

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 20, 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 Masica and seconded by Member Swenson approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF September 6, 2005, APPROVED** Motion made by Member Masica and seconded by Member Swenson, approving the Minutes of the Regular Meeting of the Edina City Council for September 6, 2005.

Motion carried on rollcall vote – five ayes.

CITY OF EDINA MECHANICS COMMENDED Mayor Hovland commended Todd Halstead, Tony Leone, Greg Bretson, and Ricky Harrison for their quick response and action in assisting an injured fellow employee, Eddy Von. He presented commendations to each of the men and commended their professional and immediate response in a serious situation.

Member Housh made a motion commending the public works mechanics for their able assistance to a potentially seriously insured co-worker. Member Hulbert seconded the motion.

Motion approved by acclamation.

EDINA READS “THE KITE RUNNER” MONTH PROCLAIMED Mayor Hovland explained Edina Reads was a one-book, community-wide reading program encouraging active reading, lifelong learning and thoughtful conversation. A number of community organizations sponsor Edina Reads and selected The Kite Runner by Khaled Hosseini and have arranged community events including discussions, panels, speakers and film screenings.

Member Masica made a motion proclaiming the month of October as “Edina Reads: The Kite Runner” Month in the City of Edina. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

EDINA KIDS CLUB PRESENTATION TO EDINA POLICE DEPARTMENT Doug Johnson, Director of Community Education for the Edina Public Schools, said the Crime Prevention Fund has supported the first Edina canine unit and stated they have discussed the need for a second canine unit. The Crime Prevention Fund, with the endorsement of the Police Department has raised funds for the second canine unit. Mr. Johnson encouraged the Kids Club to get involved in raising funds for the unit. He introduced Jon Barnett who offered to match the funds that were

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raised. Mr. Johnson reported the 'Wise Guys' from the Kids Club had penny wars, a garage sale, and a raffle to raise funds.

Mr. Johnson and Jon Barnett and five Edina Kids Club Wise Guys presented the check to Mayor Hovland earmarked for the acquisition of a second canine for the Edina Police Department.

RESOLUTION NO. 2005-87 APPROVING FINAL DEVELOPMENT PLAN FOR GRAMERCY CLUB OF EDINA - 5101 WEST 70TH STREET Affidavits of Notice were presented, approved and ordered placed on file.

Staff and Proponent Presentation

Planner Larsen noted the Council, in July 2004, rezoned the subject site located at 5101 West 70th Street from Planned Residence District 3 to Planned Residence District 4 allowing a higher density for the proposed redevelopment. He noted that several proposals for redevelopment had been considered before approval was given for 117-units in two separate four-story buildings under separate ownership. One building was to have been rental units and the other condominiums. Following City approvals the property was sold to a third party who does not intend to develop the site as previously approved.

Mr. Larsen said the subject site was now proposed to be redeveloped with a four-story 128 unit co-operative. The units would range from 970 to 2,000 square feet. He noted that 190 underground garage parking spaces were planned with 36 surface spaces, adding that the City's surface parking requirements had not been met and a proof of parking would be necessary if the plan were approved.

Mr. Larsen stated the proposal complied with the Zoning Ordinance's density requirement even with the increased unit count. However, he said the plan would need setback variances at the northeast and southeast ends of the building, similar to those previously approved. He added that the proposed exterior materials exceeded ordinance requirements.

Mr. Larsen noted the Planning Commission recommended approval of the Final Development Plan and Plat; however, due to a deficiency in the published notice, the Plat will not be heard until October 4, 2005. Mr. Larsen said the Planning Commission's approval was conditioned upon revisions to the landscaping plan and watershed district permits. Mr. Larsen said the proponent had just submitted a new landscaping plan. He briefly reviewed the new plan for the Council noting the size and number of plantings on the north side of the property fronting West 70th Street had been increased as suggested by the Planning Commission.

Mr. Larsen introduced Tim Nichols, the proponent to review in further detail the proposed 128 unit co-operative.

Tim Nichols, 12750 Nicollet Avenue, Burnsville, said it had been a long process to get to the point of presenting his proposed development for Council consideration. He introduced his sales and marketing director, Dena Meyer and also Link Wilson of Miller Hanson Partners, Architect for the Project. In addition, Mr. Nichols said that Aravind Gottemukkula of Benshoof and Associates was present to discuss his review of the traffic impact.

Mr. Nichols stated this would be the eighth Gramercy Co-op project that he helped develop. In addition, he has also participated in the development of approximately 30 co-ops. He noted the Gramercy of Edina will offer many amenities, such as guest suites, virtual golf, and a business center. Mr. Nichols said the co-op offered a great affordable housing alternative to persons desiring to leave their large homes. He added that three units would be affordable housing as had been previously promised. The units would be marketed between \$192,000 and \$652,000 with square footages of between 800 square feet and 2500 square feet. Mr. Nichols asked the architect to give further details of the proposed project.

Link Wilson, Miller Hanson Partners, 1201 Hawthorne Avenue, Minneapolis, using a computer slide show, reviewed in detail the proposed four-story 128-unit project. Mr. Wilson pointed out the building would include many resident amenities such as a fitness center, swimming pool, library and business center. He displayed samples of the proposed building materials for the exterior of the building noting the exterior would consist of brick, and Hardipanel with stone trim. Mr. Wilson stated he felt the project would become a gateway to the commercial and residential developments surrounding the property.

Mayor Hovland asked why it was decided to use multiple materials instead of building an all brick building. Mr. Wilson explained that mixing up the materials gave the building a human scale, making it feel like home to the residents.

Member Masica asked about the northern elevation, about the placement and height of the proposed berm, for an explanation of condominium vs. co-operative, and how the units were planned to be sold. Mr. Wilson used a graphic to demonstrate how the berm would be built on the northern edge of the property, where it would start and stop. He said that it would be five feet tall at its tallest point and that from across the street residents would not see the first floor of the building. Mr. Nichols explained that a condominium owner owns his unit from the walls in along with an interest in the common areas of the property. He said that with a co-operative, each person owns one share of the building, land and all amenities. Each shareholder, for the value paid for their share plus a monthly fee, has the right to occupy the premises. Each share holder pays a monthly fee similar to condominium owners. Co-operative owners would be buying a share of the co-operative, not an actual piece of the real estate. Mr. Nichols said the Gramercy plans to develop a waiting list of persons who have met the Boards criteria of ownership. Those persons meeting the criteria will purchase reservations and after 128 reservations have been sold, a fee for a spot on the waiting list will be offered.

Member Housh asked for clarification of the ownership of a co-operative, how many units were being designed with the \$192,000 price point, and were the purchase prices of the shares controlled by the Board. Mr. Nichols said the purchasers would own one share in the co-operative with 128 shares being sold, that there would be three units in the \$192,000 range all which would be one bedroom units. He said the price points for other units would range from \$240,000 for the one bedroom units to approximately \$625,000 for the large 2,500 square foot units. Mr. Nichols stated the Board would not control the cost of the units that would be controlled by the market.

Member Housh commented the units' design looked similar to the apartments at Cornelia Place. He asked staff if the affordability of the units could be protected. Manager Hughes explained

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that the introductory price could be controlled, but that any re-sale prices would not be subject to the affordability requirement.

Member Swenson asked how many total parking spaces were on site, whether a resident could obtain more than one stall, was there facilities for commercial food preparation, and were identical units stacked one on top of another. Mr. Nichols stated there were 184 parking spaces on site, that each unit has been allocated one stall with additional stalls available for approximately \$15,000 each. He said that no facilities were planned that could prepare food commercially and that like units would be stacked with some exceptions of area such as the entryway.

Member Hulbert asked the number of employees scheduled to be on site, if there would be restrictions on residents requiring personal care attendants, and what structures would be needed to meet the Nine Mile Creek Watershed District requirements. She expressed concern about the landscape plan to the west and asked that particular attention be given to the north side of the property. Mr. Nichols said there would be a residential services coordinator, concierge, maintenance staff and housekeeping staff on site. He added that the building was designed for active individual aged 55 plus. If an individual needed assistance, home care would be allowed, but if constant care were needed then a consultation would take place and decision made on what would serve everyone's best interest. Mr. Nichols said as the developer they want the property attractive to the neighborhood and buyers so the landscaping would also be very well done. Mr. Wilson added the Watershed District would be seeing the development after it had received all necessary approvals from the City.

Member Swenson pointed out that if residents owned dogs, the property appeared to be landlocked and she inquired if there was room for a sidewalk. The Council briefly discussed with staff whether a sidewalk installed around the perimeter of the property would be desirable. Consensus was that a perimeter sidewalk would be desired along West 70th and Metro Boulevard. Mr. Nichols agreed to install a sidewalk as long as it could logically connect to something. Mr. Wilson suggested they work with staff to develop the periphery of the site satisfactory to the city.

Member Housh expressed concern that the berm height not be reduced and that it be kept in mind the close proximity to commercial properties.

Mayor Hovland asked for another example of a comparable building to the one proposed for Edina. He expressed concern for the lighting plan for the neighbors to the north, questioned the safety of the holding ponds, and asked for more detail from the traffic engineer. Mr. Wilson suggested that the Summerhill building in Eden Prairie would be comparable; he noted the developer would submit a point by point lighting plan for City approval. Mr. Wilson added the holding ponds were designed to be overflow storage after large rainfalls and stated his reluctance to install any kind of fencing fearing that it could also become a safety hazard. The ponds were not designed to be a water feature, but would be well manicured because it would be in the developer's best interest to keep things in top shape.

Aravind Gottemukkala, Benshoof & Associates, 104 Excelsior Boulevard, Hopkins reviewed the traffic data from his memorandum. He pointed out his conclusion from August of this year

stating the proposed development would generate significantly fewer trips than the previously approved redevelopment for the site. Mr. Nichols added that many co-operative owners were snowbirds and were gone over the winter.

Mayor Hovland opened the public hearing.

Public Comment

Delano Remboldt, 5129 Abercrombie Drive, explained he received a notice about the project several days ago. Mr. Remboldt stated he liked the proposed project but was concerned about the traffic the co-operative would generate. Mr. Remboldt said 128 units would be twice what had been on the site previously and that further study was necessary before approving the redevelopment in an already congested area.

Celeste Lucktenberg, 5104 Abercrombie Drive, agreed with her neighbor in that she was pleased with the overall development's design but was concerned about the impact on traffic. Ms. Lucktenberg stated it was difficult to access West 70th Street today and with the traffic generated with 128 units she was fearful of the potential for congestion. Mr. Houle said this area was on the staff's agenda in the very near future to review for a potential rebuild of the street and traffic measures would be reviewed carefully.

Alan Hohenstein, 5104 West 70th Street, expressed his various concerns with the proposed redevelopment including: which type of co-operative was being proposed: a limited equity co-op or a market value co-op. He said Edina already has enough empty nester units; proposal needs more parking places; quality of surface materials on exterior, quality, amount and placement of landscaping, berm, berm height and placement, setback variances requested, object to nearness to a residential area, inadequate parking, overall size of proposed development and lighting plan.

Council Discussion/Action

Member Hulbert made a motion to close the public hearing. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

Member Housh asked for a clarification of the difference between market value vs. a limited equity type of co-operative; what would the developer do if selling the co-operative failed and how long did he anticipate it would take to sell the 'reservation list'. Mr. Nichols said that with a market value co-operative, the marketplace would determine the price of each unit perhaps through the use of comparables which could include condominiums. Mr. Nichols said that by using a reservation list, the units of the co-operative would be pre-sold before the building would be constructed. He anticipated it would take until November of 2005 to sell the reservation list and for certain by year end.

Member Hulbert indicated that she liked the price points of the proposed project. She appreciated the willingness of the developer to work with the City regarding the berm, trees and sidewalk and stated her intent to vote to approve the plan.

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Mayor Hovland expressed some concern regarding the height of the trees proposed to be planted on the berm on the north side of the property. Mr. Nichols suggested the Council require all trees on the north side be planted with a tree spade because that would ensure the largest possible trees would be planted. He indicated that they would adhere to the Council requirement for the berm's construction. Mr. Wilson added that the engineer his firm has used informed them; they could only fit a five-foot high berm on the north side of the property. He pointed out where the berm would need to stop and start, but added his agreement to the requirement that all trees be planted with a tree spade to ensure the largest possible specimens were planted.

Member Masica stated she felt the proposed redevelopment would make a nice buffer to the single family homes; she liked the price points offered, and believed the proposed redevelopment would create less traffic than what had been previously approved. Member Masica said she supported the proposal with the perimeter sidewalk condition.

Member Swenson stated she felt people were in need of housing options such as offered by the proposed redevelopment and indicated her support of the proposal.

Member Housh said he felt a little caution and wanted to be sure the dynamics of co-operatives and their pricing would be achievable. He added he could support the proposal, but he would like to see staff oversight on the berm, landscaping and exterior features. He added that he was in support of the three affordable units and would like to see them made a condition of approval. Mr. Wilson commented that the Hardipanel proposed for the exterior of the building had a fifty year warranty while stucco would only last about twenty years. Mr. Nichols added the building would have a substantial reserve for maintenance and replacement.

Mayor Hovland agreed with his colleagues in their concerns adding this was a difficult property to redevelop. He said he believed the proposal accomplished the buffer needed to both the residential and commercial properties surrounding it.

Member Masica made a motion introducing the following resolution and moved its adoption granting final development plan conditioned upon: 1) Revised landscaping plan acceptable to City Planning staff showing a five-foot berm on the northern side of the property; 2) Trees planted on the north side of the property shall all be planted by a tree spade; 3) Three units shall be deemed affordable housing and priced at \$194,700 or the most recent affordable price set by the Metropolitan Council at the time of construction; 4) Developer shall install sidewalks around the perimeter of the property at a location acceptable to City staff at developers expense; 5) Exterior lighting plan that complies with Edina Zoning Ordinance; 6) Proof of Parking Agreement; 7) Watershed District Permits; and 8) Exterior materials to be as presented at the September 20, 2005, City Council meeting.

RESOLUTION NO. 2005-87

APPROVING FINAL DEVELOPMENT PLAN

GRAMERCY CLUB OF EDINA

BE IT RESOLVED, that the Final Development Plan dated August 15, 2001, submitted by Nichols Development, a LLC and presented to the Edina City Council, September 20, 2005, is hereby approved subject to: 1) Revised landscaping plan acceptable to City Planning staff showing a five-foot berm on the northern side of the property; 2) Trees planted on the north side of the property shall all be planted by a tree spade; 3) Three units shall be deemed affordable housing and priced at \$194,700 or the most recent affordable price set by the

Metropolitan Council at the time of construction; 4) Developer shall install sidewalks around the perimeter of the property at a location acceptable to City staff at developers expense; 5) Exterior lighting plan that complies with Edina Zoning Ordinance; 6) Proof of Parking Agreement; 7) Watershed District Permits; and 8) Exterior materials to be as presented at the September 20, 2005, City Council meeting.

Passed and adopted this 20th day of September 2005.

Member Hulbert seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***HEARING DATE SET OF OCTOBER 4, 2005, PRELIMINARY AND FINAL PLAT - GRAMERCY CLUB OF EDINA - 5101 WEST 70TH STREET** Motion made by Member Masica and seconded by Member Swenson setting October 4, 2005, as hearing date for Preliminary and Final Plat for Gramercy Club of Edina, 5101 West 70th Street.

Motion carried on rollcall vote - five ayes.

***HEARING DATE SET OF OCTOBER 4, 2005, FINAL REZONING AND FINAL PLAT - RIVERVIEW COMMERCIAL PROPERTIES - 50TH STREET AND INDIANOLA AVENUE** Motion made by Member Masica and seconded by Member Swenson setting October 4, 2005, as hearing date for Final Rezoning and Final Plat for Riverview Commercial Properties at 50th Street and Indianola Avenue.

Motion carried on rollcall vote - five ayes.

ORDINANCE NO. 2005-10 - APPROVED AMENDING SECTION 150 OF CITY CODE - PERSONNEL ORDINANCE Mr. Hughes informed the Council the Police Department maintains a computer terminal connection to the State of Minnesota Criminal Justice Information System (CJIS). He said in addition to the numerous criminal inquiries run on a daily basis, the terminal was used to run background checks on applicants for a variety of paid or volunteer positions with the City. The Minnesota Bureau of Criminal Apprehension (BCA) staff conducted an audit of our records' process earlier this year for compliance with rules and statutes covering the use of our CJIS terminal. The BCA staff strongly recommended we add a section to the City Code providing a legal basis for use of the terminal for employment purposes.

Member Masica introduced Ordinance No. 2005-10, amending Section 150 of the City Code with waiver of second reading.

**ORDINANCE NO. 2005-10
AN ORDINANCE AMENDING SECTION 150
OF THE CITY CODE**

TO AUTHORIZE CRIMINAL HISTORY BACKGROUND CHECKS

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. Subsection 150.05 of the City Code is amended by adding a new Subd. 5 as follows:

- A. "Subd.5 Criminal History Background Checks. At the direction of the Manager, the Police Department is authorized to conduct criminal history background checks on applicants for appointment to City employment where the Manager has determined that conviction of a crime may relate to the position for which appointment is sought. Criminal history background checks may be performed

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only for individuals who are deemed by the Manager to be finalists for a paid or volunteer position. Prior to performing a criminal history background check, the Police Department shall receive from the Manager a written consent from the applicant agreeing to the background check and to the release of information discovered by the background check to the Manager and other City employees as determined by the Manager for the purpose of determining the applicant's qualification for employment by the City. The failure by the applicant to provide such a consent may disqualify the applicant for the position sought.

Section 2. This ordinance shall be in full force and effect upon adoption.

First Reading: September 20, 2005

Second Reading: Waived

Published: October 6, 2005

Attest

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED FOR REPAVING OF WEST PARKING LOT - LEWIS PARK Motion made by Member Masica and seconded by Member Swenson for award of bid for repaving of the west parking lot at Lewis Park to recommended low bidder, Bituminous Roadways, Inc., at \$20,767.50.**

Motion carried on rollcall vote - five ayes.

APPOINTMENTS MADE TO EDINA COMMUNITY HEALTH COMMITTEE, HERITAGE PRESERVATION BOARD, AND TRANSPORTATION COMMISSION Mayor Hovland indicated his intention to make appointments to fill vacancies on the Edina Community Health Committee, the Heritage Preservation Board and the Transportation Commission. He suggested appointing Mark E. Johnson to the Edina Community Health Committee, Chris Rofidal to the Heritage Preservation Board and Geoff Workinger existing member of the Planning Commission, to serve on the Transportation Commission.

Mayor Hovland made a motion appointing Mark E. Johnson to the Edina Community Health Committee. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing Chris Rofidal to the Heritage Preservation Board. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland made a motion appointing Geoff Workinger to serve on the Transportation Commission, as an existing member of the Planning Commission. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

APPROVAL OF SETTLEMENT AGREEMENT AND RELEASE APPROVED - RAMSEY EXCAVATING Mr. Hughes noted that in accordance with the Redevelopment Agreement with Ron Clark Construction and Opus Construction, the City and the HRA were obliged to undertake remediation actions with respect to contaminated soil on the Grandview Square properties. He said the remediation was completed in connection with the initial phases of Grandview Square. However, Mr. Hughes reported last fall, a small amount of additional contaminated material was discovered during the final phase of the project. The City issued a purchase order to Ramsey Excavating Company for the purpose of removing the contaminated material. Additional quantities of material were discovered later on and Ramsey and Ron Clark Construction proceeded to excavate and dispose of the material without contacting the City.

Mr. Hughes said in fairness to both Ramsey and Ron Clark Construction, they had believed the City's authority to remove the material found last fall included authorization to remove any and all additional materials. A dispute arose as to who should be liable for payment of the cost associated with the last additional material removal. The proposed Settlement Agreement was the recommended resolution of the dispute. Ramsey agreed to reduce their billings and the City and Ron Clark Construction agreed to split the remaining balance, resulting in a payment of \$22,500.00 each. Mr. Hughes indicated this seemed an equitable resolution to the dispute.

Following a brief Council discussion, **Member Swenson made a motion approving the Settlement Agreement and Release with Ramsey Excavating for removal of contaminated soil on the Grandview Square properties in the amount of \$22,500.00.** Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

TRAFFIC SAFETY STAFF REVIEW MINUTES OF SEPTEMBER 6, 2005, SECTION A.2, B AND C APPROVED; REVERSING TRAFFIC SAFETY STAFF RECOMMENDATION SECTION A.1 MAINTAINING CITY CODE SECTION 1400-10 WITH A SIX HOUR PARKING LIMIT Assistant Engineer Lillehaug said a request had been received to revise City Code Section 1400.10, Parking, Stopping, Standing and Loading from the six consecutive hour parking regulation to a 12 consecutive hour parking period. He said this was not the first time this issue has been before the Council, and he gave a historical overview of parking restrictions on local streets in the City. The Traffic Safety Staff Review Committee recommended the Parking, Stopping, Standing and Loading ordinance be changed from a six-consecutive-hour parking limit to a 12 consecutive-hour parking period.

Arthur Brown, 4908 Sunnyside Road, reminded the Council that his family had received 22 complaints about their parking habits with one ticket being issued in a 2½ month period. He added his family of seven presently has six cars. Mr. Brown said this was selective enforcement by the Police and that the six hour parking limit was extremely inconvenient and harsh.

Lieutenant Long, explained the reasons Chief Siitari had no objections to the 12 hour parking issue were that there was no public safety issue with parking on streets. M. Long said each

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complaint received required three visits by the Police and in the past year, the Police have received 100 complaints.

Following a Council discussion about how to accommodate residents on both sides of the issue of either six or twelve hour parking, **Member Hulbert made a motion to maintain Section A.1. to maintain the six hour consecutive parking City Ordinance No. 1400.10, Parking, Stopping, Standing and Loading.** Member Housh seconded the motion.

Ayes: Housh, Hulbert, Swenson, Hovland

Nay: Masica

Motion carried.

Member Hulbert made a motion approving Section A.2.;

1. Install permanent NO PARKING signs on the west side of France Avenue from West 49 ½ Street to approximately 100 feet south of the intersection to the bus stop; and Section B and C.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2005 - 86 AUTHORIZING APPROVAL OF MINNEHAHA CREEK WATERSHED DISTRICT GRANT AGREEMENT** Member Masica introduced the following resolution, seconded by Member Swenson and moved its adoption:

RESOLUTION NO. 2005-86

**A RESOLUTION ENTERING INTO
AN AGREEMENT BETWEEN
MINNEHAHA CREEK WATERSHED DISTRICT AND
THE CITY OF EDINA**

WHEREAS, the Minnehaha Creek Watershed District, a public body with powers set forth at Minnesota Statutes §§ 103B and 103D ("MCWD") and the City of Edina, Minnesota, a Minnesota statutory City ("Grantee"); and

WHEREAS, the Grantee will perform work as described in the permit application for the Arden Park Project received January 26, 2005; and

WHEREAS, the MCWD awarded the Grantee \$13,953.00 to supplement costs for the project for items related to water quality and stream bank restoration; and

WHEREAS, the MCWD's role under this Agreement is to provide funds supporting the performance of work that furthers the purposed of the watershed law.

NOW, THEREFORE, it is hereby resolved that the City of Edina authorize entering into an agreement with the Minnehaha Creek Watershed District and authorize the City Manager to sign said agreement.

Adopted this 20th day of September, 2005.

Motion carried on rollcall vote - five ayes.

INSURANCE REQUEST FOR PROPOSALS REQUESTED Mr. Hughes stated the Council at a recent meeting, requested the City to solicit proposals for insurance agent services to facilitate purchase of the City's commercial insurance.

Mr. Hughes said the current insurance agents representing the City in the insurance market were responsible for completing renewal forms and assisting in the management of the City's coverage for Workers' Compensation, General Liability, Liquor Liability, Pollution Liability, Inland

Marine, Employee Benefit Liability, Employee Practices Liability, Law Enforcement Liability, Public Officials Liability, Auto Physical Damage and Property Insurance.

Mr. Hughes noted that over the years, the public commercial insurance market has been shrinking and that was the reason why the League of Minnesota Cities Insurance Trust (LMCIT) was formed. He added it was a distinction that the City of Edina had been able to maintain most of its insurance coverage without being forced to go to the League.

Mr. Hughes said both the Harris-Homeyer and Aon agencies have served the City as Agents of Record very well for about 25 years even when it appeared there would be no insurance coverage available (prior to the formation of the LMCIT).

Member Masica made a motion directing staff to prepare and disseminate Request for Proposals to the insurance community and make recommendations to the Council. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

***RESOLUTION NO. 2005-84 - AUTHORIZING EXECUTION OF CITY READINESS INITIATIVE GRANT AGREEMENT** Member Masica introduced the following resolution, seconded by Member Swenson and moved its approval:

RESOLUTION NO 2005-84

AUTHORIZING THE CITY OF EDINA

**TO ENTER INTO A CITIES READINESS INITIATIVE GRANT AGREEMENT
WITH MINNESOTA DEPARTMENT OF HEALTH**

WHEREAS, the STATE, pursuant to Minnesota Statute 144.0742 is empowered to enter into a contractual agreement for provision of statutorily prescribed public health services;

WHEREAS, the STATE and the City of Edina have entered into master grant contract number 12-700-00078 effective January 1, 2004;

WHEREAS, the STATE has received Cities Readiness Initiative (CRI) funds from the Centers for Disease Control and Prevention to improve mass dispensing capacity in the Twin Cities metropolitan area. The inclusion of expansion counties is intended to further support a public health response in the urban core area; and

WHEREAS, the City of Edina represents that it is duly qualified and willing to perform the services set forth in the agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Edina City Council that the Mayor and the City Manager enter into an Agreement with Minnesota Department of Health to accept funding for Cities Readiness Initiative.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2005-85 - AUTHORIZING EXECUTION OF PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT** Member Masica introduced the following resolution, seconded by Member Swenson and moved its adoption:

RESOLUTION NO. 2005-85

AUTHORIZING THE CITY OF EDINA

**TO ENTER INTO A PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO
BIOTERRORISM GRANT AGREEMENT
WITH MINNESOTA DEPARTMENT OF HEALTH**

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WHEREAS, the STATE, pursuant to Minnesota Statute 144.0742 is empowered to enter into a contractual agreement for provision of statutorily prescribed public health services;

WHEREAS, the STATE and the City of Edina have entered into master grant contract number 12-700-00078 effective January 1, 2004;

WHEREAS, the STATE has received funds from the Centers for Disease Control and prevention to assess and enhance the capacity of the state and local public health departments to respond to bioterrorism, infectious diseases, and other threats to public health; and

WHEREAS, the City of Edina represents that it is duly qualified and willing to perform the services set forth in the agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Edina City Council that the Mayor and the City Manager enter into an Agreement with Minnesota Department of Health to accept funding for Public Health Preparedness and Response to Bioterrorism.

Motion carried on rollcall vote – five ayes.

*CONFIRMATION OF CLAIMS PAID Member Masica made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated September 7, 2005, and consisting of 29 pages: General Fund \$334,455.98; CDBG Fund \$19.00; Communications Fund \$20,024.81; IBR #2 Fund \$15,601.26; General Debt Service Fund \$14,000.00; 28; Working Capital Fund \$276,327.30; Construction Fund \$44.80; Art Center Fund \$7,717.82; Golf Dome Fund \$54.01; Aquatic Center Fund \$4,942.39; Golf Course Fund \$15,113.12; Ice Arena Fund \$7,186.80; Edinborough/Centennial Lakes Fund \$16,559.64; Liquor Fund \$187,253.91; Utility Fund \$18,804.43; Storm Sewer Fund \$605.57; Recycling Fund \$159.27; PSTF Fund \$3,212.08; TOTAL \$922,082.19; and for approval of payment of claims dated September 14, 2005, and consisting of 29 pages: General Fund \$304,012.38; Communications Fund \$1,743.09; Working Capital Fund \$22,170.13; Art Center Fund \$2,439.07; Aquatic Center Fund \$2,545.23; Golf Course Fund \$30,422.16; Ice Arena Fund \$1,536.74; Edinborough/Centennial Lakes Fund \$12,493.47; Liquor Fund \$163,981.23; Utility Fund \$392,130.25; Storm Sewer Fund \$1,521.60; Recycling Fund \$33,874.00; PSTF Fund \$1,683.06; TOTAL \$970,552.41.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:45 P.M.

City Clerk