

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 21, 2003  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Housh, Masica and Mayor Maetzold. Member Kelly entered the Council meeting at 7:10 P.M.

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

Rollcall:

Ayes: Housh, Masica, Maetzold

Motion carried.

**RESOLUTION NO. 2003-74 COMMENDING "THE EDINA CHORALE"** Mayor Maetzold commended The Edina Chorale which seeks to foster and develop an appreciation of traditional choral music and congratulated them on their invitation to represent the State of Minnesota at the National Festival of the States in Washington DC in June, 2004. Mayor Maetzold presented Rich Jacobson, the director of The Edina Chorale with the Resolution commending all the Chorale members.

**Member Housh introduced the following resolution and moved its adoption:**

**RESOLUTION OF COMMENDATION**

**WHEREAS, the Edina Chorale was founded in 1985 as a team of musicians dedicated to singing and making music; and**

**WHEREAS, the Edina Chorale provides not only a fulfilling musical experience but also education for the mastery of music through regular rehearsal and performance; and**

**WHEREAS, the Edina Chorale seeks to foster and develop an appreciation of traditional choral music and to enhance the cultural life of the community; and**

**WHEREAS, other than the many public venues in the Twin Cities, the Edina Chorale has traveled and performed by invitation in St. Cloud, St. Olaf College and Ames, Iowa; and**

**WHEREAS, due to its outstanding reputation and exceptional talent, the Edina Chorale is invited to represent the State of Minnesota at the National Festival of the States in Washington DC in June, 2004.**

**NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that sincere congratulations be extended to**

**THE EDINA CHORALE**

**for recognition as the sole representative from Minnesota during the 2004 National Festival of the States.**

**ADOPTED this twenty-first day of October 2003.** Member Masica seconded the motion.

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

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**PRESENTATION GIVEN BY SENATOR GEOFF MICHEL** Senator Michel said as a Freshman State Senator, he wanted to check in with residents of his district and said he wants to know how he can be a strong voice in the Legislature for Edina. He explained the first session of the 2004 Legislature will begin in February 2004 and he projects the session will end in April. He commended the Edina City Council with their hard work on the proposed 2004 City budget. In addition, he voiced approval with the Council approving a Resolution of Approval for the Edina Schools Referendum that was being voted upon in November.

**\*MINUTES OF THE REGULAR MEETING OF OCTOBER 7, 2003, APPROVED Motion made by Member Housh and seconded by Member Masica, approving the Minutes of the Regular Meeting of the Edina City Council for October 7, 2003.**

Motion carried on rollcall vote - three ayes.

**RESOLUTION NO. 2003-75 - 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. TRAFFIC SIGNAL IMPROVEMENT NO. TS-27**  
LOCATION: West 76<sup>th</sup> Street and Edinborough Way

Analysis for Assessment of Traffic Signal Improvement No. TS-27 showed a total cost of \$95,000.00 against two assessable lots:

|   |             |                    |
|---|-------------|--------------------|
| 3601 76 <sup>th</sup> Street West (PID 32-028-24-33-0015) | \$37,050.00 | 10 year assessment |
| 7650 Edinborough Way (PID 32-028-24-33-0016)              | \$57,950.00 | 10 year assessment |

**Motion made by Member Housh and seconded by Member Kelly closing the hearing for Assessment of Improvement No. TS-27.**

Rollcall:

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

No public comments were received.

**Member Kelly made a motion, seconded by Member Masica approving assessment of Traffic Signal Improvement No. TS-27, as presented.**

Rollcall:

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

- 2. IMPROVEMENT NOS. BA-318, TS-25 AND TS-26**  
LOCATION: WEST 77<sup>TH</sup> STREET (PENTAGON PARK DRIVEWAY TO PARKLAWN AVENUE)

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Analysis for Assessment for Improvement Nos. BA-318, TS-25 and TS-26 showed all properties along both sides of West 77<sup>th</sup> Street from 4930 West 77<sup>th</sup> Street to 7725 Parklawn Avenue. Total amount of the assessment was \$314,964.40 against 23 assessable lots at \$45.00 per lineal foot payable in a ten-year assessment.

| <u>PID</u>    | <u>Number</u>         | <u>Street</u> | <u>LF</u> | <u>Assessment</u>   |
|---------------|-----------------------|---------------|-----------|---------------------|
| 3102824330010 | 4901 W 77th St        |               | 357.50    | 16,087.50           |
| 3102824330014 | 4815 W 77th St        |               | 315.50    | 14,197.50           |
| 3102824330017 | 4701 W 77th St        |               | 442.01    | 28,730.65           |
| 3102824340001 | 4675 W 77th St        |               | 202.80    | 9,126.00            |
| 3102824340002 | 4625 W 77th St        |               | 202.80    | 9,126.00            |
| 3102824340004 | 4615 W 77th St        |               | 202.80    | 9,126.00            |
| 3102824340005 |                       |               | 304.20    | 13,689.00           |
| 3102824340011 | 4555 W 77th St        |               | 304.20    | 13,689.00           |
| 3102824330025 | 4700 W 77th St        |               | 618.08    | 27,813.60           |
| 3102824330009 | 4930 W 77th St        |               | 350.80    | 15,786.00           |
| 3102824330018 | 4820 W 77th St        |               | 350.40    | 15,768.00           |
| 3102824340007 | 4660 & 4640 W 77th St |               | 500.00    | 22,500.00           |
| 3102824340008 | 4620 & 4600 W 77th St |               | 500.00    | 22,500.00           |
| 3102824340009 | 4570 W 77th St        |               | 200.00    | 9,000.00            |
| 3102824430016 | 4545 W 77th St        |               | 201.39    | 9,062.55            |
| 3102824430015 | 4455 W 77th St        |               | 201.39    | 9,062.55            |
| 3102824430014 | 4445 W 77th St        |               | 201.39    | 9,062.55            |
| 3102824430013 | 4445 W 77th St        |               | 201.39    | 9,062.55            |
| 3102824430018 | 4425 W 77th St        |               | 190.18    | 8,558.10            |
| 3102824430001 | 4550 W 77th St        |               | 185.00    | 8,325.00            |
| 3102824430002 | 4540 W 77th St        |               | 185.00    | 8,325.00            |
| 3102824430003 | 4510 W 77th St        |               | 467.45    | 21,035.25           |
| 3102824430010 | 7725 Parklawn Av      |               | 118.48    | 5,331.60            |
|               |                       |               | 6802.76   | <b>\$314,964.40</b> |

Engineer Houle noted that one call had been received from 4820 West 77<sup>th</sup> Street verifying the front footage of their property.

John Teal, 4625 Browndale Avenue, presented a written notice of objection, dated October 21, 2003, to the West 77<sup>th</sup> Street (Pentagon Park Driveway to Parklawn Avenue) from Jill Mikkelson, Property Manager for Northco Management Services LP, for \$137,756.25, for properties as follows:

| PROPERTY PID  | BUILDING | AMOUNT      |
|---------------|----------|-------------|
| 3102824430003 | 4510     | \$21,035.25 |
| 3102824430002 | 4540     | 8,325.00    |
| 3102824430001 | 4550     | 8,325.00    |
| 3102824340009 | 4570     | 9,000.00    |

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|               |      |                     |
|---------------|------|---------------------|
| 3102824340008 | 4600 | 22,500.00           |
| 3102824340007 | 4640 | 22,500.00           |
| 3102824330009 | 4930 | 15,786.00           |
| 3102824330014 | 4815 | 14,197.50           |
| 3102824330010 | 4901 | 16,087.50           |
|               |      | <b>\$137,756.25</b> |

Member Housh asked what formal procedure would be followed with a written notice of objection to the assessment. Attorney Gilligan indicated the formal written objection preserves the right to appeal the assessment to the district court.

Member Kelly inquired what the objections were. Mr. Houle said the assessment was based on front lineal footage. Attorney Gilligan said typically the objection would be the work benefited by the amount of the assessment. Manager Hughes said he did not recall objections during the project hearing. Mr. Houle said the total project cost \$2.7 million with only a total assessment at \$314,964.40.

**Member Housh made a motion seconded by Member Kelly to close the public hearing for Improvement Nos. BA-318, TS-25 and TS-26.**

Rollcall:

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

**Motion made by Member Kelly and seconded by Member Masica approving Improvement Nos. BA-318, TS-25 and TS-26 for permanent street reconstruction and traffic signal control system at West 77<sup>th</sup> Street (Pentagon Park Driveway to Parklawn Avenue).**

Rollcall:

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

**3. TREE REMOVAL IMPROVEMENT NO. TR-03-1  
LOCATION: 4908 Sunnyside Road**

Analysis for Assessment for Tree Removal Improvement No. TR-03-01 for property owner at 4908 Sunnyside Road, for removal of a diseased elm tree at \$1,917.00. Three year assessment.

4908 Sunnyside Road      \$1,917.00      Levy # 15873      3 year

**Motion made by Member Masica and seconded by Member Housh closing the public hearing for Assessment of Improvement No. TR-03-1.**

Rollcall:

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

No written or oral comments were heard.

Motion made by Member Kelly and seconded by Member Masica approving assessment of Improvement No. TR-03-1, as presented.

Rollcall:

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

Member Masica introduced the following resolution and moved its approval:

**RESOLUTION NO. 2003-75**

**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:

Traffic Signal Improvement No. TS-27 - Levy No. 15829

Street and Traffic Signal Improvement Nos. BA-318, TS-25, TS-26, Levy No. 15827

Tree Removal Improvement No. TR-03-1 - Levy No. 15873

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>NUMBER OF INSTALLMENTS</u> |          |
|---|-------------------------------|----------|
| Traffic Signal Improvement No. TS-27                                  | Levy No. 15829                | 10 years |
| Street and Traffic Signal Improvement Nos. BA-318,<br>TS-25 and TS-26 | Levy No. 15827                | 10 years |
| Tree Removal Improvement No. TR-03-01                                 | Levy No. 15873                | 3 years  |

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.

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**Adopted this 21<sup>st</sup> day of October 2003.** Member Kelly seconded the motion.

Rollcall:

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

**\*BID AWARDED FOR CRUSHING AND RECYCLING OF BLACKTOP AND CONCRETE** Motion made by Member Housh and seconded by Member Masica approving the crushing and recycling of concrete and blacktop material to recommended sole bidder, Semple Recycling and Crushing at \$28,103.80.

Motion carried on rollcall vote - three ayes.

**\*BID AWARDED FOR CITY HALL COPIERS AND FAX** Motion made by Member Housh and seconded by Member Masica approving the purchase of copiers/FAX machines for City Hall to recommended bidder, Xerox Corporation, under State Cooperative Purchasing at \$32,566.64.

Motion carried on rollcall vote - three ayes.

**\*BID AWARDED FOR CITY HALL/POLICE DEPARTMENT NETWORK EQUIPMENT** Motion made by Member Housh and seconded by Member Masica approving the award of bid for City Hall/Police Department network equipment to recommended sole bidder, Insight Public Sector, under State Contract #426490, at \$75,698.92.

Motion carried on rollcall vote - three ayes.

**\*TRAFFIC SAFETY STAFF REVIEW OF OCTOBER 6, 2003, CONTINUED TO COUNCIL MEETING OF NOVEMBER 3, 2003** Motion made by Member Housh and seconded by Member Masica continuing the approval of the Traffic Safety Staff Review of October 6, 2003, until the Council meeting of November 3, 2003.

Motion carried on rollcall vote - three ayes.

**DANCE PERMIT RENEWED FOR IKASU SUSHI BAR AND LOUNGE** Chief Siitari noted that the Ikasu Sushi Bar & Lounge's application for a dance permit was approved at the September 16, 2003, Council meeting. He stated City Code mandates that an initial dance permit be for 30 days or less. Mr. Siitari stated Ikasu had not yet held a dance, however, they have one planned for October 30, 2003. He said he had a slight concern regarding the clientele that may be attracted since the late hours and lounge atmosphere differed from the restaurant format in all other full liquor establishments. Mr. Siitari said he was recommending a 180-day license conditioned upon security personnel approved by the Chief of Police being on duty continuously during the hours of operation.

**Member Masica made a motion to approve a dance permit for Ikasu for a term of 180 days conditioned upon security personnel approved by the Edina Chief of Police being on duty continuously during the hours of operation.** Member Housh seconded the motion.

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

**PUBLIC MEETING AUTHORIZED FOR THREE RIVERS PARK DISTRICT 1<sup>ST</sup> TIER REGIONAL TRAIL PLAN**

Mr. Keprios reviewed the Three Rivers Park District 1<sup>st</sup> Tier Regional Trail Plan at their October 7, 2003, meeting. The Council heard a presentation from Boe Carlson of the Three Rivers Park District (formerly Hennepin County Parks) regarding the alignment of the 1<sup>st</sup> Tier Regional Trail proposed to run through Edina. Mr. Keprios explained that Three Rivers Park District has contracted with the engineering firm, Stanley Consultants, Inc, and landscape architect firm, Damon Farber Associates, to develop the conceptual plan with a more detailed alignment. He said that the Park District has requested the City hold a public input meeting then follow that meeting with a resolution of the Council. Following a Council resolution, the Park District will bring the matter to the Metropolitan Council for final approval. Only after the Metropolitan Council approves funding will the City be asked to enter into a Joint Powers Agreement for the Regional Trail.

Mr. Keprios said the Edina Park Board approved staff's recommendation to host an open house informational meeting at their August meeting. He added staff recommended the Council authorize the open house be held in the next two to three weeks. Mr. Keprios said staff would prepare and mail notices to residents living nearest the proposed alignment as well as placing a notice in the local newspaper. Mr. Keprios introduced Boe Carlson of Three River Park District. Mr. Carlson indicated that the Park District would need to submit the proposed alignment to the Metropolitan Council soon. He added that he would assist with preparation and conducting of the informational open house.

Member Masica asked at what distance away from the alignment of the trail would residents be noticed. Staff indicated that they were planning to notice a 200-300 foot radius to the alignment. Council discussed the alignment and directed staff to prepare the mailing for those neighbors within 500 feet of the alignment.

**Member Kelly made a motion authorizing a open house informational meeting of the Three Rivers Park District 1<sup>st</sup> Tier Regional Trail Plan, directing that residents within 500 feet of the proposed alignment be notified of the meeting via a direct mailing, and that staff utilize all means including the local newspaper and City's website to publicize the open house.** Member Masica seconded the motion.

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

**RESOLUTION NO. 2003-73 SUPPORTING SCHOOL DISTRICT #273 EDINA SCHOOLS REFERENDUM** Mayor Maetzold introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2003-73  
IN SUPPORT OF SCHOOL DISTRICT 273  
EDINA SCHOOLS REFERENDUM**

**WHEREAS, surveys have shown that the quality of our public education system is the No. 1 reason people choose to reside in Edina; and**

**WHEREAS, during the 2003 legislative session, the State did not provide any additional operating funds to schools to meet increasing costs; and**

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WHEREAS, the Edina Board of Education identified and prioritized maintenance and program needs in the school district; and

WHEREAS, Edina Public Schools' facilities were well built and managed, but due to the type and age of work done in the era they were constructed, there are serious maintenance issues that must be addressed in the near future; and

WHEREAS, the type and number of programs offered by the school district, including the addition of girls athletics, has changed significantly since the last of the schools was constructed more than 30 years ago; and

WHEREAS, the City of Edina is a supporter of the youth asset-building initiative, "Connecting With Kids."

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council hereby gives its support for the Edina Public Schools Bond and Operations Levy Referendum and encourages all citizens within the boundaries of the Edina school district to exercise their right to vote, authorizing these very important project to "operate, renovate and innovate."

Passed and adopted this 21<sup>st</sup> day of October 2003. Member Kelly seconded the motion.

Ayes: Housh, Kelly, Masica, Maetzold

Motion carried.

**\*CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated October 9, 2003, and consisting of 32 pages: General Fund \$457,629.59; CDBG Fund \$37.00; Communications Fund \$9,776.11; Working Capital Fund \$166,554.25; Construction Fund \$2,867.57; Art Center Fund \$5,043.41; Golf Dome Fund \$6,258.25; Golf Course Fund \$20,188.76; Ice Arena Fund \$15,539.46; Edinborough/Centennial Lakes Fund \$20,171.13; Liquor Fund \$137,616.34; Utility Fund \$17,359.63; Storm Sewer Fund \$2,329.08; Recycling Fund \$31,218.70; TOTAL \$892,589.28; and for approval of payment of claims dated October 15, 2003, and consisting of 31 pages: General Fund \$276,107.21; Communications Fund \$1,614.96; Working Capital Fund \$113,336.54; Construction Fund \$133,219.09; Art Center Fund \$1,330.17; Golf Dome Fund \$748.81; Aquatic Center Fund \$1,912.67; Golf Course Fund \$29,970.65; Ice Arena Fund \$32,131.89; Edinborough/Centennial Lakes Fund \$20,322.80; Liquor Fund \$160,085.15; Utility Fund \$142,879.38; Storm Sewer Fund \$8,605.27; PSTF Agency Fund \$39.60; TOTAL \$922,304.19.

Motion carried on rollcall vote – three ayes.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:05 P.M.

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City Clerk