

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
MAY 4, 2004  
7:00 P.M.**

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

**MAYOR MAETZOLD WELCOMES CABLE TELEVISION VIEWERS TO EDINA CITY COUNCIL MEETINGS** Mayor Maetzold informed the Council that the May 4, 2004, regular Council meeting would be the first meeting televised for cable viewing.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Housh and seconded by Member Masica approving the Council Consent Agenda with the exception of Item No. IV.A Water Slide Piping Repair - Edina Aquatic Center.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**RESOLUTION NO. 2004-39 - MAYOR'S COMMENDATION AWARD PRESENTED TO THREE INDIVIDUALS** Chief Scheerer introduced Angela Grabowski, Sims McMahon and Matt Keith and commended them for their willingness to perform Cardio Pulmonary Resuscitation on a person who had suffered cardiac arrest at the Edina YMCA.

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

**RESOLUTION NO. 2004-39**

**A RESOLUTION OF COMMENDATION**

**WHEREAS, Angela Grabowski, Sims McMahon and Matt Keith witnessed a victim of sudden cardiac arrest on February 18, 2004, at the Edina Southdale YMCA; and**

**WHEREAS, Angela Grabowski, Sims McMahon and Matt Keith were willing to help the victim by performing Cardio Pulmonary Resuscitation (CPR); and**

**WHEREAS, they attempted to save the life of a person unknown to them; and**

**WHEREAS, citizen Cardio Pulmonary Resuscitation (CPR) is a vital link in the chain of pre-hospital emergency care; and**

**WHEREAS, Angela Grabowski, Sims McMahon and Matt Keith are to be commended for their outstanding participation in the City of Edina's Emergency Medical Services program.**

**NOW, THEREFORE BE IT RESOLVED, that the Edina City Council, the Edina Fire Department, the Edina Police Department, and all residents of Edina hereby express their gratitude to, Angela Grabowski, Sims McMahon and Matt Keith for their heroic effort to save a life.**

**BE IT FURTHER RESOLVED that this proclamation be recorded in the Minutes of the Edina City Council and that a copy be given to Angela Grabowski, Sims McMahon and Matt Keith.**

**IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Edina to be affixed this 4<sup>th</sup> day of May, 2004. Member Masica seconded the motion.**

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**RESOLUTION NO. 2004-36 MAY 16-23, 2004, AS EMERGENCY MEDICAL SERVICES (EMS) WEEK** Mayor Maetzold proclaimed May 16 - 23, 2004 as Emergency Medical Services Week in

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Edina and urged recognition of the valuable contributions made by the Edina Emergency Medical Service Providers to the health and well being of our citizens.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2004-36**

**WHEREAS, emergency medical services is a vital public service; and**

**WHEREAS, emergency medical services teams of the Edina Fire and Police Departments are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and**

**WHEREAS, access to quality emergency care dramatically improves the survival rate and recovery rate of those who experience sudden illness or injury; and**

**WHEREAS, the emergency medical services system consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and**

**WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and**

**WHEREAS, emergency medical services responders of the Edina Fire and Police departments engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and**

**WHEREAS, the citizens of the City of Edina benefit daily from the knowledge and skills of these highly trained individuals; and**

**WHEREAS, injury prevention and the appropriate use of the Emergency Medical Services System will help reduce health care cost; and**

**WHEREAS, it is appropriate to recognize the value and the accomplishments of the Edina Police and Edina Fire emergency medical personnel who serve to protect us.**

**NOW, THEREFORE, BE IT RESOLVED that we, the Edina City Council, do hereby acknowledge the week of May 16-22, 2004, as**

**"EMERGENCY MEDICAL SERVICES WEEK"**

**in the City of Edina in honor and recognition of the valuable contributions made by the Edina Emergency Medical Service Providers to the health and well being of our citizens. Member Housh seconded the motion.**

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**RESOLUTION NO. 2004-42 PROCLAIMING HERITAGE PRESERVATION WEEK** Mayor Maetzold proclaimed May 3-9, 2004, as Heritage Preservation Week, and encouraged residents of Edina to recognize and participate in fostering local pride and maintaining community character in our City.

Following a brief discussion, Member Masica made a motion proclaiming May 3-9, 2004 Preservation Week as follows:

**RESOLUTION NO. 2004-42**

**PRESERVATION WEEK**

**MAY 3-9, 2004**

**WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character with enhancing livability; and**

**WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life, and all ethnic backgrounds; and**

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals to helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "New Frontiers In Preservation" is the theme for National Preservation Week 2004, co-sponsored by the Edina Heritage Preservation Board and the National Trust for Historic Preservation.

NOW, THEREFORE, WE, the City Council of the City of Edina, do proclaim May 3-9, 2004, as Preservation Week, and call upon the people of Edina to join their fellow citizens across the United States in recognizing and participating in this special observance. Member Housh seconded the motion.

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

**2004 EDINA HERITAGE AWARD PRESENTED** Ann Swenson, Heritage Preservation Board member, explained that the 2004 Edina Heritage Award was created in 2003 to recognize outstanding contributions in preservation, restoration and use of Edina's heritage resources. In 2004, the award was presented to the Edina Theatre for the excellent restoration work completed on the Theatre's sign and marquee. Landmark Theatre, and Gene and Suzanne Haugland worked diligently to restore the 1934 sign. The Edina Theatre sign has become a visual anchor for the community and to bring the 3,000-pound sign back to its original beauty was a tremendous feat. Ms. Swenson presented the 2004 Heritage Award plaque to Mr. Haugland.

**\*MINUTES OF THE REGULAR MEETING OF APRIL 20, 2004, APPROVED** Motion made by Member Housh and seconded by Member Masica, approving the Minutes of the Regular Meeting of the Edina City Council for April 20, 2004.

Motion carried on rollcall vote - five ayes.

**\*HEARING DATE SET FOR MAY 18, 2004, PRELIMINARY PLAT APPROVAL, TWO-LOT SUBDIVISION (CURT FRETAM, 6800 INDIAN HILLS ROAD)** Motion made by Member Housh and seconded by Member Masica setting May 18, 2004, for Preliminary Plat Approval for a two-lot subdivision at 6800 Indian Hills Road (Curt Fretham).

Motion carried on rollcall vote - five ayes.

**FIRST READING GRANTED TO ORDINANCE NO. 2004-07 - AMENDING SECTION 850 - FENCE HEIGHT STANDARDS** Affidavits of Notice were presented, approved and ordered placed on file.

Presentation By Planner

Planner Larsen stated the proposed ordinance was being presented as a result of complaints received about excessive fence height and its negative impact on adjacent property. He said the planning commission initially reviewed limiting fence heights on lots seventy-five feet wide and smaller, but concluded the standards if adopted should apply to all R-1 and R-2 Districts.

Mr. Larsen said the proposed ordinance was comprised of two components: 1) a definition of "fence height"; and 2) a section reducing from eight to six the maximum height of fences. He graphically reviewed how fences would be measured and showed several examples of fences currently in existence in Edina. The fences illustrated:

- Fences that would comply with the proposed ordinance as amended
- Fences that exceed the current maximum of six feet
- Six-foot fences with extension added on

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- Six foot fences with extended posts, some decorative
- Fences that follow the terrain of a slope and are stepped

Mr. Larsen pointed out the standards proposed to be changed would be the side and rear yard fences. He added that fences in the front yard would still retain the four-foot maximum height standard.

Member Hovland asked if existing fences would be grandfathered for the life of the existing fence; what would happen when existing fences deteriorated and needed replacement; and what if fence owners refused to replace their deteriorated fences because they would need to comply with the new standard. Mr. Larsen said existing fences would be grandfathered for their useful life, but if and when they were replaced the new installation would need to conform to the new standard. He added that if a property owner allowed a fence to become deteriorated and did not take care of it, the City could have it declared a “nuisance” and take actions necessary to rectify the situation.

Member Masica asked about persons who wished to erect higher fences to keep deer from interior gardens. She stated she thought that eight-foot fences would keep deer out of gardens. Member Masica also wanted to know if staff knew what the maximum fence height was in Eden Prairie or Minnetonka. Mr. Larsen explained that the six-foot standards would need to be adhered to unless the resident were to apply for a variance because of some hardship. He added that he did not know the maximum fence height for either Eden Prairie or Minnetonka, adding it was in his research, but he just could not recall the number.

Member Housh asked about the possibility of a homeowner installing four-foot panels with post two feet higher than the panels. Attorney Gilligan responded the ordinance would only allow post to extend a maximum of twelve inches above the panels.

Member Hovland questioned the etiology of the fence definition. Mr. Larsen replied it was a composite of several ordinances gleaned from Internet research and included several components such as ground clearance of panels, post heights and made a point that no alteration of the grade level was allowed.

### Public Comment

Donald Gooding, 5824 Halifax Avenue, how the proposed ordinance would affect an existing fence, who would determine if a fence was deteriorated enough to warrant replacement, and could the replacement fence exceed six feet in height. Mr. Gilligan explained that an existing fence could remain until it became necessary to replace it. He added that if a property owner did not voluntarily replace a deteriorated fence the City could take whatever steps deemed necessary to have the fence determined to be a “nuisance” and corrective measures taken to ensure the public good.

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

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

The Council briefly discussed the new fence standard and consensus was to grant the first reading with staff clarifying the definition relative to fence posts extending no more than twelve inches above the panels for all fences in all districts.

Member Kelly made a motion to grant First Reading to Ordinance No. 2004-07 amending Section 850 of the Edina Code of Ordinance defining "fence height" and providing standards for maximum height of fences in the R-1 and R-2 Districts subject to revision of the definition relative to the extension of fence posts above the fence panels no more than twelve inches for all fences. Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

First Reading granted.

**\*RESOLUTION NO. 2004-40 APPROVING LOT DIVISION - PAUL SCHOENECKER (5532-5543 MALIBU DRIVE)** Motion made by Member Housh and seconded by Member Masica approving the following resolution:

**RESOLUTION NO. 2004-40  
APPROVING A LOT DIVISION for  
5532-5534 MALIBU DRIVE**

**WHEREAS**, the following described properties are at present one tract of land:

**Lot 23, Block 1, Interlachen Hills 3<sup>rd</sup> Addition, Hennepin County, Minnesota.**

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

**PARCEL 1:**

**Lot 23, Block 1, Hennepin County, Minnesota, lying northerly of the following described line:**

**Commencing at the Northwest corner of said Lot 23, thence southerly along the West line of said Lot 23 on an assumed bearing of South 10 degrees 27 minutes 56 seconds West, 92.27 feet to the point of beginning of the line to be described; thence South 83 degrees 05 minutes 06 seconds East, 121.10 feet to the East line of said Lot 23 and there terminating.**

**PARCEL 2:**

**Lot 23, Block 1, Hennepin County, Minnesota, lying southerly of the following described line:**

**Commencing at the Northwest corner of said Lot 23, thence southerly along the West line of said Lot 23 on an assumed bearing of South 10 degrees 27 minutes 56 seconds West, 92.97 feet to the point of beginning of the line to be described; thence South 83 degrees 05 minutes 06 seconds East, 121.10 feet to the East line of said Lot 23 and there terminating.**

**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 1 and PARCEL 2) 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 4<sup>th</sup> day of May, 2004.

Motion carried on rollcall vote – five ayes.

\*RESOLUTION NO. 2004-41 - LOT DIVISION APPROVED - REARRANGEMENT OF LOT LINES (WALLY IRWIN - 6440 TINGDALE AVENUE) Motion made by Member Housh and seconded by Member Masica approving the following resolution:

RESOLUTION NO. 2004-41  
APPROVING A REARRANGEMENT OF LOT LINES AT  
6440 TINGDALE AVENUE

WHEREAS, the following described tracts of land constitute various separate parcels:

LOT 10, BLOCK 11, NORMANDALE 2<sup>ND</sup> ADDITION, City of Edina, Hennepin County, Minnesota and reserving easements of record.

AND

LOT 11, BLOCK 11, NORMANDALE 2<sup>ND</sup> ADDITION, City of Edina, Hennepin County, Minnesota and reserving easements of record.

AND

LOT 12, BLOCK 11, NORMANDALE 2<sup>ND</sup> ADDITION, City of Edina, Hennepin County Minnesota and reserving easements of record.

WHEREAS, the owner of the above-described land desires to create a new lot line establishing two, 75 foot lots where there are now three 50-foot lots, described as follows:

PARCEL 1

LOT 10, BLOCK 11, and the northerly 25 feet of LOT 11, BLOCK 11

PARCEL 2

LOT 12, BLOCK 11, and the southerly 25 feet of LOT 11, BLOCK 11

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 1 and PARCEL 2) 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 4<sup>th</sup> day of May, 2004.

Motion carried on rollcall vote – five ayes.

**FIRST READING GRANTED TO ORDINANCE NO. 2004-08 - AMENDING SECTIONS 900 AND 1230, PERMITTING ISSUANCE OF ON-SALE WINE AND LIQUOR LICENSE - BRAEMAR GOLF COURSE**

Director Keprios indicated the Park Board recommends amending the City Code to allow the sale of strong beer and wine at Braemar Golf Course. Braemar Golf Course has served wine, beer and champagne successfully for special events since 1987, without incident. Additionally, Braemar has served and sold 3.2 beer, again successfully for 40 years of operation. The food and beverage operation at Braemar has grown and a desire now exists for patrons to enjoy wine and strong beer in the clubhouse and on the decks.

Mr. Keprios noted that Braemar would need to install an additional walk-in cooler and make some minor changes in order to sell strong beer and wine. Revenues purported to be approximately \$3,000 to \$5,000 from the expected sales are projected to offset the changes. He added that staff at Braemar Golf Course is trained in liquor sales and takes an annual course on alcohol training.

Member Masica inquired if the estimated revenues were too conservative. John Valliere, Manager, commented that in the initial year, sales would be less.

Member Housh voiced concern that a compelling business case is not set by this proposal. Mr. Valliere said he believes there are a number of persons who would enjoy a beverage on the deck after a round of golf. Mr. Housh said he fears the dynamics of the course will change if this Ordinance amendment were to pass.

Member Kelly and Mayor Maetzold concurred with Mr. Valliere and the recommended amendment, as presented.

Member Hovland indicated this would be a nice amenity to Braemar.

Mr. Hughes explained the reason for Section 2 of the Ordinance is to clarify if Braemar were to have a wine license, they could serve wine, 3.2 beer and strong beer on the grounds of the golf course.

Mr. Kelly asked if the amendment is approved, Mr. Valliere could implement proper controls. Mr. Hughes noted that full product selection is difficult with 3.2 beer.

Ms. Masica voiced concern with persons bringing beverages into the course.

Bob Kojetin, 5016 William Avenue, asked if the Ordinance applies to private parties. Mr. Hughes said, as the Ordinance exists, wine could be served at a private rental, not sold. If the Amendment were adopted, it would permit the City or an agent of the City to sell wine or strong beer at any event.

Mr. Housh voiced concern with the City's liability. Mr. Valliere said he would be inclined to operate the same way with private parties even though they would be licensed to do more.

Kathy Iverson, 5410 York, Chemical Health Coordinator for the City of Edina said she was very concerned about what serving wine on the course at Braemar was modeling for Edina youth at the course and for this reason she was opposing the proposed amendment.

**Member Kelly made a motion approving First Reading of the Park Board recommendation that Sections 900 and 1230 of the City Code be amended to allow for on-sale and consumption of wine by the glass and strong beer at Braemar Golf Course.** Member Masica seconded the motion.

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Nays: Housh

First Reading granted.

Member Kelly asked that staff clarify the "special events" portion of the amendment before the next meeting. Mr. Hovland asked further that wine sales on the course be part of the staff clarification. Mr. Hughes said these issues could be a policy direction of the course and would not need to be a part of the language of the Ordinance.

**BID AWARDED EDINA AQUATIC CENTER WATER SLIDE PIPING REPAIR** Member Hovland removed the award of bid for the Edina Aquatic Center water slide piping repair for further information. Mr. Hovland inquired about what happened. Mr. Keprios said after examination, it was determined to be human error. He has directed staff to write a procedure as well as utilize a consulting firm to close the pool at the end of the next season.

Mr. Kelly inquired why this was not an insured loss. Mr. Keprios said he would research the issue.

**Mr. Hovland made a motion approving the award of bid for repair of the water slide piping at the Edina Aquatic Center to recommended low bidder, Valley Rich Co., Inc., at \$19,840.00.** Member Kelly seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**\*AWARD OF BID - 4 WHEEL DRIVE DIESEL TRACTOR - CENTENNIAL LAKES PARK** Motion made by Member Housh and seconded by Member Masica for award of bid for a Centennial Lakes Park 4-wheel drive diesel tractor to recommended low bidder, Lano Equipment, Inc., at \$20,437.35.

Motion carried on rollcall vote - five ayes.

**\*AWARD OF BID - ¾ TON 4 X 4 PICK-UP TRUCK - CENTENNIAL LAKES PARK** Motion made by Member Housh and seconded by Member Masica for award of bid for a ¾ ton 4 x 4 pickup truck for Centennial Lakes Park to recommended sole bidder, Thane Hawkins Polar Chevrolet under State Bid Contract #432191 at \$22,100.70.

Motion carried on rollcall vote - five ayes.

**BID AWARDED FOR 800 MHz MOBILE AND PORTABLE RADIOS** Chief Siitari indicated in order to operate the mobile and portable radios for the Police, Fire and Public Works Departments to access the 800 MHz metro wide radio system, accessories necessary to support the system need to be purchased. Mr. Siitari said the current VHF system is at the end of its life

span and will be replaced by the 800 MHz system. The 800 MHz radio system is part of the Capital Improvement Plan. Homeland Security grant funding will significantly reduce the costs for this portion of the system. Mr. Siitari added the primary focus of the state and federal Homeland Security strategy is for greater operability for first-responders to communicate with one another.

Member Hovland asked how the Homeland Security grant is determined. Mr. Siitari explained the state received a large federal grant and Edina's portion is the \$285,600.00.

Mr. Housh asked if 800 MHz system is still considered state of the art equipment. Mr. Siitari said it is.

**Member Hovland made a motion for award of bid for the 800 MHz mobile and portable radio system to recommended sole bidder, Motorola, Inc./Ancom Communications under Minnesota State Contract #421810-651.** Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**TEMPORARY ON-SALE INTOXICATING LICENSE AND SPECIAL PERMIT TO USE CITY PROPERTY GRANTED WITH CONDITONS - 50<sup>TH</sup> & FRANCE BUSINESS ASSOCIATION**

Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Siitari informed the Council that the 50<sup>th</sup> and France Association had once again made application for an on-sale temporary intoxicating liquor license and special permit to use City property so the Association could have a hospitality garden during the Art Fair. He noted the Association had run such a garden in 2003 with no problems. Mr. Siitari pointed out the major change this year would be doubling the size of the hospitality area and enclosing the entertainment stage within the "garden". Mr. Siitari said he did not think capacity would be an issue since the hospitality area never reached capacity during the 2003 event, although the weather had some bearing on the fair last year. In addition, the entertainment stage was planned to be housed within the hospitality area. He stated the Association intended to use the same picket fencing, signs, gate security, and wristbands for persons eligible to purchase alcohol and hire two Edina Police Officers for alcohol enforcement as in 2003. Mr. Siitari concluded that in his opinion the operation would not create problems for enforcement and his recommendation was to allow the license and permit as requested.

Member Masica asked if the capacity was not an issue then why was the size doubling this year.

Colleen Jones, 50<sup>th</sup> & France Business Association Executive Director, stated that during the 2003 event, patrons requested the entertainment be within the hospitality area so they could dance while enjoying a glass of wine or beer.

Member Masica said she had been thinking a great deal about the Edina Art Fair, stating it was a great family event and many people enjoy it annually. However, she pointed out there was a flip side to the event and that was the "negative" impact the fair has on the surrounding properties with additional traffic, parking, trash, and noise. Member Masica noted this was a great opportunity for the 50<sup>th</sup> & France Business Association to make money by hosting the hospitality garden and while she had not the Association would continue to ensure the area was well run, adding beer and wine to the mix will only exacerbate the impact on the surrounding area. Member Masica suggested that in the spirit of community offer booths free of charge to three community organizations that have been cornerstones in the Art Fairs of past years: the Edina

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Art Center, Edina Chemical Health Partners, and the Edina Community Education Service Board. She added that she also thought it would be a good idea for the Association to set aside an additional one or two spaces in future years for other community organizations to be determined at a later date.

Member Kelly stated he thought that was an outstanding idea and he fully supported it, but he asked that whatever groups were granted free spaces that they be linked to the City of Edina. Member Kelly stated his frustration that Community Education offers a number of art classes competing with the Edina Art Center and not collaborating with them.

Ms. Jones stated she would be very happy to work with Member Masica and she was sure the Art Fair could accommodate the groups mentioned.

Kathy Iverson, 5410 York Avenue South, Edina Chemical Health Coordinator, expressed her concern that the Association was doubling the size of the "hospitality area". She urged caution in allowing an increase of this magnitude. Ms. Iverson acknowledged that the Association "hospitality area" was well run last year but stated her fear that enclosing the entertainment and increasing the size would change the "flavor" of the Fair.

Member Hovland stated he was not in support of the Association granting unrestricted access of minors to the hospitality area and for that reason would not be supporting the license request this year.

**Motion made by Member Masica closing the public hearing seconded by Member Housh.**

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**Member Masica made a motion granting the 50<sup>th</sup> & France Business Association an On-Sale Temporary Intoxicating Liquor License for June 4, 5, and 6, 2004, 50<sup>th</sup> & France Art Fair; and approving the Special Permit to Use City Property conditioned upon the Association granting the following three organizations free booths at the June 4, 5, and 6, 2004 Art Fair: 1) Edina Art Center; 2) Edina Chemical Health Partners; and 3) Edina Community Education Services Board. Member Kelly seconded the motion.**

Ayes: Housh, Kelly, Masica, Maetzold

Nay: Hovland

Motion carried.

Further the Council directed Ms. Jones to work with Member Masica to include an additional one or two community organizations free booths in the future.

**RESOLUTION NO. 2004-37 SUPPORTING LEGISLATION TO PROVIDE IMPROVED FUNDING FOR I-494 CORRIDOR IMPROVEMENTS**

Member Hovland explained the I-494 Corridor Commission has recommended that member cities adopt Resolution No. 2004-37, providing for improved funding for I-494 corridor improvements. The Council's of the member cities are being asked for support with a significant transportation problem in the metropolitan area that requires additional funding. Funding sources have not been listed to give the legislators the maximum flexibility in seeking the sources, i.e. sales tax on a metro-wide basis, and/or 2) gas tax.

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

**RESOLUTION NO. 2004-37  
RESOLUTION SUPPORTING LEGISLATION  
TO PROVIDE IMPROVED FUNDING FOR  
I-494 CORRIDOR IMPROVEMENTS**

WHEREAS, the cities of Bloomington, Edina, Eden Prairie, Minnetonka, Plymouth and Richfield have joined together to promote improvement of I-494 from the Minnesota River to I-94 in order to increase road capacity and to improve the productivity and convenience of residents and businesses throughout the region; and

WHEREAS, accelerating the scheduled expansion of I-494 is a common and high priority objective of the I-494 Corridor Commission communities; and

WHEREAS, the I-494 corridor is 50 percent overcapacity in many locations; the cost of traffic congestion along the corridor is \$100 million per year, and congestion is expected to double in the next 20 years; and

WHEREAS, funding for improvements to the I-494 corridor, the Twin Cities metropolitan region and greater Minnesota has not kept pace with growth and demand due to a lack of any state gas tax increase in Minnesota since 1988; and

WHEREAS, transportation spending, as a percentage of the state gross product, has declined from 1.2 percent to .9 percent over the past decade, transit is funded at 65 percent that of similarly sized regions and planners estimate that at least \$1 billion in improvements per year for the next decade is needed to simply keep up with anticipated congestion; and

WHEREAS, the costs and ramifications of congestion are an impediment to business development, economic growth, and reduce the overall quality of life in the metropolitan area.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EDINA, that this Council supports steps to decrease congestion and increase state revenues for improvements to the I-494 corridor and other metropolitan transportation systems.

ADOPTED by the Edina City Council this 4<sup>th</sup> day of May, 2004. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

**\*RESOLUTION NO. 2004-38 ADOPTED RECEIVING FEASIBILITY REPORTS AND SETTING HEARING DATE OF JUNE 1, 2004, SOUND MITIGATION PROJECT: WEST SIDE OF TH100 FROM VERNON AVENUE TO MINNEHAHA CREEK, IMPROVEMENT NO. SA-7; SOUND MITIGATION PROJECT: EAST SIDE OF TH100 FROM MINNEHAHA CREEK TO WEST 44<sup>TH</sup> STREET, IMPROVEMENT NO. SA-11; AND ROADWAY IMPROVEMENT PROJECT: HALIFAX AND GRIMES NEIGHBORHOOD, IMPROVEMENT NO. A-202**

Member Housh introduced Resolution No. 2004-38 and moved its adoption as follows:

**RESOLUTION NO. 2004-38  
RECEIVING FEASIBILITY REPORTS AND SETTING  
PUBLIC HEARING DATE OF JUNE 1, 2004, FOR  
SOUND MITIGATION IMPROVEMENT NOS. SA-7 & SA-11  
ROADWAY IMPROVEMENT NO. A-202**

WHEREAS, feasibility reports have been prepared by the City Engineer with reference to Improvement Nos. SA-7 and SA-11 for sound mitigation improvement on the west side of TH100 from Vernon Avenue to Minnehaha Creek and along the east side from Minnehaha Creek to West 44<sup>th</sup> Street, and Improvement No. A-202 Roadway Improvements in the Halifax and Grimes neighborhood.

WHEREAS, the reports provide information regarding whether the proposed projects are necessary, cost effective and feasible.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA, that a public hearing shall be held on the 1st day of June 2004, in the Council

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Chambers at City Hall at 7:00 P.M. to consider Improvement Nos. SA-7 and SA-11 for sound mitigation improvement on the west side of TH100 from Vernon Avenue to Minnehaha Creek and along the east side from Minnehaha Creek to West 44<sup>th</sup> Street; and Improvement No. A-202 Roadway Improvements in the Halifax and Grimes neighborhood.

BE IT FURTHER RESOLVED that the City Clerk shall give mailed and published notice of such hearing and improvements as required by law.

Adopted this 4<sup>th</sup> day of May 2004.

Motion carried on a rollcall vote – five ayes.

\*AMENDMENT TO SPRINT ANTENNA LEASE – VAN VALKENBURG WATER TOWER  
Motion made by Member Housh and seconded by Member Masica approving an amendment to the Sprint Antenna Lease on the Van Valkenburg water tower as presented.

Motion carried on rollcall vote – five ayes.

\*SET HEARING DATE OF MAY 18, 2004, - NEW INTOXICATING ON-SALE LIQUOR LICENSE FOR DAYTON'S IRON HORSE LIQUORS, INC., dba/MARSHALL FIELD'S LAKESHORE GRILL Motion made by Member Housh and seconded by Member Masica approving May 18, 2004, as hearing date for new intoxicating on-sale liquor license for Dayton's Iron Horse Liquors, Inc., dba/Marshall Field's Lakeshore Grill.

Motion carried on rollcall vote – five ayes.

\*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 April 21, 2004, and consisting of 35 pages: General Fund \$356,141.46; Communications Fund \$2,983.78; Working Capital Fund \$51,614.62; Art Center Fund \$14,758.16; Aquatic Center Fund \$957.90; Golf Course Fund \$23,339.71; Ice Arena Fund \$1,702.43; Edinborough/Centennial Lakes Fund \$15,545.57; Liquor Fund \$185,173.77; Utility Fund \$326,700.69; Storm Sewer Fund \$4,062.99; Recycling Fund \$20.00; PSTF Fund \$2,190.31; TOTAL \$985,191.39; and for approval of payment of claims dated April 28, 2004, and consisting of 23 pages: General Fund \$218,549.40; Communications Fund \$12,025.58; Working Capital Fund \$5,336.22; Art Center Fund \$90.30; Aquatic Center Fund \$649.72; Golf Course Fund \$43,827.28; Ice Arena Fund \$1,345.03; Edinborough/ Centennial Lakes Fund \$5,007.48; Liquor Fund \$102,707.35; Utility Fund \$13,848.43; Storm Sewer Fund \$1,669.92; PSTF Fund \$1,441.26 TOTAL \$406,497.97.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 9:03 P.M.

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City Clerk