

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 20, 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 Housh and seconded by Member Hovland approving the Council Consent Agenda as presented with the exception of Agenda Item I, Approval of Minutes - Regular Meeting of August 6, 2002.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2002-71 - NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH PROCLAIMED Mayor Maetzold proclaimed the month of September, 2002, to be National Alcohol and Drug Addiction Recovery Month in the City and encouraged all citizens to support this years theme - "Join the Voices of Recovery: A Call to Action".

Member Masica introduced the following resolution and moved its adoption:

RESOLUTION NO. 2002-71

PROCLAIMING

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

WHEREAS, September 2002 is the National Alcohol and Drug Addiction Recovery Month; and

WHEREAS, acknowledging that September 2002 offers individuals in the substance abuse treatment community an opportunity to educate the public and policymakers about the effectiveness of treatment, both societal and financial; and

WHEREAS, substance use and abuse is a major public health problem that affects millions of Americans of all ages, races, and ethnic backgrounds and in all communities and which has a huge medical, societal, and economic cost; and;

WHEREAS, substance abuse is a treatable disease and treatment of addiction is as successful as the treatment of other chronic diseases such as diabetes, hypertension, and asthma; and

WHEREAS, thousands of health care providers have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, and treatment issues.

WHEREAS, the U. S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment, the Office of National Drug Control Policy and Fairview Southdale Hospital invite all residents of the City of Edina to participate in National Alcohol and Drug Addiction Recovery Month.

Minutes/Edina City Council/August 20, 2002

NOW, THEREFORE, BE IT RESOLVED that the City of Edina by action of its City Council does hereby proclaim September 2002 to be:

NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in the City of Edina and encourages all citizens to support this year's theme—"Join the Voices of Recovery: A Call to Action"—by supporting men, women and youth who are in drug and alcohol addiction treatment and recovery and their families.

ADOPTED this 20th day of August, 2002. Member Kelly seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

MINUTES OF THE REGULAR MEETING OF AUGUST 6, 2002, CHANGES APPROVED; AND REGULAR MEETING OF AUGUST 20, 2002 Member Hovland

removed the Minutes of the Regular Meeting of August 6, 2002, from the Consent Agenda to submit changes in the *MOVE* presentation.

Motion made by Member Hovland and seconded by Member Housh approving the Minutes of the Regular Meeting of the Edina City Council for August 6, 2002, with submitted changes and Minutes of August 20, 2002.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

CITY OF EDINA RECEIVED AAA BOND RATING BY STANDARD & POOR'S

Finance Director Wallin reported that Standard and Poor's has upgraded the City of Edina's bond rating to AAA, its highest rating. There are just 55 cities in the nation with a AAA Rating, five of which are in Minnesota. Moody's Investment Services upgraded the City of Edina to its highest rating, Aaa, in 2000. Edina is one of three cities in Minnesota to have high ratings from both agencies. He explained high bond ratings ensure that future debt will be issued with the lowest possible interest expense and cost to the taxpayer.

PLANNING COMMISSION PRELIMINARY PLAT DECISION UPHELD - CRESTWOOD DEVELOPMENT - 6725 IROQUOIS CIRCLE Planner Larsen informed

the Council the subject property is located at 6725 Iroquois Circle, and measures approximately 400 feet by 550 feet and contains a total area of 4.08 acres. The property has frontage on Iroquois Circle of 60 feet. The existing house is being remodeled and will remain on the site. The entire site is encumbered by steep slopes and is heavily wooded.

Crestwood Development is requesting a three-lot subdivision. A new public cul-de-sac extending into the site from Iroquois Circle would serve the lots. The street is necessary to meet City requirements that all lots have at least a 30-foot frontage on an improved public street. There are 52 lots within 500 feet of the subject property. The median average for lot width, lot depth and lot area for the 52 lots are:

LOT WIDTH	LOT DEPTH	LOT AREA
125 FEET	163 FEET	25,506 sf

Lots in the proposed subdivision would have dimensions as follows:

	LOT WIDTH	LOT DEPTH	LOT AREA
LOT 1	128 feet	335 feet	48,854 sf
LOT 2	132 feet	300 feet	75,920 sf
LOT 3	125 feet	310 feet	36,971 sf

Staff recommends denial of the proposed subdivision for the following reasons:

1. Tree loss required to construct the new street would be detrimental to the character of the existing neighborhood
2. Grading and tree loss associated with the development of Lot 1 would be detrimental to adjacent properties
3. Proposed development would be detrimental to the character and symmetry of the surrounding neighborhood
4. Location of the existing house makes a logical, balanced division of property impossible

Council comments:

Member Hovland inquired what would be the height of the highest retaining wall and asked staff's opinion of the extreme tree loss. Planner Larsen answered the highest retaining wall would be approximately forty-six feet. The easterly portion of the lot would remain untouched but there would be total tree loss with the addition of the road. Mr. Hovland asked if staff expressed concern with the substructure of the land with the loss of the trees. Mr. Larsen said recently there has been grading work on the site, some of which may affect structures on adjacent lots. Mr. Hovland asked how much dirt would be removed to create the cul-de-sac. Mr. Larsen noted that correspondence the City received from an adjoining neighbor estimated the amount of dirt to be removed would be 29,000 cubic yards, to accomplish the proposed development plan.

Member Masica said upon examination of the site that all that remains of the original house was some visible cement blocks. Mr. Larsen responded the developer could answer this concern. Ms. Masica asked if further information had been received following the Planning Commission meeting. Mr. Larsen said a letter was received from Gary Gandrud, Faegre and Benson and a letter from the tree consultant, Stephen J. Nicholson, Consulting Forester.

Member Kelly inquired whether any past project in Edina had the dimension of this one as far as displacement of soils and tree loss. Mr. Larsen said it is difficult to estimate tree loss because of the size of the parcel. Many sections of trees will be left untouched. Mr. Kelly said of all the developments he has been involved with on the Council, nothing comes close to this proposal.

Minutes/Edina City Council/August 20, 2002

Member Housh asked about safety with the height of the retaining wall. Mr. Larsen said the wall would be installed in stepped-back tiers. Mr. Housh asked if two lots sharing a common driveway is unusual. Mr. Larsen said while shared driveways are not an ideal situation, they are allowed.

Mayor Maetzold recalled that generally it has been the policy of the Council not to approve this type of driveway. Mr. Larsen reiterated that from a development point of view is one thing, but from a legal point of view, the City does not have an ordinance in place that prevents shared driveways.

Developer's comments:

Tom Feehan, Crestwood Development, L.L.C. and Aarbor Homes, said he would not be before the Council if he did not believe in the proposed project. He explained his twenty-five year background has been with designing custom homes on difficult site. He presented a pictorial display of designs he has been involved in. He answered the concern expressed by Ms. Masica regarding what portion of the original house remained. He said that the entire front portion of the flat-roofed house had to be razed because of major water damage.

Mr. Feehan explained upon examination of the site regarding the City Code, it was discovered that even though the site was over four acres, it had only 60 feet of frontage on Iroquois Circle and would require a variance. The Code also stated the development would need to meet the character and symmetry of the neighborhood. He presented graphics and aerial photographs depicting how the proposal would blend with the neighborhood, and noted retaining walls and street-scapes in the same general vicinity. Mr. Feehan stated his belief that the proposal was a good fit for the area and met both the City Code and the character and symmetry.

Mr. Feehan indicated adjoining neighbors to the proposed development have expressed they do not want anything to change. Fewer trees would be removed with this subdivision than have been removed in similar developments with smaller and more lots. Responding to concerns of neighbors, the plan was modified allowing the best possible buffer between the development and existing homes. He explained a neighbor questioned Crestwood Development's choice of tree service, Kunde, Company. Mr. Feehan stated the Kunde, Company has been used by the City a number of times and is well respected. Another concern of the neighbors is with the retaining walls. He explained the boulder retaining wall height is higher in order to maintain more trees. Another concern of the neighbors was water run-off. Recently, following three inches of rain, soil from Crestwood's construction site ran into a neighbor's yard. Mr. Feehan said the site was cleared by 6:00 P.M. that same day.

Member Housh asked what the grade is up to the cul-de-sac. Mr. Feehan said the grade is at 7% or sixteen feet to the back of the cul-de-sac. Member Housh asked the height of the retaining wall. Mr. Feehan said there would be two eighteen feet tiers.

Engineer's comments:

Steve Albrecht, project engineer with Bolton and Menk, Inc., said retaining walls are common in the area. If a driveway is proposed it would have to be at 7% grade or less and would make retaining walls higher. He indicated that both sanitary sewer and water are available on the property but storm water discharge off the property is a challenge and will be handled with temporary areas to retain water.

Member Hovland inquired why residents off Dakota Trail are receiving run-off and no house is built on Lot 1. Mr. Albrecht said he has not been involved in the renovation but guesses soils may have been moved which, when it rains could cause some run-off. Mr. Hovland noted that even with the large amount of vegetation still in place, there is run-off onto Dakota Trail. How do things improve with the addition of two more homes. Mr. Albrecht responded that with any development, run-off occurs. They are trying to control the rate of the run-off with the installation of catch basins and the orientation of the driveway. Mr. Hovland said what happens if the rate of run-off is not controlled, who suffers the consequences. Mr. Albrecht said there will be more run-off. Mr. Hovland asked if the homes on Iroquois and Dakota will be better off upon completion of the proposed development. Mr. Albrecht said he believes that one existing home will benefit with run-off from the proposed development. Mr. Albrecht concluded that there would be approximately 20,000 yards (1200 - 1500 truck loads) of dirt removed from the property.

Mayor Maetzold called for resident comments in favor of the proposed development. No residents came forward.

Council comments:

Member Kelly stated the City has a Planning Commission for a reason. In his seven years on the Council he has never seen a unanimous denial of a proposal by the Planning Commission, which sends a big message. He believes if this were to be approved, it would be the largest excavation of any residential property in Edina's history. Mr. Kelly said he has been a proponent of the Ordinance limiting tree loss, he can not support this proposal.

Member Housh complimented the developer that a more extensive report to Council than what was presented to the Planning Commission. He can not support this project going forward because of concern with run-off. He added it seems like too much is being squeezed into the spot.

Member Masica thanked Mr. Feehan for the complete report. The innate topography of the site does not merit splitting it up. She said the proposal goes against Edina's Vision 20/20 which is to maintain the character and symmetry of neighborhoods.

Minutes/Edina City Council/August 20, 2002

Member Hovland indicated the symmetry of the top of the hill is made up of large four-plus acre lots. The Comprehensive Plan and residential policy says character and symmetry should be preserved. He stated he sees no similarity with the Ratelle property as there are no downhill neighbors that could be at risk for run-off. He could not support the proposed development.

Mayor Maetzold voiced concern with the severe impact on the topography of the area.

Resident comments:

Steve Richards, Dakota Trail, projected pictures indicating their yard with significant clay colored run-off. His two areas of concern were the run-off as well as the potential of anything more dire happening with a retaining wall. Mayor Maetzold suggested staff contact the appropriate individual responsible for this concern. Mr. Hughes indicated he would speak to the Building Official about the concern.

Mr. Housh asked how long Mr. Richards had lived on Dakota Trail. Mr. Richards said they moved in the day after the big storm in 1987.

Gary Gandrud, 2200 South 7th Street, spoke on behalf of Dr. Donald and Lorie McQuarrie, and recognized the City Ordinances and the integrity of their neighbors.

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

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Kelly made a motion to direct staff to prepare findings consistent with the record and the Planning Commission recommendation for denial of the proposed subdivision for Crestwood Development (6725 Iroquois Circle) and present them at the September 3, 2002, Regular Council Meeting. Member Masica seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***BID AWARDED FOR MAIN METER REPLACEMENT FOR MORNINGSIDE AREA - PUBLIC WORKS (UTILITIES)** Motion made by Member Housh and seconded by Member Hovland for award of bid for main meter replacement for Morningside area to recommended sole bidder, US Filter, at \$15,852.77.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR ONE TON PICKUP CAB AND CHASSIS - PUBLIC WORKS (STREETS)** Motion made by Member Housh and seconded by Member Hovland for

award of bid for a one ton pickup cab and chassis only, to recommended bidder, Nelsen GMC, Inc., under Hennepin County Contract #0877B-1-232 at \$19,797.00.

Motion carried on rollcall vote – five ayes.

***BID AWARDED FOR SKID STEER WITH ATTACHMENTS - PUBLIC WORKS (STREETS)** Motion made by Member Housh and seconded by Member Hovland for award of bid for a skid steer loader with attachments to recommended bidder, St. Joseph Equipment, Inc., under State Contract #428344 at \$47,599.00.

Motion carried on rollcall vote – five ayes.

AWARD OF BID FOR BUILDING DEMOLITION - 4701 WEST 50TH STREET

Engineer Houle explained a quote had been received for demolition and removal of the building located at 4701 West 50th Street, the old Hennepin County Library building. An asbestos abatement project was completed recently and an underground fuel tank removed. It is estimated the project will take four to five weeks and will commence in late August. Funding will be through the City Hall construction budget. Mr. Houle recommended awarding the bid to the recommended low bidder, FM Frattalone Excavating and Grading, Inc.

Member Kelly made a motion for award of bid for building demolition at 4701 West 50th Street, the old Hennepin County Library building, to recommended low bidder, FM Frattalone Excavating and Grading, Inc., at \$31,260.00. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***RESOLUTION NO. 2002-69 - ADDING EXCELSIOR FIRE DISTRICT TO SOUTHWEST MUTUAL AID ASSOCIATION** Motion made by Member Housh and seconded by Member Hovland approving the following resolution:

RESOLUTION NO. 2002-69

A RESOLUTION ADDING

EXCELSIOR FIRE DEPARTMENT TO

THE SOUTHWEST MUTUAL AID ASSOCIATION

WHEREAS, the City of Edina has previously approved and participated in a mutual aid agreement between the southwest suburban governmental agencies to provide cooperative use of fire personnel and equipment; and

WHEREAS, the agencies participating in this agreement have been designated the Southwest Mutual Aid Association; and

WHEREAS, the existing agreement requires the parties of the agreement to approve by resolution a new Exhibit A to add a new member to the agreement; and

WHEREAS, the City of Excelsior Fire Department was a member but has changed to the Excelsior Fire District and would like to continue to be a member of the Association.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Edina, Minnesota, that:

Minutes/Edina City Council/August 20, 2002

The revised Exhibit A dated July 25, 2002, which includes the Excelsior Fire District is hereby approved as the new official list of parties to the agreement establishing the Southwest Mutual Aid Association; and

The City Clerk is directed to transmit a certified copy of this resolution to the secretary of the Southwest Mutual Aid Association.

Motion carried on rollcall vote - five ayes.

TEMPORARY ON-SALE BEER LICENSE APPROVED FOR OUR LADY OF GRACE CHURCH

Manager Hughes indicated Our Lady of Grace Church has applied for a temporary beer license for an outdoor social the church will be holding from 6:00 P.M. until midnight on September 14, 2002. Code Section 900 allows non-profit organizations to obtain a temporary beer license to sell 3.2 beer on-sale for this type of event. Our Lady of Grace has filed the necessary application, provided proof of insurance and paid the applicable fee. The City issued a temporary on-sale beer license for a similar event at the church last fall. The event was held without incident.

Member Kelly made a motion to grant a temporary on-sale beer license to Our Lady of Grace Church for an outdoor social from 6:00 P.M. until midnight on September 14, 2002. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

SEASONAL CHRISTMAS TREE LOT DISCUSSED FOR OUR LADY OF GRACE CHURCH

Manager Hughes said a letter, dated August 12, 2002, was received from Richard M. Ward, Past President and Membership Secretary of the Our Lady of Grace Men's Club (OLG).

Dick Ward, 6809 Galway Drive, requested consideration be given by the Council of the church's interest in having a seasonal Christmas tree lot. The sale would begin Thanksgiving weekend through approximately December 15, from 8:00 A.M. to 9:00 P.M. weekends and 4:00 P.M. to 8:00 P.M. daily. The sale would be held on OLG property with profits benefiting non-profit activities and provide community involvement opportunities for OLG school students. Mr. Ward noted the main reason for the tree sale is to help fund the recent renovation of the athletic fields, used by OLG and the Park Board. He asked a timely Council consideration of the request as they must order trees in October.

Mr. Hughes said a draft Ordinance could be before the Planning Commission at their next meeting and come back before the Council in a timely fashion.

No action was taken.

WEBSITE PRIVACY POLICY ADOPTED Director Wilkinson explained beginning in the fall of 1999, websites of the federal government were required to have a privacy policy in place that can be seen from the homepage of any federal website. Currently, state and municipal governments are not required to have a privacy policy in place but implementing a policy makes sense. The policy, as presented, was drafted with help from the League of Minnesota Cities and eNRGi, the firm chosen to aid with the set-up of the City website. The policy has several parts:

1. Information you provide to the City of Edina;

2. Tracking information about your visit to the City of Edina site; and
3. Cookies

The complete website policy is on file in the office of the City Clerk.

Member Kelly made a motion to adopt the City of Edina Website Privacy Policy as presented. Member Masica seconded the motion.

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

WEBSITE EXTERNAL LINKS POLICY ADOPTED Director Wilkinson said that as websites grow in popularity, so do the number of requests for external links. Currently, the City's website has several links to outside organizations. Requests have been received to add links for political candidates, for-profit businesses, churches, etc. Seeking to limit these types of requests, many Minnesota cities have approved website external links policies. The proposed Website External Links Policy is based somewhat along the League of Minnesota Cities sample policy as well as information provided by consulting firm eNRGi.

Following a brief Council discussion, **Member Kelly made a motion to refer the Website External Links Policy back to staff for further clarification and discussion.** Member Masica seconded the motion.

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

***TRAFFIC SAFETY STAFF REPORT OF AUGUST 5, 2002, APPROVED** Motion made by Member Housh and seconded by Member Hovland approving the Traffic Safety Staff Report of August 5, 2002, Section A:

1. Installation of STOP signs for westbound Kellogg Avenue at Wooddale and also at eastbound Andover Road at Wooddale Avenue; and
2. Recommends Edina City Council requests Hennepin County to install marked/painted pedestrian crosswalks on France Avenue at:
 - A. Parklawn Avenue connecting southwest corner of intersection with the southeast corner of intersection; and
 - B. Gallagher Drive connecting southwest corner of intersection with the southeast corner of intersection; andincluding maintenance of installation of crosswalks by Hennepin County; and

Section B and C.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2002-70 APPROVED - NOMINATING RE-APPOINTMENT OF ROBERT KOJETIN TO NINE-MILE CREEK WATERSHED DISTRICT BOARD** Motion made by Member Housh and seconded by Member Hovland approving the following resolution:

**RESOLUTION NO. 2002-70
A RESOLUTION NOMINATING
ROBERT J. KOJETIN TO
NINE-MILE CREEK WATERSHED DISTRICT**

BOARD OF MANAGERS

WHEREAS, a vacancy exists on the Nine-Mile Creek Watershed District Board of Managers; and

BE IT RESOLVED, by the City Council of the City of Edina, Minnesota that it hereby recommends and nominates Robert J. Kojetin to the Hennepin County Board of Commissioners for re-appointment to the Nine-Mile Creek Watershed District Board of Managers and urges the Commissioners to approve the re-appointment.

Adopted this 20th day of August, 2002.

Motion carried on rollcall vote – five ayes.

BAD CHECK PROGRAM AGREEMENT APPROVED Chief Siitari explained the Retail Protection Association (RPA) is a private business that provides a diversion program for individuals who issue dishonored checks. The program provides restitution to the victim and reduces the caseload of the congested criminal justice system. The majority of dishonored checks are for small amounts that are misdemeanor violations.

Mr. Siitari said the Edina Police Department does not accept dishonored checks if the dollar amount is less than \$250.00. The Program offers retailers an alternative to collection agencies or handling the cases themselves. The Police Department's caseload or duties do not increase with dishonored checks. Criminal prosecution remains an option if the defendant does not comply with the program and prosecutorial guidelines are met. For every successful diversion, the City will receive \$5.00.

Staff recommends approval of the agreement to implement the Bad Check Program, which benefits retailers and businesses and does not impact the Police Department caseload.

Following a brief discussion, **Member Masica made a motion approving the proposed agreement between the City and the Retail Protection Association to set up a Bad Check Program to handle dishonored checks through a pretrial diversion process.** Member Kelly seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

UPDATE GIVEN ON EDINA POLICE OFFICER ELASKY Chief Siitari gave a brief update on Officer Jeff Elasky, following the attempted robbery recently in Edina.

***CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Hovland seconded the motion approving payment of the following claims as shown in detail on the Check Register dated August 8, 2002, and consisting of 31 pages: General Fund \$175,435.31; CDBG Fund \$49.00; Communications Fund \$14,591.18; Working Capital Fund \$50,091.96; Construction Fund \$2,162.44; Art Center Fund \$1,154.78; Golf Dome Fund \$167.12; Aquatic Center Fund \$5,462.29; Golf Course Fund \$16,486.94; Ice Arena Fund \$3,783.55; Edinborough/Centennial Lakes Fund \$9,326.58; Liquor Fund \$158,075.19; Utility Fund \$14,448.44; Storm Sewer Fund \$1,160.94; Payroll Fund \$380,000.00; **TOTAL \$832,395.72**; and for approval of payment of claims dated August 15, 2002, and consisting of 40 pages: General Fund \$247,900.86; Communications Fund \$2,822.21; Working Capital Fund \$40,263.33; Construction

Fund \$1,287.30; Art Center Fund \$3,802.55; Golf Dome Fund \$668.73; Aquatic Center Fund \$9,764.89; Golf Course Fund \$31,311.28; Ice Arena Fund \$18,869.44; Edinborough/Centennial Lakes Fund \$34,103.50; Liquor Fund \$83,864.42; Utility Fund \$304,606.81; Storm Sewer Fund \$13,886.95; Recycling Fund \$30,418.60; TOTAL \$823,570.87.

Motion carried on rollcall vote - five ayes.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 9:10 P.M.

City Clerk