

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 5, 2002
7:00 P.M.**

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of III. A. Well No. 18 Maintenance, Improvement No. WM-396; III.B. Well No. 15 Maintenance, Improvement No. WM-397; III.C. Well No. 5 Maintenance, Improvement No. WM-398; III.D. Lay Down Wine Rack - Vernon Avenue Liquor Store Remodeling; IV.E. 2002 Labor Agreement - Local 320 (Police Dispatch).

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JANUARY 15, 2002, APPROVED** Motion made by Member Hovland and seconded by Member Housh approving the Minutes of the Regular Meeting of the Edina City Council for January 15, 2002.

Motion carried on rollcall vote - five ayes.

***FEBRUARY 19, 2002, HEARING DATE SET FOR PLANNING MATTERS** Motion made by Member Hovland and seconded by Member Housh setting February 19, 2002, for planning matters as follows:

1. Conditional Use Permit - City of Edina, 4701 West 50th Street - Remodel of Library Building into Edina Police Facility
2. Conditional Use Permit - Edina Public Schools - Concord Elementary School, 5900 Concord Avenue - Building Expansion

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2002-13 - LOT DIVISION FOR 7203 - 7205 BRISTOL CIRCLE (DAN BRADY)** Motion made by Member Hovland and seconded by Member Housh approving the following resolution:

**RESOLUTION NO. 2002-13
A RESOLUTION
APPROVING LOT DIVISION FOR
7203-7205 BRISTOL CIRCLE**

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

Block 1, Lot 42, OSCAR ROBERTS FIRST ADDITION.

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

PARCEL A:

That part of Lot 42, Block 1, Oscar Roberts First Addition, lying Southerly of a line drawn from a point on the East line of said Lot 42 a distance of 21.53 feet South of the Northeast corner thereof to a point on the Southwesterly line of said Lot 42 a distance of 34.52 feet Southeasterly of the most Westerly corner of said Lot 42.

PARCEL B:

That part of Lot 42, Block 1, Oscar Roberts First Addition, lying Northerly of a line drawn from a point on the East line of said Lot 42 a distance of 21.53 feet South of the Northeast corner thereof to a point on the Southwesterly line of said Lot 42 a distance of 34.52 feet Southeasterly of the most Westerly corner of said Lot 42.

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 crated Parcels as separate tracts of land do not interfere with the purpose of the Subdivision and Zoning Regulations as contained in the Edina City 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 5th day of February 2002.

Motion carried on rollcall vote - five ayes.

AWARD OF BID FOR WELL NO. 18 MAINTENANCE, IMPROVEMENT NO. WM-396

APPROVED Member Housh removed the bid award for Well No. 18 for Maintenance Improvement No. WM-396 questioning why the three well improvements were bid separately. City Engineer Houle responded separate bids were taken so the work could be completed simultaneously with three separate contractors, however, only two contractors submitted bids. Mr. Houle added he believed that the two bidders were capable of completing all three projects as desired.

Member Housh made a motion approving the award of bid for Well No. 18 Maintenance Improvement No. WM-396, to recommended low bidder Keys Well Drilling Company at \$34,095.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

AWARD OF BID FOR WELL NO. 15 MAINTENANCE, IMPROVEMENT NO. WM-397

APPROVED Member Housh made a motion approving the award of bid for Well No. 15

Maintenance Improvement No. WM-397 to recommended low bidder, Bergerson - Caswell at \$41,930.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

AWARD OF BID FOR WELL NO. 5 MAINTENANCE, IMPROVEMENT NO. WM-398 APPROVED Member Housh made a motion approving the award of bid for Well No. 5, Maintenance Improvement No. WM-398 to recommended low bidder, Bergerson - Caswell at \$39,670.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

AWARD OF BID APPROVED FOR LAY-DOWN WINE RACK APPROVED FOR VERNON AVENUE LIQUOR STORE REMODELING Member Masica indicated she removed the lay-down wine rack for further information about the wide disparity between bids. Assistant Manager Anderson responded the six-week time frame limited the number of bidders. He added the low bid did meet the architect's estimate.

Member Masica made a motion approving the lay-down wine rack for the Vernon Avenue Liquor Store remodeling to recommended low bidder, Tonka Wood Works at \$19,125.00.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***BID AWARDED FOR MILLWORK FOR VERNON AVENUE LIQUOR STORE REMODELING** Motion made by Member Hovland and seconded by Member Housh for award of bid for millwork and fixtures for the Vernon Avenue Liquor Store remodeling to recommended low bidder, Stan Morgan & Associates at \$31,315.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR FERTILIZER FOR BRAEMAR AND FRED RICHARDS GOLF COURSES** Motion made by Member Hovland and seconded by Member Housh for award of bid for fertilizer for Braemar and Fred Richards Golf Courses to recommended low bidder, Simplot Partners at \$16,310.69 including tax.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR 3-WHEEL DRIVE ROTARY MOWER FOR BRAEMAR GOLF COURSE** Motion made by Member Hovland and seconded by Member Housh for award of bid for one three-wheel drive rotary mower for Braemar Golf Course to sole bidder, MTI Distributing under State Contract #427944 at \$25,747.44.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR MOBILE TURF SWEEPER FOR PARK MAINTENANCE** Motion made by Member Hovland and seconded by Member Housh for award of bid for one mobile turf sweeter for the Park Maintenance Department to recommended low bidder, North Star Turf, at \$19,796.00 plus sales tax.

Motion carried on rollcall vote - five ayes.

AWARD OF BID FOR LEWIS PARK SOCCER FIELD RENOVATIONS CONTINUED TO FEBRUARY 19, 2002 Director Keprios explained bids were opened on January 15, 2002, for the renovation of three soccer fields at Lewis Park. He briefly outline the project as follows:

Identified Need:

- Blue Ribbon Committee rated field renovation second priority out of 35 categories
- Park Board considers field renovations high on priority list (Capital Improvement Plan)
- Fields are at times unplayable and unsafe
- Games/practices cancelled due to poor field conditions.
- Fields need proper sub-soils for drainage, deep root growth, elimination of debris and to reduce weed growth

Specifications for Central and East Fields:

- Excavate and filter existing 30 inches of topsoil
- Introduce nine inches of engineered sand/peat topsoil on top of filtered topsoil
- Grade to one-percent slope
- Install drain tile
- Install underground irrigation system
- Seed new topsoil in early August

Advantages of Sand/Peat Fields:

- Develops deep grass roots
- Drains nine inches per hour (playable after heavy rains)
- Reduces need for herbicides
- More resilient and controlled (fewer low areas)
- Creates more durable resilient turf to withstand more play

Other Sand/Peat Soccer Fields:

- Golden Valley Park and Recreation
- Minneapolis Park Board (Fort Snelling, North Commons Park)
- Bloomington Park and Recreation (Normandale Park)
- St. Paul Park parks (Arlington Park)
- Eden Prairie Schools
- Owatonna Park and Recreation
- Grand Rapids High School

Schedule:

- Nine-Mile Creek Watershed District has already approved plan
- Field construction/excavation begins May 15, 2002
- Excavation, grading, drain tile, and irrigation completed by July 28, 2002
- Seeding - August 1, 2002
- Fields playable by June 15, 2003

Recommendation:

- Award Excavating and Grading Bid to low bidder (Frattalone) including an engineering change order adjusting the net cost
- \$8,000 donation accepted from Edina Soccer Club and \$6,928 accepted from Edina Football Association

Following a brief Council discussion, **Member Hovland made a motion to continue the award of bid for Lewis Park Soccer Field Renovations to February 19, 2002, requesting a turf specialist to be in attendance at the meeting.**

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

BID AWARDED FOR HVAC UNIT FOR 50TH STREET LIQUOR STORE Assistant Manager Anderson explained this emergency bid was for the HVAC unit for the 50th Street Liquor Store. The existing unit had a mechanical failed and was not repairable. The unit provided heat for the store. As directed by the City's emergency purchasing guidelines, one quote has authorized.

Member Kelly made a motion for award of bid for the HVAC unit for the 50th Street Liquor Store to Northland Mechanical Contractors, Inc., at \$15,475.00.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

WATERMAIN BREAK DAMAGE REPORT PRESENTED Manager Hughes recalled the Council, on January 16, 2002, received a report and took testimony concerning damages sustained by homeowners from a January 6, 2002, watermain break in the vicinity of Interlachen Boulevard and Cooper Avenue. Seven residences were affected. In most cases, damage was caused by the backup of the sanitary sewer system due to "surcharging" caused by the watermain break. St. Paul Companies, the City's insurer was notified of the occurrence. The St. Paul Companies denied all claims based upon their evaluation, that the City was not negligent. The Council after some discussion directed staff to research some methodology of providing aid to the affected homeowners.

Mr. Hughes said staff agreed with the Council that some level of reimbursement was advisable notwithstanding the fact that there was no evidence of negligence on the City's part. He added staff felt it would be prudent to structure any reimbursement program similarly to industry standards, such as the LMCIT's supplemental "no fault" coverage. Mr. Hughes concluded staff recommended the following with respect to the Interlachen/Cooper incident:

- Maximum Reimbursement - \$10,000 per dwelling
- Reimbursement not provided for losses covered by homeowner's property insurance, however, deductible would be reimbursable

Mr. Hughes suggested the City hire an independent adjuster to evaluate the claims and determine losses using the same standards employed by our insurance carrier. He explained the standards were based upon the depreciated value of assets lost.

Mr. Hughes also recommended the City redouble its efforts to urge all homeowners in Edina to seek private coverage for sewer backup. Such coverage has been available but not always included in the basic homeowners insurance policy. He advised using Articles in About

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Town, on our web site and including mailers with our utility bills as means of alerting homeowners to the need for this coverage.

Mayor Maetzold noted correspondence had been received from Lee Ann Gustafson and Ted Roberts, 1 Cooper Avenue.

Member Masica stated this was an exceedingly difficult problem. She suggested that a long-term policy be identified separately from the Interlachen issue currently under consideration.

Member Kelly expressed concern with setting a long-term policy. He suggested a communication blitz to notify residents of their need for coverage. He asked staff how the City would fund payments for the Interlachen claims if some reimbursement plan were adopted. Mr. Hughes said the payments would come exclusively from the City Utility Fund. He added that at the present time the fund held adequate reserves. However, an ongoing claim policy would require a review of the City's rates to ensure adequate reserves.

Member Kelly asked what the Utility Fund reserves have been used for historically. Mr. Hughes explained the Water and Sewer Utility was a very large asset of the City with huge operating costs. Reserves in the fund have been used to cover the costs of capital improvements to maintain the system in working order.

Member Housh commented there might be areas where the system needs improvements in light of the heightened concern for homeland security.

Member Kelly stated his concern with offering any type of dollar-for-dollar reimbursement in the Interlachen event. He said he did not want any incentive in place to allow denial of coverage or keep homeowners from pursuing their claims in the courts if they felt the need.

Member Masica suggested that one way to structure the reimbursement would be to cover only structural or sanitization costs of the affected homes. She asked if this would satisfy the legal issues pointed out by staff. Mr. Gilligan replied there was a fine line in what the Council could do, but assisting with issues concerning public health, safety and welfare seemed appropriate.

Member Hovland commented that he discovered the City of Bloomington uses some type of emergency response team that works with homeowners when some kind of incident happens. He suggested Edina investigate whether this would be appropriate to implement. Member Hovland stated he was concerned that there could be some linkage between the Interlachen event of January 6th and some future events. He urged care in the way any plan was structured and funded.

Member Kelly agreed stating he thought some linkage would be almost inevitable, adding that the Council must have some idea of how to move forward in this area.

Mayor Maetzold acknowledged the difficulty of the issue, but stated that there were several homeowners who were in need and could not wait for all the details to be decided in the future. Action was needed as soon as possible.

Resident comment

LeeAnn Gustafson, 1 Cooper Avenue, noted that her family had adequate coverage and would not need the entire \$10,000. Ms. Gustafson asked if her excess dollars could be distributed to her neighbors if their coverage left them with un-reimbursed costs over \$10,000.

Terrie Rose, 5001 Interlachen Bluff, said it seems there is a question about the St. Paul Companies review of the liability and denial of the residents' claim after only a very brief review.

Carl Gulbranson, 5 Cooper Avenue, expressed his displeasure at being informed it would cost him \$200.00 for a City permit to proceed with the repairs to his home. He suggested the Council waive the permit fees.

Karen Wermager, 3 Cooper Avenue, stated her home was totally uninsured for this loss. Ms. Wermager said \$10,000 would help, but it would not be nearly enough to complete the repairs and her family would continue living in unsanitary conditions indefinitely.

Member Kelly made a motion directing staff to prepare a resolution authorizing up to \$10,000 in reimbursement to the homeowners affected by the January 6, 2002, watermain break and sanitary sewer surcharge. The reimbursement should be used to cover expenses associated with structural and or sanitization costs. Funding of the reimbursement should come from the City's Utility Fund. Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Kelly made a motion setting a Special Council meeting for Monday, February 11, 2002, at 6:00 p.m. to consider the aforementioned resolution and reimbursement program.

Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

ACQUISITION OF 4416 VALLEY VIEW ROAD APPROVED Manager Hughes indicated that staff and City Attorneys have concluded negotiations with representatives of Robert M. Roster with respect to the acquisition of the Roster Service Station located at 4416 Valley View Road. Rosters have agreed upon the proposed Settlement Agreement. Pursuant to the Settlement Agreement, the City would acquire the property for \$440,000.00. Roster would continue operations of the service station for thirteen months following closing. Prior to closing, the City would be allowed sixty days to conduct investigations to determine the

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environmental condition of the property. If the City was not satisfied with the environmental condition, it could elect not to close and the agreement would be cancelled.

Member Kelly stated that the dollar amount being paid for the Roster's property seemed inordinately high and asked if any recovery would be possible. Mr. Hughes said that was not likely.

Following a brief Council discussion, **Member Hovland made a motion to authorize the City Manager and Mayor to execute the Settlement Agreement for the acquisition of the property at 4416 Valley View Road.** Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Nay: Kelly

Motion carried.

2002 LABOR AGREEMENTS FOR LOCAL IAFF 1275 (FIRE), LOCAL 320 (ANIMAL CONTROL & CSO'S) AND LOCAL 320 (POLICE DISPATCH) APPROVED

Member Hovland said he removed the labor agreements from the consent agenda to ask if there were any changes from what was presented at the last meeting. Mr. Hughes replied that the agreements were all for one year in light of the state budget shortfall and potential cut in aids to cities. It was also noted that the Fire Department agreement was not presented at the last meeting and the Public Works agreement had been presented. However, since that time the Fire Department have come to agreement and the Public Works have not yet voted whether or not to accept a one year contract.

Member Hovland made a motion approving the 2002 Labor Agreement Local IAFF 1275 (Fire). Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Hovland made a motion approving the 2002 Labor Agreement for Local 320, Animal Control and CSO's. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Hovland made a motion approving the 2002 Labor Agreement for Local 320, Police Dispatch. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***RESOLUTION NO. 2002-14 APPROVED - AUTHORIZING RECYCLING GRANT AGREEMENT WITH HENNEPIN COUNTY** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving approval:

**RESOLUTION NO. 2002-14
AUTHORIZING THE CITY OF EDINA
TO ENTER INTO A 2002**

**MUNICIPAL RECYCLING GRANT
AGREEMENT WITH HENNEPIN COUNTY**

WHEREAS, the City of Edina operates a recycling program consistent with Minnesota Statutes 115A.02 and 115A.03, as amended by the Laws of Minnesota 1992, Chapter, 685, and Minnesota Statutes, 473.8011; and

WHEREAS, the Edina Recycling Program is consistent with the Office of Environmental Assistance Solid Waste Management Development Guide/Policy Plan, the Hennepin County Solid Waste Master Plan; and the Hennepin County's Residential Recycling Funding Policy; and

WHEREAS, the Hennepin County Board has adopted a Resolution authorizing funding for Municipal Recycling Programs.

NOW, THEREFORE, BE IT RESOLVED, by the Edina City Council that the Mayor and the City Manager to enter into an Agreement with Hennepin County to accept funding for the Edina Recycling Programs.

Adopted this 5th day of February 2002.

Motion carried on rollcall vote - five ayes.

RE-APPOINTMENTS MADE TO BOARDS/COMMISSIONS/COMMITTEES Mayor Maetzold requested endorsement of his recommendations for re-appointments to various boards, commissions and committees as follows:

NAME	COMMITTEE NAME	TERM EXPIRING
Imogene Anderson	Art Center Committee	2/1/2005
Dolores Dege	Art Center Committee	2/1/2005
Elizabeth Eisenbrey	Art Center Committee	2/1/2005
George Kuebler	Art Center Committee	2/1/2005
Bruce Burnett	Community Health Committee	2/1/2004
David Fisher	Construction Board of Appeals	2/1/2005
William Crawford	Heritage Preservation Board	2/1/2004
Peggy Jennings	Heritage Preservation Board	2/1/2004
Garold R. Nyberg	Heritage Preservation Board	2/1/2004
Gregory Winter	Human Relations Commission	2/1/2005
Andrew Finsness	Park Board	2/1/2005
Linda Presthus	Park Board	2/1/2005
Karla Sitek	Park Board	2/1/2005
Stephen Brown	Planning Commission	2/1/2005
John Lonsbury	Planning Commission	2/1/2005
Ann Swenson	Planning Commission	2/1/2005
Robert Reid	Recycling and Solid Waste Commission	2/1/2004
William Skallerud	Zoning Board of Appeals	2/1/2005
Rose-Mary Utne	Zoning Board of Appeals	2/1/2005
Tom Erickson	East Edina Housing Foundation	2/1/2005
William Greer	East Edina Housing Foundation	2/1/2005

Mayor Maetzold made a motion approving the re-appointments to the various boards, commissions and committees as previously noted. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

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Motion carried.

2001 YEAR-END FORECAST PRESENTED Manager Hughes reviewed the 2001 year-end budget forecast for the City's General Fund revenues and expenditures. When numbers are audited, staff will return with fund balance, reserves and designations for the Council to approve. Following a brief Council review and discussion, Council consensus was to accept the forecast as presented.

No formal Council action was taken.

***CONFIRMATION OF CLAIMS PAID** Member Hovland made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated January 17, 2002, and consisting of 44 pages: General Fund \$458,757.42; Communications Fund \$14,348.26; Working Capital Fund \$50,474.88; Construction Fund \$57,936.60; Art Center Fund \$4,991.68; Golf Dome Fund \$14,535.61; Aquatic Center Fund \$246,262.34; Golf Course Fund \$2,593.70; Ice Arena Fund \$9,268.73; Edinborough/Centennial Lakes Fund \$10,195.32; Liquor Fund \$166,942.75; Utility Fund \$282,775.70; Storm Sewer Fund \$14,250.00; TOTAL \$1,333,332.99; and for approval of payment of claims dated January 24, 2002, and consisting of 30 pages: General Fund \$218,930.98; Communications Fund \$5,735.72; Working Capital Fund \$4,897.10; Construction Fund \$14,087.78; Art Center Fund \$1,275.78; Golf Dome Fund \$1,242.08; Aquatic Center Fund \$256.57; Golf Course Fund \$5,888.30; Ice Arena Fund \$17,488.03; Edinborough/Centennial Lakes \$16,070.15; Liquor Fund \$99,285.75; Utility Fund \$48,569.57; Storm Sewer Fund \$1,255.95; Payroll Fund \$475,000.00; TOTAL \$909,983.76; and for approval of payment of claims dated January 30, 2002, and consisting of 28 pages: General Fund \$596,544.62; CDBG Fund \$3,098.00; Communications Fund \$2,653.34; Working Capital Fund \$24,235.96; Construction Fund \$15,536.39; Art Center Fund \$17,894.09; Golf Dome Fund \$127.80; Aquatic Center Fund \$248,304.79; Golf Course Fund \$78,194.03; Ice Arena Fund \$1,096.94; Edinborough/Centennial Lakes Fund \$5,096.62; Liquor Fund \$72,080.79; Utility Fund \$10,777.81; TOTAL: \$1,075,641.18.

Motion carried on rollcall vote - five ayes.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 9:00 P.M.

City Clerk