

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 4, 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 Housh approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF SEPTEMBER 20, 2005, APPROVED** Motion made by Member Masica and seconded by Member Housh approving the Minutes of the Regular Meeting of the Edina City Council for September 20, 2005.

Motion carried on rollcall vote – five ayes.

**FIRE PREVENTION WEEK PROCLAIMED - OCTOBER 9 - 15, 2005** Mayor Hovland presented Fire Marshal Jenson with a proclamation, proclaiming October 9 - 15, 2005, as Fire Prevention Week in Edina and encouraged residents to participate in fire prevention activities in their homes to keep their families safe from fire.

**Member Housh made a motion approving October 9 - 15, 2005, as Fire Prevention Week in the City of Edina.** Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**“EDINA UNPLUGGED” PROCLAIMED FOR MARCH 13, 2006** Mayor Hovland presented Sarah Miller with a proclamation that proclaimed March 13, 2006, as ‘Edina Unplugged’ day in Edina and encouraged families to set aside that day that no homework, no meetings, no practices and no organized activities be scheduled.

**Member Masica made a motion proclaiming March 13, 2006, as “Edina Unplugged” night in Edina.** Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**COMMERCIAL PROPERTY PRIDE AWARD FOR LANDSCAPE EXCELLENCE GIVEN** Director Bennerotte indicated the Commercial Property Pride Award for Landscape Excellence was established to recognize commercial properties that take pride in their outdoor landscape and grounds appearance. Plaques were presented to Wayne and Maria Field of Heritage of Edina at 3456, 3450, 3434, 3420 Heritage Drive, and to Bill and Deb Thorney of BP Amoco at 5209 Vernon Avenue, the winners of the 2005 Landscape Excellence Award.

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RESOLUTION NO. 2005-89 ADOPTED GRANTING VACATION OF PUBLIC ALLEY FOR 50<sup>TH</sup> STREET AND INDIANOLA AVENUE, RESOLUTION NO. 2005-90 AND ORDINANCE NO. 850-A27 ADOPTED GRANTING FINAL DEVELOPMENT PLAN, FINAL REZONING, AMENDMENT TO THE COMPREHENSIVE PLAN AND FINAL PLAT- COWEN FIRST ADDITION COMMERCIAL PROPERTIES Affidavits of Notice were presented, approved and ordered placed on file.

Staff Presentations

Engineer Houle explained the request for the vacation of the alley between 4121 West 50<sup>th</sup> Street and 5017 Indianola Avenue was necessary to allow the completion of the plat of Cowen First Addition. He stated both properties would be redeveloped in the proposed plat. Mr. Houle said Time Warner Cable, Qwest and Xcel Energy all made their approvals of the requested vacation conditional upon the developer relocating the existing utilities at his expense. He said the City of Edina utilities and Center Point Energy had no objections to the vacation, concluding staff recommended approval of the requested vacation conditioned upon the relocation of the existing utilities for Time Warner Cable, Qwest and Xcel Energy at the developer's expense.

Planner Larsen noted the City Council had granted preliminary rezoning, preliminary plat and amendment to the comprehensive plan at their August 16, 2005, meeting. Mr. Larsen said the plan submitted by the developer for final approvals were consistent with those given preliminary approval and that all conditions required for final approval have been met. He added that the Planning Commission recommended approval of the Final Rezoning, Final Plat and Amendment to the Comprehensive Plan to 4121 West 50<sup>th</sup> Street and 5017 Indianola Avenue with the following conditions:

1. Change the land use designation of the northerly 28 feet of 5017 Indianola Avenue from Single Family to High Density Residential; and
2. Final Rezoning from R-1 to PRD-4 for the affected property.

Mr. Larsen introduced the proponent, Chris Cowen to describe his proposal in greater detail.

Chris Cowen, 5015 13<sup>th</sup> Avenue South, Minneapolis, Developer, reviewed briefly for the Council his proposed plans. He introduced his architect, Scott England, who displayed the proposed exterior building materials.

Member Swenson asked what had been consumers' reaction and was there any interest in pre-sales for the proposed condos. Mr. Cowen said there had been a strong interest expressed in the type of housing he was proposing. He said on October 25, 2005, a public opening event was planned to be held at the County Club and he anticipated many pre-sales.

Member Masica asked if the sidewalk extended to the southern edge of the property. Mr. Cowen explained they did not want a side to end awkwardly so it was planned to extend to the northern edge of the driveway.

Mayor Hovland asked if the project would be built as shown on the final plans and per the samples presented to the Council. Mr. Cowen stated his project would include slate, cedar shakes, copper roof, custom windows, and blue stone walkways that would be heated. He offered assurances he would conform to the final plans and samples presented to the Council.

Member Housh asked what the timeline was for construction of the project and about construction staging. Mr. Cowen replied that would depend upon the pre-sales. He said if three of the six units were sold on October 25<sup>th</sup>, he would begin construction in November. Mr. Cowen suggested the units would be completed by April of 2006. Mr. Cowen explained the single family home would be built last so that the lot could be used as a staging area for the condominiums.

Public Comment

No public comment was offered.

**Member Swenson made a motion, seconded y Member Housh to close the public hearing.**

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**Member Swenson made a motion introducing the following resolution and moved its adoption conditioned upon the developer relocating the existing utilities of Time Warner Cable, Qwest and Xcel Energy at the developer's expense:**

**RESOLUTION NO. 2005-89  
GRANTING THE VACATION OF  
PUBLIC RIGHT-OF-WAY  
50<sup>th</sup> AND INDIANOLA**

**WHEREAS, a motion of the City Council, on the September 6, 2005, fixed a date for a public hearing on a proposed vacation of utility easements; and**

**WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on October 4, 2005, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and**

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

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

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described public alley right-of-way easements are hereby vacated effective as of October 4, 2005:**

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

**The vacation of the alley lying southerly of the south line of Lot Two (2) and Lot Three (3), Block One (1), "Stevens 1st Addition to Minneapolis", Hennepin County, Minnesota, and lying northerly of the north line of Lot Four (4), said Block One (1) and its easterly extension, and lying westerly of the plat of HENLEY ADDITION, Hennepin County, Minnesota, and lying easterly of Indianola Avenue.**

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

**Passed and adopted this 4<sup>th</sup> day of October, 2005. Member Hulbert seconded the motion.**

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Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion granting second reading to the following ordinance:

**ORDINANCE NO. 850-A-27**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 850)**

**BY REZONING PROPERTY TO**

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

**Section 1. Subsection 850.06 of Section 850 of the Edina City Code is amended by adding the following thereto:**

**The extent of the Planned Residence District 4, PRD-4 is enlarged by the addition of the following described property:**

**The northerly 25 feet of Lot 4, Block 1, Stevens 1<sup>st</sup> Addition to Minneapolis,**

**and**

**that part of the alley lying southerly of the south line of Lot Two (2) and Lot Three (3), Block One (1), "Stevens 1<sup>st</sup> Addition to Minneapolis", Hennepin County, Minnesota, and lying northerly of the north line of Lot Four (4), said Block One (1) and its easterly extension, and lying westerly of the plat of HENLEY ADDITION, Hennepin County, Minnesota, and lying easterly of Indianola Avenue.**

**The extent of the Single Dwelling Unit District, R-1 is reduced by removing the property described above.**

**Section 2. Effective Date: This Ordinance shall be in full force and effect upon adoption and publication according to the law.**

**Adopted this 4<sup>th</sup> day of October 2005.**

**First Reading: August 16, 2005**

**Second Reading: October 4, 2005**

**Published: October 27, 2005**

**Attest**

\_\_\_\_\_  
**Debra A. Mangen, City Clerk**

\_\_\_\_\_  
**James B. Hovland, Mayor**

Member Hulbert seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion introducing the following resolution and moved its approval conditioned upon final project to be built to the final plans and materials as shown at Council on October 4, 2005:

**RESOLUTION NO. 2005-90**

**GRANTING FINAL PLAT**

**FINAL DEVELOPMENT PLAN**

**AND AMENDING THE COMPREHENSIVE PLAN**

**FOR COWEN FIRST ADDITION**

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

- 1. That that certain plat entitled, "COWEN FIRST ADDITION", platted by Christopher Cowen, and presented at the regular meeting of the City Council on October 4, 2005, be and is hereby granted final plat approval;**

2. **The Final Plan for Cowen First Addition as presented by Christopher Cowen at the regular meeting of the City Council on October 4, 2005 be and is hereby granted final development plan approval subject; and**
3. **Amendment to the Comprehensive Plan for 4121 West 50th Street and 5017 Indianola Avenue changing the land use designation of the northerly 28 feet of 5017 Indianola Avenue from Single Family to High Density Residential.**

**Passed and adopted this 4<sup>th</sup> day of October, 2005.**

Member Hulbert seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2005-91 ADOPTED GRANTING PRELIMINARY PLAT- GRAMERCY CLUB OF EDINA (5101 WEST 70<sup>TH</sup> STREET)** Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Larsen explained the Council, at their meeting on September 20, 2005, had granted Final Development Plan for the Gramercy Edina, however, due to an error in the publication the plat approval could not be considered until the present meeting. He commented that the previous approval for the property had split the property into two parcels and the current development proposed to re-combine the property into one parcel.

Public Comment

No public comment was offered.

**Member Masica made a motion, seconded by Member Hulbert to close the public hearing.**

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

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

**RESOLUTION NO. 2005-92  
GRANTING PRELIMINARY PLAT  
GRAMERCY CLUB EDINA  
5101 WEST 70<sup>TH</sup> STREET**

**BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "GRAMERCY CLUB EDINA", presented at the regular meeting of the City Council on October 4, 2005, be and is hereby granted preliminary plat approval.**

Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2005-93 APPEAL OF DECISION OF ZONING BOARD OF APPEALS - ACCREDITED INVESTORS, INC. (5200 WEST 73<sup>RD</sup> STREET)** Affidavits of Notice were presented, approved and ordered placed on file.

Planner Presentation

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Associate Planner Repya explained the subject property; 5200 W. 73<sup>rd</sup> Street was located on the northwest corner of West 73<sup>rd</sup> Street and Ohms Lane in the Planned Industrial District. She said Edina's Sign Ordinance allowed for one building identification sign in the industrial zone not to exceed 80 square feet in area which may be either a wall or a monument sign. Ms. Repya said monument signs may not exceed eight feet in height as measured from grade. She added the subject building serves multiple tenants so each tenant with a private entrance would be allowed a wall sign not to exceed 24 square feet in area. Ms. Repya said Accredited Investors received permits for two signs that met the code requirements.

She continued stating the subject of their variance request was for an additional 13 square foot logo to be affixed to the top on both sides of a 20 foot high pillar which was constructed at the West 73<sup>rd</sup> Street entrance, perpendicular to the building, approximately 3.5 feet from the south building wall.

Ms. Repya reported the Zoning Board of Appeals heard this request at their August 4<sup>th</sup> meeting and voted for denial. She added representatives from Accredited Investors were in attendance to address their appeal of the Zoning Board's decision.

Wil Heupel, Accredited Investors, 5200 West 73<sup>rd</sup> Street, stated he was appealing the denial of his variance request that would allow an additional building identification sign and a 12-foot height variance. Mr. Heupel explained that he had just redeveloped a building and used half of it for Accredited Investors while the other half was occupied by one person executive suites. Mr. Heupel said that since June, many clients have been displaying confusion while attempting to find both Accredited and the executive suite tenants. Mr. Heupel said he believed that installing Accredited's logo as a sculptural element without text, on both sides of a vertical wall that formed one end of the new entry trellis recently added to the building would better identify Accredited's location. Mr. Heupel said the features that contributed to the requested variance included:

- Building was located on a corner;
- Multi-tenant buildings with two entrances, neither which have address on street of main approach;
- Building approached from two directions; and
- Site contained numerous mature trees which were a site asset, but block effective signage from various directions.

Mr. Heupel introduced Michael Roehr, Architect and Kirk Van Blaircom, Pyramid Signs Limited to further explain the requested variance.

Michael Roehr, Architect, pointed out using graphics, how adding the logo would achieve the desired identification sign, on the difficult site. He showed the approach, stating the mature trees and multiple entrances have created difficulty in placing signs.

Mr. Kirk Van Blaircom displayed the proposed logo to be mounted on the entry trellis.

Mayor Hovland asked the proponent to identify the undue hardship which would necessitate granting the requested variance.

Mr. Roehr said the corner lot, mature trees and high level of foliage in landscaping, building setback from street, inability to place a wall sign, need to identify which entrance was Accredited's.

Member Housh said it appeared somewhat that the hardship was self inflicted, but overall he thought the proposal would have very little impact in the area and was a good looking sign.

Member Masica asked if the Architect had been aware of Edina sign regulations when designing the building. Mr. Roehr replied he had reviewed the code, but felt that a variance would be achievable.

Member Hulbert commented briefly upon the City's sign regulations.

Member Swenson commented that she believed the corner lot and unique landscaping in place would constitute a hardship and she intended to support the requested variances.

Public Comment

No public comment was offered.

**Member Masica made a motion, seconded by Member Hulbert to close the public hearing.**

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

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

**RESOLUTION NO. 2005-93  
GRANTING VARIANCE ALLOWING  
ADDITIONAL BUILDING IDENTIFICATION SIGN  
AND 12-FOOT SIGN HEIGHT VARIANCE  
5200 73<sup>RD</sup> STREET WEST**

**WHEREAS, the Edina Zoning Board of Appeals met and unanimously denied the request for additional building identification sign and a 12-foot sign height variance for 5200 73rd Street West, August 4, 2005; and**

**WHEREAS, Accredited Investors Inc. 5200 West 73<sup>rd</sup> Street, appealed the aforementioned variance on August 10, 2005; and**

**WHEREAS, the Edina City Council heard the issue at a public hearing on October 4, 2005.**

**NOW, THEREFORE BE IT RESOLVED by the Edina City Council that the requested additional building identification sign and 12-foot sign height variance is hereby granted and approved allowing the placement of the Accredited Investors logo on the monument sign as presented at the October 4, 2005, City Council meeting.**

**Passed and adopted this 4<sup>th</sup> day of October 2005.**

Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*BID REJECTED FOR WATER TREATMENT PLANT NO. 4 - PW -05-5 Motion made by Member Masica and seconded by Member Housh rejecting the bid for the chemical room**

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expansion, Improvement No. WM-453 and Contract No. PW 05-5 for water treatment plant No. 4.

Motion carried on rollcall vote – five ayes.

**BID AWARDED FOR NEW GYMNASIUMS CONSTRUCTION CONTRACT** Director Keprios introduced John Huenink, Senior Project Manager with Kraus Anderson Company, for the gymnasium project. Mr. Huenink said bids were opened on September 15, 2005, for construction of the South View Middle School gymnasium and the Edina Community Center gymnasium. On Tuesday, September 27, 2005, the Joint Powers Oversight Committee (JPOC) reviewed the bids and unanimously passed a motion to recommend approval of the bid package as proposed. Mr. Huenink said the estimate for the project was \$4,187,901.00 not including add-alternates or deduct alternates.

Mr. Huenink gave an overview of the overall costs of the project as follows:

Bids to be awarded/contracted	\$3,562,335
Total alternates to be contracted	<u>\$ 129,083</u>
Total contracts awarded:	\$3,691,418
Pending contracts/future bids	\$ 386,061
Pending alternatives (concession stand)	\$ 3,025
Total contracted and future bids	\$4,086,504
General conditions - ECC (heat/A/C)	\$ 115,000
General conditions - Southview (heat/A/C)	\$ 115,000
CM Fees	\$ 150,000
Architect fees and reimbursables	\$ 325,000
ECC gym contingency	\$ 100,000
Southview gym contingency	<u>\$ 100,000</u>
TOTAL PROJECT COSTS	\$ 4,991,504

Member Housh inquired what the status was of the installation of a concession stand in the project. Mr. Hughes said following a recent conversation with the Edina Schools Business Manager, Jay Willemsen, indicated the District will pay one-half the cost of the concession stand or \$50,000.00. Member Hulbert suggested separating the concession stand from the total vote and stated she did not agree that a concession stand was needed since the City would only use it once or twice a year. Member Masica voiced concern that this would not be a good use of City money. Member Housh said time was important and either the concession stand was voted in or out as the price will only escalate if construction were considered at a later date. Member Swenson stated her support of the concession stand being a part of the project. Mayor Hovland said historically when the City undertook a project the job was done right and he voiced his approval of the concession stand being constructed.

**Member Swenson made a motion to include the concession stand alternate conditioned upon the acceptance of all the bid packages presented with the understanding that the Edina School District will contribute one half of the cost.** Member Hulbert seconded the motion.

Ayes: Housh, Masica, Swenson, Hovland

Nays: Hulbert  
Motion carried.

Mr. Huenink stated the JPOC recommended approval of the 25 bids based on the September 29, 2005, Kraus Anderson letter as follows:

BID CATEGORY	DESCRIPTION	CURRENT PRICING	RECOMMENDED BID
Div. 4	Earthwork	\$396,800.00	Arnt Construction
Div. 5	Demolition	\$14,100.00	Gladstone Cons.
Div. 6	Site Utilities	\$50,450.00	Veit & Company
Div. 7	Concrete	\$399,472.00	Donlar Cons.
Div. 8	Masonry	\$1,042,400.00	Hines & Sons
Div. 9 & 10	Steel Supply/Steel Erect	\$389,000.00	Camelot Metals
Div. 11	Carpentry	\$45,000.00	Lund Martin Cons.
Div. 12	Int. Arch.	\$8,200.00	Kellington Cons.
Div. 13	Roofing	Rebid	
Div. 14	Metal Siding	Rebid	
Div. 15	Joint Sealants	\$8,460.00	Sunrise Specialty
Div. 16	HM Doors	\$15,266.00	Glewwe Doors
Div. 17	Coiling Doors	\$2,900.00	TC Garage Door
Div. 18	Alum Ent/Curtain Wall	\$120,920.00	Brin Northwestern
Div. 19	Drywall	\$151,150.00	Minuti-Ogle
Div. 20	Tile Work	\$28,190.00	Grazzini Bros.
Div. 22	Acoust. Ceilings	\$46,000.00	Sonus Interiors
Div. 24	Carpet	\$1,530.00	\$1,530.00
Div. 26	Painting	\$18,788.00	Rich Prairie Painters
Div. 27	Visual Display	\$950.00	Lake Country Res.
Div. 28	Specialties	\$18,995.00	Construction Supply
Div. 31	Gym Equipment	\$73,754.00	Haldeman-Homme
Div. 32	Casework	Pending	
Div. 34	Elevator	Rebid	
Div. 35	Temp Control	Pending	
Div. 36	Mechanical	\$505,400.00	General Sheet Metal
Div. 37	Electrical	\$207,924.00	ERC
Div. 38	Low Voltage	\$53,769.00	Electronic Design
Div. 39	Wood Floors	\$92,000.00	Athletic Performance
	<b>TOTAL</b>	\$3,691,418.00	

**Member Swenson made a motion approving award of bid for new gymnasium construction of the South View Middle School based upon the Kraus Anderson letter of April 29, 2005, for a total of 3,691,418.00 as presented.** Member Housh seconded the motion.

Rollcall:

Ayes: Housh, Masica, Swenson, Hovland

Nays: Hulbert

Motion carried.

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**FIRST READING GRANTED TO ORDINANCE NO. 2005-11 - REPEALING CODE SECTION 1310 AND ESTABLISHING SECTION 1311 REGULATING PEDDLERS AND SOLICITORS**

Chief Siitari explained in 1992 as part of the codification of the City Ordinances, the Council elected to eliminate the permit requirement for Peddlers and Solicitors. The Council opted to impose what has been referred to as a "modified green river approach" whereby making it unlawful to solicit or peddle on private property where a placard prohibiting solicitors and peddlers was posted. He noted Edina was one of the only cities requiring permits, peddlers and for that reason solicitors have focused activities in Edina. Mr. Siitari said, as a result, more and more complaints have been received about door to door peddlers.

Mr. Siitari indicated the proposed ordinance would establish a permit requirement for peddlers and solicitors. He added a permit would not be required for certain activities and in other cases, a permit was not required but registration was required. The proposed Ordinance would continue to impose a requirement that peddlers and solicitors may not enter on a premises where a placard or sign was posted prohibiting peddling and soliciting. Mr. Siitari said the Police Department believed the posting was the best protection residents have for discouraging peddlers and solicitors.

Following a Council discussion and proposal of minor changes to the proposed Ordinance, **Member Masica made a motion granting First Reading to Ordinance No. 2005-11 - repealing Code Section 1310 and establishing new City Code Section 1311 adding new requirements for Peddlers and Solicitors.** Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*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 22, 2005, consisting of 27 pages: General Fund \$84,229.04; CDBG Fund \$6,180.00; Communications Fund \$13,931.07; Working Capital Fund \$363,439.10; Construction Fund \$317,632.11; Art Center Fund \$4,836.59; Aquatic Center Fund \$9,698.82; Golf Course Fund \$12,353.21; Ice Arena Fund \$7,216.44; Edinborough/Centennial Lakes Fund \$1,148.29; Liquor Fund \$101,004.13; Utility Fund \$339,596.48; Storm Sewer Fund \$90,628.83; PSTF Fund \$171.02; TOTAL \$1,352,065.13; and for approval of payment of claims dated September 28, 1995, and consisting of 32 pages: General Fund \$247,649.68; CDBG Fund \$6,231.50; Communications Fund \$1,605.30; Working Capital Fund \$11,427.95; Construction Fund \$14,106.00; Art Center Fund \$15,777.85; Golf Dome Fund \$1,690.61; Aquatic Center Fund \$1,003.82; Golf Course Fund \$9,152.95; Ice Arena Fund \$10,709.55; Edinborough/Centennial Lakes Fund \$20,988.13; Liquor Fund \$211,228.07; Utility Fund \$41,831.13; Storm Sewer Fund \$15,499.93; PSTF Fund \$22.00; TOTAL \$608,924.47.

Motion carried on rollcall vote - five ayes.

**RESOLUTION NO. 2005-88 ADOPTED - GIVING HOST APPROVAL TO THE ISSUANCE OF REVENUE BOND TO FINANCE YMCA OF METROPOLITAN MINNEAPOLIS AND LOCATED IN PART IN THE CITY OF EDINA** Affidavits of Notice were presented, approved and ordered placed on file.

Manager Hughes explained a proposal has been received from the Young Men's Christian Association of Metropolitan Minneapolis (the "YMCA") requesting the City approve the issuance by the Minneapolis Community Development Agency (the "MCDA") of a tax-exempt revenue bond under Minnesota Statutes, Section 469.152 to 469.165, to finance improvements to the Southdale YMCA and the purchase of items of equipment to be installed therein. Previously, the City has approved other cities issuing revenue bonds to finance facilities of other non-profit organizations in the City. Federal law for tax-exempt bonds requires the City hold a public hearing on the proposed financing prior to giving such approval.

In addition to financing improvements to the Southdale YMCA, bond proceeds would be used to finance projects at other YMCA facilities in Andover, Minneapolis, Minnetonka and New Hope. Not more than \$1,000,000 of the principal amount of the bonds will be expended with respect to the Southdale YMCA. Mr. Hughes said the debt service on the bond will be payable solely from payments to be made by the YMCA, and the City will have no liability with respect to the bond and will not be required to enter into further agreements in respect to the bond. The YMCA will pay all City expenses.

**Member Swenson made a motion to close the public hearing seconded by Member Hulbert.**

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

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

**RESOLUTION NO. 2005-88**

**RESOLUTION GIVING HOST APPROVAL TO THE ISSUANCE  
OF A REVENUE BOND TO FINANCE A PROJECT FOR THE  
YOUNG MEN'S CHRISTIAN ASSOCIATION OF METROPOLITAN MINNEAPOLIS  
AND LOCATED IN PART IN THE CITY OF EDINA, UNDER  
MINNESOTA STATUTES, SECTIONS 469.152 THROUGH 469.165**

**BE IT RESOLVED, by the City Council (the "Council") of the City of Edina, Minnesota (the "City") as follows:**

1. **Description of the Project.**
  - a. **The Young Men's Christian Association of Metropolitan Minneapolis, a Minnesota corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Corporation"), has proposed the issuance of a revenue bond under Minnesota Statutes, Sections 469.152 to 469.165, as amended (the "Act"), in an amount of approximately \$5,000,000 (the "Bond"), to finance various construction, renovation and equipment costs relating to a number of its administrative office, community program and health enhancement facilities located throughout the metropolitan area, including its facility located at 7355 York Avenue South in the City.**
  - b. **The Corporation has proposed that the Minneapolis Community Development Agency (the "Issuer") issue the Bond.**
2. **Costs of the City. The Corporation has agreed to pay any and all costs incurred by the City in connection with this Resolution and the issuance of the Bond, whether or not such issuance is carried to completion.**

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3. Public Hearing.
  - a. As required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), a Notice of Public Hearing was published in the City's official newspaper at least 14 days prior to the date hereof, calling a public hearing on the proposed issuance of the Bond and the proposal to finance the various facilities of the Corporation mentioned in the notice.
  - b. On the date hereof, the Council has held a public hearing on the issuance of the Bond and the proposal to finance the Corporation's facilities, at which all those appearing who desired to speak were heard and written comments were accepted.
4. Approval. The proposal to finance the Corporation's facilities as described above, and the issuance of the Bond by the Issuer, are hereby given approval by the City as required by the Code and by Minnesota Statutes, Section 471.656.
5. Limited Obligation. The Bond, when and if issued, shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City or the Issuer. The Bond, when and if issued, shall recite in substance that the Bond and the interest thereon, are payable solely from revenues received from the Corporation and property of the Corporation pledged for payment thereof, and shall not constitute a debt of the Issuer, the City, the State of Minnesota or any political subdivision thereof.

Adopted by the City Council of the City of Edina, Minnesota, this 4th day of October, 2005.

Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

BUCKTHORN CONTROL PRESENTATION Diane Plunkett Latham shared a presentation on buckthorn in Edina and encouraged Council and staff to plan an eradication effort.

SPECIAL CONCERNS OF MAYOR AND COUNCIL Mayor Hovland indicated his intention to appoint James Nelson to fill a vacancy on the Zoning Board of Appeals. Mr. Nelson's term will run to February 1, 2006.

**Mayor Hovland made a motion appointing James Nelson to the Zoning Board of Appeals for a term to February 1, 2006.** 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 10:15 P.M.

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City Clerk