OF OUTLOT A PARKWOOD KNOLLS 25TH ADDITION - PARKWOOD KNOLLS CONSTRUCTION COMPANY CONTINUED TO OCTOBER 16, 2001 Motion made by Member Masica and seconded by Member Housh to continue the preliminary plat approval for Parkwood Knolls 26th Addition**

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replat of Outlot A Parkwood Knolls 25th Addition for the Parkwood Knolls Construction Company continued to October 16, 2001.

Motion carried on rollcall vote - four ayes.

***HEARING DATE SET OF OCTOBER 16, 2001, FOR FINAL PLAT APPROVAL FOR OLDE VERNON THIRD ADDITION, PRELIMINARY PLAT AND FINAL DEVELOPMENT PLAN APPROVAL FOR OLDE VERNON II, LEO EVANS, ET AL, SOUTHEAST QUADRANT OF VERNON AVENUE AND OLINGER ROAD** Motion made by Member Masica and seconded by Member Housh setting October 16, 2001, as hearing date for Final Plat approval for Olde Vernon Third Addition, Preliminary Plat and Final Development Plan approval for Olde Vernon II, Leo Evans, et al, Southeast Quadrant of Vernon Avenue and Olinger Road.

Motion carried on rollcall vote - four ayes.

BID AWARDED FOR PAMELA LAKE DREDGING Assistant Engineer Houle reviewed the on-going Pamela Park Water Quality Improvement Project. Mr. Houle explained the Project is a cooperative project with the Minnehaha Creek Watershed District (MCWD). During the 2000-2001 season many ponds were dredged, but not Pamela Lake because of the density of peat in the lake. The dredging project was re-bid in August with approval of the MCWD. Mr. Houle gave an overview of the status of this project area and recommended award of bid to the lowest responsible bidder.

Member Kelly made a motion for award of bid for Pamela Lake dredging to the recommended lowest responsible bidder, Veit & Company, Inc., at \$287,000.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

BID AWARDED FOR SALT FOR SNOW AND ICE CONTROL Mr. Hoffman removed the award of bid for the 2002 salt purchase from the Consent Agenda for further explanation. He explained the salt bid for snow and ice control prices reflects the two lowest bids received through the State Cooperative Purchasing Program. The cost of materials nearly doubled in the past year. Morton Salt over-extended themselves and do not have a large enough supply of salt. However, Cargill can provide the salt, but at a higher cost. The salt purchase would not be within budget, but will be funded with \$12,000 remaining in the 2001 budget and \$60,000 from the 2002 budget.

Member Kelly made a motion for award of bid for the salt purchase for snow and ice control to recommended bidders, Morton Salt, under State Contract #427923 at \$39.50 per ton and Cargill, Inc., under State Contract #427924 at \$49.98 per ton. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***BID AWARDED FOR PUMP HOUSES ROOF REPLACEMENT, #7, #9, AND #15, CONTRACT PW01-5** Motion made by Member Masica and seconded by Member Housh for award of bid for pump house roof replacements #7, #9 and #15 under contract PW01-5 to recommended low bidder, BK Roofing at \$31,471.00.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR ROSLAND PARK PATHWAY RENOVATION** Motion made by Member Masica and seconded by Member Housh for award of bid for renovation of the Rosland Park pathway to recommended low bidder, Bituminous Roadways, Inc., at \$57,810.00.

Motion carried on rollcall vote - four ayes.

***RESOLUTION NO. 2001-53, AUTHORIZING SPECIAL ASSESSMENT OF CONNECTION CHARGES - 4909 ROLLING GREEN PARKWAY** Member Masica introduced the following resolution, seconded by Member Housh:

**RESOLUTION NO. 2001-53
AUTHORIZING CONNECTION
CHARGES BE SPECIALLY ASSESSED
AS REQUESTED BY PROPERTY OWNER**

WHEREAS, Edward McGlynn, 4909 Rolling Green Parkway, has requested installment payments of connection charges for Lot 7, Block 1, Carlson's Park in Edina; and

WHEREAS, the sewer connection charges are in the amount of \$1,000.00; and

WHEREAS, the assessment to be certified for collection would be \$333.33 plus interest for the year 2002 through 2005; and

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

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

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

NOW, THEREFORE, the Council authorizes the connection charges be specially assessed as requested by the property owner at 4909 Rolling Green Parkway.

Adopted this 2nd day of October 2001.

Motion carried on rollcall vote - four ayes.

EMERGENCY OPERATION PLAN (EOP) PRESENTED Chief Siitari explained the recent terrorist attacks have highlighted the need for emergency preparedness and response planning at all levels of government. The City of Edina has had an Emergency Operations Plan (EOP) that outlines basic procedures and command structures for emergencies. The EOP was designed to be an all-hazard plan - meaning the procedures could be used for any type of emergency ranging from natural disasters to man-made hazardous material spills.

Section 505 of the Edina City Code, Civil Defense and Emergencies, provides the legal basis and format for emergency operations in the City. The plan has been updated or tested on an annual basis. Mr. Siitari said the Civil Defense Director and the Police Chief work with the State and County Divisions of Emergency Management to maintain a plan that coordinates activities at all three levels of government.

Areas of responsibility have been assigned to separate City departments to ensure adequate resources' availability if disasters occur. A rudimentary Emergency Operations Center can be set up in City Hall if a disaster of significant proportions occurs.

Following a brief Council discussion, consensus was to accept the Emergency Operations Plan for the City of Edina as presented.

COMMUNICATIONS AND PETITIONS Mr. Hughes reviewed the September 26, 2001 letter from Miles Canning, MBC Presentations, a vendor providing alcohol awareness training to many Edina liquor licensees. Mr. Canning's letter expressed his concerns and offered suggestions for changing the City's current ordinance that requires liquor licensees to have a "licensed manager" on premises during all hours of alcohol service. Following a brief Council discussion staff was directed to investigate the issue and come back with a recommendation.

Mr. Hughes noted receipt of an electronic message from Beth Iacono, 4813 West 59th Street, concerning Metro Transit establishing a Park & Ride Lot on 59th Street without any neighborhood notice. Mr. Hughes said a letter dated October 1, 2001, from Metro Transit removed the Park & Ride lot for Edina citizens who live east of Highway 100 and north of Highway 62 (Crosstown). He noted letters were also received from: Janeva McCulloch, 4801 West 59th Street, Jane Merta, 4809 West 59th Street, Pam Larson, 4805 West 59th Street, and Cindy Macks regarding the same Park and Ride location.

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***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated September 20, 2001, and consisting of 31 pages: General Fund \$352,720.37; CDBG Fund \$3,850.00; Communications Fund \$5,245.57; Working Capital Fund \$40,377.43; Construction Fund \$14,648.75; Art Center Fund \$3,400.82; Golf Dome Fund \$606.83; Aquatic Center Fund \$8,699.96; Golf Course Fund \$23,902.97; Ice Arena Fund \$20,194.93; Edinborough/Centennial Lakes Fund \$27,759.73; Liquor Fund \$113,893.23; Utility Fund \$460,649.48; Storm Sewer Fund \$3,217.20; Recycling Fund \$93.72; Payroll Fund \$280,000.00; TOTAL \$1,359,260.99; and the following claims as shown in detail on the Check Register dated September 27, 2001, and consisting of 32 pages: General Fund \$166,969.56; Communications Fund \$86.29; Working Capital Fund \$3,292.25; Construction Fund \$144,339.03; Art Center Fund \$15,802.51; Golf Dome Fund \$7,379.00; Aquatic Center Fund \$116.00; Golf Course Fund \$21,759.10; Ice Arena Fund \$15,987.40; Edinborough/Centennial Lakes Fund \$17,591.36; Liquor Fund \$117,386.47; Utility Fund \$81,135.06; Storm Sewer Fund \$1,528.60; HRA Fund \$150,000.00; TOTAL: \$743,372.63.

Motion carried on rollcall vote - four ayes.

They're being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:25 P.M.

City Clerk