

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

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Housh approving the Council Consent Agenda as presented with the exception of Agenda Item IV.A, trash collection contract for City facilities.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

EDINA SCHOOL BOARD REFERENDUM PRESENTATION Colleen Feige, Edina School Board Chair, explained a public forum is scheduled at Edina High School regarding the impending referendum later this evening and one on October 23, 2003. She passed out an informational sheet summarizing the \$85.8 million proposed referendum.

'CONNECTING WITH KIDS VOLUNTEER FAIR' PRESENTATION Will Amundson and Beth Stelsen, seniors at Edina High School indicated they serve on the council in charge of the 'Connecting With Kids Volunteer Fair'. They handed out brochure's depicting the Fair that will take place on October 28, 2003, and explained the various agencies that would be participating.

'COMMERCIAL PROPERTY PRIDE AWARD' PRESENTED TO CHRIST PRESBYTERIAN CHURCH Mayor Maetzold presented the 'Commercial Property Pride Award' to Norma Jean Barr of Christ Presbyterian Church, and commended the church with outstanding overall aesthetics, year-round beauty, use of turf, disease and insect control, use of trees/shrubs, and overall attention to detail to the grounds at Christ Presbyterian Church.

***MINUTES OF THE REGULAR MEETING OF SEPTEMBER 16, 2003, APPROVED** Motion made by Member Hovland and seconded by Member Housh, approving the Minutes of the Regular Meeting of the Edina City Council for September 16, 2003.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2003-70 PROCLAIMING FIRE PREVENTION WEEK - OCTOBER 5-11, 2003 Mayor Maetzold presented Fire Chief Marty Scheerer with a proclamation, proclaiming October 5 - 11, 2003, as Fire Prevention Week in Edina and encouraged residents to participate in fire prevention activities to make their homes and keep their families safe from fire.

Member Hovland introduced the following resolution and moved its adoption:

**A PROCLAMATION
FOR FIRE PREVENTION WEEK**

WHEREAS, public safety is a top priority in Edina; and
WHEREAS, safety from fire is important both to citizens and local firefighters, who put their lives on the line with every response to fire; and
WHEREAS, residents of Edina must take action to prevent fires and to protect themselves if fire strikes; and
WHEREAS, awareness of simple safety practices can help lower our local fire death and injury rates; and
WHEREAS, working smoke alarms on every level of the home and a home fire escape plan and regular drills are essential for every household in Edina; and
WHEREAS, Edina is joining the NFPA (National Fire Protection Association) in teaching lifesaving messages in conjunction with Fire Prevention Week; and
WHEREAS, the Fire Prevention Week 2003 theme, "When Fire Strikes: Get Out! Stay Out!" is an important reminder for all citizens of Edina; and
WHEREAS, the Edina Fire Department will be hosting their annual Open House on Sunday, October 12, 2003, from 1:00 P.M. to 4:00 P.M. with many demonstrations and safety messages by the firefighters and other organizations along with many fun activities for children.
NOW THEREFORE, I, Dennis F. Maetzold, Mayor of Edina, do hereby proclaim the week of October 5-11, 2003, as Fire Prevention Week. This week is commemorated across North America and supported by the public safety efforts of fire departments, schools and other safety advocates, in conjunction with the NFPA.
AND FURTHER, call upon the people of Edina to remember the Fire Prevention Week 2003 caution, "When Fire Strikes: Get Out! Stay Out!" and urge all citizens to heed the advice to install smoke alarms and plan and practice fire drills.

In witness hereof, I hereunto set my hand this 7th day of October, two thousand three.

Member Masica seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2003-68 APPROVING SPECIAL ASSESSMENTS Affidavits of Notice were presented, approved and ordered placed on file. Due notice having been given, public hearings were conducted and action taken as recorded on the following proposed assessments.

1. MAINTENANCE IMPROVEMENT NO. M-03
LOCATION: 50th & France Business District

Analysis for Assessment for Maintenance Improvement No. M-03 showed a total maintenance cost of \$126,049.98 against 339,561 assessable square feet at \$.3712 per square foot. One-year assessment payable in 2004.

Engineer Houle explained the assessment is based on City Code 1215, Chapter 429 of Minnesota State Statute. The 50th & France business district assessment charge changed from

.3233 cents per square foot in 2002 to .3712 cents per square foot in 2003. The change reflects additional moneys spent on delayed landscaping from the 49 ½ Street Parking Ramp Expansion Project and also improvements to the streetscape infrastructure, i.e. painting of decorative lights, bike racks, garbage containers and directories. The cost to maintain the brick pavers has also increased within the District – due to the corrosive winter environment.

Member Masica inquired why the assessment had dropped during the period of 2000-2001. Mr. Houle explained when the 49 ½ Street ramp was built; improvements were made to the other two ramps. Mr. Anderson said further the 2001 assessment was actually completed in 2002.

No public comments were received.

Motion made by Member Hovland and seconded by Member Housh closing the hearing for Assessment of Improvement No, M-03.

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

Motion made by Member Kelly and seconded by Member Hovland approving the assessment of Improvement No. M-03.

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

2. MAINTENANCE IMPROVEMENT NO. G-03
LOCATION: GRANDVIEW BUSINESS DISTRICT

Analysis for Assessment for Maintenance Improvement No. G-03 showed a total maintenance cost of \$25,279.88 against 461,701 assessable square feet at \$.0547 per square foot. One-year assessment payable in 2004.

Mr. Houle indicated the Grandview maintenance assessment charge changed from 5.66 cents per square foot in 2001 to 2.92 cents in 2002, to 5.47 cents per square foot in 2003. The reduced charge in 2002 reflected an increase in commercial square footage. The cost to maintain the streetscape and infrastructure within the District is also increasing. Costs include painting the wrought iron fence that flanks most of Vernon Avenue through the Grandview Business District.

Member Hovland asked if comments had been received from affected property owners. Mr. Houle noted that staff has received comments and the increased assessment is approximately \$.5 cents per square foot.

Motion made by Member Housh and seconded by Member Hovland closing the hearing for Assessment of Improvement No. G-03.

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

Minutes/Edina City Council/October 7, 2003

No written or oral comments were received.

Motion made by Member Masica and seconded by Member Hovland approving the assessment of Improvement No. G-03.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

3. TREE REMOVAL IMPROVEMENT NO. TR-03

LOCATION: Various Properties Within the City of Edina

Analysis for Assessment for Tree Removal Improvement No. TR-03 showed parcels assessed as follows for removal of diseased trees:

3100 West 60 th Street	\$2,449.50	Levy # 15825	3 year
6104 Hansen Road	\$1,424.43	Levy # 15825	3 year
5104 Meadow Ridge	\$3,088.50	Levy # 15825	3 year
6421 Indian Hill Road	\$ 239.83	Levy # 15826	2 year

Motion made by Member Hovland and seconded by Member Housh closing the hearing for Assessment of Improvement No. TR-03.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

No public comments were received.

Motion made by Member Hovland and seconded by Member Masica approving assessment of Improvement No. TR-03, as presented.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

4. AQUATIC WEEDS IMPROVEMENT No. AQ-03

LOCATION: ARROWHEAD LAKE, INDIANHEAD LAKE ,
MINNETONKA CREEK MILLPOND

Location: ARROWHEAD LAKE

Analysis of Assessment for Aquatic Weeds Improvement No. AQ-03 for Arrowhead Lake showed a total of \$13,369.89 to be assessed against 35 parcels at \$382.00 per parcel. One year assessment, payable in 2004.

Motion made by Member Housh and seconded by Member Kelly closing the public hearing for Assessment of Improvement No. AQ-03.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

No written or oral comments were heard.

Motion made by Member Masica and seconded by Member Kelly approving assessment of Improvement No. AQ-03 for Arrowhead Lake.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Location: INDIANHEAD LAKE

Analysis of Assessment for Aquatic Weeds Improvement No. AQ-03 for Indianhead Lake showing an assessment of \$8,758.26 to be assessed against 33 parcels at \$265.40 per parcel. One year assessment, payable in 2004.

Member Masica questioned an item on the assessment for Natural Reflections VII LLC for a 2003 maintenance contract. Vince Cockriel, Park Superintendent, explained the routine maintenance done by Natural Reflections on the pump motors on aerators, install/de-install baffles, change filters, etc. Member Masica asked about the Minnehaha Creek Millpond. Mr. Cockriel indicated there is no equipment in the Millpond.

Motion made by Member Housh and seconded by Member Kelly closing the public hearing for Assessment of Improvement No. AQ-03.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

No written or oral comments were heard.

Motion made by Member Masica and seconded by Member Kelly approving assessment of Improvement No. AQ-03 for Indianhead Lake.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Location: MINNEHAHA CREEK MILLPOND

Analysis of Assessment for Aquatic Weeds Improvement No. AQ-03 for Minnehaha Creek Mill Pond, showing an assessment of \$9,420.00 to be assessed against 63 parcels at \$149.52 per parcel. One year assessment, payable in 2004.

Motion made by Member Housh and seconded by Member Kelly closing the public hearing for Assessment of Improvement No. AQ-03.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

No written or oral comments were heard.

Motion made by Member Masica and seconded by Member Kelly approving the assessment of Improvement No. AQ-03 for Minnehaha Creek Millpond.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Masica introduced the following resolution and moved its approval:

RESOLUTION NO. 2003-68

**A RESOLUTION LEVYING SPECIAL ASSESSMENTS
FOR VARIOUS PUBLIC IMPROVEMENTS AND PROJECTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Edina City Council has met and heard and passed upon all written and oral objections to the proposed assessments for improvements listed below:

Maintenance Improvement No. M-03 - 50th & France Business District

Maintenance Improvement No. G-03 - Grandview Business District

Tree Removal Improvement No. TR-03 - Various Properties Within the City of Edina

Aquatic Weeds Improvement No. AQ-03 (Arrowhead, Indianhead and Minnehaha Creek Mill Pond)

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

1. Each assessment as set forth in the assessment rolls on file in the office of the City Clerk for each aforementioned improvement is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is herein found to be benefited by the improvement in the amount of the assessment levied against it.

2. The assessment shall be payable in equal installments, the first of said installments together with interest at a rate of six and one-half percent (6 1/2%) per annum, on the entire assessment from the date hereof to December 31, 2004. To each subsequent installment shall be added interest at the above rate for one year on all unpaid installments. The number of such annual installments shall be as follows:

<u>NAME OF IMPROVEMENT</u>	<u>NO. OF INSTALLMENTS</u>
Maintenance Improvement No. M-03, Levy No. 15822	1 year
Maintenance Improvement No. G-03, Levy No. 15823	1 year
Tree Removal Improvement No. TR-03, Levy No. 15825	3 year
Tree Removal Improvement No. TR-03, Levy No. 15826	2 year
Aquatic Weeds Improvement No. AQ-03, Levy No. 15824	1 year

3. The owner of any property so assessed may, at any time prior to certification of assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged in the entire assessment is paid within 30 days from the adoption of this resolution and they may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15, or interest will be charged through December 31 of the next succeeding year.

4. The clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 7th day of October 2003. Member Kelly seconded the motion.

Rollcall:

Ayes: Hovland, Housh, Kelly, Masica, Maetzold

Motion carried.

***RESOLUTION NO. 2003-69 APPROVING LEVY FOR DECORATIVE STREET LIGHT AT 4700, 4701, 4702 TOWNES ROAD (L-041)** Motion made by Member Hovland and seconded by Member Housh approving the following resolution:

RESOLUTION NO. 2003-69

**A RESOLUTION LEVYING SPECIAL ASSESSMENTS
FOR VARIOUS PUBLIC IMPROVEMENTS AND PROJECTS**

WHEREAS, pursuant to proper notice duly given as required by law, the Edina City Council has met and heard and passed upon all written and oral objections to the proposed assessments for improvements listed below:

Decorative Street Light Improvement No. L-041

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows:

1. Each assessment as set forth in the assessment rolls on file in the office of the City Clerk for each aforementioned improvement is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is herein found to be benefited by the improvement in the amount of the assessment levied against it.

2. The assessment shall be payable in equal installments, the first of said installments together with interest at a rate of six and one-half percent (6 1/2%) per annum, on the entire assessment from the date hereof to December 31, 2004. To each subsequent installment shall be added interest at the above rate for one year on all unpaid installments. The number of such annual installments shall be as follows:

NAME OF IMPROVEMENT NUMBER OF INSTALLMENTS

Decorative Street Light Improvement No. L-041	3 years
4700, 4701, 4702 Townes Road, Levy No. 15866	

3. The owner of any property so assessed may, at any time prior to certification of assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Treasurer, except that no interest shall be charged in the entire assessment is paid within 30 days from the adoption of this resolution and they may, at any time thereafter, pay to the City Treasurer the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15, or interest will be charged through December 31 of the next succeeding year.

4. The clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 7th day of October 2003.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2003-71 APPROVING LOT DIVISION (LD-03-4) FOR 5828 78TH STREET WEST** Member Hovland introduced the following resolution seconded by Member Housh and moved its adoption:

**RESOLUTION NO. 2003-71
RESOLUTION APPROVING LOT DIVISION FOR
5828 78TH STREET WEST (LD-03-4)**

**WHEREAS, the following described property is at present one tract of land:
Lots 2 and 3, Block 1, WINSOR ADDITION, Hennepin County, Minnesota**

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

PARCEL A:

Lot 2, Block 1, WINSOR ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, together with that part of Lot 3, said Block 1, which lies westerly of the southerly extension of the east line of Lot 1, said Block 1.

PARCEL B:

That part of Lot 3, Block 1, WINSOR ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, which lies easterly of the east line of Lot 1, said Block 1 and its southerly extension.

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 7th day of October, 2003.

Motion carried on rollcall vote - five ayes.

VARIANCE GRANTED - 6808 MARGARET'S LANE Assistant Planner Aaker explained the Zoning Board of Appeals on September 18 2003, heard and by a 3-1 vote denied a request for a front yard setback variance to construct a therapeutic pool room addition in the front yard area of the property at 6808 Margaret's Lane owned by Emilie and Henry Buchwald. Ms. Aaker stated that the Buchwald's appealed this denial on September 24, 2003. Ms. Aaker said the plans submitted for the Zoning Board's review on September 18, illustrated a 24-foot

deep X 26-foot wide room addition with a six-foot solid wall fence that requested a 24-foot front yard setback variance. The addition would contain: a ¾ bath, exercise area, sitting area and a therapeutic pool. The expansion would extend 24 feet into the front yard beyond the northwest portion of the front face of the home mirroring the existing garage on the southwest portion of the home. She noted that since September 18th, the proponents have submitted revised plans illustrating a 26-foot deep X 26-foot wide room addition requiring a 26-foot front yard setback variance, but eliminating the fence wall from the addition.

Ms. Aaker explained the subject property was located on the east side of Margaret's Lane consisting of a rambler with an attached garage. The homeowners have proposed to add on to the front of their house to accommodate a pool room. Ms. Aaker stated the proponents were present to speak to the issue.

Member Housh asked how the required setback for this property was determined. Ms. Aaker explained the Zoning Ordinance required all additions to the front of a home maintain the average front yard setback, which occurs on the same side of the block between intersections. She said the subject block was a cul-de-sac with some of the homes "on the block" across the street. Front yard setbacks range from 34.28 feet to 96 feet from the front lot line along the cul-de-sac. The proposed setback for the addition to the front lot line was therefore determined to be 33 feet.

Member Masica asked how much buildable space existed in the rear of the subject property. Ms. Aaker replied that approximately fifteen feet of buildable space was available in the rear of the property.

Proponent Presentation

Emilie and Henry Buchwald, 6808 Margaret's Lane, presented their request to the Council. Mr. Buchwald stated he had information from his architect informing him that it was not possible to achieve a conforming location for their proposed addition in the rear of their home because of the proximity to the lake. Mrs. Buchwald presented photographs from the surrounding properties looking at the Buchwald's home where the proposed addition would be located. She stated they want to construct the addition in the front yard of their home so that it stays on the same level with the rest of the living areas of their home. Mrs. Buchwald said a pool constructed in the rear of their home would require going up and down steps. She said it was their intent to remain in their home for as long as possible and the pool addition would allow them to exercise thereby staying fit. She added her husband's profession as a surgeon put a great deal of stress on his back which could be relieved through swimming. Both the Buchwalds urged the Council to favorably consider their request for a front yard setback variance.

Public Comment

Dr. Donald Wothe, 6804 Indian Hills Road, stated he was a neighbor to the Buchwald's and in his opinion the proposed addition would fit very well with the neighborhood.

Minutes/Edina City Council/October 7, 2003

Member Hovland asked what undue hardship was suffered requiring the variance to be granted. Mr. Buchwald stated that the homes on their street had extreme differences in where the existing homes had been constructed; pointing out the home next door to them was built almost behind the Buchwald's home as it existed. In addition, the setback from the lake in their rear yard only left a small buildable area in the rear.

Member Housh asked what neighbors had been notified of the request and subsequent appeal. Manager Hughes stated that properties within 200 feet had been notified.

Member Kelly asked if granting the requested variance would set precedent relative to future requests. Attorney Lindgren stated that each request for a variance must be reviewed upon its own merits. Member Kelly acknowledged this answer, but expressed his concern that granting variances would cumulatively set precedent. He stated he did not believe an undue hardship existed in this case adding he could not support the requested variance. Member Kelly suggested the Buchwalds explore alternatives to building an addition requiring a front yard variance of the magnitude requested.

Member Masica said she had looked at the subject property and thought perhaps the addition could be built in the rear, but stated her opinion that the proposed addition would balance with the existing garage. She stated she did not see any harm to the character of the neighborhood and noted she would support granting the variance.

Member Hovland said while he would also support granting the variance it was not a case of no harm or no fault, but rather a case of undue hardship. He said he felt with the topography of the area and the constraints of the rear yard setback because of the lake, that a variance could be granted.

Member Housh stated his agreement with Members Masica and Hovland.

Member Kelly said he did not believe there was a single case in Minnesota where a hardship could be proven to allow a proponent to build a spa pool. He said he felt it would be very difficult to draw a distinction between the case in point and other requests to build a house larger than allowed by Edina's regulations.

Mayor Maetzold stated he was in agreement with Member Kelly and could not support granting the variance as requested.

Member Masica made a motion to grant the variance as requested allowing a front yard setback variance of 26 feet for 6808 Margaret's Lane. Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Masica

Nay: Kelly and Maetzold

Motion carried.

AWARD OF BID APPROVED FOR REFUSE AND RECYCLING COLLECTION FOR CITY FACILITIES Member Masica asked that the award of bid for refuse and recycling collection for the City facilities be removed from the Consent Agenda for further information. She inquired why the refuse and recycling contract was \$4,000 less than for 2003. Mr. Hughes said the contractor is the same as well as the City properties are the same and just portrays the competitive nature of the business.

Member Masica made a motion for award of bid for 2004 and 2005 refuse and recycling collection for City facilities to recommended low bidder, Waste Management at \$22,900.00 annually. Member Hovland seconded the motion.

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

BID AWARDED FOR PULL-BEHIND ASPHALT PAVER FOR PUBLIC WORKS Engineer Houle explained the purchase is for a Model 313 Gilcrest Asphalt Paver to replace a 1988 Layton pull-behind paver (Unit No. 25.437) which will be sold at auction. The Capital Improvement Plan (CIP) budgeted \$28,000 for this purchase. The equipment is used within the Public Works Street Department to help place asphalt pavement throughout the City.

Member Masica inquired what the old equipment would bring at auction. Mr. Houle said it would bring approximately \$5,000 - \$6,000.

Member Kelly made a motion for award of bid for the public works pull-behind asphalt paver to recommended low bidder, Ruffridge Johnson Equipment Company, at \$32,322.75. Member Hovland seconded the motion.

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

BID AWARDED FOR CITY HALL/POLICE DEPARTMENT FURNITURE/ FIXTURES Assistant Manager Anderson explained the purchase includes office furniture, file cabinets, high-density storage for police records and conference room furnishings for the City Hall/Police Department. The award is from the Hennepin County Cooperative Purchasing Agreement which gets competitively bid annually by the County. The City retained our Architects to help select and layout furnishings for the new building.

The source of funds for this expenditure are from the equipment certificates sold last year to finance furniture for City Hall and Public Works and Parks rolling stock. The total amount of certificates for the furniture and fixtures was \$700,000.

Member Housh made a motion approving the award of bid for City Hall/Police Department Furniture and Fixtures to recommended bidder Metro Systems, under Hennepin County Cooperative Purchasing Contract #4279A at \$690,609.52. Member Masica seconded the motion.

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

Minutes/Edina City Council/October 7, 2003

BID AWARDED FOR WATER TREATMENT PLANT UPGRADES AND EXPANSION - CONTRACT NO-03-10 PW Engineer Houle indicated the purchase is for the general overhaul and renovation of the water treatment plant located adjacent to the Community Center water tower. This is the first major overhaul of this facility in its 40 years of operation. The project will include complete reconstruction of the adjacent pump house with the addition of a chemical room, electrical and SCADA room, extra storage area and a communications room. The project is part of the Capital Improvement Plan (CIP) and will be financed through the water utility fund. The CIP budgeted amount for the project is \$1,485,000.

Member Housh asked what the additional storage space would be used for. Mr. Houle said the space would be used by the Edina Athletic Association for equipment storage. Member Housh inquired what type of security would be installed at the treatment plant. Mr. Houle said entrance would be via a key pad and the opening/closing of the doors would be monitored through the SCADA system.

Member Kelly made a motion approving the upgrades and expansion of Water Treatment Plan #2 (Contract No. 03-10 PW), to recommended low bidder, Gladstone Construction, Inc., at \$1,546,500.00. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

INFORMATION ON BRAEMAR SCOTLAND PRESENTED John Valliere, Manager of Braemar Golf Course, indicated that Edina's Braemar will be forty years old this year and Scotland's Braemar just celebrated its 100th year. Forty years ago, City Manager Warren Hyde and Mayor Arthur Bredesen had contact with Edina's namesake, Ireland's Braemar. A year ago, Dr. E.M. Soulsby visited Edina's Braemar. She is the author of *Braemar Golf Club, The Story of the First 100 Years*. A contingent of Edina residents traveled and played golf at Ireland's Braemar golf course. Mr. Valliere presented a slide show of Edina's namesake golf course and the surrounding countryside.

THREE RIVERS PARK DISTRICT 1ST TIER REGIONAL TRAIL PLAN PRESENTED

Director Keprios explained on October 3, 2002, the Edina Council approved Resolution No. 2000-96, "A Resolution Potential for Trails, Greenways and Parks in the First Tier Communities". The Resolution states "that the City of Edina supports the efforts of the Suburban Hennepin Regional Park District to implement a first tier system of trails, greenways and parks and endorses the development of a conceptual plan for said systems which conceptual plan will be subject to further approval of the City of Edina."

Three Rivers Park District (formerly Hennepin Parks) has contracted with Stanley Consultants, Inc., an engineering firm and Damon Farber Associates, a landscape architect firm to develop conceptual plans with a detailed alignment. Three Rivers Park District is requesting the City of Edina conduct a public input meeting at this point in the process and request that a similar Resolution be adopted by the Edina City Council. When the Resolution is adopted, Three Rivers Park District will bring the matter to the Metro Council for final

approval. Edina will not be asked to approve the Joint Powers Agreement until Metro Council has funding in place.

Boe Carlson, Trails Coordinator for the Three Rivers Park District, indicated that in 1998 a Master Plan was developed for trails for the first tier suburbs and gave background into the formation of the plan. He explained the formal Master Plan should be completed by December 1, 2003. The plan will then go to the Metropolitan Council for adoption within the parks and open space planning. This takes approximately two months or until March 1, 2004, and would be adopted as a Master Plan concept. Projects could happen soon thereafter. The entire corridor will take a longer timeframe.

Member Kelly inquired whether land would be acquired for the plan or would existing roadway's be utilized. Mr. Carlson said they would work with existing roadway rights-of-way but will ask for cooperation from the cities if acquisition of additional land is necessary. Mr. Keprios said the plan as presented at this juncture is not without major challenges.

Mayor Maetzold asked what the next step would be. Director Keprios said there is no easy way to transverse a completely developed suburb, that would lead to the south east corner and connect to the northwest. Mr. Hughes said human nature dictates that not everyone will be pleased with the proposed alignment of the plan. He suggested the proposed plan be back on the Council Agenda on October 21, after further review. A public meeting date could be set at that time.

No formal Council action was taken.

***RESOLUTION NO. 2003-72 APPROVING PUBLIC AUCTION OF TAX FORFEIT PROPERTY** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution:

**RESOLUTION NO. 2003-72
A RESOLUTION APPROVING PUBLIC AUCTION OF
TAX FORFEITED PROPERTY**

WHEREAS, the City Council of the City of Edina has received from the County of Hennepin a list of lands in said municipality which became the property of the State of Minnesota for non-payment of property taxes, which said list was dated July 17, 2002, Non-Conservation Classification List 1269C/NC.

WHEREAS, the parcel in said list identified as PID 30-028-24-22-0033, has heretofore been classified by the Board of County Commissioners of Hennepin County, Minnesota, as non-conservation land the sale thereof and has heretofore been authorized by said Board of County Commissioners; and

WHEREAS, it has been determined by the Edina City Council that there are no existing or pending special assessments on said parcels; and

WHEREAS, it has been determined by the Edina City Council that said parcels need not be withheld from sale pursuant to M.S. 85.012; M.S. 92.461; M.S. 282.018, Subd. 1; or M.S. 282.018, Subd. 2;

NOW, THEREFORE BE IT RESOLVED by the Edina City Council that the said classification is hereby approved.

Minutes/Edina City Council/October 7, 2003

BE IT FURTHER RESOLVED by the Edina City Council that, acting pursuant to Minnesota Statutes 282.01, Subd. 7a, it has determined that said parcels of land are not buildable according to the City's Zoning Ordinance and that sale of said parcel be limited to the adjacent properties for attachment thereto.

Dated this 7th day of October, 2003

Motion carried on rollcall vote - five ayes.

***CONFIRMATION OF CLAIMS PAID** Member Hovland made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated September 16, 2003, and consisting of 35 pages: General Fund \$293,734.86; CDBG Fund \$11,669.00; Communications Fund \$14,456.59; Working Capital Fund \$88,356.01; Construction Fund \$487,427.99; Art Center Fund \$8,293.30; Golf Dome Fund \$800.25; Aquatic Center Fund \$11,022.90; Golf Course Fund \$26,184.39; Ice Arena Fund \$25,691.56; Edinborough/Centennial Lakes Fund \$56,546.40; Liquor Fund \$166,721.45; Utility Fund \$434,834.71; Storm Sewer Fund \$26,451.65; TOTAL \$1,652,191.06; and for approval of payment of claims dated September 24, 2003, and consisting of 26 pages: General Fund \$234,365.14; Communications Fund \$975.49; Working Capital Fund \$41,290.65; Construction Fund \$28,572.44; Art Center Fund \$7,806.90; Aquatic Center Fund \$4,748.00; Golf Course Fund \$6,975.94; Ice Arena Fund \$6,458.30; Edinborough/Centennial Lakes Fund \$6,718.33; Liquor Fund \$124,894.80; Utility Fund \$131,862.29; Storm Sewer Fund \$12,391.20; PSTF Agency Fund \$229,948.25; TOTAL \$837,007.73; and for approval of payment of claims dated October 1, 2003, and consisting of 30 pages; General Fund \$350,214.34; CDBG Fund \$7,103.00; Communications Fund \$4,159.98; Working Capital Fund \$1,345,468.26; Construction Fund \$1,617.23; Art Center Fund \$4,323.23; Aquatic Center Fund \$190.95; Golf Course Fund \$10,474.50; Ice Arena Fund \$4,025.79; Edinborough/Centennial Lakes Fund \$1,749.92; Liquor Fund \$94,257.37; Utility Fund \$53,061.18; Storm Sewer Fund \$4,640.15; TOTAL \$1,881,285.90.

Motion carried on rollcall vote - five ayes.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 10:05 P.M.

City Clerk