

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

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Masica and seconded by Member Hovland approving the Council Consent Agenda as presented with the exception of Agenda Item IV.D. Mill Overlay and Intersection Alignment at various locations, Imp. Nos. A-206, A-207, A-212 and BA-327; Agenda Item IV.F. Roadway Improvements for Halifax and Grimes Neighborhoods, Imp. Nos. A-202, WM-431, STS-293 and SS-411; and Agenda Item V.A. Resolution Joining Hennepin County Fire Department Mutual Aid Association.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

*MINUTES OF THE REGULAR MEETING OF JUNE 15, 2004, APPROVED Motion made by Member Masica and seconded by Member Hovland, approving the Minutes of the Regular Meeting of the Edina City Council for June 15, 2004.

Motion carried on rollcall vote - five ayes.

MINNEHAHA CREEK MONTH PROCLAIMED Mayor Maetzold encouraged all area residents to attend the Edina Art Center's exhibition opening and "Great Paint Out" event to support and recognize arts in Edina and the entire metropolitan area.

Member Hovland introduced the following proclamation and moved its adoption:

PROCLAMATION

WHEREAS, Minnehaha Creek is a beautiful asset to the community; and

WHEREAS, the Edina Art Center, in cooperation with the Minnehaha Creek Watershed District and The Loft, will host "22 Miles: Celebrating Minnehaha Creek," a juried exhibition of works inspired by the Creek; and

WHEREAS, the exhibit, on display July 8 through Aug. 21, is meant to accelerate the environmental preservation of the Creek and reveal and demonstrate the connection between artists and the community; and

WHEREAS, a related event follows the exhibit opening with "The Great Paint-Out" along the Creek 11 a.m. to 2 p.m. Sunday, July 11, when selected artists will paint or work in their medium along the Creek at sites that will be publicized for public viewing. The event will wrap up with an ice cream social from 3 to 6 p.m. at the Art Center with music and fun for the family; and

WHEREAS, "22 Miles: Celebrating Minnehaha Creek" elevates the unique contributions of Minnehaha Creek, a Twin Cities' treasure, through the arts;

NOW, THEREFORE, I, Dennis F. Maetzold, Mayor of the City of Edina, do hereby proclaim the month of July 2004, as

CELEBRATING MINNEHAHA CREEK MONTH

in the City of Edina and I encourage all area residents to attend the Edina Art Center exhibition opening and "Great Paint-Out" event and support and recognize arts in Edina and the entire metropolitan area.

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Dated July 6, 2004. Member Masica seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

NATIONAL THERAPEUTIC RECREATION WEEK PROCLAIMED Mayor Maetzold indicated that July 11 - 17, 2004, has been designated as National Therapeutic Recreation Week and encouraged all area residents to support this observance and to promote and enhance the quality of life for persons with physical, mental, emotional and/or social limitations.

Member Masica introduced the following proclamation and moved its adoption:

PROCLAMATION

WHEREAS, individual and organized forms of recreation and the use of leisure time are vital to the lives of all Americans, especially persons with physical, mental, emotional and/or social limitations; and

WHEREAS, the purpose of therapeutic recreation is accomplished through the provision of programs and services which assist in eliminating barriers to leisure, developing leisure skills and attitudes, and optimizing leisure involvement; and

WHEREAS, the National Therapeutic Recreation Society, a branch of the National Recreation and Park Association, originated a week of observance to focus on the value of recreation and leisure experiences for all persons, including those with physical, mental, emotional and/or social limitations;

NOW, THEREFORE, BE IT RESOLVED, that I, Dennis F. Maetzold, Mayor of the City of Edina, do hereby proclaim July 11-17, 2004, as

NATIONAL THERAPEUTIC RECREATION WEEK

in the City of Edina and encourage all area residents to support this observance, and to promote and enhance the quality of life for persons with physical, mental, emotional and/or social limitations.

Dated: July 6, 2004. Member Kelly seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2004-62 APPROVING VACATION OF UTILITY AND DRAINAGE EASEMENTS APPROVED - 5400 EDENMOOR Affidavits of Publication were presented and ordered placed on file.

Engineer Houle explained the proponent had requested the vacation of a portion of the utility and drainage easement on the northerly portion of the property at 5400 Edenmoor. He stated the Richmond Hills 2nd Addition was platted in 1951 and the subject home constructed in 1975. Mr. Houle stated when Grandview Square 3rd Addition was platted in 2004 it included drainage and utility easements. He added no objection has been received from Xcel Energy, Centerpointe Energy, Qwest and Time Warner Cable. In conclusion, Mr. Houle said the City of Edina utilities department does not object to the vacation stating that the remaining easement would be adequate for future maintenance.

Member Hovland made a motion, seconded by Member Masica closing the public hearing.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Kelly introduced the following resolution and moved its adoption:

RESOLUTION NO. 2004-62

APPROVING VACATION OF UTILITY AND DRAINAGE EASEMENTS

5400 EDENMOOR

WHEREAS, a motion of the City Council, on the 15th day of June, 2004, fixed a date for a public hearing on a proposed vacation of utility easements; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on July 6, 2004, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described public utility easements are hereby vacated effective as of July 6, 2004:

LEGAL DESCRIPTION OF DRAINAGE AND UTILITY EASEMENTS TO BE VACATED

The north 10.00 feet of Lot 1, Block 1, RICHMOND HILLS 2ND ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, which lies east of the west 10.00 feet of said Lot 1, and which lies west of the east 10.00 feet of said Lot 1.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Passed and adopted this 6th day of July, 2004.

Member Hovland seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2004-63 APPROVING VACATION OF UTILITY AND DRAINAGE EASEMENTS - 5609 GROVE STREET Affidavits of Publication were presented and ordered placed on file.

Mr. Houle explained the owner of the property located at 5609 Grove had requested the proposed vacation of the existing easement. He stated the owner was selling the property and requested the vacation because the existing garage encroached into the easement. Mr. Houle said Lyle Addition was platted in 1958, the sanitary sewer system was constructed in 1954 and the subject home constructed in 1958. He noted the garage was constructed in 1960 and encroaches into the easement. Mr. Houle said no objection was received from Xcel Energy, Centerpointe Energy, Qwest and Time Warner Cable. He concluded the City of Edina does not object to the vacation and stated the remaining easement would be adequate for future maintenance.

Member Hovland made a motion, seconded by Member Housh closing the public hearing.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Masica introduced the following resolution and moved its adoption.

RESOLUTION NO. 2004-63
VACATING UTILITY AND DRAINAGE EASEMENT
5609 GROVE STREET

WHEREAS, a motion of the City Council, on the 15th day of June, 2004, fixed a date for a public hearing on a proposed vacation of utility easements; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on July 6, 2004, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described public utility easements are hereby vacated effective as of July 6, 2004:

LEGAL DESCRIPTION OF DRAINAGE AND UTILITY EASEMENTS TO BE
VACATED

That part of Lot 4, Block 1, Lyle Addition, Hennepin County, Minnesota described as follows: Commencing at the intersection of the North line of said Lot 4 and a line drawn 10 feet West of and parallel with the East line of said Lot 4; thence Southerly along said parallel line a distance of 65.00 feet to the point of beginning of the parcel to be described; thence Easterly left deflecting 90 degrees 00 minutes 00 seconds a distance of 6.00 feet; thence Southerly parallel with said East line of Lot 4 a distance of 26.00 feet; thence Westerly deflecting to right 90 degrees 00 minutes 00 seconds a distance of 6.00 feet to said line drawn 10 feet West of and parallel with the East line of said Lot 4; thence Northerly along said parallel line a distance of 26.00 feet to the point of beginning.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Passed and adopted this 6th day of July, 2004.

Member Kelly seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

*VACATION REQUEST WITHDRAWN BY PETITIONER ON JULY 2, 2004, FOR PORTION OF WHITE OAKS DRIVE Motion made by Member Masica and seconded by Member Hovland accepting the petitioner's request on July 2, 2004, to withdraw the vacation request for portion of White Oaks Drive.

Motion carried on rollcall vote - five ayes.

*HEARING DATE SET OF JULY 20, 2004, - FINAL REZONING AND FINAL PLAT - WALLINGFORD PARTNERSHIP (5101 WEST 70TH STREET) Motion made by Member

Masica and seconded by Member Hovland setting July 20, 2004, as hearing date for Final Rezoning and Final Plat for Wallingford Partnership at 5101 West 70th Street.

Motion carried on rollcall vote – five ayes.

ORDINANCE NO. 2004-09 ADOPTED - IMPOSING A SUBDIVISION MORATORIUM

Manager Hughes stated Ordinance No. 2004-09, an ordinance to impose a moratorium on subdivision in Edina had received its First Reading at the Council meeting of June 15, 2004. He added the changes suggested at that meeting had been included in the language of the ordinance.

Mayor Maetzold noted correspondence was received from Remi Stone, Public Policy Director of the Builders Association of the Twin Cities, dated July 1, 2004, offering alternatives to imposing a moratorium.

Member Housh stated his opposition to the proposed moratorium. He said while he supported studying the issue, he did not feel a moratorium was needed.

Member Hovland noted it was a difficult situation, but he felt the moratorium was necessary. He urged the study be conducted as expeditiously as possible.

Member Masica agreed with the need for a swift conclusion of the study and added her support to the proposed moratorium. She commented she felt the correspondence had been received from a person with a vested interest in subdivisions.

Mayor Maetzold stated that while there was no public hearing, comments would be taken. No one appeared.

Member Hovland made a motion granting second reading to Ordinance No. 2004-09, as follows:

**ORDINANCE NO. 2004-09
AN ORDINANCE AUTHORIZING STUDIES ON THE PLATTING,
REPLATTING OR SUBDIVISION OF LOTS AND OTHER PROPERTY
WITHIN THE SINGLE DWELLING UNIT DISTRICT (R-1) IN THE
CITY OF EDINA**

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS:

Section 1. Purpose. Pursuant to applicable Minnesota Statutes, Edina is now conducting studies for the purpose of considering adoption and/or amendment of official controls, as defined in Minnesota Statutes, Section 462.352, Subdivision 15, including amendment of Section 810 of the City Code (the "Subdivision Ordinance"). The official controls and amendments being studied will consider, among other things, the desirability and suitability of, and the requirements and conditions for, the processing and approval of plats, replats, subdivisions of lots and other property within any Single Family Dwelling District (R-1) in the City, as designated by Section 850 of the City Code. However, while the new official controls and amendments are being considered, proposals for, and applications for such plats, replats and subdivisions continue to be made. Therefore, in order to protect the planning process and the health, safety and welfare of the citizens of Edina, it is necessary and desirable to impose the following moratorium pursuant to the authority granted by Minnesota Statutes, Section 462.355, Subd. 4.

Section 2. Moratorium. From the effective date of this ordinance to and including the first anniversary of such effective date, subject to earlier termination or extension by the Edina City Council, the Edina City Council, the Edina Planning Commission and the Edina City staff shall not accept any applications for, or continue to process or act on, any applications or

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requests for, any plats, replats or subdivisions of lots or other property within the Single Dwelling Unit District (R-1) in the City as designated by Section 850 of the City Code; provided, however, that the City Council may disapprove any application for any such plat, replat or subdivision solely to prevent approval thereof by operation of law pursuant to Minnesota Statutes, Section 462.358, Subd. 3b. This moratorium shall not apply to any lot division as provided in Section 810.04, Subd. 2 of the City Code, or to any plat, replat or subdivision application previously given preliminary approval by the City Council.

Section 3. Effective Date. This ordinance shall be in full force and effect upon its passage.

First Reading: June 15, 2004
Second Reading: July 6, 2004
Publication: July 15, 2004

Attest

Debra A. Mangen, City Clerk

Dennis F. Maetzold, Mayor

Member Kelly seconded the motion.

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Nays: Housh

Motion carried.

RESOLUTION NO. 2004-64 DENYING PRELIMINARY PLAT FOR ARROWHEAD LAKE ADDITION TWO-LOT SUBDIVISION (6800 INDIAN HILLS ROAD, CURT FRETHERM) Mr.

Hughes stated it would be appropriate for the Council to take action on the subdivision at this time.

Following a brief discussion, Member Hovland introduced the following resolution:

RESOLUTION NO. 2004-64

BE IT RESOLVED by the Edina City Council that that certain plat entitled **ARROWHEAD LAKE ADDITION** presented by Curt Fretham at the regular meeting of the Edina City Council on July 6, 2004, be and is hereby denied preliminary plat approval.

Adopted this 6th day of July, 2004.

Member Kelly seconded the motion.

Rollcall:

Ayes: Hovland, Kelly, Masica, Maetzold

Nays: Housh

Motion carried.

BID AWARDED FOR BOILER FOR EDINBOROUGH PARK Mr. Hughes noted the purchase and installation of a Camus 750,000 BTU, 85% efficient boiler for Edinborough Park has a low bid amount that exceeds the Capital Improvement Plan by approximately \$2,000. Staff recommends the bid be awarded.

Member Hovland made a motion approving the award of bid for a boiler for Edinborough Park to recommended low bidder, Roseville Plumbing and Heating, at \$20,716.00.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***AWARD OF BID FOR OUTDOOR WARNING SIREN - POLICE DEPARTMENT** Motion made by Member Masica and seconded by Member Hovland approving the award of bid for

an outdoor warning siren for the Police Department to recommended low bidder, RT Electric, Inc., at \$15,942.00.

Motion carried on rollcall vote - five ayes.

***AWARD OF BID - ROADWAY IMPROVEMENTS - VALLEY VIEW ROAD AND WOODDALE AVENUE, IMPROVEMENT, CONTRACT NO. 04-4 (ENGINEERING) NOS. A-205, BA-321, STS-296, SS-412 and WM-432** Motion made by Member Masica and seconded by Member Hovland approving the award of bid for roadway improvements at Valley View Road and Wooddale Avenue, Improvement, Contract No. 04-4 (Engineering) Numbers A-205, BA-321, STS-296, SS-412 and WM-432 to recommended low bidder, Hardrives, Inc., at \$1,936,791.17.

Motion carried on rollcall vote - five ayes.

BID AWARDED FOR MILL OVERLAY AT VARIOUS LOCATIONS AND INTERSECTION ALIGNMENT IMPROVEMENT, CONTRACT NO. 04-1 (ENGINEERING) NOS. A-206, A-207, A-208, A-209, A-212, AND BA-327 Member Masica asked that the award of bid for the mill and overlay at various locations and intersection alignment at Valley View Road and Valley Lane, Contract No. 04-1, be removed from the consent agenda for further information. She inquired about when these projects will be started and finished and if an order for them has been set. Mr. Houle stated the project would be started as soon as approval was received and completed by October 2004.

Member Masica made a motion approving the award of bid for mill overlay at various locations and intersection alignment improvement, Contract No. 04-1 (Engineering) Nos. A-206, A-207, A-208, A-209, A-212 and BA-327 to recommended low bidder, Midwest Asphalt Corporation at \$517,499.00.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***BID AWARDED FOR CONTRACT NO. 04-2 PUBLIC WORKS, VARIOUS LIFT STATION REHABILITATION PROJECTS IMPROVEMENT NOS. LS-26, LS-27, LS-28, LS-29, LS-30 AND LS-31** Motion made by Member Masica and seconded by Member Hovland for award of bid for Contract No. 04-2 Public Works, for various lift station rehabilitation projects, Imp. Nos. LS-26, LS-27, LS-28, LS-29, LS-30, LS-31 to recommended low bidder, Barbarossa and Sons, Inc., at \$757,777.00.

Motion carried on rollcall vote - five ayes.

AWARD OF BID - ROADWAY IMPROVEMENTS FOR HALIFAX AND GRIMES NEIGHBORHOODS CONTRACT NO. 04-2 (ENGINEERING), IMPROVEMENT NOS. A-202, WM-431, STS-293 AND SS-411 Member Masica requested the roadway improvements for Halifax and Grimes neighborhoods be removed from the consent agenda for further information. She inquired what the difference in the amount that was projected during the public hearing and the actual award of bid. Mr. Houle explained the utility amount was approximately \$266,000 that will not be assessed to the residents.

Member Masica made a motion for award of bid for roadway improvements for Halifax and Grimes neighborhoods, Contract No. 04-2 (Engineering), Improvement Nos. A-202, WM-431, STS-293 and SS-411 to recommended low bidder, Dave Perkins Contracting at \$792,115.00.

Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2004-59 JOINING HENNEPIN COUNTY FIRE DEPARTMENT MUTUAL AID ASSOCIATION Member Masica asked that Resolution No. 2004-59 joining the Hennepin County Fire Department Mutual Aid Association, be removed from the Consent Agenda for further information. She asked when the Edina Fire Department responded to other cities fire calls, what coverage does Edina have. Assistant Chief Todd responded that if a call were to be received, a general call would go to all volunteer off-duty firefighters. If Edina firefighters were at a call in another city, they would return to Edina to handle the call. If necessary, they would return to help the other city when they were finished with the Edina call. He added that Edina was always covered.

Member Hovland asked how many miles Edina's fire fighters might need to travel to honor the mutual aid agreement. Mr. Todd responded that normally calls go to surrounding cities but they may need to respond to any place in Hennepin County. Mr. Hughes noted that the agreement allowed Edina to have a more comprehensive response to bigger disasters. He added that there was a 30-day opts out policy within the agreement as well. Edina was the recipient of mutual aid as a provider of mutual aid.

Motion made by Member Masica introducing the following resolution and moving its adoption:

**RESOLUTION NO. 2004-59
RESOLUTION APPROVING THE AGREEMENT FOR JOINT
AND COOPERATIVE USE OF FIRE PERSONNEL AND EQUIPMENT**

WHEREAS, the City of Edina is a member of the Hennepin County Chiefs Association;
and

WHEREAS, the Association has adopted an agreement for joint and cooperative use of fire personnel and equipment; and

WHEREAS, THE City of Edina believes the effectiveness of fire protection within the City will be improved by adopting this agreement.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that the Mayor and City Manager are hereby authorized to execute the Hennepin County Chiefs Association Joint Cooperative Agreement for Use of Fire Personnel and Equipment, as Exhibit A attached, on behalf of the City of Edina as a participating member.

Adopted by the City Council July 6, 2004. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO. 2004-61 - AUTHORIZING ACCEPTANCE OF STATE OF MINNESOTA GRANT - HEAVY RESCUE VEHICLE Mr. Todd indicated that the State of Minnesota has offered the City of Edina a \$270,000 grant, covering the cost of a heavy rescue vehicle. The City's obligation would be maintenance of the vehicle and approximately \$500 annually for insurance. The vehicle will be used at most calls and if a terrorist attack were to happen, this vehicle would be valuable.

Member Housh said this was a wonderful asset to Edina.

Member Masica inquired whether these vehicles were disbursed geographically throughout the state. Mr. Todd responded that they were primarily within the Minneapolis area, Dakota County and Rochester. He added using this equipment required a large training commitment that many departments were not able to accomplish.

Member Kelly introduced the following resolution and moved its adoption:

RESOLUTION NO. 2004-61

WHEREAS, the City of Edina and the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, acting on behalf of the State of Minnesota (hereinafter "HSEM") have agreed to enter into an agreement for the acquisition of a Collapsed Structure Rescue Vehicle which is intended to enhance the City of Edina's ability to prevent, deter, respond to, and recover from threats and incidents of terrorism.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Edina, Minnesota hereby accepts the letter of agreement documents relating to U.S. Department of Homeland Security, Office for Domestic Preparedness Federal Fiscal Year 2004 Homeland Security Grant Program, Award Number 2004-GE-T4-0028

IT IS FURTHER RESOLVED that the Mayor and City Manager are authorized to execute the Agreement and any amendments to the Agreement.

Passed and adopted this 6th day of July, 2004. Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***HOMELAND SECURITY EQUIPMENT GRANT AGREEMENT AUTHORIZED - POLICE DEPARTMENT Motion made by Member Masica and seconded by Member Hovland approving the grant between Hennepin County, Emergency Preparedness Division and the City of Edina for Homeland Security equipment reimbursement.**

Motion carried on rollcall vote - five ayes.

BRAEMAR GOLF COURSE WINE SERVICE DISCUSSED Mr. Hughes noted that several weeks ago the Council amended Section 900 of the Code, permitting issuance of a wine license at Braemar Golf Course. He said following adoption of the Ordinance, staff was notified by the State Liquor Control Commission that the City could not issue a license to one of their facilities. The State opined that the City must amend its Code establishing a municipal on-sale dispensary at any location where alcoholic beverages were served on-sale. Mr. Hughes recommended it would be prudent to follow the State's direction and establish an on-sale dispensary.

Mr. Hughes noted that municipal on-sale dispensaries were allowed under State Law to serve all alcoholic beverages, including intoxicating liquor. Therefore, if the Council established a dispensary, it should, by resolution, limit sales to wine and beer only. He added if this approach were agreed upon, staff would prepare the necessary ordinance amendments for consideration.

Member Housh asked what the cost implication would be with establishing a dispensary. Mr. Hughes responded that insurance premium would be based on sales so any increase would be nominal. Assistant Manager Anderson said the City would also need to purchase a "Buyers Card" from the State.

Member Masica inquired whether the State has a prototype for an on-sale dispensary. Mr. Hughes said an amendment to the ordinance would not be difficult. Attorney Gilligan explained some cities do have on-sale dispensaries.

Member Kelly asked further if golf courses do not serve wine. Mr. Hughes responded that the State explained that cities that serve wine were doing so as dispensaries.

No formal Council action was taken.

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***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Hovland seconded the motion approving payment of the following claims as shown in detail on the Check Register dated June 17, 2004, and consisting of 38 pages: General Fund \$81,548.17; CDBG Fund \$16,770.53; Communications Fund \$1,844.86; Working Capital Fund \$3,952.88; Construction Fund \$14.00; Art Center Fund \$8,921.95; Golf Dome Fund \$75.36; Aquatic Center Fund \$9,342.08; Golf Course Fund \$34,075.06; Ice Arena Fund \$5,207.15; Edinborough/Centennial Lakes Fund \$22,307.42; Liquor Fund \$209,746.78; Utility Fund \$347,037.99; Storm Sewer Fund \$2,486.35; PSTF Fund \$3,265.66; TOTAL \$746,596.24; and for approval of payment of claims dated June 22, 2004, and consisting of 30 pages: General Fund \$324,675.04; Communications Fund \$12,210.15; Working Capital Fund \$3,916.12; Art Center Fund \$1,513.04; Golf Dome Fund \$500.00; Aquatic Center Fund \$16,165.28; Golf Course Fund \$16,663.88; Ice Arena Fund \$1,340.70; Edinborough/ Centennial Lakes Fund \$14,806.48; Liquor Fund \$147,052.62; Utility Fund \$18,100.97; Storm Sewer Fund \$272.60; PSTF Fund \$8,024.60; TOTAL \$565,241.48; and for approval of payment of claims dated June 28, 2004, and consisting of 37 pages: General Fund \$129,660.80; CDBG Fund \$39.00; Communications Fund \$3,334.53; Working Capital Fund \$20,711.71; Art Center Fund \$16,789.68; Aquatic Center Fund \$36,718.65; Golf Course Fund \$34,743.35; Edinborough/Centennial Lakes Fund \$475.00; Liquor Fund \$193,508.33; Utility Fund \$54,979.69; Storm Sewer Fund \$64,137.37; PSTF Agency Fund \$73.09; TOTAL \$555,171.20.

Motion carried on rollcall vote – five ayes.

***PETITION RECEIVED REQUESTING SOUND BARRIER ALONG HIGHWAY 62 AND NINE MILE VILLAGE TOWNHOUSE ASSOCIATION** Motion made by Member Masica and seconded by Member Hovland accepting the petition for sound barriers along Highway 62 and Nine Mile Village Townhouse Association and submitting it to the Engineering Department for processing as to feasibility.

Motion carried on rollcall vote – five ayes.

***PETITION RECEIVED REQUESTING SIDEWALK ON VALLEY VIEW ROAD FROM SALLY LANE TO BRAEMAR PARK** Motion made by Member Masica and seconded by Member Hovland accepting the petition for sidewalk along Valley View Road and Sally Lane to Braemar Park and submitting it to the Engineering Department for processing as to feasibility.

Motion carried on rollcall vote – five ayes.

CONCERN OF RESIDENTS Mayor Maetzold gave background into the normal path an issue takes within the Council process, stating that a decision was normally not reached without study by staff. He commented that he believes there was no developer ready to transform the 44th and France area presently nor has anyone come forward in the fourteen years since the plan was completed other than a couple small developments. Mr. Maetzold said Edina was not in the economic development business like many other cities. The City has not used eminent domain or condemnation for redevelopment for a number of years.

Jennifer Janovy, resident of 4016 Inglewood Ave, and a member of the Morningside Neighborhood Association Steering Committee, shared history about the 44th and France Redevelopment Plan and requested that the Association be involved in any new or updated redevelopment plan. Ms. Janovy stated things to be considered with the plan would include:

1. The need for neighborhood involvement in planning and decision-making
2. The redevelopment already undertaken by property owners
3. The historic character of the neighborhood, including any recommendations of the Edina Heritage Preservation Board

4. The impact of intensified retail office space and multifamily housing on the neighborhood
5. The scale of redevelopment
6. Redevelopment without the use of condemnation/ eminent domain.

Mary Carte, 4208 Branson Street, explained a survey was taken in Morningside by the Edina Heritage Preservation Board with a 40% response rate. A common thread in the responses was that residents wanted the small town look/feel kept and encouraged maintaining pedestrian friendly services. She concluded that 94% of respondents do not want multiple-family housing, anticipated retail and office buildings at 44th and France.

Timothy Rudnicki, 4224 Lynn Avenue, encouraged a process that reflects Edina's character that concentrates on family. He questioned why the 44th and France plan was still in place if the City had not used eminent domain for a number of years. He urged the Council to follow the intent of the law and the City Code and to reach out to neighborhoods for a great source of collective wisdom.

Joni Bennett, 4003 Lynn Avenue, said it must be apparent to the Council that Morningside wants to be involved in planning its future. She suggested removing the 44th and France Redevelopment Plan cloud that has been in place since 1990.

Mary Jo Aiken, 4548 France, spoke to her letter to the Planning Department dated June 12, 2004, expressing the cloud they have lived under since the 44th and France Plan was adopted. She noted she reads everything that comes into her home and she would have read correspondence that pertained to her home being razed and replaced with a parking lot. Ms. Aiken said Morningside was the oldest area of Edina and the historic nature must be preserved. She encouraged canceling the 44th & France Redevelopment Plan.

Tim Frederick, 4188 West 44th Street, commented that it was wonderful that Edina has not needed an Economic Development person and that the 44th & France Redevelopment Plan was just a plan, but there was still a perceived risk for the residents.

Mr. Hughes gave a brief overview of how a development occurs during the approximate four-month process. He noted without a 'plan' all the City has was a zoning map. The plan provides a context the Council can use to evaluate petitions for rezoning by a developer. The Comprehensive Plan provides the City with another set of authorities that it normally does not have, including acquisition of property for subsequent private development.

Member Kelly said during his eight-year tenure on the Council talk of development at 44th and France has only come up a couple of times. He voiced his distress with the mention that the public has not been involved in development processes.

Mike Berg, 4420 Grimes Avenue, commended the Council, and residents for the preservation of parks in and near the Morningside area. He noted that living in the area was similar to a time warp and a wonderful place to raise a family. Mr. Berg requested that property owners be respected and think about the needs of the families.

Mr. Hughes suggested staff complete a background report on, 1) what was a development district, 2) an explanation of what constitutes a tax increment financing district, 3) what types of powers come with these districts, 4) what was the process to amend the Comprehensive Plan, 5) what was the background of the Comprehensive Plan, 6) what alternatives to consider and, 7)

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legal information from the City Attorney. He said this report could be back to the Council at a future meeting.

Ms. Masica asked if the 44th & France Development Plan could be deleted at the next Council meeting. Mr. Hughes said he believes it would be a simple matter to delete the plan if the Council chose to do so. To amend the Comprehensive Plan was more complicated. The process would begin with the Planning Commission with a referral to the Metropolitan Council to set hearings.

Tim Rudnicki, asked about the notification process for the next meeting. Mr. Hughes noted that all business of the Council was public information and when the staff report was completed, that information would be available to the public, posted on the website under, 'Morningside' and a hard copy presented to the Morningside Steering Committee.

Gina Miller, 4225 Scott Terrace, voiced dismay with the plan and asked the Council to refer to a court decision that awarded a large sum of money to residents whose property was 'definitionally' taken without just compensation. She asked that residents be kept informed.

Ed Mathie, 4239 Grimes, indicated that the Council should seek ways that all information reaches the residents.

Following brief Council comments, no formal Council action was taken.

CONCERN OF RESIDENT Ross Plaetzer, 4508 Sunnyside Road, suggested changing Ordinance No. 1400.10 Parking, Stopping and Standing; Loading, from the six consecutive hour parking regulation to a twelve consecutive hour parking regulation. He explained their family has three cars, one garage, and a difficult driveway and asked the Ordinance be changed to lengthen the duration of street parking to twelve hours.

Mayor Maetzold said the Traffic Safety Committee would take this request up at their next meeting.

Mr. Hughes indicated the issue could be back on the August 17, 2004, Council Agenda.

No formal Council action was taken.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 9:32 P.M.

City Clerk