

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JANUARY 6, 2004
7:00 P.M.**

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

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 the Minutes of the December 16, 2004, meeting.

Rollcall:

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

BOY SCOUT TROOP 68 FROM GOOD SAMARITAN CHURCH Mayor Maetzold welcomed members of Boy Scout Troop 68 from Good Samaritan Church who were working on their "Citizenship in the Community" merit badge.

RESOLUTION NO. 2004-9 - COMMENDING DAVE ANDERSON'S APPOINTMENT TO THE BUREAU OF INDIAN AFFAIRS (BIA) Mayor Maetzold commended Dave Anderson on his appointment to head the Bureau of Indian Affairs.

Member Masica introduced the following resolution of commendation, seconded by Member Housh:

A RESOLUTION OF COMMENDATION.

WHEREAS, Dave Anderson was nominated by President Bush to serve as the head of the Bureau of Indian Affairs; and

WHEREAS, the United States Senate recently confirmed President Bush's appointment of Dave Anderson to head the Bureau of Indian Affairs; and

WHEREAS, Dave Anderson is a long time Edina resident; and

WHEREAS, Dave Anderson is a successful businessman, having founded Famous Dave's of America which reported over \$90,000,000 in revenues in 2002; and

WHEREAS, Dave Anderson has always been generous in donating his time and resources for the benefit of Native Americans.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council and the residents of Edina hereby express their congratulations to Dave Anderson, upon his appointment to head the Bureau of Indian Affairs.

Adopted this 6th day of January 2004.

Ayes: Hovland, Housh, Masica, Maetzold

Motion carried.

MINUTES OF THE REGULAR MEETING OF DECEMBER 16, 2003, AND WORK SESSION OF DECEMBER 16, 2003, APPROVED Member Masica asked that a minor correction be made to the Minutes of December 16, 2003, noting she was listed as voting to

Minutes/Edina City Council/January 6, 2004

adopt the Consent Agenda, but she had been absent from the meeting. **Motion made by Member Masica approving the Minutes of the Regular Meeting of the Edina City Council for December 16, 2003, as corrected and Minutes of the Work Session of December 16, 2003.** Member Housh seconded the motion.

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

HEARING DATE SET OF JANUARY 20, 2004, FOR PRELIMINARY PLAT APPROVAL

FOR 6800 INDIAN HILLS ROAD City Manager Hughes explained staff had not placed setting the hearing date for the Preliminary Plat approval for 6800 Indian Hills Road on the Council's Consent Agenda because the proposal would not be heard by the Planning Commission until January 7, 2004. He said staff was asking Council to set the hearing to keep the process moving, but that if the Planning Commission held over the preliminary plat, the hearing could be continued as necessary. **Member Masica made a motion setting the Public Hearing on January 20, 2004, for consideration of the Preliminary Plat for 6800 Indian Hills Road.** Member Housh seconded the motion.

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

AWARD OF BID FOR WELL REPAIR, MOTOR REPLACEMENT, ELECTRICAL AND MECHANICAL REPLACEMENT - WELL NO. 14 AND No. 19 CONTRACT NO. 03-12 PW

Engineer Houle explained that Well No. 14 and Well No. 19 were in need of repair and electrical and motor replacement. He reported five bids were received on December 23, 2003, ranging from \$350,000 to \$305,000. Mr. Houle noted the Capital Improvement Program estimated the cost for this repair at \$280,000. He explained the overage of the bid was due to added quantity for redeveloping the bottom of the wells at a cost of \$30,000.

Following a brief Council discussion, **Member Hovland made a motion approving the award of bid for maintenance and well repair for Well No. 14 and Well No. 19, to recommended low bidder, Municipal Builders at \$305,682.00.** Member Housh seconded the motion.

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

CAPITAL IMPROVEMENT PROGRAM APPROVED FOR 2004 - 2008

Mr. Hughes stated the Council had conducted a work session last month where they reviewed a draft of the Capital Improvement Program for 2004 - 2008. He added the program was on the agenda again to answer any Council questions and to receive Council approval. Mr. Hughes reminded the Council that the program should be looked at as a one-year budget and a five-year program. He noted the 2004 figures have been more refined with better estimates than the projects further into the future.

Member Housh asked for clarification on how Municipal State Aid (MSA) funds were acquired. Mr. Houle explained that 20% of Edina roads were in the State Aid system. He said the system works under a formula, which takes into consideration the ages of the roads, amount of miles of roadways and the population. Edina received approximately a million

dollars per year of State Aid Funds from the gas tax funds. Mr. Houle said the State maintains a "use it or lose it" system to discourage stockpiling of funds.

Member Masica inquired what the balance was presently. Mr. Houle estimated the amount to be approximately two to three million dollars, which will probably be expended, in the next two to three years.

Member Housh asked about the Aquatic Center proposed step-entry plan; the expenditure of more funding for expansion of Adventure Peak; why the renovation of the soccer field at Lewis was being done in 2004 rather than the field at Pamela Park and the proposed Cahill and Grange building repairs, especially the roof. Mr. Keprios said the step-entry for the center would help persons with mobility difficulty with entering and exiting the pool. He explained Adventure Peak's play structure was chosen because it lent itself to the addition of amenities at any time. This would allow revitalizing Adventure Peak regularly. Mr. Hughes noted that Adventure Peak had been generating approximately \$1,000 in revenues each day. Mr. Keprios explained once the Lewis Park soccer field was renovated lights can be installed which would be like adding two fields. He said the dollars shown in the CIP were from previously approved capital money, however, the project was being done a step at a time. He added that part of the work had already been accomplished and what was reflected in the CIP would help achieve the rest of the renovations especially the window replacement.

Member Hovland voiced his approval of the plan as presented stating he felt it was an excellent program that really helped him make policy decisions and allow staff to manage the facilities.

Member Hovland made a motion approving the Capital Improvement Program for Years 2004 - 2008 as presented. Member Housh seconded the motion.

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

***RESOLUTION NO. 2004-03 - DESIGNATING DIRECTOR/ALTERNATE DIRECTOR OF SUBURBAN RATE AUTHORITY** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving its adoption:

**RESOLUTION NO. 2004-03
DESIGNATING DIRECTOR
AND ALTERNATE DIRECTOR TO
SUBURBAN RATE AUTHORITY**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, as follows: John C. Wallin is hereby designated to serve as a Director of the Suburban Rate Authority, and Margaret (Peggy) Gibbs is hereby designated to serve as Alternate Director of the Suburban Rate Authority for the year 2004 and until their successors are appointed.

Motion carried on rollcall vote - four ayes.

***RESOLUTION NO. 2004-04 - DESIGNATING DIRECTOR/ALTERNATE DIRECTOR OF LOGIS** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving its adoption:

**RESOLUTION NO. 2004-04
DESIGNATING DIRECTOR
AND ALTERNATE DIRECTOR
TO LOGIS**

BE IT RESOLVED by the City Council of the City of Edina Minnesota, as follows: John C. Wallin is hereby designated as a Director of LOGIS and Eric R. Anderson is hereby designated as Alternate Director of LOGIS for the year 2004, and until their successors are appointed.

Motion carried on rollcall vote - four ayes.

***RESOLUTION NO. 2004-01 - DESIGNATING OFFICIAL NEWSPAPER** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving its approval:

**RESOLUTION NO. 2004 -01
DESIGNATING
OFFICIAL NEWSPAPER**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Edina Sun-Current be and is hereby designated as the Official Newspaper for the City of Edina for the year 2004.

Passed and adopted this 6th day of January 2004.

Motion carried on rollcall vote - four ayes.

***RESOLUTION NO. 2004-02 - DESIGNATING SIGNATORIES** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving its approval:

**RESOLUTION NO. 2004-02
SIGNATORY RESOLUTION**

BE IT RESOLVED that persons holding office as Mayor, Manager and Treasurer of the City of Edina, be, and they hereby are authorized to act for this municipality in the transaction of any banking business with Bremer Bank, Crown Bank, Excel Bank, Fidelity Bank, Marshall & Ilsley Bank (M & I), North American, TCF National Bank, U.S. Bank, Wells Fargo Bank, and Western Bank, (hereinafter referred to as the "Bank") from time to time and until written notice to any Bank to the contrary, to sign checks against said accounts, which checks will be signed by the Mayor, Manager and City Treasurer. Each Bank is hereby authorized and directed to honor and pay any checks against such account if signed as above described, whether or not said check is payable to the order of, or deposited to the credit of, any officer or officers of the City, including the signers of the check.

ADOPTED this 6th day of January 2004.

Motion carried on rollcall vote - four ayes.

***RESOLUTION NO. 2004-05 - DESIGNATING FACSIMILE SIGNATURES** Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving its approval:

**RESOLUTION NO. 2004-05
AUTHORIZING USE OF
FACSIMILE SIGNATURES BY PUBLIC OFFICIALS**

RESOLVED that the use of facsimile signatures by the following named persons:

DENNIS F. MAETZOLD - Mayor
GORDON L. HUGHES - City Manager
JOHN WALLIN - Treasurer

on checks, drafts, warrants, warrant-checks, vouchers or other orders of public funds deposited in Bremer Bank, Crown Bank, Excel Bank, Fidelity Bank, Marshall & Ilsley Bank, North American, TCF National Bank, U.S. Bank, Wells Fargo Bank and Western Bank, be and hereby are approved, and that each of said persons may authorize said depository banks to honor any such instrument bearing his facsimile signature in such form as he may designate and to charge the same to the account in said depository bank upon which drawn as fully as though it bore his manually written signature and that instruments so honored shall be wholly operative and binding in favor of said depository bank although such facsimile signature shall have been affixed without his authority.

ADOPTED this 6th day of January 2004.

Motion carried on rollcall vote - four ayes.

*RESOLUTION NO. 2004-06 - DESIGNATING OFFICIAL DEPOSITORIES Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving its approval:

RESOLUTION NO. 2004-06
DESIGNATING DEPOSITORIES

BE IT RESOLVED that the Crown Bank, Excel Bank, Fidelity Bank, Bremer Bank, Marshall & Ilsley (M & I), North American, TCF National Bank, U.S. Bank, Wells Fargo Bank and Western Bank, are authorized to do banking business in Minnesota, be and are hereby designated as Official Depositories for the Public Funds of the City of Edina, County of Hennepin, Minnesota, until January 1, 2005.

ADOPTED this 6th day of January 2004.

Motion carried on rollcall vote - four ayes.

*RESOLUTION NO. 2004-07 - APPROVING HENNEPIN COUNTY ELECTRONIC PROPRIETARY DATA BASE (EFDB) CONDITIONAL USE LICENSE AGREEMENT Motion made by Member Hovland and seconded by Member Housh introducing the following resolution and moving its approval:

RESOLUTION NO. 2004-7
RESOLUTION AUTHORIZING EXECUTION AND
DELIVERY OF CONDITIONAL USE AGREEMENT WITH
HENNEPIN COUNTY

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

Section 1. Recitals. Hennepin County (the "County") has developed an Electronic Proprietary Data Base (EPDB) (the "Data Base"), which the City desires to utilize. There has been prepared and presented to the City a Conditional Use License Agreement (the "Agreement") between the City and County, pursuant to which the County grants the City a limited license to use the Data Base as provided in the Agreement and the City agrees to pay a fee for the use of the Data Base.

Section 2. Approvals. The form of the Agreement is hereby approved, and the City Manager is authorized to enter into the Agreement on behalf of the City in substantially

Minutes/Edina City Council/January 6, 2004

the form presented to the City with such changes or modifications thereto as do not change the substance of the Agreement and are approved by the City Manager, such approval to be conclusively presumed by the execution and delivery of the Agreement by the City Manager.

Dated: January 6, 2004

Motion carried on rollcall vote - four ayes.

NEW WINE/BEER LICENSE FOR CHIPOTLE MEXICAN GRILL APPROVED (6801 YORK AVENUE SOUTH) Mr. Hughes stated Chipotle Mexican Grill of Colorado, LLC, applied for an on-sale wine and 3.2 beer license. The applicant filed all necessary documents and paid the applicable fees for the liquor licenses. The Planning, Health and Police Departments have completed thorough reviews with no negative findings. He reminded the Council that Minnesota law allows establishments with both wine and 3.2 beer on-sale licenses to sell "strong" beer without obtaining any additional license. Mr. Hughes said Chipotle planned to open in mid-January at 6801 York Avenue South. Member Hovland asked why the license term was for such a short time. Clerk Mangen explained that all of Edina liquor licensees were on a license year ending March 31 of each year, so the initial Chipotle license would end March 31, 2004.

Member Housh made a motion approving the new wine/beer license for Chipotle Mexican Grill (6801 York Avenue South) for period January 7 to March 31, 2004. Member Masica seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

*HEARING DATE SET OF JANUARY 20, 2004, FOR NEW ON-SALE INTOXICATING LICENSE - LOUIS XIII RESTAURANT AND LOUNGE Motion made by Member Hovland and seconded by Member Housh setting January 20, 2004, as hearing date for a new on-sale intoxicating liquor license for Louis XIII Restaurant and Lounge.

Motion carried on rollcall vote - four ayes.

BOARD OF APPEAL AND EQUALIZATION DATE SET OF APRIL 12, 2004 Mr. Hughes said staff recommended setting April 12, 2004, as the date for the Board of Appeal and Equalization at 5:30 P.M. in the Council Chambers. The reconvened meeting for the Board of Appeal would be set for April 26, 2004, at 5:30 P.M. The Council discussed these dates and found that they presented conflicts for two members. Holding the continuation meeting on April 26, 2004, was the consensus of the Council.

Member Masica made a motion setting the Board of Appeal and Equalization at 5:30 P.M., April 12, 2004, and the reconvened meeting set for April 26, 2004, at 5:30 P.M.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

*RESOLUTION NO. 2004-08 - APPROVING 2004 AGREEMENT WITH CITY OF BLOOMINGTON FOR ASSESSING SERVICES Motion made by Member Hovland and seconded by Member Housh approving Resolution No. 2004-08 as presented:

**RESOLUTION NO. 2004-08
A RESOLUTION AUTHORIZING
EXECUTION OF AGREEMENT WITH THE CITY OF BLOOMINGTON
FOR ASSESSING SERVICES**

WHEREAS, the City of Bloomington has submitted an Agreement to the City of Edina requesting execution by the Mayor and City Manager, allowing the City of Bloomington assessing staff to assist the Edina City Assessor with advisory services regarding market valuations; and

WHEREAS, the Agreement shall be in force from January 21, 2004, through December 31, 2004.

NOW THEREFORE, the Edina City Council has authorized the Mayor and City Manager to sign the agreement and return a certified copy to the City of Bloomington.

Motion carried on rollcall vote - four ayes.

APPOINTMENT OF PLANNING COMMISSION MEMBER TO TRANSPORTATION COMMISSION APPROVED Mayor Maetzold recommended the appointment of William Skallerud to serve as the Planning Commission's representative on the Transportation Commission. Mayor Maetzold explained Mr. Skallerud has served on the Planning Commission for several years and his term on the Transportation Commission would run concurrently with his term on the Planning Commission, which will expire in 2006.

Following a brief Council discussion, **Mayor Maetzold made a motion appointing Planning Commission Member William Skallerud to the Transportation Commission for a term until February 1, 2006.** Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

JOINT MEETING SET FOR JANUARY 20, 2004, WITH COUNCIL AND TRANSPORTATION COMMISSION Mr. Hughes explained staff recommended the Council and the Transportation Commission hold a joint meeting to discuss the charge for this newly formed commission. He suggested meeting at 6:00 P.M., January 20, 2004, prior to the Council Meeting.

No formal Council action was taken.

***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 December 18, 2003, and consisting of 30 pages: General Fund \$96,344.25; Communications Fund \$11,413.94; Working Capital Fund \$193,499.00; Construction Fund \$36,329.67; Art Center Fund \$18,229.81; Golf Dome Fund \$1,973.70; Aquatic Center Fund \$214.28; Golf Course Fund \$14,075.55; Ice Arena Fund \$18,005.49; Edinborough/Centennial Lakes Fund \$18,112.67; Liquor Fund \$166,419.49; Utility Fund \$409,420.46; Storm Sewer Fund \$8,199.90; PSTF Agency Fund \$5,079.93; TOTAL \$997,318.14; and for approval of payment of claims dated December 23, 2003, and consisting of 39 pages: General Fund \$454,145.59; CDBG Fund \$26,419.00; Communications Fund \$1,516.99; General Debt Service Fund \$2,803.60; Working Capital Fund \$1,028,672.94; Construction Fund \$638.75; Art Center Fund \$22,947.53; Golf Dome Fund \$13.83; Golf Course Fund

Minutes/Edina City Council/January 6, 2004

\$8,165.84; Ice Arena Fund \$1,906.86; Edinborough/Centennial Lakes Fund \$9,136.56; Liquor Fund \$229,161.57; Utility Fund \$25,016.48; Storm Sewer Fund \$379.00; PSTF Agency Fund \$22,248.82; TOTAL \$1,833,173.36; and for approval of payment of claims dated December 30, 2003; and consisting of 21 pages; General Fund \$135,908.17; CDBG Fund \$2,720.00; Communications Fund \$1,375.22; Working Capital Fund \$22,535.19; Art Center Fund \$1,344.53; Golf Dome Fund \$2,754.41; Golf Course Fund \$4,997.59; Ice Arena Fund \$21,258.66; Edinborough/Centennial Lakes Fund \$5,438.93; Liquor Fund \$117,843.21; Utility Fund \$60,123.10; Storm Sewer Fund \$9,241.74; PSTF Agency Fund \$172,869.80; TOTAL \$559,410.55.

Motion carried on rollcall vote – four ayes.

APRIL COUNCIL MEETING DATE CHANGED Mr. Hughes informed the Council their meeting of April 6, 2004, was the second evening of Passover. He suggested changing it to Wednesday, April 7, 2004.

Member Masica made a motion changing the April regular meeting of the Council to Wednesday, April 7, 2004. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Masica, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 8:00 P.M.

City Clerk