

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
FEBRUARY 19, 2002  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Housh, Hovland, Masica and Mayor Maetzold. Member Kelly entered the meeting at 7:18 p.m.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Housh and seconded by Member Hovland approving the Council Consent Agenda removing Item IV.C.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF FEBRUARY 5, 2002, APPROVED** Motion made by Member Housh and seconded by Member Hovland approving the Minutes of the Regular Meeting of the Edina City Council for February 5, 2002.

Motion carried on rollcall vote - four ayes.

**"TOTALLY TALENTS AND TUNES" DAY PROCLAIMED** Mayor Maetzold read a proclamation explaining a musical production entitled "Totally Talents and Tunes". Totally Talents and Tunes was developed by the Adaptive Recreation & Learning Exchange (AR&LE) to offer opportunities for individuals with disabilities to participate in a theatrical production. The performances will be presented at 3 and 7 p.m. Saturday, March 9 in the Richfield High School auditorium. Mayor Maetzold urged citizens to attend the production. Susie Miller, Edina's Adaptive Recreation Supervisor introduced Brian Salmi, Ellen Bretheim, Mike Davis, Andy Tanghe, and Debra Wilenski who will be performing in Totally Talents and Teens.

**Member Hovland made a motion to adopt the proclamation proclaiming Saturday, March 9, 2002 as "Totally Talents & Tunes Day in Edina". Member Housh seconded the motion.**

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**BOYS SCOUTS ACKNOWLEDGED** Mayor Maetzold acknowledged two groups of local Boy Scout Patrols who were working on their citizenship merit badges and attending the Council meeting. Scout Troup 68 from Good Samaritan Church had three scouts in attendance and Troup 6 from Southwest Minneapolis had seven scouts in attendance all working on their citizenship merit badge.

**\*CONTINUED CONSIDERATION OF CONDITIONAL USE PERMIT PROPOSED REMODELING OF LIBRARY BUILDING INTO EDINA POLICE FACILITY UNTIL MARCH 4, 2002** Motion made by Member Housh and seconded by Member Hovland continuing the public hearing for consideration of a conditional use permit allowing the proposed remodeling of the Edina Community Library Building in Edina Police Facility until March 4, 2002.

Motion carried on rollcall vote - four ayes.

Minutes/Edina City Council/February 19, 2002

RESOLUTION 2002-17 ADOPTED GRANTING CONDITIONAL USE PERMIT ALLOWING EDINA PUBLIC SCHOOLS, CONCORD ELEMENTARY SCHOOL - 5900 CONCORD AVENUE BUILDING EXPANSION Affidavits of Notice were presented, approved and ordered placed on file.

Staff Presentation

Planner Larsen explained that the Edina School District has planned an expansion to Concord Elementary School. The addition would contain five classrooms, a multi-purpose room, office and support space. The total square footage of the addition would be approximately 11,350 square feet. Exterior finish materials would match the existing building. Mr. Larsen stated the proposal complies with all Edina zoning requirements for elementary school. He reported the Planning recommended approval of the Conditional Use Permit to allow the construction of a five-classroom addition to Concord Elementary School subject to Watershed District Permit. Mr. Larsen noted that Mr. Peter Susskin from KKE Architects was present to respond to questions.

Public Comment

Roger Carpenter, 5920 Ashcroft Avenue, stated he had concern regarding drainage issues and asked that drainage be looked at before the construction begins. Mr. Carpenter said he lived across from the school and that flooding in his backyard has been an issue. He believed the water came from the school property. City Engineer Houle noted that staff was aware of the issue and there were a couple of options that were part of the 2002 Capital Improvement Plan that would help resolve the drainage issues. Member Hovland asked if there were any reason to believe that the addition would exacerbate the problem. Mr. Houle replied he did not think the addition would significantly add to the drainage issue Mr. Carpenter had reported.

Sam Rouman, 4709 School Road, asked when construction would begin. He expressed concern with the potential traffic congestion and safety with construction vehicles.

Mr. Peter Susskin, KKE Architects, 300 First Ave, Minneapolis, said that the project work would begin in the spring so there would be some construction activity before the end of the school year. However, the majority of the construction would take place over the summer and the project would be complete before the beginning of school in the fall of 2002.

**Member Masica made a motion to close the public hearing.** Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

**Member Housh introduced the following resolution and made a motion approving it:**

**RESOLUTION NO. 2002-17  
GRANTING A  
CONDITIONAL USE PERMIT  
TO EDINA SCHOOL DISTRICT 273**

**WHEREAS, the procedural requirements of Code Section 850 (the Zoning Ordinance) have been met; and**

**WHEREAS, it has been determined that the Findings as required by Code Section No. 850.04 Subd. 4 have been satisfied:**

NOW, THEREFORE, BE IT RESOLVED that the Edina City Council hereby grants a Conditional Use Permit to Edina School District 273, to allow the addition of five additional classrooms to Concord Elementary School, 5900 Concord Avenue.

Passed and adopted this 19<sup>th</sup> day of February 2002. Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Resolution adopted.

**ORDINANCE NO. 2002-02 - AMENDING MINIMUM FEES CHARGED FOR PLUMBING PERMITS FOR RESIDENTIAL PERMITS**

Building Official Kirchman explained the reason staff was requesting an amendment to the code changing the minimum fees for residential plumbing permits was to bring Edina into compliance with new legislation. He explained this ordinance would lower the minimum fee the City may charge for from its current \$22.00. Member Hovland asked what the total impact of the proposed change would be to the City. Mr. Kirchman replied that he estimated the reduced cost would have approximately a \$3,000 impact.

Member Masica made a motion to adopt Ordinance No. 2002-02 amending the minimum fees charged for residential plumbing permits including the waiver of second reading as follows:

**Edina Ordinance No. 2002-2**

**An Ordinance Amending Section 185 of the City Code Increasing Certain Fees**

The City Council of the City of Edina Ordains:

**Section 1. Section 185 – Schedule A is amended by changing the following fees:**

<u>Section</u>	<u>Subsection</u>	<u>Purpose of Fee or Charge</u>	<u>Amount</u>
440	440.04	Plumbing or Water Conditioning Permit	Minimum Fee Residential – per Fee Calculations Commercial -\$27.00 plus surcharge pursuant to M.S. 16B.70 Fee Calculations: \$0 - \$300 *\$15 \$301 - \$500 *\$15 plus 5%>\$300 \$501 - \$1,000 *\$25.00 plus 3.10%>\$501. \$1,001 - \$5,000 *\$31.50 plus 2.60% > \$1,000.00 \$5,001 - \$10,000 *\$135.50 plus 2.15% > \$5,000.00 \$10,001 - \$25,000 *\$243.00 plus 1.85% > \$10,000.00 \$25,001 - \$50,000 *\$520.50 plus 1.65% > \$25,000.00 \$50,001 and over *\$933.00 plus 1.30% > \$50,000.00 *Plus surcharge pursuant to M.S. 16B.70

**Section 2. This ordinance shall be in full force and effect upon adoption.**

Adopted this 19<sup>th</sup> day of February 2002.

First Reading: February 19, 2002

Second Reading: Waived

Published: February 27, 2002

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Member Kelly seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Ordinance adopted.

**AWARD OF BID APPROVED FOR LEWIS PARK SOCCER FIELD RENOVATIONS** Member Kelly asked if Park Director Keprios still recommended awarding the bid using nine inches of

Minutes/Edina City Council/February 19, 2002

engineered topsoil or if he felt that it should be increased to twelve inches. Mr. Keprios responded that he would still recommend using nine inches of engineered topsoil. The Council discussed the pros and cons of using twelve vs. nine inches of engineered topsoil with Roy Anderson, Anderson Johnson Associates and Turf Specialist John Hopko. Consensus was to affirm the Park Director's recommendation in awarding the bid.

**Member Kelly made a motion to award the bid for the Lewis Park Soccer Field Renovations to the recommended low bidder F.M. Frattalone Excavating and Grading, Inc. in the amount of \$524,970.00.** Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold  
Motion carried.

**\*BID AWARDED FOR TWO SAND PRO BUNKER RAKES FOR BRAEMAR GOLF COURSE**  
**Motion made by Member Housh and seconded by Member Hovland for award of bid for two Sand Pro Bunker Rakes to recommended low bidder, MTI Distributing Co, in the amount of \$22,030.00.**

Motion carried on a rollcall vote - four ayes.

**BID AWARDED FOR SOIL CORRECTION WORK FOR BRAEMAR PUBLIC SAFETY TRAINING CENTER** Member Masica said she removed this item from the consent agenda to ask for more information. She asked if the total cost of the soil correction would be Edina's responsibility. Mr. Houle replied the soil correction would be, since Edina as part of the tri-city agreement for the training center, was to provide the building pad.

Following a brief discussion, **Member Hovland made a motion to award the bid for soil correction work for the fire training tower at Braemar Public Safety Training Center to Arnt Construction Company, Inc. in the amount of \$25,000.00.** Member Masica seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold  
Motion carried.

**TRAFFIC SAFETY STAFF REPORT OF FEBRUARY 4, 2002, APPROVED** Mr. Houle explained that the Traffic Safety Committee had developed an alley speed bump policy in response to requests from residents to install speed bumps within existing alleys. Mr. Houle noted residents were asking for the bumps to reduce speeding in alleys. He added that speed enforcement was difficult within alleys. Mr. Houle said Edina contains 41 alleys: 21 bituminous; 10 concrete; and 10 gravel. He said that 17 of the 31 paved alleys could potentially petition for speed bump installation.

Mr. Houle outlined the proposed Alley Speed Bump Policy:

- Speed bumps would be installed only on concrete or bituminous paved alleys
- Residents would need to submit a petition signed by 75% of the alley property owners
- Petitioners would agree to pay, upfront, the costs of the speed bump installation
  - Typical costs would be \$1,500 to \$2,000 per bump
- Once installed residents must agree to
  - Remove speed bumps by November 1<sup>st</sup> each year for snow removal
  - Store the speed bumps during winter months
  - Reinstall the speed bumps after April 15<sup>th</sup> each year
  - Speed bumps become residents' responsibility
- Proposed Speed Bump Installation Process

- Residents contacts Traffic Safety Coordinator (TSC)
- TSC and Engineering review request and calculate cost
- TSC would inform resident of cost via letter; sending out both a petition and agreement form to be completed by requestors
- Residents submit completed petition and payment
- TSC proposed request to City Council
- Residents return signed agreement to maintain speed bumps
- Staff installs speed bumps

Member Housh questioned whether or not it would be realistic to expect residents to remove and reinstall the speed bumps in their alleys. Mr. Houle explained the City's proposed policy had been modeled after the City of Minneapolis who had success with residents removing and re-installing the speed bumps. Mayor Maetzold said he intuitively agreed with Member Housh and added he believed City crews could better maintain the speed bumps. Mr. Houle said there would be a minimal impact upon City crews if staff did the maintenance.

Member Kelly stated he agreed with the Mayor and Member Housh that City crews should maintain the speed bumps.

Riley Kern, 4232 Grand Avenue, one of the Boy Scouts attending the meeting, said he lived in Minneapolis on an alley with speed bumps. Mr. Kern explained his father removed and re-installed the speed bumps on their alley each year and it only took him minutes to accomplish the task.

Council consensus was to modify the proposed policy by having City crews install and maintain speed bumps. **Member Kelly made a motion approving the February 4, 2002, Traffic Safety Staff Review, amending the Alley Speed Bump Policy to include maintenance of speed bumps by the City in Section A:**

**1. Approval of amended 'Alley Speed Bump Policy' for the City of Edina; and Section B and Section C.** Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold.

Motion carried.

**\*ANNUAL APPOINTMENT OF ASSISTANT WEED INSPECTOR APPROVED Motion made by Member Housh and seconded by Member Hovland appointing Vince Cockriel, Park Superintendent, as Assistant Weed Inspector for calendar year 2002.**

Motion carried on a rollcall vote - four ayes.

**ALCOHOL AWARENESS TRAINING UPDATE** Chief Siitari reviewed the Police Department's opinion regarding increasing the alcohol awareness training standard from 75 percent of the wait staff on an annual basis. Mr. Siitari reported that Edina has a very high compliance rate of licensees not making sales to underage patrons. He explained the Police Department conducts four compliance checks each year. During the last compliance check, only one violation occurred. Mr. Siitari stated that for these reasons he would recommend no change to the current requirements for Alcohol Awareness Training.

Member Masica stated she felt Alcohol Awareness Training should be required for 100 percent of wait staff in restaurant twice yearly. She suggested the City hire a private vendor and require licensees attend training on specific dates. Following a brief discussion, consensus of the Council

## Minutes/Edina City Council/February 19, 2002

was to receive further reports from the Police Department relative to licensees' compliance check results, but to leave the Alcohol Awareness Training requirement alone at this time.

**CITY'S REDESIGNED WEBSITE PRESENTED** Communications Coordinator Jennifer Wilkinson gave a brief overview of the City's re-designed website, ci.edina.mn.us. Ms. Wilkinson explained the site has been redesigned to improve navigation and graphic appeal. The new site should be launching March 1, 2002. In an effort to provide a "virtual City Hall" some interactive forms will be launching later this spring. Council stated their approval of the new site design, but asked that banner links to the Chamber of Commerce and Edina Schools be included on the new site.

**RESOLUTION ADOPTED REGARDING MINNEHAHA WATERSHED DISTRICT PROPOSED RULES** Engineer Houle explained that the Minnehaha Watershed District has proposed changes to their rules relating to erosion control, buffers for lakes, wetlands and streams, and storm water management standards. He added the Watershed District began taking comments on February 14, 2002, and will continue doing so until February 21, 2002. Mr. Houle said the proposed changes might have a substantial impact upon several residences within the City of Edina. The proposed rule changes include the following:

- Wetland Buffer Area Required:
  - Adjacent to a wetland, stream, or lake
  - Buffer area to be recorded with county
  - Prohibit mowing, yard waste disposal, and fertilizer applications; and
  - Prohibits impervious surfaces or structures
- Proposed Wetland Buffer Distances:
  - Wetlands up to 1.0 acres - 25 feet
  - Wetlands over 1.0 acres - 50 feet
  - Streamside - 50 feet
  - Lakes - 50 - 100 feet depending on type of lake
- Monumentation required for all dedicated buffer areas:
  - 4" x4" x 42" post
  - Signage
  - Located every 200 feet and on all property lines
- Homeowners required to provide delineation of wetland

Mr. Houle stated that buffers were effective in the right conditions, but not in every situation. He added Edina's current code provides for buffers as they pertain to location of structures within a defined setback from a wetland or lake. Mr. Houle noted that staff had analyzed the affect of the proposed rule changes on residential property owners within the Minnehaha Creek Watershed District and found that most homes adjacent to a wetland, lake, or stream would loose almost their entire backyard to a buffer zone. This would adversely affect the character of the neighborhood along the creek. Mr. Houle continued, stating that questions have been raised whether this constituted a taking of approximately 9,204 acres of land. The legality of this issue was being reviewed. Mr. Houle concluded saying that there were no proven scientific data supporting a certain buffer distance. He urged the Council to adopt a resolution opposing the rule changes. Mr. Houle introduced Andi Moffatt, of WSB & Associates. Ms. Moffatt's firm has been retained by other cities in the Minnehaha Watershed District to assist in opposing the proposed rule changes.

Member Hovland noted his property would be one potentially affected by the proposed rules and he therefore, would be abstaining from any vote or discussion of this issue.

The Council discussed the process the Watershed used to notify residents of proposed rule changes, the legality of some of the proposed rules and the impact on Edina residents. Member Kelly suggested that the City's attorney be directed to draft a letter regarding the legality of the land taking in addition to passing the proposed resolution opposing the rule changes.

**Member Kelly introduced the following resolution and moved its adoption:**

**RESOLUTION NO. 2002-16  
OPPOSING MINNEHAHA CREEK WATERSHED DISTRICT  
PROPOSED RULE CHANGES**

**FOR RULES B, D, N, AND M, AS DATED JANUARY 17, 2002**

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

**Section 1. Recitals.** Minnehaha Creek Watershed District (MCWD) has developed proposed rule changes for MCWD Rules B, D, M, & N and is accepting comments for these proposed rules.

**Section 2. Findings.** The City Council believes:

- Utilization of wetland buffers is a good management practice under some circumstances, but not in all conditions. A fully developed community cannot expect their constituents to adhere to a very restrictive buffer rule. Our current code provides for buffers as they pertain to location of structures from a wetland or lake.
- The City has analyzed this rule change as it affects the residential homes within MCWD and find that most homes that are adjacent to a wetland, lake, or stream would lose almost all of their backyards to a buffer zone. The majority of the homes along the Minnehaha Creek would also be adversely affected by this rule change; this would change the characteristic of the City through this area.
- The Builders' Association of the Twin Cities states that the MCWD with this change would take 9,204 Acres of land. Other cities within the watershed have also raised concerns of "taking of lands" within their city, both private and public lands. The City questions the legality of any taking of any land within the City by the MCWD.
- A 25 to 50 foot buffer does not guarantee better water quality within the wetland or lake. No proven scientific data exists supporting a certain buffer distance for different types of wetlands and or lakes.
- Best management practices can be more effective in protecting wetlands and lakes.
- Land use within the City should be controlled by the City.
- The City strongly believes that we can use a common sense approach to protecting the environment including but not limited to water quality.
- The City is willing to address this issue with the MCWD and all of the Lower Minnehaha Creek Watershed Cities which we all share common similarities.

**Section 3. Opposing Rule Change:** The City opposes the MCWD proposed rule changes for Rules B, D, N, and M, as dated January 17, 2002.

**ADOPTED** this 19<sup>th</sup> day of February, 2002.

Member Masica seconded the motion.

Rollcall: Housh, Kelly, Masica, Maetzold

Abstain: Hovland

Minutes/Edina City Council/February 19, 2002

Resolution adopted.

**CONCERN OF RESIDENT EXPRESSED** Brad Teslow, 4821 West 62<sup>nd</sup> Street, appeared to thank City staff, especially Mr. Houle, for their assistance with an issue Mr. Teslow experience that arose on Presidents Day, February 18, 2002. Mr. Teslow said he appreciated the swift response from staff on a holiday.

**\*CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Hovland seconded the motion approving payment of the following claims as shown in detail on the Check Register dated February 7, 2002, and consisting of 24 pages: General Fund \$1,168,698.46; Communications Fund \$8,382.21; Working Capital Fund \$41,285.65; Construction Fund \$3,179.68; Art Center Fund \$1,113.77; Golf Dome Fund \$426.93; Golf Course Fund \$3,926.73; Ice Arena Fund \$1,100.54; Edinborough/Centennial Lakes Fund \$24,452.73; Liquor Fund \$144,538.51; Utility Fund \$20,756.54; Storm Sewer Fund \$15,936.18; Payroll Fund \$425,000.00; TOTAL \$1,858,797.93; and for approval of payment of claims dated February 13, 2002, and consisting of 37 pages: General Fund \$392,253.38; Communications Fund \$3,855.85; Working Capital Fund \$29,012.63; Art Center Fund \$9,030.31; Golf Dome Fund \$7,293.97; Aquatic Center Fund \$363.44; Golf Course Fund \$42,334.40; Ice Arena Fund \$24,156.63; Edinborough/Centennial Lakes Fund \$23,055.90; Liquor Fund \$178,871.07; Utility Fund \$292,841.15; Storm Sewer Fund \$549.93; Recycling Fund \$30,421.67; TOTAL: \$ 1,034,040.33.

Motion carried on rollcall vote - four ayes.

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

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City Clerk