

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 6, 2002
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hovland, Masica and Mayor Maetzold. Member Kelly entered the meeting at 7:07 P.M.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Housh approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

A MOMENT OF SILENCE OBSERVED FOR FALLEN POLICE OFFICER Mayor Maetzold asked that a moment of silence be observed for Minneapolis Police Officer Melissa Schmidt who was killed recently in the line of duty.

***MINUTES OF THE REGULAR MEETING OF JULY 16, 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 July 16, 2002.

Motion carried on rollcall vote - four ayes.

***HEARING DATE SET OF AUGUST 20, 2002, FOR PLANNING MATTER** Motion made by Member Masica and seconded by Member Housh approving setting the Public Hearing date of August 20, 2002, for the following planning matter:

1. Preliminary Plat Approval for Crestwood Development, three lot subdivision for property located at 6725 Iroquois Circle.

Motion carried on rollcall vote - four ayes.

***RESOLUTION NO. 2002-66 - APPROVING A LOT DIVISION FOR 5809-5811 VIEW LANE** Motion made by Member Masica and seconded by Member Housh introduced the following resolution and moved approval:

**RESOLUTION NO. 2002-66
APPROVING A LOT DIVISION FOR
5809 - 5811 VIEW LANE**

WHEREAS, the following described properties are at present one tract of land:

Lot 9, Block 2, PARKWOOD KNOLLS 8TH ADDITION, Hennepin County, Minnesota, except road.

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

PARCEL A:

That part of Lot 9, Block 2, Parkwood Knolls 8th Addition, Hennepin County, Minnesota, except road, lying Northwesterly of the following described line; Commencing at the most Northerly corner of said Lot 9 thence South 34 degrees 59 minutes 46 seconds East along the Northeasterly line of said Lot 9 a distance of 37.41 feet to the point of beginning of the line to be described; thence South 54 degrees 11 minutes 56 seconds West a distance of 147.58 feet to the Southwesterly line of said Lot 9 and there terminating.

PARCEL B:

Minutes/Edina City Council/August 6, 2002

That part of Lot 9, Block 2, Parkwood Knolls 8th Addition, Hennepin County, Minnesota, except road, lying Southeasterly of the following described line; Commencing at the most Northerly corner of said Lot 9 thence South 34 degrees 59 minutes 46 seconds East along the Northeasterly line of said Lot 9 a distance of 37.41 feet to the point of beginning of the line to be described; thence South 54 degrees 11 minutes 56 seconds West a distance of 147.58 feet to the Southwesterly line of said Lot 9 and there terminating.

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said newly created Parcels as separate tracts of land do not interfere with the Subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

Adopted this 6th day of August, 2002.

Motion carried on rollcall vote - four ayes.

*RESOLUTION NO. 2002-67 - APPROVING A LOT DIVISION FOR 5221-5223 MALIBU DRIVE

Motion made by Member Masica and seconded by Member Housh introducing the following resolution and moving its approval:

RESOLUTION NO. 2002-67
APPROVING LOT DIVISION FOR
5221-5223 MALIBU DRIVE

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

Lot 2, Block 3, PARKWOOD KNOLLS 15TH ADDITION, Hennepin County, Minnesota.

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

NORTHERLY PARCEL A:

That part of Lot 2, Block 3, Parkwood Knolls 15th Addition, Hennepin County, Minnesota lying Northerly of the following described line; Commencing at the Northwest corner of said Lot 2 thence South 00 degrees 13 minutes 50 seconds West along the Westerly line of said Lot 9 a distance of 59.52 feet to the point of beginning of the line to be described; thence South 89 degrees 54 minutes 10 seconds east a distance of 150.00 feet to the Easterly line of said Lot 2 and there terminating.

SOUTHERLY PARCEL B:

That part of Lot 2, Block 3, Parkwood Knolls 15th Addition, Hennepin County, Minnesota lying Southerly of the following described line; Commencing at the Northwest corner of said Lot 2 thence South 00 degrees 13 minutes 50 seconds West along the Westerly line of said Lot 9 a distance of 59.52 feet to the point of beginning of the line to be described; thence South 89 degrees 54 minutes 10 seconds east a distance of 150.00 feet to the Easterly line of said Lot 2 and there terminating.

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said newly created Parcels as separate tracts of land do not

interfere with the Subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850;

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

Adopted this 6th day of August, 2002.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR QUARTZ/EPOXY NON-SLIP FLOOR COATING - FIRE STATION #1**

Motion made by Member Masica and seconded by Member Housh for award of bid for installation of quartz/epoxy, non-slip floor coating for fire station #1, to recommended low bidder, QC Companies at \$17,685.00.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR INTERSECTION IMPROVEMENTS AT VALLEY VIEW ROAD AND WEST 65TH STREET - CONTRACT NO. 02-3 (ENGINEERING) BA-323 AND TS-34**

Motion made by Member Masica and seconded by Member Housh for award of bid for intersection improvements at Valley View Road and West 65th Street - Contract No. 02-3 (Engineering) BA-323 and TS-34 to recommended low bidder, Progressive Contractors, Inc., at \$1,574,116.06.

Motion carried on rollcall vote - four ayes.

***BID AWARDED FOR SALT FOR SNOW AND ICE CONTROL** Motion made by Member Masica and seconded by Member Housh for award of bid for salt for snow and ice control to recommended bidder, Cargill Salt, Inc., under State Contract #429250 at \$28.66 per ton delivered.

Motion carried on rollcall vote - four ayes.

PRESENTATION ON MOVE Ross Thorfinnson, Jr., Consultant, introduced a new organization which was formed with financial assistance of the I-494 Corridor Commission - *MOVE*. *MOVE* is working to move transportation projects ahead in the south metro area. The mission of *MOVE* is to 'speed up' transportation system funding in order to quickly move people and goods through the entire Twin Cities metropolitan area.

Mr. Thorfinnson explained that *MOVE* has been created to open the advocacy group to a larger constituency. Members of *MOVE* are any communities or organizations with an interest in improving transportation in the south metro area. The first priority of *MOVE* is lobbying for a reconstructed interchange of interstate highways 35W and I-494.

No Council action was taken.

***RESOLUTION NO. 2002-65 - APPOINTING ELECTION JUDGES FOR SEPTEMBER 10, 2002, PRIMARY** Motion made by Member Masica and seconded by Member Housh approving the following resolution:

**RESOLUTION NO. 2002-65
APPOINTING ELECTION JUDGES
FOR THE SEPTEMBER 10, 2002
PRIMARY ELECTION**

Minutes/Edina City Council/August 6, 2002

WHEREAS, Minnesota Election Law 204B.21 requires that persons serving as election judges be appointed by the Council at least 25 days before the election.

BE IT RESOLVED by the Edina City Council that the individuals named on Exhibit A, and on file in the office of the City Clerk be appointed as election judges for the primary election to be conducted on September 10, 2002; and

BE IT FURTHER RESOLVED that the City Clerk is with this, authorized to make any substitutions or additions as deemed necessary.

Passed and adopted by the Edina City Council this 6th day of August, 2002.

Motion carried on rollcall vote – four ayes.

*DEVELOPMENT AGREEMENT APPROVED FOR UTILITY CONSTRUCTION AT WEST 65TH STREET AND VALLEY VIEW ROAD Motion made by Member Masica and seconded by Member Housh authorizing the Mayor and City Manager to sign a Development Agreement with Rovick Realty, Limited Liability partnership for construction of public utilities at West 65th Street and Valley View Road (Cornelia Place Apartments).

Motion carried on rollcall vote – four ayes.

COMMUNITY EDUCATION SERVICES BOARD RE-APPOINTMENTS MADE Mayor Maetzold indicated his intention to re-appoint Scot Housh, Council Representative; Bethany Brand, Member at Large and Linda Presthus, Edina Park Board to the Community Education Services Board for a term to June 30, 2003.

Member Housh abstained from the discussion and vote.

Member Kelly made a motion approving re-appointment of Scot Housh, Council Representative, Bethany Brand, Member at Large and Linda Presthus, Edina Park Board to the Community Education Services Board for a term to June 30, 2003. Member Hovland seconded the motion.

Ayes: Hovland, Kelly, Masica, Maetzold

Abstaining: Housh

Motion carried.

UPDATE GIVEN ON TERRORISM INSURANCE COVERAGE Assistant Manager Anderson introduced Bill Homeyer, of Harris/Homeyer Insurance. He explained the League of Minnesota Cities (LMC) will know more on November 15, 2002, about whether terrorism insurance coverage will be offered mid-term to member cities. Historically the LMC is not solicited for an insurance quote every year because repeated requests for quotations would eventually wear them out. Price of coverage would be difficult to compare as the LMC policy is on a claims-made basis on the General Liability. Mr. Homeyer suggested soliciting a quote from the LMC mid-term in March for the July renewal.

Member Housh suggested contacting our insurance carrier requesting that terrorism insurance be acquired for the City. If the carrier were unwilling to do so, the policy could be placed with another carrier.

Following a brief discussion, Council consensus was to contact LMC in November to possibly obtain a terrorism insurance quotation if coverage is being offered.

No Council action was taken.

*RESOLUTION 2002-68 APPROVING TRAFFIC CONTROL SIGNAL AGREEMENT WITH MINNESOTA DEPARTMENT OF TRANSPORTATION - IMPROVEMENT NO. BA-323 AND TS-34, VALLEY VIEW ROAD AND WEST 65TH STREET Motion made by Member Masica and seconded by Member Housh approving the following resolution:

**RESOLUTION NO. 2002-68
APPROVING TRAFFIC CONTROL SIGNAL AGREEMENT
WITH MNDOT - IMPROVEMENT NO. BA-323 AND TS-34,
VALLEY VIEW ROAD AND WEST 65TH STREET**

BE IT RESOLVED that the City of Edina, enter into MNDOT Agreement No. 83577R with the State of Minnesota, Department of Transportation for the following purposes, to wit:

To install a new traffic control signal with street lights, emergency vehicle pre-emption and signing on Trunk Highway No. 62 South Ramp - West 65th Street and North Ramp at Valley View Road in accordance with the terms and conditions set forth and contained in Agreement No. 83577R, a copy of which was before Council.

BE IT FURTHER RESOLVED that the Mayor and City Manager are authorized to execute the Agreement and any amendments of the Agreement.

Passed and adopted this 6th day of August, 2002.

Motion carried on rollcall vote - four ayes.

DUTCH ELM DISEASE IN AREA TREES DISCUSSED Director Keprios explained that approximately 10 years ago, it was decided that removal of diseased trees on both boulevards and private property would be the responsibility of the homeowner. State Statutes mandate that no longer than a 20 day period may exist from the time the diseased tree is identified until its removal.

Member Housh noted the article in the Star Tribune stating that some diseased trees in Edina were not removed. He asked what the City's process is for this disease control. Mr. Keprios explained the City has a contracted forester who works 30-40 hours per week. One of his main jobs is to identify elm disease. The forester is not convinced the subject trees have Dutch elm disease.

Mayor Maetzold commented a small number of homes in Edina have boulevard trees and it seems unfair for the rest of the City to maintain those trees. Mr. Hovland questioned the help a few residents received with the sewer back-up from the City and wondered why the trees were only the responsibility of the homeowner.

Attorney Gilligan responded to Mr. Hovland that the property goes to the street but the City has an easement for roadway purposes over the boulevard. The property is owned by the homeowner.

Mr. Keprios said the City of Minneapolis has a multi-million dollar budget to handle boulevard trees while in the majority of the suburbs, the trees are the responsibility of the homeowner.

Mr. Anderson informed the Council of circumstances relating to the Star Tribune article that the homeowner with the purported diseased tree was allowed an extension from the twenty days to get a second opinion. The forester's opinion was that neighboring trees would not be in jeopardy because of this extension. Mr. Anderson added if removal of diseased elm's was deemed the City's responsibility, it would be a huge expense to the General Fund portion of the budget.

A letter was received from Camilla Reiersgord, 4500 West 44th Street, suggesting improvements be made in the Edina Dutch Elm program.

No Council action was taken.

FARMERS MARKET CONCERNS EXPRESSED Assistant Manager Anderson explained several years ago, Sever's Farm Market operated a vegetable stand at Rosland Park. City officials relocated the stand to Utley Park because of traffic at the Aquatic Center in Rosland Park. Residents complained about the new location, pointing out that such operations are prohibited by ordinance on publicly owned

Minutes/Edina City Council/August 6, 2002

property. As a result, the stand was not allowed to open this year. Several residents have expressed concern that their ability to purchase farm-fresh produce has been taken away.

Correspondence has been received from: Susan and Wesley Simonton, 6229 Maloney Avenue; DeLores Paul, 6009 Tingdale Avenue; and an e-mail from Peter and Laurie Nordquist expressing their displeasure with the relocation and subsequent closure of the Sever's farm market.

Director Keprios showed a graphic depicting City Code No. 1230.02:

“CONDUCT IN PARKS, STREETS, SIDEWALKS AND PUBLICLY OWNED PROPERTY.

No person, in any park, street, sidewalk or publicly owned property shall:

R. Park or occupy a vehicle or occupy a street or sidewalk to sell any farm produce or any other product or property, or for conducting any business or selling of services except for provided in Subsection 1230.08 of this Code.”

Council consensus directed staff to look into the possibility of amending the ordinance allowing farmers to operate produce stands in Edina.

No formal Council action was taken.

RE-CIRCULATION OF LETTER FROM MINNESOTA FILM BOARD REQUESTED Member Kelly requested re-circulation of a letter received some months ago from the Minnesota Film Board expressing their concerns with the ominous licensing procedure. Mr. Anderson stated the letter would be re-circulated to the Council.

***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 July 18, 2002, and consisting of 45 pages: General Fund \$212,273.15; Communications Fund \$12,675.20; Working Capital Fund \$100,339.66; Construction Fund \$444,542.87; Art Center Fund \$2,553.13; Golf Dome Fund \$760.90; Aquatic Center Fund \$17,099.49; Golf Course Fund \$37,002.29; Ice Arena Fund \$18,629.10; Edinborough/Centennial Lakes Fund \$24,337.46; Liquor Fund \$194,045.19; Utility Fund \$353,805.62; Storm Sewer Fund \$26,009.59; Recycling Fund \$30,418.60; **TOTAL \$1,474,492.25**; and for payment of claims dated July 25, 2002, and consisting of 33 pages: General Fund \$391,131.26; Communications Fund \$4,823.87; Working Capital Fund \$85,293.66; Construction Fund \$24,963.32; Art Center Fund \$1,333.99; Golf Dome Fund \$25.37; Aquatic Center Fund \$7,472.90; Golf Course Fund \$19,879.33; Ice Arena Fund \$349.97; Edinborough/Centennial Lakes Fund \$9,967.96; Liquor Fund \$105,352.95; Utility Fund \$46,318.54; Storm Sewer Fund \$335.42; Payroll Fund \$320,000.00; **TOTAL \$1,017,248.54**; and for payment of claims dated August 1, 2002, and consisting of 37 pages: General Fund \$176,193.58; Communications Fund \$1,892.19; Working Capital Fund \$402,620.19; Construction Fund \$21,595.09; Art Center Fund \$14,856.53; Aquatic Center Fund \$6,784.74; Golf Course fund \$35,759.05; Ice Arena Fund \$112.90; Edinborough/Centennial Lakes Fund \$12,643.82; Liquor Fund \$134,612.05; Utility Fund \$26,558.53; Storm Sewer Fund \$29,458.05; **TOTAL \$863,086.72**.

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:15 P.M.

City Clerk