

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 18, 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 Masica and seconded by Member Hovland approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 53 - COMMENDING THE 2001 STATE BOYS' SOCCER CHAMPIONSHIP

Mayor Maetzold commended the 2001 State Boys' Soccer Team for their highly successful season.

Member Housh introduced the following Resolution and moved its adoption:

**RESOLUTION NO. 53
COMMENDING THE
EDINA HIGH SCHOOL
2001 BOYS' SOCCER TEAM**

WHEREAS, the members of the Edina High School 2001 Boys' Soccer Team were Champions of the Classic Lake Conference, Section Champions and State Champions; and

WHEREAS, success has come to the members of the Team because of their extraordinary ability, hours of practice and the leadership of their coaches; and

WHEREAS, as representatives of the City of Edina, the members of the Team exemplified the highest standards of athletic proficiency and good sportsmanship.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that congratulations be extended to the members of the Team:

Patrick Cronan	Erik Anderson	Kristoffer Shideman
Alexander Darbut	Nicolas Horns	Aaron Witchger
Robert Guelich	Pete Jorgensen	Ben Kachan
Philip Johnson	Peter Kostroski	Grant Stegner
Perek Lundquist	Erik Lund	Kevin Friede
Maurice Novack	Neil Nelson	Chace Johnson
Eric Snover	Joshua Reber	David Jenson, Coach
Chris York	Anthony Ruben	Bill Garner, Ass't. Coach

BE IT FURTHER RESOLVED that this resolution be recorded in the Minutes of the Edina City Council and that copies be given to members of the Team.

ADOPTED this 18th day of June, 2002. Member Masica seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 54 - COMMENDING THE 2002 STATE BOYS' TENNIS CHAMPIONSHIP TEAM Mayor Maetzold commended the 2002 State Boys' Tennis Championship team for their extraordinary tennis season.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION NO. 54

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**COMMENDING THE
EDINA HIGH SCHOOL
2002 BOYS' TENNIS TEAM**

WHEREAS, the members of the Edina High School 2002 Boys' Tennis Team were Champions of the Classic Lake Conference, Section Champions and State Champions; and

WHEREAS, success has come to the members of the Team and individual players because of their extraordinary ability, hours of practice and the leadership of their coaches; and

WHEREAS, as representatives of the City of Edina, the members of the Team and individual players exemplified the highest standards of athletic proficiency and good sportsmanship.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that congratulations be extended to the members of the Team:

Chris Batdorf

Roy Bryan

Stephen Chen

Michael Krasno

Gavin Lee

David Shapiro

Adi Zhuravel

Andrew Hurwitz

Scott Leininger

Jeffrey Peterson

Charles Seltzer

Andrew Bryan

Reid Mason

Christopher Sherman

Gary Aasen, Coach

Greg Grosz, Assistant Coach

AND BE IT FURTHER RESOLVED that this resolution be recorded in the Minutes of the Edina City Council and that copies be given to all the members of the Team.

ADOPTED this 18th day of June, 2002. Member Masica seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RECOGNITION - LAW ENFORCEMENT EXPLORER Mayor Maetzold recognized the outstanding performance of the Edina and Eden Prairie Law Enforcement Explorer Post 925 in their recent competition in winning four first place and two fifth place trophies in various events.

***MINUTES OF THE REGULAR MEETING OF JUNE 4, 2002** Motion made by Member Masica and seconded by Member Hovland approving the Minutes of the Regular Meeting of the Edina City Council for June 4, 2002.

Motion carried on rollcall vote - five ayes.

ORDINANCE AMENDMENT NO. 2002-03 - HERITAGE PRESERVATION ORDINANCE AMENDMENTS APPROVED Planner Larsen noted the Council at its June 4, 2002, meeting granted first reading to the ordinance amending the City's Heritage Preservation Code. He added the recommended changes had been made deleting the definition of "alteration" and changing the "Voting Members" section of the ordinance to include the Student member and the member from the Planning Commission.

No public comment was heard.

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

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Hovland introduced the following ordinance and moved second reading:

EDINA ORDINANCE NO. 2002-3

An Ordinance Replacing Section 800 Heritage Preservation Board with new Section 801 Heritage Preservation Board and Amending Section 850.20

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. Section 800 of the Edina City Code is hereby repealed in its entirety.

Section 2. The City Code is amended by adding a new Section 801 as follows:

“CHAPTER 8. LAND USE, PLATTING AND ZONING

Section 801 - Heritage Preservation

801.01 Policy and Establishment. The City Council finds that historically significant buildings, sites, structures, objects and districts represent scarce, non-renewable heritage resources that are critical assets for community development; that heritage preservation is an important public service and a legitimate responsibility of City government; and that the preservation, protection and enhancement of significant heritage resources for the benefit of present and future citizens is a public necessity. Therefore, pursuant to Minnesota Statutes §471.193, the City Council continues the Heritage Preservation Board (the “Board”) as the City’s heritage preservation commission.

801.02 Purpose. The Board shall assist and advise the City Council, City Manager, and other City boards and commissions on all matters relating to heritage resource preservation, protection and enhancement. The Board shall safeguard the significant heritage resources of the City by identifying significant heritage resources and nominating them for designation by the City Council as Edina Heritage Landmarks; by developing and maintaining a comprehensive preservation plan; by reviewing applications for City permits in relation to properties designated as Edina Heritage Landmarks; and by encouraging the preservation, rehabilitation, restoration, and reconstruction of significant heritage resources through public education.

801.03 Definitions. Unless otherwise stated, or unless the context clearly indicates a different meaning, the words or phrases in the following list of definitions shall, for the purposes of this chapter, have the meanings indicated:

Certificate of Appropriateness. A certificate issued by the City Planner and attached to a City permit evidencing compliance with the City’s comprehensive heritage preservation plan.

City Planner. The member of the City staff responsible for zoning administration.

Comprehensive Heritage Preservation Plan. The official guideplan for implementing the City’s heritage resource preservation policies, adopted by the City Council, that establishes goals and priorities and integrates heritage preservation with other planning data.

Edina Heritage Landmark. Any heritage resource so designated by the City Council that is significant in history, architecture, archeology, or culture and therefore worthy of preservation and consideration in City planning.

Evaluation. The process of determining whether identified heritage resources meet defined criteria of historical, architectural, archeological, or cultural significance.

Heritage Preservation Board. The heritage preservation advisory commission appointed by the City Council.

Heritage Resource. Any prehistoric or historic building, site, structure, object or district that has historical, architectural, archeological, or cultural value to the citizens of Edina, the State of Minnesota, or the United States.

Preservation. The act or process of applying measures to sustain the existing form, structure, integrity, and material of a heritage resource.

Reconstruction. The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object as it appeared during a specific period of time.

Rehabilitation. The act or process of returning a heritage resource to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, archeological, or cultural values.

Restoration. The act or process of accurately recovering the form and details of a heritage resource and its setting as it appeared at a particular period of time by means of removal or later work or by the replacement of missing historic features.

Significance. The heritage preservation value of buildings, sites, structures, objects, and districts that are linked to important historical events or persons, or that represent notable expressions of architecture or engineering, or that have yielded important information about prehistory or history.

Survey. The physical search for and recording of heritage resources that results in an inventory of buildings, sites, structures, objects and districts worthy of consideration in City planning.

801.04 Duties and Responsibilities. The Board shall:

Subd. 1 Advise the City Council, City Manager, and other City boards and commissions and provide leadership for implementing the heritage preservation chapter.

Subd. 2 Develop and maintain a comprehensive plan for heritage resource preservation to ensure that community development policies and decisions respect the City's heritage and promote stewardship of heritage resources.

Subd. 3 Conduct an ongoing survey of historic buildings, sites, structures, objects, and districts and maintain an inventory of the heritage resources in the City.

Subd. 4 Conduct evaluations to determine the eligibility of heritage resources for designation as Edina Heritage Landmarks.

Subd. 5 Nominate heritage resources for designation as Edina Heritage Landmarks by the City Council.

Subd. 6 Review City permit applications in relation to Edina Heritage Landmarks and make recommendations to the City Planner with respect to issuance of certificates of appropriateness.

Subd. 7 Review and make recommendations to the Planning Commission on development projects that affect properties designated heritage landmarks or determined eligible for designation as heritage landmarks.

Subd. 8 Inform and educate citizens about the City's heritage and the benefits of preservation.

Subd. 9 Develop regulatory and incentive programs that facilitate heritage preservation.

Subd. 10 Adopt rules of procedure, subject to City Council approval, to guide the Board's deliberations.

Subd. 11 Prepare an annual report to the City Council, describing the Board's accomplishments during the past year and presenting goals and objectives for the coming year.

801.05. Membership.

Subd. 1 Voting Members. The Board shall consist of nine (9) voting members. Seven (7) members shall be adult legal residents of the City appointed by the Council to three (3) year terms of office. Members shall have a demonstrated interest, knowledge, ability or expertise in heritage preservation. If available, at least one (1) member shall be a qualified professional historian, architect, architectural historian, archeologist, planner, or the owner of a heritage landmark property. One (1) member of the Board shall be appointed annually from the Planning Commission. The Council shall annually appoint one (1) student to serve on the Board as a voting member. Members of the Board shall serve without compensation and may resign voluntarily or be removed by majority vote of the Council or pursuant to Section 180 of this Code. Members who discontinue legal residency in the City shall be automatically considered to have resigned from office effective as of the date of such discontinuance. Upon termination of a voting member's term, that member's successor shall be appointed for the remainder of such term.

Subd. 2. Edina Historical Society Membership. A member of the Board shall be a member of the Edina Historical Society.

Subd. 3 County Historical Society Membership. A member of the Board shall be a member of the Hennepin County Historical Society.

801.06. Organization. The Board shall:

Subd. 1 Elect from its members a chairperson and an associate chairperson, each of whom shall serve for a period of one year.

Subd. 2 Adopt such bylaws and rules of procedure as shall be necessary or desirable for the conduct of its business.

Subd. 3 Appoint a secretary from its membership or request assignment of a staff secretary to be furnished by the City. If a secretary is assigned by the City, the secretary shall perform only such clerical duties on behalf of the Board as may be assigned by the chairperson with the consent of the City Manager.

801.07. Professional Staff. The City Manager shall provide the Board with professional staff with expertise in heritage preservation.

801.08. Meetings. All meetings of the Board shall be open to the public and be governed by its rules of procedure. The Board shall hold its regular meetings on such fixed date and in such

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fixed place as it from time to time shall determine, with special meetings at the call of the chairperson. The minutes of all meetings shall be recorded in writing and a copy of the minutes transmitted to each member of the Council.

801.09. Repository for Documents. The office of the City Manager shall be the repository for all minutes, reports, studies, plans and other official documents produced by the Board."

Section 3. Section 850.20 of the Edina Code of Ordinances shall be amended to read as follows:

"850.20 Edina Heritage Landmarks

Subd. 1 Purpose. The zoning classification of Edina Heritage Landmark is established to promote the preservation, protection and use of significant heritage resources in the City. Heritage landmarks shall be nominated by the Board and designated by Council resolution.

Subd. 2 Eligibility Criteria. The following criteria will guide the Board and the Council in evaluating potential heritage landmark designations:

- A. The quality of significance in history, architecture, archeology, and culture present in buildings, sites, structures, objects and districts that reflects:
 1. Association with important events or patterns of events that reflect significant broad patterns in local history; or
 2. Association with the lives of historically significant persons or groups significant; or
 3. Embodiment of the distinctive characteristics of an architectural style, design, period, type, or method of construction; or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 4. Important archeological data or the potential to yield important archeological data.
- B. The retention of specific aspects of historical integrity, including location, design, setting, materials, workmanship, feeling, and association, that convey significance as a heritage resource worthy of preservation.

Subd. 3 Determination Of Eligibility. The Board shall review the inventory of heritage resources and evaluate the significance of all properties identified by survey. If it determines that a surveyed heritage resource appears to meet at least one of the heritage landmark eligibility criteria, the Board may by majority vote issue a determination of eligibility for planning purposes.

Subd. 4 Nomination Of A Heritage Landmark. Nomination of a property to be considered for designation as an Edina Heritage Landmark shall be submitted to the Council by the Board. Each nomination shall be accompanied by a heritage landmark nomination study prepared by the City Planner. This study shall:

- A. Identify and describe in detail the heritage resource being nominated;
- B. Explain how the property meets one or more of the heritage landmark eligibility criteria;
- C. Make the case for historical significance and integrity; and

- D. Recommend a plan of treatment for the heritage resource, with guidelines for design review and specific recommendations for preservation, rehabilitation, restoration, and reconstruction as appropriate.

The study shall be accompanied by a map that clearly locates the property, a detailed plan of the nominated heritage resource, and archival quality photographs that document significant features of the building, site, structure, object, or district.

Subd. 5 State Historic Preservation Office Review. The City Planner shall submit all heritage landmark nominations to the state historic preservation officer for review and comment within sixty (60) days.

Subd. 6 Planning Commission Review. The City Planner shall submit all heritage landmark nominations to the City Planning Commission for review and recommendations prior to any Council action.

Subd. 7 Public Hearing. On receipt of the heritage landmark nomination, documents and the comments of the state historic preservation office and the City Planning Commission, the Council shall hold a public hearing to consider the proposed landmark designation.

Subd. 8 City Council Designation. The Council may designate a property as an Edina Heritage Landmark by resolution.

Subd. 9 Designation Of Heritage Landmarks On Zoning Map. The Planning Commission shall place all designated heritage landmarks on the official City-zoning map.

Subd. 10 Review Of Permits.

- A. To protect significant heritage resources, the Board shall review all applications for City permits for the following types of work in relation to a designated heritage landmark:
 1. Demolition of any building or structure, in whole or in part;
 2. Moving a building or structure to another location;
 3. Excavation of archeological features, grading or earth moving in areas believed to contain significant buried heritage resources; and
 4. New construction.
- B. No City permit for the types of work described in the subsection above will be issued without a certificate of appropriateness signed by the City Planner and approved by the Board, evidencing compliance with the comprehensive heritage preservation plan. Certificates of appropriateness may be granted subject to conditions.
- C. Permit review decisions shall be based on the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Comprehensive Heritage

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Preservation Plan, and the heritage landmark preservation study for each designated property.

- D. The City Planner and the Board shall complete their review of applications for City permits requiring certificates of appropriateness within forty-five (45) days of the date of application.
- E. The City Planner and the Board may issue certificates of appropriateness for work projects submitted voluntarily by owners of heritage resources.
- F. To assure compliance with the goals and policies of the comprehensive heritage preservation plan, the Board shall review every application for a preliminary plat, conditional use permit, variance, or rezoning in relation to a designated heritage landmark; and the City planning commission shall give the Board a reasonable opportunity to comment on such projects before making its recommendation to the Council.

Subd. 11 Appeals All decisions of the City Planner and the Board with respect to certificates of appropriateness shall be subject to review by the Council. Any party aggrieved by the denial of a certificate of appropriateness shall have a right to appeal such decision directly to the Council by filing a written notice of appeal with the City Clerk. Upon receipt of the notice, the City Clerk shall transmit a copy to the Board.

Subd. 12 Violation. Violations of the provisions of this chapter or the conditions of approval granted thereunder shall be a misdemeanor. This chapter may also be enforced by injunction, abatement, or any other appropriate remedy in any court of competent jurisdiction.

Subd. 13 Maintenance Of Heritage Landmark Properties. Every owner or person in possession of a designated heritage landmark shall keep the property in good repair."

Section 4. This ordinance shall be in full force and effect upon passage.

First Reading: June 4, 2002
 Second Reading: June 18, 2002
 Published: June 25, 2002
 Attest

_____ City Clerk

_____ Mayor

Member Housh seconded the motion.
 Rollcall:
 Ayes: Housh, Hovland, Kelly, Masica, Maetzold
 Motion carried.

ORDINANCE NO. 2002-05 APPROVED - EXTENDING THE MORATORIUM ON ISSUANCE OF DEMOLITION PERMITS FOR PRINCIPAL STRUCTURES IN THE COUNTRY CLUB DISTRICT

Planner Larsen explained that adopting an ordinance extending the moratorium on teardowns in the Country Club District would allow the Heritage Preservation Board to complete their research on alterations and additions; and report their findings to the Council. Member Hovland asked if any inquiries of possible teardowns have been received and whether a homeowner could request a waiver from the moratorium. Attorney Gilligan explained that a property owner could legally request a waiver. Mr. Larsen reported that no specific requests have been received.

Member Kelly introduced the following ordinance and moved its adoption including waiver of second reading:

**ORDINANCE NO. 2002-05
AN ORDINANCE IMPOSING A MORATORIUM ON
ISSUANCE OF PERMITS FOR DEMOLITION OF PRINCIPAL STRUCTURES
PURSUANT TO SECTION NO. 410 OF THE EDINA CITY CODE
IN THE FAIRWAY AND BROWN SECTIONS OF THE COUNTRY CLUB DISTRICT
THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:**

Section 1. Purpose. Pursuant to applicable Minnesota statutes the City will be conducting studies, pursuant authority and direction of the Council, for the amendment of official controls, as defined in Minnesota Statutes, Section 462.352, Subd. 15. The amendment and official controls being studied will consider, among other things, the need and desirability to regulate the demolition and rebuilding of homes in the historic Country Club District with respect to height, size, location and architectural style. However, while the amendments and new official controls are being considered, proposal for demolition of old homes and construction of new homes and applications for permits therefor, continue to be made. Therefore, in order to protect the planning process and the historic integrity of the Country Club District, and the health, safety and welfare of the citizens of Edina, it is necessary and desirable to impose the following moratorium pursuant to the authority granted by Minnesota Statutes, Section 462.355, Subd. 4.

Section 2. Moratorium. From the effective date of this ordinance to and including the six month anniversary of such effective date, subject to earlier termination or extension by the Edina City Council, the Building Official, and the Edina City staff shall not grant any permits for the demolition of principle structures pursuant to Section No. 410 of the Edina City Code in the Fairway and Brown Sections of Edina’s Country Club District.

Section 3. Effective Date. This ordinance shall be in full force and effect on and the effective date of this ordinance shall be, June 19, 2002.

First Reading: June 18, 2002
Second Reading: Waived
Published: June 25, 2002
Attest _____

City Clerk

Mayor

Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***BID AWARDED FOR HEALTH DEPARTMENT VEHICLE** Motion made by Member Masica and seconded by Member Hovland for award of bid for a Health Department vehicle to recommended low bidder, AirLake Ford Mercury at \$14,204.00, tax not included.

Motion carried on rollcall vote - five ayes.

AWARD OF BID APPROVED FOR PROPERTY INSURANCE RENEWAL FOR 2002-2003

Assistant to the City Manager Smith indicated the City’s Property Insurance renews on July 1, 2002, for policy period to July 1, 2003. She introduced Jack Carroll, Senior Vice President of Aon Risk Services of Minnesota.

Mr. Carroll explained the property insurance market has been in turmoil since the events of September 11, 2001. He solicited bids from other property insurance carriers and found Travelers the most competitive. Mr. Carroll noted the City’s values have increased because of the Vernon Liquor

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Store remodel and the new Library/Senior Center. The annual premium proposed would be \$78,355 up from \$59,047. In addition, Mr. Carroll said the 2002-2003 proposal includes an increase in the deductible to \$10,000 and a terrorism exclusion.

Member Housh inquired whether further information regarding terrorism insurance could be brought to the next Council meeting.

Member Hovland made a motion approving the 2002-2003 City Property Insurance renewal with the Travelers Insurance Company at \$78,355.00. Member Kelly seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

AWARD OF BID APPROVED FOR WORKERS' COMPENSATION INSURANCE RENEWAL FOR 2002-2003 Ms. Smith informed the Council that the City only received one quote for the Workers' Compensation renewal since the market in the public sector was limited. She introduced Bill Homeyer from Harris-Homeyer Insurance Agency the agent representing the City.

Mr. Homeyer stated his pleasure that the premium for the City's Workers' Compensation insurance went down even though our payroll increased. Mr. Homeyer explained that proposed premiums would be based on payroll and he recommended accepting the quotation as presented.

Member Housh made a motion approving the 2002-2003 Workers' Compensation Insurance with the League of Minnesota Cities Insurance Trust at \$270,124.00.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

AWARD OF BID APPROVED FOR GENERAL LIABILITY, PUBLIC OFFICIALS LIABILITY, LAW ENFORCEMENT LIABILITY, AUTO LIABILITY, EMPLOYMENT PRACTICES LIABILITY AND EQUIPMENT INSURANCE RENEWAL FOR 2002-2003 Ms. Smith explained there were some changes in the renewal rate quotation for the General Liability, Public Officials Liability, Law Enforcement Liability, Auto Liability, Employment Practices Liability and Equipment Insurance that Mr. Homeyer would explain.

Mr. Homeyer indicated in the General Liability Policy, Benefit Liability, that a new \$1,000 deductible was added. He said the new deductible was per occurrence not per claim so if the City were found negligent for a huge sewer claim, only one \$1,000 deductible would apply. Mr. Homeyer noted that Public Officials Liability previously included Employment Practices coverage but that was now a separate policy. He added this could be an advantage since there now would be two limits of coverage, 1) a million dollars under the Public Officials Liability, and 2) a million dollars under Employment Practices. However, the Employment Practices has a \$15,000 deductible applicable to defense and Public Officials Liability deductible would apply only to actual losses or judgments.

Mr. Homeyer noted that St. Paul Companies usually processed claims in Texas, however, because of the relationship with the City, an adjustor has been assigned locally. They also will allow the City to use their own law firm, when necessary.

Mr. Homeyer said that overall changes in the annual premium amounted to a twenty percent increase.

Member Housh inquired whether the League of Minnesota Trust provided similar coverage's. Mr. Homeyer responded yes, but historically LMCT rates have not been competitive.

Member Housh made a motion approving the award of bid for policy period July 1, 2002, to July 1, 2003, as follows: General Liability Insurance (including Liquor and Employee Benefits) at \$183,879; Public Officials Liability at \$13,850; Law Enforcement Liability at \$56,074; Auto Liability at \$88,474; Auto Physical Damage at \$7,389; Equipment at \$5,936 (value at \$2,119,413); and Employment Practices Liability at \$33,548.00; TOTAL \$389,150.00. Member Hovland seconded the motion.

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

NEW LIQUOR LICENSE APPROVED - SIDNEY'S RESTAURANT Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Hughes explained that SID Edina, LLC d.b.a. Sidney's Restaurant, located at 3520 Galleria, was in the process of being sold. In May, the proposed new owners SID Edina, LLC, made application to the City for an on-sale intoxicating liquor license and a Sunday on-sale liquor license. The company submitted appropriate applications, proof of insurance and paid all applicable fees. The Planning, Health and Police Departments have completed their investigations.

Mr. Hughes explained that Deputy Chief Carlson would explain the Police Department's recommendation for Sidney's. Mr. Carlson stated the background investigation of the operation of other liquor establishments in the cities of St. Paul, White Bear Lake and Hopkins showed all liquor compliance checks had been passed. The Department found nothing in the operation of the other liquor establishments that would justify disqualification for a liquor license in Edina.

The investigation also revealed that three of the four corporate officers had clear record checks. However, the corporate president had an arrest history for numerous alcohol and traffic violations between 1985 and 1999. The personal alcohol consumption history of one of the owners raised some concern as to his suitability as a liquor licensee, but the background check showed that no violations were directly related to the sale or distribution of liquor. For that reason, the Police Department recommended that the license be approved, but with the condition that Kenneth Plunkett have no on-site management responsibilities for the Edina Sidney's Restaurant.

Member Masica asked how such a condition could be enforced. City Clerk Mangen suggested this could be done when routine compliance checks were performed. Mr. Hughes added that if an incident were to occur with a violation and Mr. Plunkett were found to be in charge that would be grounds for a suspension or revocation.

Dennis Johnson, attorney for the applicants, acknowledged that his clients were aware of the proposed condition and did not object to it. He added that Dan Peterson will be the operational manager of the Edina Sidney's and noted that they also have interest in four other Sidney's in the area.

No other public comment was heard.

Member Housh made a motion that was seconded by Member Masica to close the public hearing.

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

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Member Kelly made a motion granting the on-sale intoxicating liquor license and Sunday on-sale license to SID Edina, LLC d.b.a Sidney's Restaurant, 3520 Galleria, effective June 19, 2002, with the condition that Kenneth Plunkett have no on-site management responsibilities.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

TRAFFIC SAFETY STAFF REVIEW OF JUNE 4, 2002, APPROVED Traffic Safety Coordinator Bongaarts informed the Council that he has received a request for all-way STOP signs at Valley View Road and Concord Avenue because it was almost impossible for pedestrians, especially children, to cross Valley View Road. Mr. Bongaarts reported he explained to the requestor the area would not warrant all-way STOP signs to be installed but rather that the area needed sidewalks.

Mr. Bongaarts stated the intersection presently has STOP signs for northbound and southbound Concord Avenue continuously flashing yellow lights to mark it as a pedestrian crossing. There was a marked pedestrian crossing on the west side of the intersection and pedestrian advisory signs approaching the intersection. The marked crosswalk connects with curbs on either side of Valley View Road, but has no sidewalks.

Mr. Bongaarts reported that one accident had been reported at the intersection between two vehicles. He said week-long traffic counts and speed surveys were conducted of all approaches to the intersection to determine whether warrants were met for signs to be installed on Valley View Road. Mr. Bongaarts said a petition had previously been circulated for sidewalks that did not receive the necessary support.

Engineer Houle showed graphics depicting advance-warning signs at various locations. He explained when roadways were designed site-stopping distance was considered. He concluded that after a thorough analysis, the location of the crosswalk was adequate.

Mr. Houle suggested staff research costs to install pedestrian activated flashing lights at the intersection and to bring the information back to the Council. Mayor Maetzold inquired whether the flashing lights could be red.

Resident comment:

Julie Risser, 6112 Ashcroft Avenue, commented that the times of most concern are when school begins and when school ends. She believes the issue in the area was mainly sloping site lines; overgrown vegetation and that people just do not stop. Ms. Risser said a sidewalk petition would be circulated again this summer, hopefully with a better result. She implored the Council to consider installing a four-way STOP at the intersection of Valley View Road and Concord Avenue.

Andrew Mason, 6112 Ashcroft Avenue, explained the orientation of the intersection was tilted making the situation more difficult. He concluded with asking the Council to consider installing the four-way STOP.

Carol McDonnel, 4609 West 62nd Street, commented her neighborhood has no parks except for Concord. She offered support for anything that will keep the area safe.

Douglas Kenyon, 6100 St. John's Avenue, supported installation of the four-way STOP. He commented about the high speeds of traffic on Valley View and the difficulty he has getting out of his driveway. He suggested the Police patrol the area on a more regular basis.

Member Housh stated his belief that this issue needed to be dealt with in a coordinated manner, as it was a concern in other areas of the City as well.

Member Kelly noted in his tenure as a Council Member, at least monthly a neighborhood has come forward with exactly the same request because of cut-through traffic and highways unable to support current traffic loads. He noted on his street, West Shore Drive, the installation of a STOP sign had accomplished nothing. Mr. Kelly suggested a coordinated effort must be found for the City as a whole.

Member Hovland said he doubted a four-way STOP would be the answer but agreed something must be done to enhance safety, not only at Valley View and Concord, but Citywide. Sidewalks would help but would not solve the problem of crossing Concord.

Electronic correspondence was received from Robert and Mary Lucas, 6108 Ashcroft Avenue, in support of positive steps being taken to make the Valley View Road/Concord Avenue safe.

Member Kelly made a motion approving the Traffic Safety Staff Review of June 4, 2002, Section A:

- 1. Installation of striping in the left northbound lane of Gus Young Lane approach to the intersection of Vernon and Interlachen for straight ahead and left turn traffic. The right northbound lane of Gus Young Lane approach to intersection of Vernon and Interlachen be striped for straight ahead and right turn traffic. Staff recommends Hennepin County be asked to place overhead directional signs at the intersection of Vernon for northbound Gus Young Lane traffic;**
- 2. Installation of "City Vehicle Parking Only" signs for Brookside Avenue west side of street from bus garage property boundary north to end of Brookside;**

**and Section B 2, and Section C; and
Section B;**

- 1. Denial of request for lack of warrants. Request for all-way STOP signs at Valley View Road and Concord Avenue. Staff will consider making the flashing yellow light at this location flash on demand rather than all the time to bring more awareness to pedestrians in the intersection be transferred to Section C. 2, requests that are deferred to a later date or referred to others.**

Member Hovland seconded the motion.

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

***CHANGE ORDER NO. 1, APPROVED FOR WELL NO. 2, MAINTENANCE IMPROVEMENT NO. WM-395, CONTRACT 02-2 PW Motion made by Member Masica and seconded by Member Hovland authorizing Change Order No. 1, Well #2, Maintenance Improvement No. WM-395, Contract No. 02-2PW, in the amount of \$9,865.00.**

Motion carried on rollcall vote - five ayes.

***CHANGE ORDER NO. 1, APPROVED FOR WELL NO. 15, MAINTENANCE IMPROVEMENT NO. WM-397, CONTRACT 02-4 PW Motion made by Member Masica and seconded by Member Hovland authorizing Change Order No. 1, Well #15 Maintenance Improvement No. WM-398, Contract No. 02-4PW, in the amount of \$10,531.00.**

Motion carried on rollcall vote - five ayes.

***PETITION RECEIVED REGARDING RETAINING WALL AT 7020 LANHAM LANE Motion made by Member Masica and seconded by Member Hovland acknowledging receipt of a petition**

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regarding the retaining wall at 7020 Lanham Lane and submission to the Engineering Department for processing.

Motion carried on rollcall vote - five ayes.

BUDGET HEARING DATE SET Mr. Hughes indicated a budget meeting had been held recently and a tentative calendar set. He suggested setting a budget hearing date for 5:00 P.M. on July 11, 2002.

Following a brief Council discussion, July 11, 2002, at 5:00 P.M., was tentatively set for a Council work session to be held in the Council Chambers at City Hall.

***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Hovland seconded the motion approving payment of the following claims as shown in detail on the Check Register dated June 6, 2002, and consisting of 29 pages: General Fund \$55,870.13; CDBG Fund \$30,500.00; Communications Fund \$740.25; Working Capital Fund \$2,056.10; Construction Fund \$1,541.79; Art Center Fund \$4,951.82; Aquatic Center Fund \$17,072.51; Golf Course Fund \$32,351.63; Ice Arena Fund \$1,428.69; Edinborough/ Centennial Lakes Fund \$4,102.49; Liquor Fund \$113,729.89; Utility Fund \$29,298.28; Storm Sewer Fund \$10,352.49; Recycling Fund \$10.59; TOTAL \$304,006.66; and for approval of payment of claims dated June 13, 2002, and consisting of 40 pages: General Fund \$332,655.64; Communications Fund \$8,375.46; Working Capital Fund \$153,433.86; Construction Fund \$3,549.50; Art Center Fund \$1,231.78; Golf Dome Fund \$3,268.27; Aquatic Center Fund \$11,078.05; Golf Course Fund \$59,814.62; Ice Arena Fund \$68,354.43; Edinborough/Centennial Lakes Fund \$18,638.10; Liquor Fund \$289,411.94; Utility Fund \$45,929.95; Storm Sewer Fund \$5,500.77; Recycling Fund \$30,968.44; Payroll Fund \$425,000.00; TOTAL: \$1,457,210.81.

Motion carried on rollcall vote - five ayes.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) RECEIVED FOR YEAR ENDING DECEMBER 31, 2001 Director Wallin explained the Comprehensive Annual Financial Report (CAFR) was the accumulation of the City's annual financial functions compiled in the format prescribed by the Financial Accounting Standards Board, the Governmental Accounting Standards Board, the State of Minnesota and the Federal Government.

Mr. Wallin noted the Management Letter received from the City's auditors was a letter of comments and recommendations on what the auditors view as deficiencies in internal controls and recommendations for improvements. He reported that for the 2001 CARF no deficiencies were found.

Following a brief Council discussion, **Member Hovland made a motion accepting the Comprehensive Annual Financial Report (CAFR) for year ending December 31, 2001, as presented.**

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:55 P.M.

City Clerk