

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

ROLLCALL Answering rollcall were Members Housh, Hovland, Masica and Mayor Maetzold. Member Kelly entered the meeting at 7:20 P.M.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Housh approving the Council Consent Agenda with the exception of Item II. B. Resolution authorizing application for Livable Communities Grant..

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2002-55 - APPRECIATION OF CITY STAFF WITH SENIOR PARTY

Mayor Maetzold commended City staff for their extraordinary effort in making "The Road Trip 2002" senior all night party successful for the Edina High School Class of 2002 in spite of the severe weather and power outage.

Member Masica introduced the following resolution and moved its adoption:

**A RESOLUTION OF
APPRECIATION.**

WHEREAS, the Edina High School Class of 2002, had just graduated in an impressive ceremony at Northrup Auditorium; and

WHEREAS, "THE ROAD TRIP 2002" senior party was in full swing at Edina High School; and

WHEREAS, the power went out at the High School, leaving roughly 500 graduates and many parents with lights only in hallways; and

WHEREAS, the power outage lasted approximately four hours, but the party continued, thanks to the positive attitude of the students and the help of many City of Edina staff; and

WHEREAS, a generator provided by the City of Edina to the High School allowed the concert, planned for 3:30 A.M., to go on; and

WHEREAS, the willingness of the City of Edina staff to "Go the Extra Mile" was a powerful connection for the Class of 2002 and their parents.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council expresses their thanks, for the sincere dedication and tireless effort to:

**Tom Jenson - Dan McMahon - Mike Bauer
John Scheerer - Greg Bretson**

in making "The Road Trip 2002" a success in spite of a weather-related mishap. Member Housh seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

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***MINUTES OF JUNE 18, 2002, APPROVED Motion made by Member Masica and seconded by Member Housh approving the Minutes of the Regular Meeting of the Edina City Council for June 18, 2002.**

Motion carried on rollcall vote - four ayes.

***HEARING DATE SET OF JULY 16, 2002, FOR PLANNING MATTERS Motion made by Member Masica and seconded by Member Housh setting July 16, 2002, as hearing date for the following planning matters:**

1. Final Development Plan - Frauenshuh Companies. Construct Office Building in northeastern quadrant of I-494 and 169;
2. Conditional Use Permit - St. Peter's Lutheran Church and School. Allow day care facility (3721 West Fuller).

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2002-56 - AUTHORIZING APPLICATION FOR LIVABLE COMMUNITIES GRANT

Member Housh removed the authorization application for the Livable Communities Grant from the consent agenda for further information. He inquired if the Southdale commercial areas were included in the grant application and questioned whether the \$30,000.00 current budget item would be used in conjunction with grant dollars. Planner Larsen responded that two consultants have been interviewed, but no one had been selected. He added that studying the corridor from the 62 Crosstown to I-494, and from France Avenue east to York, there were approximately 4,000 housing units and a few million square feet of commercial space with a like amount of office space. Mr. Larsen elaborated that the area had been developed during the car 'hey-day' but now it must be determined what would be the future best use of the area. Mr. Larsen informed the Council the purpose of the grant would be focusing on transit and transit-connections, making the area more pedestrian friendly, and reducing dependency on the automobile. Member Housh asked if we should apply for the grant alone or would it be better to partner with Richfield and Bloomington. Mr. Larsen said he recently attended a meeting about a bus way along Highway I-494. Both Richfield and Bloomington expressed interest in looking at how our circulator system could hook-up with what they might do in their cities. However at this time it would be much better for Edina to take the lead with the grant application. Mr. Hughes added that the grants would be award to an individual city, noting that to date, St. Louis Park was one major recipient.

Member Housh offered assistance with lobbying for the acquisition of grant monies.

Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving its adoption:

RESOLUTION NO. 2002-56

CITY OF EDINA, MINNESOTA

AUTHORIZING APPLICATION

FOR AN OPPORTUNITY GRANT THROUGH

THE LIVEABLE COMMUNITIES DEMONSTRATION PROGRAM

WHEREAS the City of Edina is a participant in the Livable Communities Act's Housing Incentives Program for 2002 as determined by the Metropolitan Council, and is therefore

eligible to make application for funds under the Livable Communities Demonstration Account; and

WHEREAS the City has identified a proposed project within the City that meets the Demonstration Account's purposes and criteria; and

WHEREAS the City has the institutional, managerial and financial capability to ensure adequate project administration; and

WHEREAS the City certifies that it will comply with all applicable laws and regulations as stated in the contract agreements; and

WHEREAS the City Council of Edina, Minnesota agrees to act as legal sponsor for the project contained in the opportunity grant application submitted on July 15, 2002.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to apply to the Metropolitan Council for this funding on behalf of the City of Edina and to execute such agreements as are necessary to implement the project on behalf of the applicant.

Adopted this 2nd day of July 2002.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

***BID AWARDED FOR ONE ARTICULATED LOADER (PUBLIC WORKS)** Motion made by Member Masica and seconded by Member Housh for award of bid for one Articulated Loader for Public Works, to recommended bidder, St. Joseph Equipment, under State Contract at #41811, at \$106,953.00.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR ONE SINGLE AND TWO TANDEM AXLE DUMP TRUCK CHASSIS (PUBLIC WORKS)** Motion made by Member Masica and seconded by Member Housh for award of bid for one single and two tandem axle dump truck chassis, to recommended bidder, Boyer Sterling Trucks, under State Contract #42811 at \$173,236.99.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR TYPE III AMBULANCE REMOUNT (FIRE DEPARTMENT)** Motion made by Member Masica and seconded by Member Housh for award of bid for type III ambulance remount for the Fire Department to recommended second bidder, North Central Ambulance, which meets all specifications at \$69,936.67.

Motion carried on rollcall vote - four ayes.

NEW LIQUOR LICENSE APPROVED FOR CALIFORNIA PIZZA KITCHEN Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Hughes explained that California Pizza Inc. d.b.a. California Pizza Kitchen, made application to the City for an on-sale intoxicating liquor license and a Sunday on-sale liquor license to operate a restaurant in the new addition to Southdale. 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 reported the Police Department have given the applicant an unqualified recommendation that the application be approved.

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No one appeared to comment.

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

Ayes: Housh, Hovland, Masica, Maetzold.

Motion carried.

Member Masica made a motion approving the on-sale intoxicating license and Sunday On-sale Liquor License for the California Pizza Kitchen, Inc. d.b.a. California Pizza Kitchen beginning July 3, 2002 and ending March 31, 2003.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

POTENTIAL LIMITS ON SALE OF FERTILIZER CONTAINING PHOSPHOROUS DISCUSSED - NO ACTION TAKEN

Sanitarian Velde explained the City offered support of legislation, which would restrict the sale of lawn fertilizer containing the nutrient phosphorous in the metropolitan area. However, the bill, at it will become law, restricts the use of fertilizer containing phosphorous. Fertilizer will be restricted to 0% phosphorous. This part of the law will become effective January 2004.

Mr. Velde said another part of the law, effective August 1, 2002, will prohibit spilling or spreading fertilizer on impervious surfaces (sidewalks, streets, driveways). Any spillage must be cleaned up immediately. Mr. Velde noted this new statute will apply to all fertilizers and must be enforced by local units of government.

Mr. Velde added that after August 1, 2002, local units of government will be pre-empted from adopting ordinances, which would prohibit the sale of fertilizer containing phosphorous. He presented an information sheet about the Phosphorous Fertilizer law and a sample ordinance from the City of Plymouth explaining that if the Council decided they wanted to adopt an ordinance prohibiting the limiting the sale of fertilizer containing phosphorous, staff would prepare an ordinance to be presented at the July 16, 2002, regular Council meeting, Such an ordinance would require a waiver of second reading to be effective before the August 1, 2002 deadline.

Member Kelly entered the meeting at 7:20 P.M.

Member Masica inquired what the numbers on bags of fertilizer represent. Mr. Velde explained the first number was nitrogen, second was phosphorous and third was potassium. Member Masica asked what does phosphorous do. Mr. Velde said it was a nutrient in short supply on newly established lawns but once turf was growing, it was unnecessary. Ms. Masica asked why golf courses need to use phosphorous. Mr. Velde believed the reason would be because grass gets stressed on golf courses.

Mayor Maetzold asked what other cities were doing. Mr. Velde said he did not know.

Member Hovland asked clarification if this could be considered a gap-ordinance because of the effective dates. Mr. Velde stated if an ordinance was adopted before August 1, 2002, the ordinance would not be pre-empted. Mr. Hughes elaborated there was no indication at the state level that sales will be prohibited. Mr. Hovland asked for an explanation of the Plymouth ordinance. Mr. Velde said he thinks it was for consumer awareness. If there was a complete ban on phosphorous fertilizers, state law would still permit the use on new lawns and golf courses. Mr. Hughes stated the use of phosphorous fertilizers will be prohibited in the seven county area beginning in 2004. There was no prohibition on the sale of phosphorous at the state level. The state has given cities the authority to prohibit sale, but it must be done by August 1, 2002.

After a brief discussion, Council consensus was that no formal action be taken.

INFORMATION GIVEN ON TERRORISM INSURANCE Mr. Hughes explained responding to the Council's suggestion that information be acquired on terrorism insurance coverage, a letter was received from Aon Risk Services, dated July 1, 2002, regarding what the cost would be to the City. The letter stated the estimated cost would be equivalent to the annual property insurance premium or approximately \$79,000.00, with a deductible of at least \$25,000.00.

Member Housh stated he personally needed more substantiation besides price not to solicit a terrorism insurance quote. He said he would like to know if neighboring cities were considering this type of insurance coverage. Mr. Hughes offered to contact neighboring cities as well as the League of Minnesota Cities Insurance Trust for their views on the subject.

Member Hovland suggest that terrorism insurance be more fully explained as to what was covered.

Member Masica inquired whether acquiring the insurance would be considered more seriously if the City had a sensitive target. Mr. Hughes said that would likely be part of the underwriting process.

No formal Council action was taken

CONCLUSIONS OF THE RPC STUDY GROUP AND RECOMMENDATION OF THE HUMAN RELATIONS COMMISSION PRESENTED; WITHDRAWAL RECOMMENDED

Mr. Hughes reminded the Council that a task force had been established to review the issue of research, planning and coordination of human services (RPC) of the Hennepin South Services Collaborative (HSSC) to look at creating a local collaborative and therefore separating from HSSC. He introduced Sharon Ming, Chair of the Edina Human Relations Commission.

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Ms. Ming explained that, based on the conclusions of the study group of RPC, the Human Relations Commission recommended that the City of Edina formally withdraw from HSSC beginning in 2003.

Mayor Maetzold inquired whether a request for additional funding would be forthcoming. Ms. Ming replied at this time the County could not promise to fund a collaborative in Edina, but had indicated willingness to work with local efforts as they unfold. She added it appeared that research and planning could be done with the City's budgeted amount of \$20,000.00.

Member Masica asked if the RPC was necessary. Ms. Ming responded there was no requirement that a community do research, planning, and coordination of human services.

Member Masica made a motion to adopt the following resolution:

RESOLUTION NO. 2002-58

RESEARCH, PLANNING AND COORDINATION (RPC)

RECOMMENDATION TO WITHDRAW

FROM HENNEPIN SOUTH SERVICES COLLABORATIVE (HSSC)

WHEREAS, the Research, Planning and Coordination (RPC) study group of the Edina Human Relations Commission, met and deliberated numerous times; and

WHEREAS, the Edina School District, on December 10, 2001, gave its intent to withdraw from HSSC; and

WHEREAS, in February 2002, the School District convened a study group to examine options for a local collaborative and resource center; and

WHEREAS, based on the recommendation of the group, a Resolution was adopted on May 13, 2002, by the District to formally withdraw from Hennepin South Services Collaborative (HSSC); and

WHEREAS, the Human Relations Commission was charged by the Edina City Council on April 16, 2002, to create a group to study the research, planning and coordination of human services within HSSC.

NOW THEREFORE, based on the condition up the study group, it was the recommendation of the Human Relations Commission that the City of Edina formally withdraw from the Hennepin South Services Collaborative (HSSC). Member Kelly seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***CHANGE ORDER NO. 1, WELL #18 MAINTENANCE IMPROVEMENT NO. WM-396, CONTRCT NO. 02-3PW APPROVED Motion made by Member Masica and seconded by Member Housh authorizing Change Order No. 1, Well #18, Maintenance Improvement No. WM-396, Contract No. 02-3PW at \$10,692.00.**

Motion carried on rollcall vote - four ayes.

***PETITION RECEIVED REQUESTING A PEDESTRIAN CROSSWALK FROM THE CORNER OF HALIFAX AVENUE AND 51ST STREET ACROSS 51ST STREET FROM HALIFAX AND A SIDEWALK ON HALIFAX AVENUE ALONG LUND'S FROM**

HALIFAX TO PARKING LOT Motion made by Member Masica and seconded by Member Housh acknowledging receipt of a petition regarding a pedestrian crosswalk from the corner of Halifax Avenue and 51st Street across 51st Street from Halifax and a sidewalk on Halifax Avenue along Lund's from Halifax to the parking lot and submission to the Engineering Department for processing.

Motion carried on rollcall vote - four ayes.

CONCERN OF RESIDENT Peter Simpson, 509 Blake Road South, voiced concern with the selection of the architect on the library/senior center and now on the police station/City hall. Mr. Hughes explained that a different architect was used on each project.

***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated June 20, 2002, and consisting of 41 pages: General Fund \$113,585.38; Communications Fund \$21,140.39; Working Capital Fund \$73,510.21; Construction Fund \$337,266.13; Art Center Fund \$8,414.02; Golf Dome Fund \$476.67; Aquatic Center Fund \$6,771.02; Golf Course Fund \$30,347.18; Ice Arena Fund \$4,149.24; Edinborough/Centennial Lakes Fund \$7,925.59; Liquor Fund \$157,286.19; Utility Fund \$418,475.01; Storm Sewer Fund \$88,546.36; TOTAL \$1,267,893.39; and for approval of payment of claims dated June 26, 2002, and consisting of 38 pages: General Fund \$265,298.03; Communications Fund \$11,368.92; Working Capital Fund \$10,901.02; Construction Fund \$35,852.78; Art Center Fund \$12,487.59; Aquatic Center Fund \$4,376.04; Golf Course Fund \$29,913.29; Ice Arena Fund \$2,506.98; Edinborough/Centennial Lakes Fund \$6,918.17; Liquor Fund \$166,567.42; Utility Fund \$173,954.24; Storm Sewer Fund \$567.15; Payroll Fund \$185,000.00; TOTAL \$905,711.63.

Motion carried on rollcall vote - four ayes.

COUNCIL WORKSHOP SCHEDULED FOR AUGUST 1, 2002 Following a brief Council discussion the consensus was to set August 1, 2002, at 7:30 A.M. for a Council workshop.

RESOLUTION NO. 2002-57, CALLING FOR REDEMPTION OF RELATING TO \$3,565,000 TAXABLE GENERAL OBLIGATION TAX INCREMENT BONDS - SERIES 2000B Attorney Gilligan explained the City was calling for redemption of its Taxable General Obligation Tax Increment Bonds, Series 2000B that were dated September 1, 2000. The proceeds covered two things, 1) interim financing for land acquisition at Grandview Square and 2) creating a Hazardous Subdistrict for environmental cleanup. The maturity of the bonds was February 1, 2003, and bonds were bearing interest at 6.45%. He added that funds were available for the equity contribution from the developers and that the bonds can be called on 30 days notice. Mr. Gilligan also noted that a note would be issued to the 50th and France fund, which will be on the agenda at the August 20, 2002, regular Council meeting.

Mr. Hughes indicated the funds will not be pooled, but would be borrowed from the 50th and France fund, which was more economical than borrowing on the open market. He reminded the Council this resolution would be setting the hearing and calling for the redemption.

Member Hovland introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2002-57
A RESOLUTION CALLING FOR REDEMPTION OF
TAXABLE GENERAL OBLIGATION TAX INCREMENT BONDS,
SERIES 2000B**

BE IT RESOLVED by the City Council of the City of Edina (the “City”), as follows:

- 1. The City has issued and has presently outstanding its Taxable General Obligation Tax Increment Bonds, Series 2000B dated as of September 1, 2000 (the “Bonds”).**
- 2. The Bonds mature on February 1, 2003 and are presently subject to redemption and prepayment by the City, and it was hereby determined to call all of the outstanding Bonds for redemption and prepayment in accordance with their terms. Officers of the City are hereby authorized and directed to take all actions necessary to provide for the redemption and prepayment of all the Bonds as soon as practicable.**

Dated: July 2, 2002. Member Masica seconded the motion

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

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

City Clerk