

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
AUGUST 5, 2003
7:00 P.M.**

ROLLCALL Answering rollcall were Members Hovland, Masica and Mayor Maetzold.

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

Rollcall:

Ayes: Hovland, Masica, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF JULY 15, 2003, APPROVED** Motion made by Member Hovland and seconded by Member Masica, approving the Minutes of the Regular Meeting of the Edina City Council for July 15, 2003, as presented.

Motion carried on rollcall vote - three ayes.

RESOLUTION NO. 2003-54, FINAL PLAT APPROVED - MENDOZA ESTATES (5117 RIDGE ROAD) Planner Larsen stated the Final Plat had been submitted and all conditions satisfied since the preliminary plat was granted on April 15, 2003. He said the proponent would be paying a subdivision dedication based upon an unimproved land value of \$350,000.00 or \$28,000.00. Mr. Larsen recommended granting the Final Plat as requested.

Member Hovland asked how the raw land value was derived. Mr. Larsen explained that there was a discounted land cost for the underlying property in total and pointed out the subdivision dedication was for only the new lot, not the total plat.

Member Hovland introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2003-54
GRANTING FINAL PLAT
APPROVAL TO MENDOZA ESTATES
5117 RIDGE ROAD**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "MENDOZA ESTATES", platted by Salvador Mendoza, and presented at the regular meeting of the City Council on August 5, 2003, be and is hereby granted final plat approval conditioned upon Subdivision Dedication of \$28,000.00. Member Masica seconded the motion.

Rollcall:

Ayes: Hovland, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2003-55, FINAL PLAT APPROVED - GEAREN HILL ADDITION (6608 DAKOTA TRAIL) Mr. Larsen noted the Council had granted the preliminary plat for Gearen Hill Addition at their July 16, 2003 meeting. He stated the subject property was 2.9 acres in size with frontage on both Dakota Trail and Mohawk Trail. The existing dwelling accesses Dakota Trail. The proposed lots would measure 1.57 acres and 1.32 acres respectively. Mr. Larsen said the proposed plat conformed with all Edina City Codes. Mr. Larsen reported the proponent had complied with all conditions from the preliminary plat and he recommended Council grant the requested final plat approval.

Member Hovland asked if the forty-foot conservation restriction would be adequate. Mr. Larsen replied this would be similar to others as required on Mohawk Trail.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2003-55
GRANTING FINAL PLAT
APPROVAL TO GEAREN HILL ADDITION
6608 DAKOTA TRAIL**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "GEAREN HILL ADDITION", platted by James P. Gearen, as Trustee of the James P. Gearen Revocable Trust, and presented at the regular meeting of the City Council on August 5, 2003, be and is hereby granted final plat approval conditioned upon Subdivision Dedication of \$28,000.00 and a forty (40) foot conservation restriction from Mohawk Trail. Member Hovland seconded the motion.

Rollcall:

Ayes: Hovland, Masica, Maetzold

Motion carried.

***FINAL DEVELOPMENT PLAN - FOUR CROWN, INC., (VULCAN PROPERTIES/WENDY'S) GRANTED AN EXTENSION FROM ACTION/CONTINUED FOR CONSIDERATION TO AUGUST 19, 2003** Motion made by Member Hovland and seconded by Member Masica granting Four Crown, Inc., (Vulcan Properties/Wendy's) to be continued for consideration to August 19, 2003, and a sixty day extension from action.

Motion carried on rollcall vote - three ayes.

***AWARD OF BID TO REPLACE TWO PRIMARY CITY SERVERS** Motion made by Member Hovland and seconded by Member Masica for award of bid to replace two primary City servers to recommended bidder, Hewlett-Packard, under State Contract (WSCA) #90-00151, at \$19,594.93.

Motion carried on rollcall vote - three ayes.

***AWARD OF BID FOR ONE ½ TON EXTENDED CAB PICKUP** Motion made by Member Hovland and seconded by Member Masica for award of bid for one ½ ton extended cab pickup to recommended bidder, Thane Hawkins Polar Chevrolet (under Hennepin County Contract #1109-A232) at \$16,418.29.

Motion carried on rollcall vote – three ayes.

***AWARD OF BID FOR DOOR REPLACEMENT AND PAINTING - WATER TREATMENT PLANT NO. 1** Motion made by Member Hovland and seconded by Member Masica for award of bid for door replacement and painting for Water Treatment Plant No. 1, to recommended low bidder, Municipal Builders, Inc., at \$16,689.00.

Motion carried on rollcall vote – three ayes.

***AWARD OF BID FOR CAHILL SCHOOL ROOF REPAIR** Motion made by Member Hovland and seconded by Member Masica for award of bid for Cahill School roof repairs to recommended low bidder, Berwald Roofing Company at \$14,765.00 plus sales tax.

Motion carried on rollcall vote – three ayes.

BID AWARDED FOR AUDIO VISUAL SYSTEM FOR CITY HALL COUNCIL CHAMBERS Assistant Manager Anderson explained the bid represented both the presentation/sound systems and cable television systems for the new Council Chambers. The consultant's budget estimate for the package was \$700,000.00. He noted Bloomington had awarded the bid for their new City Hall A/V equipment to the same bidder. Previously, it was being considered to accept the proposal by Bloomington to provide manpower to produce Council Meetings on cable for a fee. City staff believes this can be accommodated within the Communications Fund without a need to rely on the Cable Trust Fund. The audio/visual equipment will be installed during construction of the new building, scheduled to open in early winter. Council meetings will be broadcast beginning as soon as late winter or early spring.

Member Masica inquired how much manpower would be provided by Bloomington to operate this system. Communications Director Wilkinson said Bloomington would use a graphics package, which is a five-minute to twenty-minute video that would be run over the weekend before the meeting depicting the upcoming agenda. The program would not be live but played on tape delay. Bloomington would present a completed tape to staff with the authority to set up a viewing schedule on cable with Time-Warner Cable.

Ms. Masica asked for further information about the Cable Trust Fund. Finance Director Wallin explained the Cable Trust Fund as well as the Edinborough Trust and part of the HRA Funds were invested with USBank Piper. They were aware a withdrawal was forthcoming so a portion was in a shorter-term investment account.

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Mayor Maetzold asked whether the Audio/Visual Systems could be leased or creatively financed. Mr. Anderson responded at the present time, this has not been considered but information could be secured and presented at a later time if the Council wishes.

Member Hovland made a motion approving the Audio/Visual Systems for City Hall Council Chambers to recommended low bidder, Alpha Video, at \$578,127.55 and directed the City Attorney to develop a Reimbursement Resolution consistent with the requirements of the State Statutes. Member Masica seconded the motion.

Rollcall:

Ayes: Hovland, Masica, Maetzold

Motion carried.

MUNICIPAL LEGISLATIVE COMMISSION UPDATE PRESENTED Mayor Maetzold introduced Tom Poul, Bill Schreiber, and James Clark from Messerli & Kramer, Law Firm, Professional Association who were present to provide information on the Municipal Legislative Commission (MLC). He explained that Edina is one of eleven suburban cities that were members of the MLC since the 1980s. The MLC acts on behalf of the cities with the State Legislature. The MLC works with the Mayor and City Manager of each of the 11 cities providing them with necessary information regarding legislative or administrative proposals.

The Council was presented with a Legislative Summary and General Overview from the 2003 Municipal Legislative Commission Regular and Special Sessions Report dated July 31, 2003. Representatives of the MLC reviewed the local affects of the 2003 Legislative Sessions and shared their thoughts on the upcoming 2004 Session. Among the parts of the 2003 Session reviewed by MLC were Local Government Aid and market Value Homestead Credit reimbursement cuts, levy limits and the 2 A.M. bar closing time. MLC representatives also discussed the State budget shortfall, mandate relief, unnecessary reporting, compliance flexibility, local option sales tax and fiscal disparities, which might be addressed during the 2004 session.

No formal Council action was taken.

RESOLUTION NO. 2003-53 - APPROVING SUPPORTING TRANSPORTATION ENHANCEMENT GRANT APPLICATION FOR INTERLACHEN BOULEVARD/BLAKE ROAD TRAIL Member Hovland asked that Resolution No. 2003-53, approving support of the transportation enhancement grant application for Interlachen Boulevard/Blake Road trail be removed from the consent agenda for further information. He asked for more information on the physical makeup of the trail that would handle both pedestrians and bicycles.

Engineer Houle responded that details have not been worked out on the trail but the plan would be a six to eight foot wide trail, composed of bituminous and possibly located on the north side of Interlachen Boulevard.

Member Hovland made a motion approving the following resolution and moving its adoption:

RESOLUTION NO. 2003-53

A Resolution supporting the City of Edina's application for funds from the Federal Transportation Enhancement grant program administered by the Metropolitan Council to construct a pedestrian/bicycle trail along Interlachen Boulevard and Blake Road in the cities of Edina and Hopkins connecting to Hennepin County's Southwest LRT Trail.

WHEREAS, the City of Edina has identified the importance of separating bicycle and pedestrian traffic from motorized traffic as a means of enhancing the community's livability and safety in the City's 2000 Comprehensive Plan; and,

WHEREAS, the City of Edina's 2000 Comprehensive Plan identified construction of a State-Aid Sidewalk along Interlachen Boulevard and Blake Road as a needed improvement in order to implement a solution to a transportation problem and to achieve the City's overall vision for a comprehensive community trail system; and,

WHEREAS, the construction of a safe and convenient off-road pedestrian/bicycle trail connecting the City of Edina to the City of Hopkins and to the Southwest LRT Trail will enhance the City of Edina's investment in our Grandview Area development by providing an improved connection enhancing alternative travel mode choice; and,

WHEREAS, the City of Edina takes great pride in providing enhanced transportation improvements that provide alternative transportation choices accessible to all its residents.

NOW THEREFORE, BE IT RESOLVED, the City of Edina endorses the application for Federal Transportation Enhancement funds from the Metropolitan Council and fully supports the construction in 2007 of a pedestrian/bicycle trail along Interlachen Boulevard and Blake Road in the cities of Edina and Hopkins connecting to Hennepin County's Southwest LRT Trail.

BE IT FURTHER RESOLVED, the City of Edina commits to procuring the local (non-federal funds) match of at least 20 percent of construction costs required as part of the Federal Transportation Enhancement grant program to construct the Interlachen Boulevard/Blake Road Trail project and is committed to the future.

Passed and adopted this 5th day of August 2003. Member Masica seconded the motion.

Ayes: Hovland, Masica, Maetzold

Motion adopted.

FOUNTAIN WOODS CONDOMINIUMS NOISE REPORT PRESENTED - (6670 VERNON AVENUE) Sanitarian Velde explained that noise level measurements were taken on August 7 and 8, 2001, on the air conditioning equipment at Fountain Woods

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Condominiums located at 6670 Vernon Avenue. The measurements followed standard procedures in a residential area as set forth in rules by the Minnesota Pollution Control Agency. Measurements were taken every ten seconds from 10:00 P.M. until 7:00 A.M. on August 8th, 2001. Measurements taken at the property line of the nearest neighbor on Walnut Drive and testing found no violation of the State nighttime noise standard.

Mr. Velde noted on July 28 and 29, 2003, measurements were again taken in the same location. Testing found the air conditioning noise did violate the nighttime noise standard by an average of 2.3 dBA. Mr. Velde presented a graph depicting noise levels each hour from 10:00 P.M. to 7:00 A.M. He explained the higher noise level between 10:00 P.M. and midnight was attributed to Highway 169 noise.

Mr. Velde added that management of Fountain Woods has been notified about the violation and informed that the situation must be corrected within 30 days.

Member Masica restated that the management at Fountain Woods at this time was not asked to do anything to abate the noise. Mr. Velde noted that a previously open door had been closed on the equipment and another test will be done soon.

Mr. Velde referred to a memorandum has been received from Attorney Gilligan addressing the City's ability to impose more stringent maximum levels than state standards as well as if the City could take action to abate excessive noise under another City ordinance. Mr. Velde explained there was a prohibition on local governments from adopting a more restrictive standard. He added that action considered under the nuisance ordinance would be an ominous task, requiring a significant number of residents being impacted by the nuisance.

Mayor Maetzold commented that the next step was to take additional measurements on a warm, muggy evening.

Ms. Masica inquired if the measurements were over state standards, what would happen next. Mr. Velde said management at Fountain Woods had been given a 30-day window to correct the situation. Corrections that could be made were as follows: 1) build a better enclosure for the equipment, 2) replace the 1970's air conditioner, and 3) relocate the air conditioner further away from the residential area.

Dan Mulvehill, 5940 Walnut Drive, commented the noise was not only an issue on a hot July day. Normally the air conditioner only shuts down from 6 - 9 minutes per hour. The unit can be heard through ear-plugs with the windows closed and with central air conditioning. He again asked for some relief from this constant noise.

No formal Council action was taken.

GRANDVIEW PARK CEMETERY SETTLEMENT AGREEMENT PRESENTED Mr. Anderson indicated the Council had met with the Attorney Gilligan and staff recently with respect to litigation involving Grand View Park Cemetery Association. The matter being litigated by the Hennepin County Attorney related to the taxable status of the property and special assessments for Maloney Avenue, which had been levied by the City several years ago.

A letter dated July 31, 2003, from Robert A. Burck, Assistant Hennepin County Attorney, outlined terms of the proposed settlement agreement with the owner of Grand View Park Cemetery that included a settlement of the special assessment dispute authorized by the Council during the past meeting. Pursuant to the proposed agreement, special assessment installments, due in 2003, and future years, would be cancelled with respect to the subject property. The first half of the special assessment payable in 2003, has been paid, and the City would refund this payment. Staff recommends approval of the proposed settlement agreement.

Member Hovland made a motion approving the Grand View Park Cemetery settlement agreement as presented. Member Masica seconded the motion.

Ayes: Hovland, Masica, Maetzold

Motion carried.

***CONFIRMATION OF CLAIMS PAID** Member Hovland made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated July 16, 2003, and consisting of 41 pages: General Fund \$179,396.02; CDBG Fund \$1,300.00; Communications Fund \$334.40; Working Capital Fund \$26,293.88; Construction Fund \$481,188.75; Art Center Fund \$6,549.20; Golf Dome Fund \$855.90; Aquatic Center Fund \$6,673.71; Golf Course Fund \$109,192.71; Ice Arena Fund \$18,997.53; Edinborough/Centennial Lakes Fund \$19,783.34; Liquor Fund \$197,298.44; Utility Fund \$513,794.14; Storm Sewer Fund \$29,026.45; Recycling Fund \$31,218.70; TOTAL \$1,621,903.17; and for approval of payment of claims dated July 23, 2003, and consisting of 41 pages: General Fund \$478,267.02; CDBG \$20.00; Communications Fund \$20,755.81; Working Capital Fund \$4,374.78; Construction Fund \$2,100.00; Art Center Fund \$14,767.91; Golf Dome Fund \$2,367.02; Aquatic Center Fund \$19,238.91; Golf Course Fund \$55,572.56; Ice Arena Fund \$2,450.51; Edinborough/Centennial Lakes Fund \$7,592.20; Liquor Fund \$101,024.27; Utility Fund \$44,651.50; Storm Sewer Fund \$6,329.26; PSTF Agency Fund \$517,646.23 TOTAL \$1,277,157.98; and for approval of payment of claims dated July 30, 2003, and consisting of 38 pages: General Fund \$400,560.04; Communications Fund \$8,303.76; Working Capital Fund \$790,383.10; Construction Fund \$25,767.25; Art Center Fund \$1,455.16; Golf Dome Fund \$147.00; Aquatic Center Fund \$3,028.93; Golf Course Fund \$18,592.22; Ice Arena Fund \$3,532.14; Edinborough/Centennial Lakes Fund \$18,851.63; Liquor Fund \$107,574.03; Utility Fund \$24,504.10; Storm Sewer Fund \$20,310.19; TOTAL \$1,423,009.55.

Motion carried on rollcall vote – three ayes.

***PETITION RECEIVED REQUESTING ALLEY PAVING FOR 300-322 MADISON AVENUE AND 301-323 JEFFERSON AVENUE** Motion made by Member Hovland and seconded by Member Masica acknowledging receipt of a petition requesting alley paving for 300-322 Madison Avenue and 301-323 Jefferson Avenue and to refer the petition to the Engineering Department as to feasibility.

Motion carried on rollcall vote - three ayes.

COUNCIL REMINDED OF FOX MEADOW PARK GRAND OPENING Mr. Anderson reminded the Council of the Fox Meadow Park Grand Opening to be held at the Park August 12, 2003, at 6:00 P.M.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:40 P.M.

City Clerk