

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 7, 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 Housh approving the Council Consent Agenda as presented with the exception of Agenda Item IV.I., Change Order - West 78th Street and TH Frontage Road, Imp. Nos. BA-314 and 317.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF AUGUST 17, 2004, APPROVED** Motion made by Member Masica and seconded by Member Housh, approving the Minutes of the Regular Meeting of the Edina City Council for August 17, 2004.

Motion carried on rollcall vote - five ayes.

CONSTITUTION WEEK PROCLAIMED Mayor Maetzold proclaimed September 17 - 23, 2004, as Constitution Week in the City of Edina and urged all citizens to study the constitution and reflect on the privilege of being an American. Joanne Peterson, Chairperson of the Daughters of the American Revolution (DAR) accepted the proclamation.

Member Masica made a motion approving the proclamation that proclaimed September 17 - 23 as Constitution Week in the City of Edina. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

MINNESOTA PARK AND RECREATION ASSOCIATION AWARDS OF EXCELLENCE PRESENTED Director Keprios accepted two Awards of Excellence from the Minnesota Recreation and Park Association (MRPA) from Steve Benoit, MRPA Board Member and Program Manager for the Shoreview Park and Recreation Department. The Awards of Excellence Program was an annual program to recognize agencies and their staff for an exemplary project in 2003 or substantial revisions in 2003. MRPA Awards Committee was created in 1987 to acknowledge individual members and agencies for their excellence in the field of Parks, Recreation and Leisure Services.

***MINUTES OF REGULAR MEETING OF AUGUST 17, 2004, AND SPECIAL MEETING OF AUGUST 17, 2004, APPROVED** Motion was made by Member Masica and seconded by Member Housh approving the Minutes of the Regular Meeting of August 17, 2004, and Special Meeting of August 17, 2004, as presented.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2004-76 APPROVING TECHNICAL CORRECTION TO LOT DIVISION FOR 7000 TUPA DRIVE AND 6909 ST. PATRICK'S LANE** Motion made by Member Masica and seconded by Member Housh approving the technical correction to the lot division for 7000 Tupa Drive and 6909 St. Patrick's Lane as follows:

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RESOLUTION NO. 2004-76
APPROVING LOT DIVISION FOR

7000 TUPA DRIVE AND 6909 ST. PATRICK'S LANE

WHEREAS, the following described properties are at present two tracts of land:

Lot 7, Block 1, Braemar Hills Fifth Addition

and

All of Outlot 1 Elm View 1st Addition

WHEREAS, the owners have requested the following land transfer as follows:

PARCEL A:

Lot 7, Block 1, Braemar Hills Fifth Addition and the East 87.19 feet of that part of Outlot 1, Elm View 1st Addition, lying South of the North 50 feet thereof, and lying North of the South 210 feet thereof.

PARCEL B:

Outlot 1, Elm View 1st Addition except for that part of Outlot 1, lying South of the North 50.0 feet thereof, and lying North of the south 210.0 feet thereof.

WHEREAS, the requested land transfer is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said newly created Parcels as separate tracts of land do not interfere with the Subdivision and Zoning Regulations as contained in the Edina City Code Sections 810 and 850.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

Adopted this 7th day of September, 2004.

Motion carried on rollcall vote - five ayes.

*HEARING DATE SET OF SEPTEMBER 21, 2004, FOR CONDITIONAL USE PERMIT FOR EDINA COUNTRY CLUB (5100 WOODDALE AVENUE) Motion made by Member Masica and seconded by Member Housh setting September 21, 2004, as hearing date for Conditional Use Permit for Edina Country club, 5100 Wooddale Avenue.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2004-81 APPROVING LOT DIVISION - WILLIAM AND EDITH KUROSS (5316 - 5318 MALIBU DRIVE) Motion made by Member Masica and seconded by Member Housh approving the following resolution:

RESOLUTION NO. 2004-81
APPROVING LOT DIVISION FOR
5316 - 5318 MALIBU DRIVE

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

Lot 9, Block 1, PARKWOOD KNOLLS 15TH 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:

That part of Lot 9, Block 1, PARKWOOD KNOLLS 15TH ADDITION, Hennepin County, Minnesota, lying Northerly of the following described line:

Commencing at the Southeast corner of said Lot 9; thence on an assumed bearing of North 0 degrees 13 minutes 50 seconds East along the East line of said Lot 9 a distance of 53.55 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 26 seconds West a distance of 149.90 feet to a point on the West line of said Lot 9 distant 54.82 feet North of the Southwest corner of said Lot 9 and there terminating.

PARCEL 2:

That part of Lot 9, Block 1, PARKWOOD KNOLLS 15TH ADDITION, Hennepin County Minnesota, lying Southerly of the following described line:

Commencing at the Southeast corner of said Lot 9; thence on an assumed bearing of North 0 degrees 13 minutes 50 seconds East along the East line of said Lot 9 a distance of 53.55 feet to the point of beginning of the line to be described; thence North 89 degrees 48 minutes 26 seconds West a distance of 149.90 feet to a point on the West line of said Lot 9 distant 54.82 feet North of the Southwest corner of said Lot 9 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 Ordinance are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

Adopted this 7th day of September, 2004.

Motion carried on rollcall vote - five ayes.

RESOLUTION NO. 2004-80 APPROVED FINAL PLAT - JONES ADDITION (5205 DUNCRAIG ROAD) Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner:

Assistant Planner Aaker stated the Preliminary Plat for a two-lot subdivision for property at 5205 Duncraig Road was approved at the September 16, 2003, regular Council meeting. All conditions for granting the final plat have been met and staff recommended approval based on an unimproved land value of \$120,000.00 of a Subdivision Dedication of \$9,600.00.

Council Comments:

Member Masica inquired whether staff had knowledge of what was planned for the plat. Ms. Aaker stated nothing has come forward at this time.

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Member Hovland introduced the following resolution and moved its approval with the Subdivision Dedication of \$9,600.00:

**RESOLUTION NO. 2004-80
APPROVING JONES ADDITION
FINAL PLAT**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "JONES ADDITION", platted by James William Jones III and Karen A. Jones at the regular meeting of the City Council on September 7, 2004, be and is hereby granted final plat approval conditioned upon a Subdivision Dedication of \$9,600.00

Passed and adopted this 7th day of September, 2004. Member Kelly seconded the motion.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

AWARD OF BID FOR ONE MULTI-USE SPECIAL RESPONSE HAZMAT VEHICLE - POLICE DEPARTMENT, APPROVED

Chief Siitari indicated the Police Department applied for a Homeland Security Grant from the Minnesota Department of Public Safety for the multi-use, special response hazmat vehicle. Approval has been received in the amount of \$208,145.00 for the vehicle and training for use by the five-city consortium and 55 members. Mr. Siitari informed the Council that purchase of the vehicle would enhance the ability to respond to destructive incidents.

Member Hovland made a motion approving the award of bid for one 2004 Ford F-550 Lenco Bearcat Multi-Use Special Response Hazmat vehicle to recommended sole bidder Lenco Industries, at \$181,045.00. Member Masica seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***BID AWARDED FOR WATER MAIN IMPROVEMENT NO. WM-430, OXFORD AVENUE EXTENSION - CONTRACT NO. 04-6 (ENGINEERING)**

Motion made by Member Masica and seconded by Member Housh for award of bid for Water Main Improvement No. WM-430 - Oxford Avenue Extension, Contract No. 04-6 (Engineering) to recommended low bidder, G.L. Contracting, Inc., at \$62,553.50.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR SIDEWALK IMPROVEMENT NO. S-084, HALIFAX AVENUE AND WEST 51ST STREET, CONTRACT NO. 04-7**

Motion made by Member Masica and seconded by Member Housh for award of bid for Sidewalk Improvement No. S-084, Halifax Avenue and West 51st Street, Contract No. 04-7 (Engineering) to recommended low bidder BCG Construction at \$108,571.00.

Motion carried on rollcall vote - five ayes.

AWARD OF BID FOR EDINA AQUATIC CENTER POOL EXPANSION PROJECT APPROVED

Mr. Keprios said on August 10, 2004, bids were opened for the Edina Aquatic Center Pool expansion project. The consulting engineer's cost estimates were approximately \$115,000.00 and the Capital Improvement Plan (CIP) for 2004 budgeted \$120,000.00. Following designed specifications, it was discovered additional expenses would be necessary for gutter-system piping; filtration system modifications and relocating existing underground piping. The lowest bid came in at \$52,000.00 more than what was budgeted under the CIP. The \$52,000.00 needed to award the bid would come from the Edina Aquatic Center's cash flow balance, which is, as of January 1, 2004, at \$583,000.00.

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Mr. Keprios indicated the plan called for a 30' x 30' extension of the shallow-end of the aquatic center main pool. It would create a user-friendly addition to the pool for all ages by providing a step-in entry with railings leading to a two-foot water depth. As planned, the extension would provide a two-foot body of water for toddlers in the process of outgrowing the shallow zero-depth wading pool playground area, which has a maximum depth of eighteen inches.

Work on the expansion includes demolition/replacement of pool decks and drains, a cast in place concrete pool tank, stainless steel gutters, pool piping and filtration modifications, miscellaneous related construction and completes the master plan for the Aquatic Center as proposed by the Park Board.

Member Housh inquired what attributed to the success of the Aquatic Center in 2004. Mr. Keprios said a nine percent drop was anticipated in revenues. The purchase of season passes creates a positive cash flow even with bad weather.

Member Masica questioned the differences between the initial bid amount and the actual bid. Mr. Keprios explained the engineer did not have adequate drawings depicting when underground piping was installed. Member Masica state she has used RJ Marco Company, the recommended low bidder on the project, for a building expansion when she was in business. Mr. Gilligan said he did not believe this would be a concern with Member Masica voting on the proposed project.

Member Hovland concurred that this was a good completion of the Aquatic Center's master plan.

Member Hovland made a motion approving the award of bid for Edina Aquatic Center Pool Expansion Project to recommended low bidder, RJ Marco Construction at \$172,000.00. Member Housh seconded the motion.

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

***BID AWARDED FOR PAMELA PARK NORTH PARKING LOT ASPHALT Motion made by Member Masica and seconded by Member Housh for award of bid for the Pamela Park north asphalt parking lot to recommended low bidder, Bituminous Roadways, Inc., at \$21,680.20.**

Motion carried on rollcall vote - five ayes.

PET PERMIT APPLICATION DENIED (CAROLYNE BISSON) Manager Hughes indicated that Carlyne Bisson, 5340 Hollywood Road has filed an application requesting permission to keep five (5) dogs and two (2) cats at her address. Notice was sent to residents within 200 feet of the subject property. In order to grant Ms. Bisson permission to keep four (4) extra animals, the Council must find that, 1) keeping the extra animals would not create a nuisance, and 2) keeping extra animals would not be detrimental to the public health and safety of the applicant or other persons in the vicinity. He added that the Council might impose additional conditions or restrictions on this permit, as they deem necessary for the protection of the public interest.

Member Hovland inquired whether the City had done an independent investigation of the appropriateness of this request. Solvei Wilmot, Assistant Sanitarian, stated no investigation had been completed. Member Hovland asked if staff believed this request should be granted. Ms. Wilmot indicated the Health Department supported maintaining the City Code, as written.

Carolyne Bisson, 5340 Hollywood Road, read from a prepared statement and voiced concern with letters received from her neighbors following their receipt of the notice of the public hearing from the

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City. She said she believes this was not an animal issue but about property rights. She asked the Council to grant the variance allowing the animals to live out their years with the family.

Member Hovland said he thought the issue at the last meeting was for "4" dogs. Ms. Bisson said she told the City she had "5" dogs. Mr. Hughes said cats were not licensed but are included in the total number of pets.

Member Masica asked which "3" animals would Ms. Bisson keep. Ms. Bisson said if good homes could be located she would give up two of the dogs. Member Masica inquired if she would consider fencing the property. Ms. Bisson said yes, it was being considered, even with the difficult yard.

Member Housh asked how many exceptions have been granted for pet ownership and how was the City notified about non-compliance of the Ordinance. Ms. Wilmot stated a permit was granted in 1996, permitting "5" animals (two cats, three dogs). Generally when a complaint comes forward the City then becomes aware of the Ordinance violation. In this case, the violation was noted by animal control following a request to license the pets.

Member Hovland questioned a statement in a letter that one of the dogs had bitten a neighborhood child. Ms. Bisson voiced her shock after reading the letter purporting the dog bite. Member Hovland inquired whether there was any truth to the statements made in the letters. Ms. Bisson said she would need to deal with each purported incident individually. Member Hovland asked if the Ordinance were enforced, what would the consequence be for the animals. Ms. Wilmot said the City would like to see compliance within 30 days. If compliance was not met after 30 days, Animal Control could collect the excess animals.

Mr. Hughes indicated the Council would set the date for compliance.

Member Masica said she would be willing to approve the application for four pets, one being the aged cocker spaniel that would not be replaced upon its death. Ms. Bisson offered that she had had offers to adopt the golden retrievers but she does not agree with electric fences or shock collars. She asked consideration as well for the 14 year-old cat.

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

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

Member Masica said because of the number of letters received on the application, action must be forthcoming. She suggested with appropriate fencing, Ms. Bisson could keep the two cats, the elderly cocker spaniel and one golden retriever.

Member Hovland said while he felt compassion for the situation, he questioned whether neighbors would conspire to deny Ms. Bisson the right to have that many pets. He believes the Ordinance should be complied with in a reasonable period of time.

Member Housh voiced sympathy with the situation, however, with the number of letters of concern that were received, the Ordinance needed to be upheld.

Member Kelly concurred with Member Hovland and Member Housh, and that the petitioner is given a reasonable amount of time to comply with the Ordinance.

Mayor Maetzold asked if a motion was necessary to extend the 30-day time limit.

Member Kelly made a motion to deny the request for the permit under Section 300.15, Subd. 1, to keep more than three dogs and cats, allowing the petitioner 90 days to comply with the Ordinance. Member Housh seconded the motion. Member Masica again suggested fencing the yard at 5340 Hollywood Road.

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

TEMPORARY BEER LICENSE APPROVED - OUR LADY OF GRACE FALL FESTIVAL Mr.

Hughes said Our Lady of Grace Church (OLG) has applied for a temporary beer license for an outdoor social the church was holding on September 18, 2004. The social will take place between 6:00 P.M. and midnight. Code Section 900 allows non-profit organizations to obtain a temporary beer license to sell 3.2 beer on-sale at this type of event. OLG has filed the necessary application and insurance as well as paid their fee. They have held similar events the last three years and have obtained a temporary license with no incidents.

Member Hovland made a motion granting a temporary beer license to Our Lady of Grace Parish for their Fall Festival on September 18, 2004. Member Masica seconded the motion.

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

***RESOLUTION NO. 2004-75 - APPROVING SAFE AND SOBER COMMUNITIES GRANT FROM OCTOBER 1, 2004, THROUGH SEPTEMBER 30, 2005** Member Masica made a motion, seconded by Member Housh introducing the following resolution and moving approval:

**RESOLUTION NO. 2004-75
AUTHORIZING EXECUTION OF
2005 SAFE AND SOBER COMMUNITIES AGREEMENT**

WHEREAS, be it resolved that the Edina Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled SAFE and SOBER COMMUNITIES during the period from October 1, 2004 through September 30, 2005; and

WHEREAS, the Office of Traffic Safety has awarded the Police Departments of Richfield, Edina and the Metropolitan Airport, a grant for \$30,000.00 in a combined joint effort; and

WHEREAS, the money is to be split equally by the three departments at \$10,000.00 each, which will be used for overtime enforcement efforts and equipment; and

WHEREAS, the Richfield Police Department is the lead agency this year in the grant as far as managing the grant funds; and

WHEREAS, Police Chief Michael Siitari is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Edina Police Department.

BE IT FURTHER RESOLVED, that the Public Safety Director, Dan Scott, of the Richfield Police Department is hereby authorized to be the fiscal agent and administer this grant on behalf of Edina Police Department.

Adopted this 7th day of September, 2004.

Motion carried on rollcall vote - five ayes.

HENNEPIN COUNTY PUBLIC SAFETY DISPATCH SERVICES OFFER CONTINUED TO SPECIAL MEETING ON SEPTEMBER 21, 2004 Mr. Hughes explained the Hennepin County Board of Commissions has offered to provide Public Safety dispatch services at no cost to the ten cities that

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currently operate independent dispatch centers in Hennepin County. He noted that the office was complex and suggested scheduling a Council work session previous to the regular Council meeting on September 21, 2004, at 5:30 P.M. to discuss the offer.

Member Housh made a motion to continue the public safety dispatch services offer to a Special Council meeting on September 21, 2004, at 5:30 P.M., previous to the regular Council meeting.

Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

GRANT AGREEMENT APPROVED - HOMELAND SECURITY GRANT Mr. Siitari explained the Police Department applied for a grant from the Minnesota Department of Public Safety to purchase a Hazmat Response vehicle to better handle a WMD incident. The grant for \$208,145.00 has been approved to purchase the vehicle and train members of the Southwest Metro Emergency Response consortium to use the vehicle and detection equipment.

Mr. Siitari said the Edina Police Department was a member of a five-city consortium that jointly trains for emergency response to critical incidents. He added that although Edina will own the vehicle all 55 members in the consortium Emergency Response Team will be trained to use the vehicle as well as neighboring jurisdictions that request it.

Member Masica made a motion approving the grant contract between the State of Minnesota, Division of Homeland Security and Emergency Management, and City of Edina for 2004 Law Enforcement Terrorism Prevention Program funding for purchase of a Hazmat Response Vehicle.

Member Housh seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

RESOLUTION NO 2004-78 - ADVOCATING AND URGING THE HENNEPIN COUNTY BOARD OF COMMISSIONERS TO ENACT ORDINANCE NO. 24 "SMOKE FREE ORDINANCE" Mr.

Hughes explained the Hennepin County Board of Commissioners will consider the adoption of Hennepin County Ordinance No. 24 later in September. The Ordinance prohibits smoking in all indoor areas of food establishments throughout Hennepin County. The smoking prohibition does not extend to outdoor dining areas, private clubs, or work places in general. Nothing in the Ordinance prohibits cities from adopting more stringent requirements if they wish.

Mr. Hughes noted that in his opinion, a countywide ban on smoking in food establishments would be the most effective and reasonable way of establishing a consistent smoking policy throughout the county. He concluded stating staff recommended the Council support this effort.

Member Hovland said he spoke with the owner of a restaurant in Edina recently and the owner was in favor of a countywide ban on smoking in food establishments.

Kathy Iverson, 5410 York Avenue South, Chemical Health Coordinator for the City of Edina, voiced support of the resolution supporting Hennepin County Ordinance No. 24.

Member Masica inquired whether this Ordinance would apply to bars. Mr. Hughes noted this applies to all indoor food establishments and Edina does not have bars.

Member Housh asked about the portion of the ordinance that states that private clubs would be exempt, except where the public was invited. He asked if this would include weddings, etc. Mr. Hughes said this would prohibit the formation of a 'private club' solely for the purpose of allowing smoking.

Member Hovland introduced the following resolution and moved its adoption:

**CITY OF EDINA
RESOLUTION NO. 2004-78
RESOLUTION SUPPORTING, ADVOCATING AND URGING THE HENNEPIN COUNTY
BOARD OF COMMISSIONERS TO ENACT ORDINANCE NO. 24, "SMOKE FREE
ORDINANCE"**

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The U.S. Surgeon General has determined that secondhand smoke is responsible for the early deaths of 65,000 Americans annually, and

WHEREAS, Edina residents and business community are concerned that the enactment of a local ordinance prohibiting smoking may have a negative effect on the community's businesses because businesses in adjacent communities will not be subject to the same regulation; and

WHEREAS, the Edina City Council has heard from many residents and businesses that a county-wide smoke free ordinance is more appropriate than a local ordinance so as to not place at a disadvantage the businesses of this or any other individual community; and

WHEREAS the City deems it prudent, reasonable and necessary to support, advocate and urge the passage of a County-wide ordinance prohibiting smoking in certain places.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF EDINA, MINNESOTA THAT:

The City Council hereby supports, advocates and urges the Hennepin County Board of Commissioners to enact Ordinance No. 24 prohibiting smoking in all bars and restaurants in Hennepin County.

ADOPTED by the City Council this 7th day of September 2004.

Member Kelly seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

BRAEMAR ATHLETIC FIELD FACILITY PROPOSAL - PARK BOARD RECOMMENDATION, CONTINUED FROM AUGUST 17, 2004

Mr. Keprios noted that at the May 11, 2004, Park Board meeting, a concept was discussed to develop an indoor athletic field facility in Edina. Representatives from the Soccer Association, Football Association, Baseball Association, Basketball Association, Girls Basketball Association, Soccer Club and the Lacrosse Association attended the May meeting. There was a strong desire for an indoor athletic field and additional gymnasiums. A permanent facility would be desirable but a bubble would be acceptable. The Associations believed the City should solely fund the facility. The Park Board asked staff to reconsider all park locations, and return with results in June for a recommendation. At the June 8, 2004, meeting, the Park Board recommended a permanent structure at Braemar athletic field because it would impact the least amount of residents. Mr. Keprios said he favored a bubble as opposed to a permanent structure. The Park Board recommended the user groups' fund 50% of the construction costs plus an additional \$500,000.00 to cover operational expenses that exceed revenues.

Mr. Keprios noted that if the Council approves the Park Board's indoor athletic field concept recommendation, the next step would be to determine the user groups' level of interest and

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commitment to raise funds required per the Park Board's recommendation. If user groups demonstrate a desire and willingness to support this recommendation, staff recommends the Council authorize funding to hire consultants needed to draw up preliminary designs and provide definitive cost estimates for both construction and operational costs.

Member Kelly questioned whether the proposed structure could accommodate an additional sheet of ice if one was warranted. Mr. Keprios said the permanent structure would be large and able to accommodate a sheet of ice. Member Kelly voiced concern with the potential loss of a grass field. Mr. Keprios indicated the City was very limited to park space.

Member Housh noted presently there was more field space available than has been for some time and added this was a large commitment to undertake.

Member Kelly suggested the issue have more study.

Member Masica inquired what sports would the permanent structure accommodate that the bubble structure would not. Mr. Keprios said both would accommodate the same sports, but the size of the field may eliminate some older persons soccer play in a bubble.

Member Hovland asked how the Park Board reached their conclusion. Mr. Keprios said this was not a new issue and after meeting with representatives of the School District, the consensus was that the school does not need nor desire a bubble on school property.

George Klus, Park Board Chair, said this was an issue that has been discussed repeatedly and the community still wants a facility for off-season play and training. Staff maintains the only place for a facility was Braemar, yet he was aware of land that was under-utilized. This issue will not die. Mr. Klus added the structure that was approved should maximize the use by the greatest amount of associations and a bubble would limit use.

Member Masica asked if there are other locations in Edina to install a premier soccer field. Mr. Keprios indicated that Pamela Park could be considered. He added if a bubble was accepted at Pamela Park then Kuhlman Field would be a viable site as well. Member Masica asked if the basketball association has looked at the church in the Cahill area that were building gymnasiums within their site. Dick Ward, Edina Basketball Association, asked how the church could include gymnasiums in their plan while the City could not. Member Kelly said there was no circumventing of the covenant. Mr. Ward noted he was not aware that there are gyms at this location.

Kathy Iverson, informed the Council that a movement was surfacing that seeks breathing room for teens that does not involve sports and puts families first.

Member Hovland asked clarification that the proposed facility would not include basketball because of the nature of the turf. He favored acquiring plans and prices from a consultant on the proposed structure. He suggested dealing with the basketball issue before concluding discussion on the proposal. Mr. Hughes noted that a joint meeting was held recently with the School District, which resulted in receipt of guidelines from the School Board for potential construction of two gymnasiums on the Community Center property. He suggested that two Council Members and himself would meet with Dr. Dragseth to fine-tune the plan. Member Housh volunteered to represent the Council at that meeting.

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Member Housh asked for more testimony from other associations about the importance of the proposed facility.

Mark Copman, 4408 Sunnyside Road, representing the Edina Soccer Club, said the Club spent approximately \$20,000 at Holy Angels for practice space attempting to maintain the quality of the Edina fields for games. The Club would rather pay the fees to an Edina facility. He suggested hiring a consultant to acquire plans and prices.

John Roach, 4176 West 44th Street, representing the Lacrosse Board, said Lacrosse was exploding and in dire need of fields. He voiced support and help in funding the full-size permanent, indoor facility.

Tom Hatch, 6504 Navaho Trail, representing the Hockey Association, voiced support of the multi-purpose facility but not in support of the venue of the current proposed facility. He gave statistics of the number of participants in the program and suggested consideration of additional ice both indoor and outdoor. If the plan as proposed were approved at Braemar, available land for ice would be non-existent. He asked that other locations in Edina be considered before the Braemar area.

Dick Ward, 6809 Galway Drive, commented that participants in the programs continue to grow and available space was non-existent. The proposed plan has no gymnasiums. The plan asks youth associations to raise capital for a community asset. The organization was based on user fees and to be asked to raise capital for the community as a whole to use was problematic. He suggested a feasibility report be completed on the costs of the proposed plan.

Member Masica suggested when the meeting was held with the School District on gymnasiums that Mr. Ward be in attendance. Mr. Hughes said initially Council representatives, School Board representatives and staff will meet to see about feasibility for the plan, and residents could be invited at a later date. Member Housh and Member Hovland volunteered to be the Council representatives at the initial meeting.

Member Kelly made a motion authorizing a feasibility study on a site plan, to hire a consultant to create plans and determine expenses related to a field adjacent to Braemar for field sports as well as potential hockey expansion site and that Member Housh and Member Hovland be appointed to the group assigned for the study. Mayor Maetzold seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***SET MEETING DATE - NOVEMBER 3, 2004 - CANVASS OF ELECTION RESULTS Motion made by Member Masica and seconded by Member Housh setting November 3, 2004, at 5:00 P.M. to canvass the results of the November 2, 2004, General Election.**

Motion carried on rollcall vote - five ayes.

CHANGE ORDER APPROVED - WEST 78TH STREET AND TH169 FRONTAGE ROAD, IMPROVEMENT NOS. BA-314 AND 317, CONTRACT NO. 01-1 (ENGINEERING) Member Masica explained she removed the Change Order for West 78th Street and TH169 Frontage Road Improvement Nos. BA-314 and 317, Contract No., 01-1 (Engineering) from the Consent Agenda for further information. She asked what dewatering is. Mr. Houle explained when the contractor makes a trench to bury pipe and ground water was discovered, it must be removed. Member Masica asked if this caused a delay. Mr. Houle said yes as well as other utilities needing to relocate their lines to a lower level. He explained that half of the approximate \$300,000.00 in change orders comes from State Aids and the remainder from the utility fund. Mr. Houle added that water mains from Braemar

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Boulevard to 78th Street were looped and had not been included in the original bid. Member Masica asked what the percentage of change orders on the project was. Mr. Houle said 13.3 % and was unusual.

Member Masica made a motion approving the change order for West 78th Street and TH169 Frontage Road, Improvement Nos. BA-314 and 317, Contract No. 01-1 (Engineering) in the amount of \$94,360.41. Member Hovland seconded the motion.

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

*RESOLUTION NO. 2004-82 - SETTING HEARING DATE - OCTOBER 19, 2004, VACATION OF PUKWANA RIGHT-OF-WAY Motion made by Member Masica and seconded by Member Housh introducing Resolution No. 2004-82 and moving adoption:

RESOLUTION NO. 2004-82
CALLING FOR PUBLIC HEARING ON VACATION
OF PUBLIC RIGHT-OF-WAY
PUKWANA LANE

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

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348, Subd. 7:
2. This Council shall meet at 7:00 P.M. on the 19th day of October 2004, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF ALLEY RIGHT OF WAY
ADJACENT TO 5125 WEST 49TH STREET
IN THE CITY OF EDINA
HENNEPIN COUNTY MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on October 19, 2004, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a portion of White Oaks Road roadway right-of-way easements to be vacated:

PROPOSED LEGAL DESCRIPTION OF PUBLIC RIGHT-OF-WAY TO BE VACATED:

A 25-foot wide strip of land lying east of the Minneapolis, Northfield and Southern R.R. between West 49th Street and Vernon Avenue in Section 28, Township 117, Range 21, Hennepin County, Minnesota.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed 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, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra A. Mangen, City Clerk

Dated: September 7, 2004

Passed and adopted this 20th day of July 2004.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2004-83 ADOPTED SETTING HEARING DATE - OCTOBER 5, 2004, SPECIAL ASSESSMENTS - TREE REMOVAL IMPROVEMENT NO. TR-04; AQUATIC WEEDS IMPROVEMENT NO. AQ-04 - ARROWHEAD AND INDIANHEAD LAKES AND MINNEHAHA CREEK MILL POND; WEED MOWING IMPROVEMENT NO. WD-04 Motion made by Member Masica and seconded by Member Housh introducing the following resolution and moving its adoption:

RESOLUTION NO. 2004-83

SETTING PUBLIC HEARING DATE OF

OCTOBER 5, 2004 FOR SPECIAL ASSESSMENTS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA:

1. A public hearing shall be held on the 5th day of October, 2004, in the Council Chambers at City Hall at 7:00 P.M. to pass upon the proposed special assessments for:
 - Tree Removal Improvement No. TR-04,
 - Aquatic Weeds Improvement No. AQ-04, Arrowhead and Indianhead Lakes and Minnehaha Creek Mill Pond
 - Weed Mowing Improvement No. WD-04

All persons owning property affected by such improvements at such time and place will be given an opportunity to be heard with reference to such assessments.

2. The City Clerk is hereby directed to cause a notice of hearing on the proposed assessments to be published in the Edina Sun-Current at least two weeks before the hearing and shall in the notice state the total cost of the improvements. The Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment rolls not less than two weeks before the hearings.

Adopted this 7th day of September 2004.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2004-84 ADOPTED SETTING HEARING DATE - OCTOBER 19, 2004 - SPECIAL ASSESSMENTS MAINTENANCE IMPROVEMENT NO. M-04: 50TH & FRANCE AVENUE BUSINESS DISTRICT; MAINTENANCE IMPROVEMENT NO. G-04: GRANDVIEW BUSINESS DISTRICT; ROADWAY IMPROVEMENT NO. A-194: MAPLE ROAD TO WHITE OAKS ROADWAY; TREE REMOVAL IMPROVEMENT NO. TR-04 Motion made by Member Masica and seconded by Member Housh introducing the following resolution and moving its adoption:

RESOLUTION NO. 2004-84

SETTING PUBLIC HEARING DATE OF

OCTOBER 19, 2004 FOR SPECIAL ASSESSMENTS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EDINA, MINNESOTA:

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3. A public hearing shall be held on the 19th day of October, 2004, in the Council Chambers at City Hall at 7:00 P.M. to pass upon the proposed special assessments for:
- Maintenance Improvement No. M-04, 50th Street and France Avenue Business District
 - Maintenance Improvement No. G-04, Grandview Business District
 - Roadway Improvement No. A-194, Maple Road to White Oaks Roadway
 - Tree Removal Improvement No. TR-04,

All persons owning property affected by such improvements at such time and place will be given an opportunity to be heard with reference to such assessments.

4. The City Clerk is hereby directed to cause a notice of hearing on the proposed assessments to be published in the Edina Sun-Current at least two weeks before the hearing and shall in the notice state the total cost of the improvements. The Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment rolls not less than two weeks before the hearings.

Adopted this 7th day of September 2004.

Motion carried on rollcall vote - five ayes.

APPOINTMENTS TO ADVISORY COMMITTEE - MINNEHAHA CREEK WATERSHED

DISTRICT Mr. Hughes explained the Minnehaha Creek Watershed District (MCWD) was undertaking revisions to their 1997 Watershed Management Plan; required every 10 years for watershed districts. All district stakeholders in the MCWD are asked to participate. The partnership was adopted at the August 3, 2004, Council meeting. The process involves a three-year commitment to the Policy Board (one Council member - quarterly meetings), Technical Advisory Committee (City staff - monthly meetings as needed) and a Public Advisory Committee (two-citizen representative - monthly meetings as needed). Member Housh has indicated his willingness to serve on the Policy Board. Jack Sullivan of 5808 Beard Avenue South, has indicated his willingness to serve on the Public Advisory Committee. Mr. Hughes said staff recommends appointing Member Scot Housh to the Policy Board and resident Jack Sullivan to the Public Advisory Committee. Staff recommended the appointments and noted that they will continue to recruit other residents for the remaining position on the Public Advisory Committee.

Mr. Hughes recommended appointing Member Housh and Mr. Sullivan and continuing recruiting the other resident to the Public Advisory Committee to complete the appointment.

Member Kelly made a motion authorizing appointment of Scot Housh to the Policy Board and Jack Sullivan Public Advisory Committee for the Minnehaha Creek Watershed District (MCWD) Management Plan Visioning Partnership. Member Hovland seconded the motion.

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

***CONFIRMATION OF CLAIMS PAID** Member Masica made a motion and Member Housh seconded the motion approving payment of the following claims as shown in detail on the Check Register dated August 18, 2004, and consisting of 33 pages: General Fund \$221,943.15; Communications Fund \$1,894.49; Working Capital Fund \$61,295.38; Construction Fund \$67,030.25; Art Center Fund \$3,018.63; Aquatic Center Fund \$11,721.33; Golf Course Fund \$19,511.51; Ice Arena Fund \$4,407.10; Edinborough/Centennial Lakes Fund \$14,557.36; Liquor Fund \$174,559.06; Utility Fund \$333,853.33; Storm Sewer Fund \$6,751.98; PSTF Fund \$919.88; TOTAL \$921,463.45; and for approval of payment of claims dated August 25, 2004, and consisting of 29 pages: General Fund \$349,538.11; CDBG Fund \$3,454.00; Communications Fund \$2,986.77; Working Capital Fund

\$18,065.68; Art Center Fund \$4,842.99; Aquatic Center Fund \$8,503.29; Golf Course Fund \$20,218.63; Ice Arena Fund \$239.29; Edinborough/Centennial Lakes Fund \$4,934.33; Liquor Fund \$119,348.93; Utility Fund \$384,485.80; Storm Sewer Fund \$97,526.21; PSTF Fund \$2,582.67 TOTAL \$1,016,726.70; and for approval of payment of claims dated September 1, 2004, and consisting of 30 pages: General Fund \$228,516.14; Communications Fund \$1,828.22; Working Capital Fund \$25,610.45; Art Center Fund \$14,040.85; Golf Dome Fund \$994.20; Aquatic Center Fund (\$150.00); Golf Course Fund \$18,894.86; Ice Arena Fund \$122.60; Edinborough/Centennial Lakes Fund \$1,128.81; Liquor Fund \$151,614.24; Utility Fund \$82,426.18; Storm Sewer Fund \$47,637.79; Recycling Fund \$32,171.80; PSTF Fund \$4,308.53; TOTAL \$609,144.67.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2004-79 - SETTING MAXIMUM TAX LEVIES Mr. Hughes explained if the Council were to issue equipment certificates to purchase \$500,000.00 in equipment for the next two years, the effect would be to decrease the tax levy for the General Fund by \$500,000.00 to \$17,299,715.00 for transfer in of bond proceeds and to increase the tax levy for the payment of equipment certificates by \$536,000.00. The additional \$36,300 was the amount needed to fund the issuance costs and annual interest as included in the attached schedules from the City's bond consultant Ehlers and Associates. If new equipment certificates were issued in the amount above, the total of the three levies would increase by \$934,814.00 or 5.16%. The expenditure budget may increase or decrease in the budget process as long as the tax levy was not increased.

Mr. Hughes noted that staff recommends setting the maximum proposed 2005 tax levies of \$17,799,715.00 for the General Fund, \$1,058,840.00 for the debt service of the Housing and Redevelopment Authority Public Project Revenue Bonds (year 4 of debt service levy), and \$162,200 for debt service of equipment certificates of indebtedness. The total of the three levies would increase by \$898,514.00 or 4.96%. The preliminary General Fund budget was \$24,038,621.00.

Mr. Hughes distributed information on tax rates in Edina and other MLC cities and commented that Edina was in very good condition.

Member Housh asked staff to study and compare the taxes on a few properties in Edina from 1994 versus today. He noted that with the percentage of the value, taxes are half of what they were in 1994. Assistant Manager Anderson explained the research he completed at Member Housh request. Mr. Hughes noted that the three properties have been tracked for a number of years as part of the Board of Review process significantly showing that the tax burden has gone down over the ten-year period. Mr. Hughes reminded the Council that the tax levy at the time of budget adoption could be lowered but not raised.

Member Housh introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2004-79
A RESOLUTION ADOPTING PROPOSED
BUDGET FOR THE CITY OF EDINA FOR YEAR 2005,
AND ESTABLISHING THE PROPOSED
TAX LEVY PAYABLE IN 2005**

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, DOES RESOLVE AS FOLLOWS:

Section 1: The Budget for the City of Edina for calendar year 2005, is hereby proposed as follows:

TOTAL GENERAL FUND	\$ 24,038,621
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Section 2: Estimated receipts other than General Tax Levy are hereby proposed as follows:
TOTAL ESTIMATED RECEIPTS \$ 6,238,906

Section 3. That there is proposed to be levied upon all taxable real and personal property in the City of Edina, a tax rate sufficient to produce the amount as follows:
FOR GENERAL FUND \$ 17,799,715

Section 4. That there is proposed to be levied upon all taxable real and personal property in the City of Edina, a tax rate sufficient to produce the amount as follows:
FOR DEBT SERVICE OF THE HOUSING AND REDEVELOPMENT AUTHORITY
PUBLIC PROJECT REVENUE BONDS \$ 1,058,840

Section 5. That there is proposed to be levied upon all taxable real and personal property in the City of Edina, a tax rate sufficient to produce the amount as follows:
FOR DEBT SERVICE OF CERTIFICATES OF INDEBTEDNESS
\$ 162,200

Approved this 7th day of September, 2004.

Rollcall:

Ayes: Housh, Hovland, Kelly, Masica, Maetzold

Motion carried.

TRUTH IN TAXATION HEARING DATE SET Mr. Hughes recommended that Monday, December 6, 2004, at 5:00 P.M. be set for Truth in Taxation initial hearing; and Monday, December 13, 2004 at 5:00 P.M. be set for the continuation hearing; and Tuesday, December 21, 2004, 7:00 P.M. be set for the budget adoption hearing. He reminded the Council that few dates are available by law for setting the truth in taxation hearing dates.

Member Hovland made a motion setting December 6, 2004, 5:00 P.M., as hearing date for Truth in Taxation initial hearing and setting Monday, December 13, 2004, 5:00 P.M. as continuation Truth in Taxation hearing date, and budget adoption on December 21, 2004, at 7:00 P.M. Member Housh seconded the motion.

There being no further business on the Council Agenda, Mayor Maetzold declared the meeting adjourned at 9:35 P.M.

City Clerk