

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
AUGUST 2, 2005  
7:00 P.M.**

**ROLLCALL** Answering rollcall were Members Housh, Hulbert, Masica, Swenson and Mayor Hovland.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Housh and seconded by Member Swenson approving the Council Consent Agenda as presented, with the exception of Agenda Item III.B. Contract No. ENG 05-9 Sunnyslope Area Lighting Improvements (Imp. No. L-44).

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF JULY 19, 2005, APPROVED** Motion made by Member Housh and seconded by Member Swenson, approving the Minutes of the Regular Meeting of the Edina City Council for July 19, 2005.

Motion carried on rollcall vote - five ayes.

**CERTIFICATE OF APPRECIATION FOR EMPLOYER SUPPORT OF GUARD AND RESERVE (ESGR) PRESENTED** Brigadier General Pollmann, thanked the City of Edina for the support of the Guard and Reserve (ESGR) members who serve to protect liberty, and the freedoms we value. He presented Certificates of Appreciation to former Mayor Dennis Maetzold and City Manager Hughes for being a patriotic, supporting employer. He thanked City Appraiser, Moreau Sankey for his service in the Guard for over a year.

Former Mayor Maetzold voiced his pride with the reserve and thanked the City of Edina and corporations that support the effort of their employees with their decision to serve in the United States military.

**\*HEARING DATE SET OF AUGUST 16, 2005 - PRELIMINARY REZONING, PRELIMINARY PLAT, FINAL DEVELOPMENT PLAN, AMENDMENT TO COMPREHENSIVE PLAN - RIVERVIEW COMMERCIAL PROPERTIES - 50<sup>TH</sup> AND INDIANOLA AVENUE** Motion made by Member Housh and seconded by Member Swenson setting August 16, 2005, as hearing date for Preliminary Rezoning, Preliminary Plat, final Development Plan, Amendment to Comprehensive Plan for Riverview Commercial Properties - 50<sup>th</sup> and Indianola Avenue.

Motion carried on rollcall vote - five ayes.

**RESOLUTION NO. 2005-67 - PRELIMINARY AND FINAL PLAT APPROVED FOR ARROWHEAD HEIGHTS** Attorney Gilligan stated the approval of the proposed subdivision was at the direction of the judge who ruled on the lawsuit brought against the

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City by the proponent who had been denied the subdivision of his property at 6800 Indian Hills Road. Mr. Gilligan explained the Court's order required the Council to grant the approval of either the first application which had been denied on March 1, 2004 or the second application that had been denied on July 6, 2004. Mr. Gilligan said the present owner had submitted an application that was essentially a reapplication of the March 1, 2004, application for subdivision. He noted the Council should as required by the Court's Order in Pedersen v. City of Edina, grant preliminary and final plat approval for the proposed subdivision. The only condition that may be attached to the approval would be the subdivision dedication.

Sharon Privot, 6728 Indian Hills Road, complained that inadequate notice had been given to the neighbors before the meeting concerning the proposed subdivision.

Henry Privot, 6728 Indian Hills Road, said he had attended many meetings regarding the proposed subdivision. Mr. Privot told the Council they failed the constituents by not voting the subdivision of 6800 Indian Hills Road down in 2004.

Following a brief discussion of the amount of the subdivision dedication, **Member Housh introduced the following resolution and moved it adoption with a subdivision dedication of \$28,000.00.**

**RESOLUTION NO. 2005-67  
GRANTING PRELIMINARY PLAT AND FINAL PLAT  
APPROVAL TO ARROWHEAD HEIGHTS  
6800 INDIAN HILLS ROAD**

**BE IT RESOLVED** by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "ARROWHEAD HEIGHTS", platted by Legacy Holdings-ED, LLC, a Minnesota Limited Liability Company, and presented at the regular meeting of the City Council on August 2, 2005, be and is hereby granted preliminary plat and final plat approval conditioned upon Subdivision Dedication of \$28,000.00. Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Swenson, Hovland

Nays: Hulbert, Masica

Motion carried.

**\*AWARD OF BID FOR SALT FOR SNOW AND ICE CONTROL FOR PUBLIC WORKS APPROVED** Motion made by Member Housh and seconded by Member Swenson for award of bid for salt for snow and ice control to sole bidder, North American Salt Co., under State contract #434468 at \$36.00 per ton delivered.

Motion carried on rollcall vote - five ayes.

**BID AWARDED FOR CONTRACT NO. ENG 05-9, SUNNYSLOPE AREA LIGHTING IMPROVEMENTS (IMP, NO. L-44)** Member Masica removed the award of bid for Contract No. ENG 05-9 for Sunnyslope area lighting improvements, (IMP No. L-44) for more information. She questioned what the process was when a bid came in lower than the Engineer's estimate. Assistant Engineer Lillehaug noted that the Engineer's estimate was for

both the roadway and lighting and in combination still equated to the total estimated amount.

**Member Masica made a motion for award of bid for Contract No. ENG 05-9, Sunnyslope Area Lighting Improvements (IMP. No. L044) to recommended low bidder, Killmer Electric Co., Inc., at \$77,674.00. Member Hulbert seconded the motion.**

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**BID AWARDED FOR VEHICLE EXHAUST REMOVAL SYSTEM FOR THE FIRE DEPARTMENT** Chief Scheerer indicated the award of bid was to purchase two vehicle exhaust removal systems for Fire Station #1 and Fire Station #2. The system was a vacuum type of system that connects a large hose to the exhaust of the fire vehicles and prevents diesel exhaust from entering the fire station living and apparatus areas. The purchase would be from the Capital Improvement Program funds and was budgeted at \$55,000.00. Mr. Scheerer said the bid was approximately \$1,226.00 over the estimated amount. An OSHA grant has been applied for and could reduce the bid by approximately \$20,000, if awarded. The system was recommended by NFPA and OSHA for fire stations. Staff recommends awarding the bid.

Member Masica inquired if the grant were awarded in the amount of \$20,000.00, what would happen to the overage in the Capital Improvement Program (CIP). Mr. Hughes said hard engineering estimates were not done in the CIP, some projects were over, some under.

**Member Swenson made a motion approving the award of bid for a vehicle exhaust removal system for the Fire Department to recommended low bidder, TNC Industries, Inc., at \$56,226.00. Member Hulbert seconded the motion.**

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**PUBLIC HEARING FOR TRANSFER OF OWNERSHIP FOR TIME WARNER CABLE**  
Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Hughes noted the City received notice of Time Warner's intent to transfer control of the cable system to Comcast Cable Communications, LLC in mid-June. He explained the Council must conduct a public hearing as required under the City's cable regulatory ordinance for the purpose of transferring its cable franchise.

Mr. Hughes said the City was a member of the Southwest Suburban Cable Commission which handled the regulatory oversight of cable television matters on the City's behalf. Council Member Housh and he serve on the Board of Directors of the Cable Commission. Attorneys for the Commission were preparing a report regarding the proposed transfer of ownership as well as legal, technical and financial qualifications of Comcast. On September 1, 2005, the Commission would meet to review the findings of the report prepared by the Commission's attorneys and to develop a recommendation for further City action.

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Mr. Hughes indicated the City does not yet have the benefit of the Commission's recommendations, but recommended that the City listen to all interested parties at this public hearing on August 2, 2005, and thereafter continue the hearing until the September 6, 2005, Council meeting. At that time, the attorneys for the Commission will present the Commission's recommendation for the City's review and consideration. Also, at that time, the City may determine whether to accept or reject Time Warner's request for transfer or elect to take action at a future meeting. The deadline for the City action on the transfer would be mid-October; therefore the process has been scheduled to provide sufficient time to complete City action prior to the deadline.

Member Masica commented she had received a call from a resident near Garden Park who inquired about a building in the park being operated by a private franchise in a public park. Mr. Hughes said he recollected that approximately ten years ago, the Council approved the building being used by the Park Department for storage as well as for cable company storage. He said it would be appropriate to refer the issue to the Commission's attorney for an opinion. Mr. Hughes said he would research and inform the Council of the history of the Garden Park building.

### Public Comment

Mayor Hovland noted the receipt of a letter dated July 28, 2005, from Ben Franske, 6014 Arbour Avenue, requesting a PEG studio be negotiated for Edina Schools as part of the transfer of ownership of Time Warner Cable.

No one appeared to comment.

**Member Masica made a motion to continue the public hearing to the regular Council Meeting of September 6, 2005.** Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*TECHNICAL CORRECTON TO JUNE 7, 2005, COUNCIL MINUTES AND RESOLUTION NO 2005-47 AND RESOLUTION NO. 2005-48** Motion made by Member Housh and seconded by Member Swenson approving technical corrections to the June 7, 2005, Council Meeting Minutes, Resolutions No. 2005-47 and 2005-48.

Motion carried on rollcall vote - five ayes.

**REQUEST FOR PROPOSALS FOR PROSECUTION SERVICES REQUESTED** Mr. Hughes noted that at the budget forecast meeting recently, the Council discussed the advisability of soliciting proposals for the City's prosecution services and requested the issue be on the August 2, 2005, agenda for further discussion.

Mr. Hughes stated the City's prosecuting attorney was responsible for prosecuting petty misdemeanor, misdemeanor and gross misdemeanor level crimes which typically include traffic offenses, domestic abuse and commercial crimes such as shoplifting and credit card fraud. Traffic related offenses constitute the majority of activity. The 2005 budget for prosecution was \$255,000.00.

Prosecution for Edina was high, due primarily to our traffic enforcement efforts and the large volume of commercial activities occurring in the City and numbers continue to grow. In 2004, prosecutors handled 5,979 arraignments, 739 pre-trials, 249 court trials and 183 jury trials. Prosecution activity continues to increase.

Mr. Hughes said the Thomsen and Nybeck Law Firm has served as the City's prosecuting attorneys for about 25 years and have provided and continue to provide excellent prosecution services. Marsh Halberg, the lead prosecutor at the firm recently left to start his own criminal defense firm. adding this would be an appropriate time to solicit proposals.

Mr. Hughes said if the Council wished to proceed, staff should be directed to prepare and disseminate a Request for Proposals (RFP) to the legal community. Based on staff's experience with the RFP for outside auditors, it would be appropriate for the Council to appoint a two member committee for the purpose of evaluating the proposals when they were received. He presented a proposal recently completed by the City of Burnsville for Prosecution Services.

**Member Masica made a motion to prepare and disseminate proposals for soliciting prosecutorial services to the legal community and appointing a two member committee, consisting of Council Member Swenson and Council Member Hulbert for the purpose of evaluating the proposals.** Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**TELEVISION PLANNING COMMISSION MEETINGS APPROVED** Director Bennerotte indicated at the July 27, 2005, Planning Commission meeting, members were asked their opinion on whether the City should televise its meetings. The Commission did not indicate a preference. Members stated they would support whatever decision was made by the Council on this matter.

Ms Bennerotte reported that of sixteen local cities surveyed, two did not televise their Planning Commission meetings. She noted that of the members of the Southwest Cable Commission, Edina was the only one that did not televise their Planning Commission meetings. She added no additional equipment would be necessary to videotape meetings. Staff costs would be approximately \$150 per meeting or \$1,800 per year. The proposed playback schedule would be at 7:00 P.M. Friday, 3:00 P.M. Sunday and 7:00 P.M. Tuesday for the two weeks following a meeting.

Following a brief Council discussion, **Member Swenson made a motion approving televising meetings of the Edina Planning Commission on the community's local government-access channel, EDINA 16.** Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

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50<sup>TH</sup> & FRANCE REPORT PRESENTED Mr. Hughes indicated at the July 19<sup>th</sup> meeting he submitted a report on the 50<sup>th</sup> & France area for information only. He said the question presently was whether there should be another examination of the on-going policies in the 50<sup>th</sup> & France area.

Mr. Hughes reminded the Council a number of studies were currently being conducted; the greater Southdale Study which was nearing completion, the Subdivision Massing Study that was beginning and the traffic study of a large portion of the northeast section that would include 50<sup>th</sup> & France. With all the studies that were on-going, he suggested evaluating the development controls that were in place to make sure they fit our needs.

Member Swenson questioned whether the project boundaries were adequate. Planner Larsen elaborated that the project boundaries and the tax increment boundaries were the same. For the purposes of a planning study and why the boundaries were established as such, was a topic for study.

Member Masica suggested waiting for the study until the 50<sup>th</sup> & France area development was closer to completion.

Member Housh concurred that the area be evaluated further as well as such as Valley View/Wooddale, and 70<sup>th</sup> and Cahill. Mr. Hughes noted that the Valley View/Wooddale area just needs a small push to begin. The 70<sup>th</sup> & Cahill area has never gained the interest in redevelopment.

Member Swenson asked for an update on the Valley View/Wooddale plan. Mr. Larsen noted that there were multiple objectives of the plan, including public spaces and private redevelopment. Member Swenson asked about density. Mr. Larsen said density would be considered when a proposal came forward. Mr. Hughes reiterated that the City had no plan in hand for the Valley View/Wooddale area.

Member Hulbert said a Comprehensive Plan was not necessary; all that was needed was a review by the Planning Commission defining the commercial area and what would be the most sensible use of the area.

**Member Hulbert made a motion directing the Planning Commission for examination of policies in place at 50<sup>th</sup> & France for purposes of density review, parking, and evaluation of the project boundary.** Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*RESOLUTION NO. 2005-64 - NO PARKING - WEST 58<sup>TH</sup> STREET, FROM CONCORD AVENUE TO WOODDALE AVENUE** Motion made by Member Housh and seconded by Member Swenson introducing the following resolution and moving its adoption:

**RESOLUTION NO. 2005-64  
RELATING TO PARKING RESTRICTIONS ON  
S.A.P. NO. 120-143-02-07 (West 58<sup>th</sup> Street)**

WHEREAS, the City of Edina has planned the improvements of MSAS 143 (West 58<sup>th</sup> Street) from Concord Avenue to Wooddale Avenue; and

WHEREAS, the City of Edina will be expending Municipal Street Aid Funds on the improvement of this street, and

WHEREAS, these improvements do not provide adequate width for parking on both sides of the street; and approval of the proposed construction as a Municipal State Aid Street project must therefore be conditioned upon certain parking restrictions.

NOW, THEREFORE, IT IS THEREBY RESOLVED that the City Council of the City of Edina shall ban the parking of motor vehicles on MSAS 143 (West 58<sup>th</sup> Street) on both sides of the street from Concord Avenue to Wooddale Avenue, at all times.

Passed and adopted this 2<sup>nd</sup> day of August 2005.

Motion carried on rollcall vote - five ayes.

\*RESOLUTION NO. 2005-65 - DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (POLICE DEPARTMENT) Motion made by Member Housh and seconded by Member Swenson introducing the following resolution and moving its adoption:

RESOLUTION NO. 2005-65  
DESIGNATION OF THE  
NATIONAL INCIDENT MANAGEMENT SYSTEM  
AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE  
CITY OF EDINA

WHEREAS, the President of the United States of America issued Homeland Security Presidential Directive 5 to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system; and

WHEREAS, the President, in Homeland Security Presidential Direction 5, tasked the secretary of the U.S. Department of Homeland Security to develop and administer a National Incident Management System: and

WHEREAS, the secretary of the U.S. Department of Homeland Security developed and administered the National Incident Management System (NIMS) to provide for interoperability and compatibility among federal, state, and local capabilities, the NIMS will include: a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources; and

WHEREAS, Minnesota Governor Tim Pawlenty issued Executive Order 05-02: DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE STATE OF MINNESOTA; and

WHEREAS, the collective input and guidance from all federal, state, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation, and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary and desirable that all Edina agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

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WHEREAS, the NIMS standardization procedures for managing personnel, communications, facilities, and resources will improve the ability of Edina to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of the NIMS are already an integral part of various incident management activities throughout Edina, including current emergency management training programs; and

WHEREAS, the National Commission of Terrorist Actions (9-11 Commission) recommended adoption of a standardized Incident Command System; and

NOW, THEREFORE, we do hereby establish the National Incident Management System (NIMS) as the Edina standard for incident management.

Adopted by the City of Edina on the 2<sup>nd</sup> day of August, 2005.

Motion carried on rollcall vote - five ayes.

\*RESOLUTION NO. 2005-66 - SETTING HEARING DATE OF SEPTEMBER 6, 2005 - VACATION OF PUBLIC RIGHT-OF-WAY AND UTILITY EASEMENTS - HAUGLAND DEVELOPMENT Motion made by Member Housh and seconded by Member Swenson introducing the following resolution and moving its adoption:

RESOLUTION NO. 2005-66  
CALLING FOR PUBLIC HEARING ON VACATION  
OF UTILITY DRAINAGE EASEMENT  
HAUGLAND DEVELOPMENT

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 6th day of September 2005, 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 50<sup>TH</sup> STREET  
EDINA, MINNESOTA 55424  
NOTICE OF PUBLIC HEARING ON  
VACATION OF UTILITY EASEMENT  
HAUGLAND DEVELOPMENT  
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 September 6, 2005, at 7:00 P.M. in the Council Chambers at 4801 West 50<sup>th</sup> Street, to consider the vacation of the following utility easement:

**Proposed Legal Description of a Utility Easement to be vacated:**

**The West 10 feet of the East 56 feet of the South 42 feet of Lot 47, Auditor's Subdivision No. 172, according to the recorded copy thereof**

**Also the West 10 feet of the East 56 feet of the North 3 feet of the South 193 feet of Lot 45, said Auditor's Subdivision No. 172.**

**All persons who desire to be heard with respect to the question of whether or not the above proposed utility easement vacation is in the public interest and 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.**

Motion carried on rollcall vote – five ayes.

**POLICY APPROVED IN STREET PEDESTRIAN CROSSING SIGNS** Assistant Engineer Lillehaug indicated in December 2004, the Minnesota Department of Transportation (MnDOT) approved the use of the In-Street Pedestrian Crossing Signs. The policy, as presented, would give guidance for the usage of the In-Street Pedestrian Crossing Sign in accordance with guidelines established by the Federal Highway Administration and supplemental guidelines established by the City to help manage the implementation of the signs. The policy was presented to the Transportation Commission on June 16, 2005, and was recommended for adoption on July 21, 2005.

Mr. Lillehaug continued that currently, two locations that In-Street Pedestrian Crossing Signs were being used were in front of City Hall, and at 50<sup>th</sup> & France. Mr. Lillehaug presented an alternate (Option A) that includes an additional policy (Option B) allowing the sign to only be used seasonally due to safety issues and to prevent damage to the sign during the winter. The Commission recommended it was feasible and warranted to use the signs during the winter months; however staff recommended adopting Option A and recommended Option B should not be adopted due to safety issues with using the sign during the winter. These issues include maintenance difficulties and safety issues during snow plowing operations, i.e. 1) the potential for increased ice and snow buildup in the crosswalk area around the in-street sign, and 2) an increase in the potential for damage to the sign during inclement winter driving conditions.

Mr. Lillehaug noted that staff recommended adoption of Option A; the In-Street Pedestrian Crossing Sign Traffic Policy dated August 2, 2005.

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Following a Council discussion, **Member Masica made a motion approving adoption of Option A, the In-Street Pedestrian Crossing Sign Traffic Policy, dated August 2, 2005.**

Motion seconded by Member Hulbert.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**TEMPORARY CONSTRUCTION LICENSE AGREEMENT APPROVED - HAUGLAND DEVELOPMENT** Mr. Hughes indicated on May 3, 2005, the Council approved a Conditional Use Permit (CUP) for the redevelopment proposal of the Haugland Companies at 50<sup>th</sup> & France. The approval was granted conditioned upon "platting the property to incorporate all easements, vacations and dedications."

Mr. Hughes said in order for this project to proceed in a logical fashion and allow the Haugland Company to secure construction financing, the HRA and the City need to take a number of actions prior to the approval of the final plat which will likely occur following the substantial completion of the project. This would be due largely to the fact that the plat will be "three dimensional" in nature in order to legally separate the condominium floors and garage from the retail level. Mr. Hughes said that accurate legal descriptions cannot be prepared until the building was in place.

Upon review by the City attorneys, staff recommended the HRA and the City grant Haugland a license for construction activities on the alleyway that occupies the northerly part of the Arby's site. Mr. Hughes added the HRA should set a hearing date for September 6, 2005, for the purpose of conveying this alleyway to Haugland conditioned upon Haugland rededicating an alley easement back to the City upon completion. Mr. Hughes added that State law required a hearing prior to disposition of property by the HRA.

The alley was acquired approximately 25 years ago. The HRA's ownership was three dimensional in nature in that the underlying property owner retained ownership of air rights above the alley. The conveyance of the alley to Haugland and Haugland's subsequent rededication of an alley easement back to the City will result in the City owning the same (although slightly reconfigured) alleyway as the HRA now owns. Staff recommends the City set a hearing date as well for September 6, 2005 to vacate various easements on the property. New easements will be rededicated to the City when the final plat was completed.

Mr. Hughes displayed a graphic depicting the area and requested HRA action in granting Haugland Development a Temporary Construction License for construction and set a hearing date for transfer of HRA property and vacation of easements.

Member Housh inquired what would be the scenario if the transfer did not happen because of the project not being completed. Attorney Gilligan stated that the easement over the area would not be designated until the plat was approved which would include rights protecting the City. He added that during the licensing period there were limits in place limiting the type of activities that can take place.

Member Housh made a motion approving issuance of a Temporary Construction License Agreement to Haugland Development, setting September 6, 2005, as hearing date for the Transfer of HRA Property. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated July 19, 2005, and consisting of 28 pages: General Fund \$169,837.00; CDBG Fund \$4,221.18; Communications Fund \$4,591.67; Working Capital Fund \$76,340.97; Construction Fund \$374,408.64; Art Center Fund \$3,851.74; Aquatic Center Fund \$20,598.47; Golf Course Fund \$20,186.50; Ice Arena Fund \$7,894.95; Edinborough/Centennial Lakes Fund \$4,750.68; Liquor Fund \$254,495.51; Utility Fund \$646,499.32; Storm Sewer Fund \$154,705.24; Recycling Fund \$33,874.00; PSTF Fund \$1,385.02; TOTAL \$1,777,640.89; and for approval of payment of claims dated July 27, 2005, and consisting of 40 pages: General Fund \$388,124.66; Communications Fund \$15,404.20; Working Capital Fund \$34,200.62; Construction Fund \$2,151.67; Art Center Fund \$18,797.59; Golf Dome Fund \$372.53; Aquatic Center Fund \$10,238.00; Golf Course Fund \$61,646.46; Ice Arena Fund \$8,166.10; Edinborough/Centennial Lakes Fund \$12,828.61; Liquor Fund \$151,728.99; Utility Fund \$57,518.37; Storm Sewer Fund \$11,383.99; PSTF Agency Fund \$242.60; TOTAL \$772,804.39.

Motion carried on rollcall vote - five ayes.

**RESOLUTION NO. 2005-68 CALLING FOR BOND SALE - AUGUST 16, 2005 - G.O. PUBLIC IMPROVEMENT BONDS** Mr. Hughes presented a pre-sale report calling for the sale of \$1,460,000 in General Obligation Public Improvement Bonds. Proceeds of the bonds would be used to pay for the assessable portion of street improvement projects that Council has authorized in the past year. Terms of the bonds were 10 years and the debt service would be paid by residential assessments that would be established in October. The bonds were still considered General Obligation bonds.

Member Hulbert introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2005-68**

**Resolution Providing for the Sale of  
\$1,460,000 G.O. Improvement Bonds, Series 2005E**

- A. WHEREAS, the City Council of the City of Edina, Minnesota, has heretofore determined that it is necessary and expedient to issue the City's \$1,460,000 General Obligation Improvement Bonds, Series 2005E (the "Bonds"), to finance public improvements in the City; and
- B. WHEREAS, the City has retained Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor for the Bonds and is therefore authorized to solicit proposals in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Edina, Minnesota, as follows:

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1. **Authorization; Findings.** The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Bonds.
2. **Meeting; Proposal Opening.** The City Council shall meet at 7:00 p.m. on August 16, 2005, for the purpose of considering sealed proposals for and awarding the sale of the Bonds.
3. **Official Statement.** In connection with said sale, the officers or employees of the City were hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

**ADOPTED this 2<sup>nd</sup> day of August, 2005.** Member Masica seconded the motion

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**CONCERN OF RESIDENT** Arthur Brown, 4908 Sunnyside Road, stated he has a parking problem. Currently City Ordinance requires that vehicles may not be parked in front of residences for more than six hours. Edina Police have responded to twenty calls from a neighbor about cars parked over the six hour limit. He suggested an Ordinance Amendment allowing a 12 hour limit for parking in front of residences and 25 feet on either side of their property line.

Mayor Hovland asked what happens with parking in the winter. Mr. Brown said with the ground frozen, they can park anywhere.

Chief Siitari noted the issue has been before the Council on July 6, 2004, because of complaints received from a neighbor about cars parked on the street. He said the Ordinance has been around for a long time and was only enforced upon complaint. Complaints generally occur near commercial areas or near rental housing. Street cleaning during the summer could become a balancing act with a 12-hour overnight parking ordinance amendment.

Member Swenson asked Mr. Brown how many cars they owned and if they all were running. Mr. Brown responded that they have seven and they all were running.

Mr. Hughes suggested that the Traffic Safety Committee look at the issue and come back to the Council with a recommendation at a regular Council meeting in September.

**Member Masica made a motion directing the Traffic Safety Committee look at the hours of parking ordinance and come back before the Council with a recommendation at a regular Council meeting in September.** Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:40 P.M.

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City Clerk