

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
APRIL 2, 2002
7:00 P.M.**

ROLLCALL Answering rollcall were Members Hovland, Kelly, Masica and Mayor Maetzold. Member Housh was absent. Member Kelly entered the meeting at 7:10 p.m.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Masica approving the Council Consent Agenda as presented with the exception of Item V.F. Change Order No. 1 - Sediment Removal at Wooddale Avenue and Valley View Road (Imp. No. STS-278).

Rollcall:

Ayes: Hovland, Masica, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF MARCH 19, 2002, AND SPECIAL MEETING OF MARCH 18, 2002, APPROVED** Motion made by Member Hovland and seconded by Member Masica approving the Minutes of the Regular Meeting of the Edina City Council for March 19, 2002, and for Special Meeting of March 18, 2002.

Motion carried on rollcall vote - three ayes.

RESOLUTION NO. 2002-34 ADOPTED ORDERING PERMANENT STREET RECONSTRUCTION AND TRAFFIC SIGNALS - WEST 77TH STREET (PENTAGON PARK DRIVEWAY TO PARKLAWN AVENUE) IMPROVEMENT NO. BA-318, TS-25 AND TS-26 Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Presentation

Engineer Houle explained staff had initiated the project in 1998. The Council held a public hearing for the roadway, traffic signals and sidewalk December 21, 1998. The project was ordered at that meeting, but was never constructed. Minnesota Statutes require a new hearing for any improvement project when more than one year elapses between the hearing and bid letting. Mr. Houle said this was the reason another hearing had been scheduled.

Mr. Houle stated West 77th Street was a 42-foot wide four-lane bituminous roadway with concrete curb and gutter on both sides. He said there was a 60-foot right-of-way, however the soil outside the current roadbed would require correction for stability. Mr. Houle reported the average daily traffic along West 77th Street has been between 11,000 to 15,000 vehicles per day, but this was anticipated to increase six percent over the next twenty years.

As described by Mr. Houle, the proposed project would expand West 77th Street east of Highway 100 to Parklawn Avenue from a four-lane to five-lane roadway. The five-lane section would include two through lanes in each direction with a center turn lane to allow left turns into the commercial driveways. The project would also include traffic signals at

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West 77th Street and Computer Avenue and West 77th Street and Parklawn Avenue. In addition a five-foot concrete sidewalk would be installed along the southerly side of West 77th and westerly side of Parklawn. Finally a lannon stone retaining wall would be built along the easterly end on the north side of West 77th where a large grade change happens that prohibits installing sidewalk. Mr. Houle concluded that the public utilities in the area would be analyzed and repaired as necessary.

Mr. Houle stated that right-of-way for the new traffic signals, the roadway expansion, and the sidewalk was in the process of being purchased. Funding for the project would be a combination of municipal state aids and special assessments. He said the total project cost was estimated at \$2,260,600 with an estimated \$315,000 coming from special assessments.

Member Masica asked how easements were negotiated and what would happen if an easement could not be obtained. She also asked for a breakdown of the percentage of the project funded out of MSA funds, special assessments, and the utility fund. Mr. Houle explained the City had retained Evergreen and Associates to negotiate the needed easements for their improvement projects. He stated that if an easement could not be obtained by negotiating, the City could use the Quick Take process and proceed to condemnation. The Quick Take process limits delay and allows an improvement to move forward while the condemnation was sorted out. He reiterated that approximately 1.9 million dollars of the project would be funded from the City's MSA fund with special assessments making up the remaining \$315,000. He added that he did not anticipate a large amount of utility repair or relocation.

Member Hovland noted that some property owners had expressed concern regarding drainage. Mr. Houle explained that the City policy has been to hold public water on public property. After the improvement installing new curb, gutter and driveway aprons any public water running onto private land should be eliminated. In addition, the City intends to aid property owners by installing storm sewer lines in some areas allowing owners to hook up to them which should take care of internal drainage problems.

Public Comment

Jim Montenbano, 1901 Hartford Avenue, St. Paul, representing 4700 West 77th Street, Edina Corporate Center, asked several questions regarding the project. He wanted to know, 1) how the improvement would affect the Edina Corporate Center property, 2) if any signals would be moved or changed with the addition of the signal at West 77th and Computer Avenue, 3) would his building or sign require a setback variance and, 4) if a variance were required who would be responsible for variance costs. Mr. Montenbano also asked who would be responsible for landscaping or sod replacement. Finally, Mr. Montenbano asked if the City would please work with them if a variance would be needed. Mr. Houle explained that both the north and south lines of W 77th Street would be moved eight feet with sidewalk installed on the south side of the roadway. He said the signals at Computer and Parklawn would be tied together, but the signal on the frontage road was tied to a different signal system to the west. He noted if the additional right-of-way put the sign and building into non-conforming use, nothing would happen unless a substantial reconstruction of the sign or building were

planned which would necessitate applying for a variance at the owner's expense. Mr. Houle added staff always works with owners.

Member Hovland made a motion closing the public hearing. Member Kelly seconded the motion.

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

Member Kelly introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-34
ORDERING STREET IMPROVEMENT
NOS. BA-318 WEST 77TH STREET
TS-25 TRAFFIC SIGNAL COMPUTER & W 77TH &
TS-26 TRAFFIC SIGNAL AT PARKLAWN & W 77TH**

WHEREAS, the Edina City Council on the 4th day of March 2002, fixed a date for a Council hearing on the proposed street reconstruction, Improvement Nos. BA-318, TS-25 and TS-26; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 2nd day of April 2002, for Improvement Nos. BA-318, TS-25 and TS-26 reconstructing West 77th Street from Pentagon Park Driveway to Parklawn Avenue and install traffic signals at W 77th & Computer Drive and W 77th & Parklawn at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement Project Nos. BA-318, TS-25 and TS-26 reconstructing West 77th Street from Pentagon Park Driveway to Parklawn Avenue and install traffic signals at W 77th & Computer Drive and W 77th & Parklawn.

BE IT FURTHER RESOLVED that Improvement Nos. BA-318, TS-25 and TS-26 reconstructing West 77th Street from Pentagon Park Driveway to Parklawn Avenue and install traffic signals at W 77th & Computer Drive and W 77th & Parklawn is hereby ordered as proposed.

BE IT FURTHER RESOLVED that the City Engineer is hereby designated as the engineer for this improvement. The engineer shall cause plans and specifications to be prepared for the making of such improvement.

Passed and adopted this 2nd day of April 2002.

Member Hovland seconded the motion.

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

**RESOLUTION NO. 2002-35 ADOPTED ORDERING INTERSECTION IMPROVEMENTS
- VALLEY VIEW ROAD AND WEST 65TH STREET - IMPROVEMENT NOS. BA-323
AND TS-34** Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Presentation

Mr. Houle explained that this project was initiated in May 2000 as part of the development plan for Fairview Southdale Hospital. He noted that signed agreements supporting the project were on file from Fairview Health Services and Fairview Southdale Physicians Ltd.

Mr. Houle explained that this was second phase of a two-phase approach to the roadway improvements in this area. Phase One included the Drew Avenue expansion and the resurfacing of West 65th Street between France Avenue and Valley View Road, which was completed in 2001. Phase Two would include reconstructing the existing roadway from eastbound TH62 to Valley View Road, removing the existing raised median on Valley View Road at West 65th Street and reconstructing the West 65th Street and Valley View Road intersection. Traffic signals will be installed at the intersections of Valley View Road and West 65th Street; and Valley View Road and the TH62 westbound on-ramp. Concrete sidewalks will be reconstructed along the easterly side of Valley View Road between the two intersections and a sidewalk will also be connected to the existing sidewalk along the northerly side of West 65th Street. Mr. Houle stated it was hoped this improvement would relieve the TH62 and France Avenue interchange traffic. He said that the reason this project needed to be heard again was because the TH62 and Valley View Road interchange modifications required MnDOT approval and the time it has taken to obtain the approvals necessitated a second public improvement hearing.

Mr. Houle stated that the total estimated project cost was \$1,389,000. Financing of the costs will be a combination of special assessments of approximately \$0.29 per square foot of gross floor building area for about \$275,980 with the remaining dollars coming from the City's MSA funds, noting that any utility repairs would be made from the utility fund.

Member Masica asked what type of wetland mitigation was required and how much traffic mitigation on France would result from the project. Mr. Houle explained that typically wetland mitigation requires a two for one replacement, but since less than .1 acre was being taken for the roadway improvement, the City was being required to replace wetland on a one for one basis. He added that the goal of the improvement was to substantially limit the traffic on France Avenue and redirect it.

Member Hovland asked if the cost of the signals had been broken out and if the assessment rate had been agreed upon before the hospital project begun. Mr. Houle replied that the signal costs were included in the whole project cost and not broken out and yes, the hospital had agreed to the assessment rate before beginning their project.

No public comment was heard.

Member Masica made a motion closing the public hearing. Member Kelly seconded the motion.

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

Member Hovland introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-35
ORDERING STREET IMPROVEMENT
NOS. BA-323 WEST 65TH STREET AND
TS-34 TRAFFIC SIGNAL VALLEY VIEW RD & W 65TH**

WHEREAS, the Edina City Council on the 4th day of March 2002, fixed a date for a Council hearing on the proposed street reconstruction, Improvement Nos. BA-323, and TS-34; and WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 2nd day of April 2002, for Improvement Nos. BA-323, and TS-34 reconstructing the exit from eastbound TH62 to Valley View Road, removing the existing raised median on Valley View Road at West 65th Street and reconstructing the West 65th Street and Valley View Road intersection; and install traffic signals at W 65th & Valley View Road and Valley View Road and the TH62 westbound on-ramp at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement Project Nos. BA-323, and TS-34 reconstructing the exit from eastbound TH62 to Valley View Road, removing the existing raised median on Valley View Road at West 65th Street and reconstructing the West 65th Street and Valley View Road intersection; and install traffic signals at W 65th & Valley View Road and Valley View Road and the TH62 westbound on-ramp.

BE IT FURTHER RESOLVED that Improvement Nos. BA-323, and TS-34 reconstructing the exit from eastbound TH62 to Valley View Road, removing the existing raised median on Valley View Road at West 65th Street and reconstructing the West 65th Street and Valley View Road intersection; and install traffic signals at W 65th & Valley View Road and Valley View Road and the TH62 westbound on-ramp are hereby ordered as proposed.

BE IT FURTHER RESOLVED that the City Engineer is hereby designated as the engineer for this improvement. The engineer shall cause plans and specifications to be prepared for the making of such improvement.

Passed and adopted this 2nd day of April 2002.

Member Kelly seconded the motion.

Rollcall:

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

RESOLUTION NO. 2002-36 ADOPTED ORDERING TRAFFIC SIGNAL CONTROL SYSTEM - WEST 76TH STREET AND EDINBOROUGH WAY IMPROVEMENT NO. TS-27 Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Presentation

Mr. Houle said staff initiated this signal improvement in 1999. Several hearings were held and continued until the project was authorized August 17, 1999. The project was originally proposed to be assessed to the neighboring town homes, cooperatives, and offices. However, after much debate the 1999 resolution called for special assessments to be placed against only the adjacent office buildings. Mr. Houle explained this improvement was a safety improvement that benefited nearby properties using the intersection for access to their area.

Mr. Houle noted the project would install a traffic signal at the Edinborough Way and West 76th Street intersection. He noted the proposed signal was not part of the master plan for Centennial Lakes. After Edinborough Town Homes and Centennial Lakes Town Homes residents have requested the signal. However, the signal was not warranted until the addition of Centennial Lakes Office Buildings 3 and 4. Mr. Houle stated the signal would not enhance traffic flow along West 76th Street. He said West 76th Street was a major planned arterial roadway running parallel to I-494. It was meant to serve intra-community and nearby community non-freeway trips. Mr. Houle stated that Edina along with Bloomington, Richfield and the Minnesota Department of Transportation participate in the Integrated Corridor Management System (ICTM) of I-494.

Mr. Houle said the total project cost was estimated to be \$190,000 with \$95,000 coming from MSA funds and \$95,000 specially assessed against Lots 1 and 2, Block 1, South Edina Development Fourth Addition.

Member Masica asked how it was determined what should be paid for by MSA and what would be specially assessed. Mr. Houle explained that in this case two legs of the intersection were on a MSA designated street and two were on a local street so the cost split was clear.

No public comment was heard.

Member Kelly made a motion closing the public hearing. Member Hovland seconded the motion.

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

Member Kelly introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-36
ORDERING TRAFFIC SIGNAL
IMPROVEMENT NO. TS-27**

WEST 76TH STREET AND EDINBOROUGH WAY

WHEREAS, the Edina City Council on the 4th day of March 2002, fixed a date for a Council hearing on the proposed traffic signal, Improvement No. TS-27 installing traffic signals West 76th Street and Edinborough Way; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 2nd day of April 2002, for Improvement No. TS-27 installing traffic signals West 76th Street and Edinborough Way at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement Project No. TS-27 installing traffic signals at West 76th Street and Edinborough Way

BE IT FURTHER RESOLVED that Improvement No. TS-27 installing traffic signals at West 76th Street and Edinborough Way is hereby ordered as proposed.

BE IT FURTHER RESOLVED that the City Engineer is hereby designated as the engineer for this improvement. The engineer shall cause plans and specifications to be prepared for the making of such improvement.

Passed and adopted this 2nd day of April 2002.

Member Masica seconded the motion.

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

*HEARING DATE SET OF APRIL 16, 2002, FOR PRELIMINARY PLAT APPROVAL FOR DEAN CARLSON /HOMES BY MICHELLE (7204 SHANNON DRIVE AND 5905 LEE VALLEY ROAD) Motion made by Member Hovland and seconded by Member Masica setting April 16, 2002, as hearing date for Preliminary Plat approval for Dean Carlson/Homes by Michelle (7204 Shannon Drive and 5905 Lee Valley Road).

Motion carried on rollcall vote - three ayes.

*BID AWARDED FOR COMMODITIES PURCHASE FOR PUBLIC WORKS Motion made by Member Hovland and seconded by Member Masica approving the award of bid for sand, rock, bituminous materials, concrete, propane, engine oil and water treatment chemicals for period of April 1, 2002 to March 31, 2003, to recommended low bidders as follows: Coarse Sand (delivered) to SA-AG at \$4.98 per ton; CL.2 Limestone (delivered) to Bryan Rock at \$9.87 per ton; FA-2 Seal Coat Chips (delivered) to Dresser Trap Rock at \$25.10 per ton; *Asphalt 2331 Base Type 31 or 32 (picked up at plant) at \$23.00 per ton or (delivered) at \$28.50 per ton to Bituminous Roadways; *Asphalt 2331 (alternate) (picked up at plant) at \$24.50 per ton or (delivered) at \$28.50 per ton to Midwest Asphalt; *Asphalt 2331 Base Type 41 or 42 (picked up at plant) at \$24.00 per ton or (delivered) at \$29.50 per ton to Bituminous Roadways; *Asphalt 2331 (alternate) (picked up at plant) at \$25.80 per ton or (delivered) \$28.50 per ton to Midwest Asphalt; *Asphalt 2331 Wear Type 41 or 42 (picked up at plant) \$23.00 per ton or (delivered) at \$28.50 per ton to Bituminous Roadways; *Asphalt 2331 (alternate)(picked up at plant) at \$24.75 per ton or (delivered) at \$28.50 per ton to Midwest Asphalt; *Asphalt 2331 Wear Type 31 or 32 (picked up at plant) at \$24.00 per ton or (delivered) at \$29.50 to Bituminous Roadways; *Asphalt 2331 (alternate) (picked up at plant) at \$25.50 per ton or (delivered) at \$28.50 per ton to Midwest Asphalt; Delivered Concrete - 3 plus yards (delivered) at \$76.00 per cubic yard to Agg. Ind./Eagan; Emulsified Asphalt CRS2 to Marathon Ashland Petroleum at \$0.7000 per gallon; Emulsified Tack Oil to Koch Pavement Solutions at \$0.7869 per gallon; Rubberized Crack Filler to Brock White at \$0.282 per pound; Manhole Covers (3 products) to Neenah Foundry at \$465.00 each; Engine Oil 15/40 to Hallman Oil at \$3.89 per gallon; Engine Oil 5W/30 to

Hallman Oil at \$3.89 per gallon; Red Ball Aggregate to Bryan Rock at \$13.37 per ton; Lannon Stone Wall Repair to Bjork Stone at \$12.00 per square foot; Water Treatment Additives to D.P.C. Industries, Inc., at \$43.37 per gallon; Caustic Soda to Hawkins Chemical at \$38.00 per CWT.

(*These items are awarded on the basis of total cost per ton including trucking and labor, and past year's performance.)

Motion carried on rollcall vote - three ayes.

***BID AWARDED FOR WATER METERS - UTILITY DEPARTMENT Motion made by Member Hovland and seconded by Member Masica for award of bid for water meters to sole source, Hydro Supply Company at \$28,903.63.**

Motion carried on rollcall vote - three ayes.

***BID AWARDED FOR TENNIS COURT RENOVATION FOR WALNUT RIDGE PARK Motion made by Member Hovland and seconded by Member Masica for award of bid for tennis court renovation for Walnut Ridge Park to recommended low bidder, F.M. Frattalone, Inc., at \$64,400.00.**

Motion carried on rollcall vote - three ayes.

ASBESTOS ABATEMENT APPROVED FOR 4701 WEST 50TH STREET Mr. Anderson explained that the Edina Community Library building had asbestos on the roof joists requiring removal before the building could be remodeled or demolished. The City's consultant, Braun Interec's estimate for asbestos removal was \$130,000, however the low bid came in from Dennis Environmental at \$68,420. Mr. Anderson said Dennis Environmental has been checked out and was a responsible bidder. Staff recommended award of the bid as presented. **Member Masica made a motion to award the bid for asbestos abatement at the Edina Community Library building to recommended low bidder, Dennis Environmental, at \$68,420.00. Member Hovland seconded the motion.**

Ayes: Hovland, Masica, Maetzold

Motion carried.

PRESENTATION BY METROPOLITAN COUNCIL FAMILY AFFORDABLE HOUSING PROGRAM REPRESENTATIVE Cecile Bedor of the Metropolitan Council updated the Council on the status of the Affordable Housing Program that Edina supported with Community Development Block Grant Funds. Ms. Bedor explained that at this point only three homes had been purchased in Edina. One of the three homes has had renovations completed and the family moved in approximately four months ago. Ms. Bedor reported the family was doing very well in their new environment and were most appreciative of the home. Two other homes have been purchased and will be renovated in the near future. There were funds set aside to purchase twenty more homes in Edina. The challenge in Edina has been to find "affordable" homes. Ms. Bedor said many of Edina's condominiums fit the affordability guidelines for purchase, but not for monthly association fees. She said it was hoped that the remaining homes would be purchased by mid summer of 2002. Renovations would take place later in the year. Council briefly discussed the various definitions placed upon "affordable housing".

***RESOLUTION NO. 2002-37, SPECIAL TRAFFIC SAFETY REPORT OF MARCH 27, 2002, APPROVED** Motion made by Member Hovland and seconded by Member Masica approving the following resolution:

**RESOLUTION NO. 2002-37
A RESOLUTION APPROVING
REMOVAL OF TRAFFIC CONTROL SIGN AT
WEST 50TH STREET AND FRANCE AVENUE (CSAH 17)**

WHEREAS, the City of Edina, the City of Minneapolis, and Hennepin County have been working together to develop an improved traffic flow plan at the West 50th Street and France Avenue area; and

WHEREAS, the proposed plan had included a “No Right Turn” restriction at southbound France Avenue and West 50th Street.; and

WHEREAS, the City of Edina and the City of Minneapolis would like this “No Right Turn” restriction removed by Hennepin County.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that the “No Right Turn” restriction at southbound France Avenue be removed as soon as possible.

ADOPTED this 2nd day of April 2002.

Motion carried on rollcall vote - three ayes.

EDINA COMMUNITY HEALTH COMMITTEE APPOINTMENT Mayor Maetzold requested endorsement of his recommendation to appoint Tolu Oyelowo-Lee to the Edina Community Health Committee.

Mayor Maetzold made a motion to appoint Tolu Oyelowo-Lee to fill the vacancy on the Edina Community Health Committee for term to February 1, 2004. Member Masica seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

PUBLIC HEARING HELD - APPROVAL GRANTED FOR THE CHEESECAKE FACTORY INTOXICATING ON-SALE AND SUNDAY SALE LIQUOR LICENSES Mr.

Anderson explained that Edina Code requires the Council to hold a public hearing to consider the issuance of any new on-sale intoxicating liquor license. He stated the Cheese Cake Factory Inc. had completed the application process successfully with reviews completed by: Administration, Health, Planning and a background check by the Edina Police Department. Member Masica asked whom the parent company was that owned The Cheesecake Factory. The Cheesecake Factory, General Manager, Kevin Armantrout explained his company was a publicly held corporation with 53 locations nationally. He said the restaurant at Southdale would be their first Minnesota restaurant. Mr. Armantrout said The Cheesecake Factory has over 200 items on their menu.

No public comment was received.

Member Hovland made a motion closing the public hearing. Member Kelly seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Hovland made a motion granting approval of intoxicating on-sale and Sunday sale liquor licenses for The Cheesecake Factory. Member Kelly seconded the motion.

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

Mr. Armantrout thanked the Council and presented samples of cheesecake to all present.

LOCAL REDISTRICTING ELECTION PRECINCT BOUNDARIES REVIEWED Mr. Anderson explained that the City Clerk had prepared maps proposing some precinct boundaries changes that would bring Edina's precinct boundaries into alignment with the newly drawn legislative line. Council briefly discussed the new legislative lines and methods of notifying affected citizens such as personal notices and articles in the *About Town* or *Edina Sun Current*. Clerk Mangen stated that Hennepin County planned to notify all Hennepin County registered voters when redistricting was completed in the early summer. She said that Edina could easily notify the residents of the four affected precincts with a special mailing in late July or early August. Consensus of the Council was to move forward with the process.

CHANGE ORDER NO. 1 APPROVED FOR SEDIMENT REMOVAL AT WOODDALE AVENUE AND VALLEY VIEW ROAD (IMP. NO. STS-278) Member Masica said she removed this item from the consent agenda to find out more information on the location of the pond with the sediment. Mr. Houle showed a picture of the pond located near the Wooddale and Valley View Road intersection. He pointed out the bed of cattails that has been impeding drainage and explained that this was what would be partially removed. The entire bed cannot be removed because the DNR would not allow that to be done. **Member Masica made a motion to approve Change Order No. 1 for sediment removal at Wooddale Avenue and Valley View Road (Improvement No. STS-278).** Member Hovland seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

ROSTER ENVIRONMENTAL REPORT PRESENTED Assistant Manager Anderson informed the Council on February 5, 2002, the City entered into a settlement agreement with Robert M. Roster and Marian E. Roster with respect to the City's purchase of the Roster Service Station located at 4416 Valley View Road. The City was allowed 60 days to conduct environmental investigations on the property under the agreement. The City was allowed an additional 15 days to give notice of its intent to close on the property following the investigation. The 60-day period ends April 6, 2002 and the subsequent period ends April 21, 2002.

Following execution of the agreement, the City retained the services of Liesch Associates, Inc., to conduct the environmental investigations. Based upon Liesch's assessment, no

recognized environmental conditions were identified. Items outlined in Liesch's report follow:

1. In 1999 fuel storage tanks were replaced and the site placed on the L.U.S.T. database (i.e. leaking underground storage tank). A closure request will have to be pursued by the City but it was not anticipated to be a major undertaking.
2. Acquisition of the property would include all improvements, requiring building demolition, removal of fuel tanks and disposal of materials. Liesch's investigation indicated the presence of asbestos, which must be removed and disposed of properly.

Mr. Anderson concluded that the analysis of the site was not characterized by unusual conditions. Issues with the demolition were anticipated. Staff recommended proceeding with the closing.

Member Hovland voiced concern with the potential costs related to hazardous material removal and suggested re-negotiating with Mr. Roster. Mr. Anderson responded that reaching the settlement agreement had been a contentious process. He noted there was approximately \$700,000 left in the Cahill TIF district that would be depleted if condemnation were considered. Mr. Hovland asked if Mr. Roster could be asked to clean up the site. Mr. Anderson again said that it took thirteen months to reach this settlement agreement that was being presented.

Member Masica commented it appeared the City was lucky to have reached the agreement. Mr. Anderson reported receiving recently positive inquiries for development of the property. Member Hovland acknowledged the underlying reason for the City acquiring the property was to remove the blight.

Member Masica made a motion approving the City of Edina's purchase and authorizing the closing of the Roster property at 4416 Valley View Road. Member Hovland seconded the motion.

Ayes: Hovland, Masica, Maetzold

Nays: Kelly

Motion carried.

PAPERLESS AGENDA REPORT PRESENTED Mr. Anderson said that after the Council requested information the City Clerk had researched how various cities employed a paperless agenda. He reported the Clerk's findings that at this time cities using a paperless agenda still produce paper copies of large plan drawings and a paper public copy of their agenda packet. The Council discussed the pros and cons of moving to a paperless agenda and directed staff to make sure any future Council table was designed to allow a move in this direction once technology advanced enough to improve the efficiency of this format.

2002 LOCAL 320 (POLICE) LABOR AGREEMENT APPROVED Mr. Anderson explained that the City and the Local 320 Union, representing the Police Officers, have agreed to a negotiated settlement for year 2002.

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Member Masica made a motion approving the 2002 Local 320 Police Labor Agreement as presented. Member Kelly seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Motion carried.

***CONFIRMATION OF CLAIMS PAID** 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 March 21, 2002, and consisting of 25 pages: General Fund \$180,711.31; CDBG Fund \$37.00; Communications Fund \$4,463.43; Working Capital Fund \$4,982.61; Construction Fund \$89,300.51; Art Center Fund \$1,944.52; Golf Dome Fund \$2,975.02; Aquatic Center Fund \$1,480.71; Golf Course Fund \$21,041.11; Ice Arena Fund \$13,760.01; Edinborough/Centennial Lakes Fund \$12,006.38; Liquor Fund \$275,013.89; Utility Fund \$36,880.97; Storm Sewer Fund \$22,056.19; Payroll Fund \$400,000.00; TOTAL \$1,066,653.66; and for approval of payment of claims dated March 28, 2002, and consisting of 33 pages: General Fund \$285,884.28; CDBG Fund \$40.50; Communications Fund \$6,357.16; Working Capital Fund \$117,130.06; Construction Fund \$4,856.50; Art Center Fund \$12,515.28; Golf Dome Fund \$1,000.00; Aquatic Center Fund \$301,702.59; Golf Course Fund \$20,989.39; Ice Arena Fund \$1,323.29; Edinborough/Centennial Lakes \$6,420.13; Liquor Fund \$160,127.05; Utility Fund \$22,132.09; Storm Sewer Fund \$12,386.70; Recycling Fund \$20.00; TOTAL \$952,885.02.

Motion carried on rollcall vote - three ayes.

There being no further business on the Council Agenda Mayor Maetzold declared the meeting adjourned at 8:30 P.M.

City Clerk