

MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
NOVEMBER 1, 2005
7:00 P.M.

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

AMENDMENT TO COUNCIL AGENDA APPROVED Member Hulbert suggested adding the endorsement of the Hennepin County Clean Indoor Air Act be added to the Council Agenda for November 1, 2005.

Member Hulbert made a motion approving the amendment to the November 1, 2005, Council Agenda, directing staff to draft a resolution for Council endorsement of the Hennepin County Clean Indoor Air Act. Member Swenson seconded the motion.

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Housh and seconded by Member Masica approving the Council Consent Agenda as presented, with the exception of Agenda Item II. D., Release of Parking Variance and Agenda Item IV.B. Continued Section A.1 Traffic Safety Staff Report of October 6, 2005.

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

***MINUTES OF THE REGULAR MEETING OF OCTOBER 18, 2005, APPROVED** Motion made by Member Housh and seconded by Member Masica approving the Minutes of the Regular Meeting of the Edina City Council for October 18, 2005.

Motion carried on rollcall vote - five ayes.

MINNESOTA CHEMICAL HEALTH WEEK PROCLAIMED - NOVEMBER 14-20, 2005 Kathy Iverson, Chemical Health Coordinator for the City of Edina accepted a proclamation proclaiming November 15 - 20, 2005 as Minnesota Chemical Health Week in Edina. She encouraged residents to wear or display the color red during the designated week depicting the major gains that have been accomplished with the prevention and treatments towards alcohol, tobacco and other drug use in our community.

Member Masica made a motion proclaiming November 14 - 20, 2005, as Minnesota Chemical Health Week. Member Hulbert seconded the motion.

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

RESOLUTION NO. 2005-101 ENCOURAGING THE COUNCIL'S ENDORSEMENT OF THE MAINTENANCE OF THE HENNEPIN COUNTY CLEAN INDOOR AIR ACT Member Hulbert encouraged the Council to strongly endorse the health benefits of the Hennepin County Clean Indoor Air Act, Ordinance No, 24, and strongly urged Hennepin County to maintain its current policy and not sacrifice peoples' health by allowing exemptions.

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Following a Council discussion, Member Hulbert made a motion approving Resolution No. 2005-101, encouraging the maintenance of the Hennepin County Clean Indoor Air Act, Ordinance No. 24. Member Swenson seconded the motion.

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

*PUBLIC HEARING DATE SET FOR DECEMBER 6, 2005, AMENDMENT TO CENTENNIAL LAKES OVERALL DEVELOPMENT MASTER PLAN - CYPRESS EQUITIES (7311 FRANCE AVENUE) Motion made by Member Housh and seconded by Member Masica setting December 6, 2005, as hearing date for Amendment to Centennial Lakes Overall Development Master Plan for Cypress Equities at 7311 France Avenue.

Motion carried on rollcall vote - five ayes.

*RESOLUTION NO. 2005-99, APPROVING LOT DIVISION FOR 6300 AND 6304 BROOKVIEW AVENUE Member Housh introduced Resolution No. 2005-99 seconded by Member Masica approving the lot division for 6300 and 6304 Brookview Avenue as follows:

RESOLUTION 2005-99
APPROVING A LOT DIVISION for
6300 AND 6304 BROOKVIEW AVENUE

WHEREAS, the following ENTIRE SOUTHERLY (PARCEL A) is described as follows:

The South 65 feet of the North 897.5 feet of the East 222 feet of that part of the NW ¼ of the NE ¼ of Section 30, Township 28, Range 24, Hennepin County, Minnesota, lying West of the plat of Peacedale Acres.

AND

WHEREAS, the following ENTIRE NORTHERLY (PARCEL B) is described as follows:

The South 94.5 feet of the North 832.5 feet of the East 330 feet of that part of the NW ¼ of the NE ¼ of Section 30, Township 28, Range 24, Hennepin County, Minnesota, lying West of the plat of Peacedale Acres, and the West 108 feet of the East 330 feet of the South 65 feet of the North 897.5 feet of that part of the NW ¼ of the NE ¼ lying West of the plat of Peacedale Acres.

WHEREAS, the owners have requested the lot division of said tract into separate parcels (herein called "parcels") described as follows:

PARCEL A: The South 84.5 feet of the North 897.5 feet of the East 222 feet of that part of the NW ¼ of the NE ¼ of Section 30, Township 28, Range 24, Hennepin County, Minnesota, lying West of the plat of Peacedale Acres.

PARCEL B: The South 75 feet of the North 813 feet of the East 330 feet of that part of the NW ¼ of the NE ¼ of Section 30, Township 28, Range 24, Hennepin County, Minnesota, lying West of the plat of Peacedale Acres, and the West 108 feet of the East 330 feet of the South 84.5 feet of the North 897.5 feet of that part of the NW ¼ of the NE ¼ lying West of the plat of Peacedale Acres.

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

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set

out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina.

Adopted this 1st day of November, 2005.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2005-98 APPROVING LOT DIVISION FOR 7219 AND 7221 GLOUCHESTER DRIVE** Motion made by Member Housh and seconded by Member Masica approving Resolution No. 2005-98 for the lot division for 7219 and 7221 Gloucester Drive as follows:

**RESOLUTION NO. 2005-98
APPROVING A LOT DIVISION for
7219 AND 7221 GLOUCHESTER DRIVE**

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

Lot 25, Block 1, OSCAR ROBERTS FIRST ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

WHEREAS, the owners have requested the subdivision of said tract into separate parcels (herein called “parcels”), described as follows:

PARCEL A:

The Northerly 50 feet (as measured at right angles to the Northerly line) of Lot 25, Block 1, OSCAR ROBERTS FIRST ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota.

PARCEL B:

That part of Lot 25, Block 1, OSCAR ROBERTS FIRST ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying South of the Northerly 50 feet (as measured at right angles to the Northerly line) of said Lot.

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

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

Adopted this 1st day of November, 2005.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2005-100 - APPROVING THE RELEASE OF PARKING VARIANCE FOR 7900 - 8000 WEST 78TH STREET Member Swenson asked that the Release of the Parking Variance for 7900 - 8000 West 78th Street be removed from the Consent Agenda for further information. She inquired what the difference would be to the City between a Proof of Parking Agreement and the Cross Easement Agreement. Planner Larsen said there was a public encumbrance on the property that was

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being replaced with a private document, which not be changed without Council's approval. He added the City considered the entire site to be one for parking.

Member Swenson made a motion approving Resolution No. 2005-100, to release the existing Proof of Parking Agreement upon receipt of Executed and Recorded Cross Easement Agreement for 7900 - 8000 78th Street West (Braemar Office Park) as follows:

RESOLUTION NO. 2005-100

WHEREAS, the City hereby agrees to remove the encumbrance of said parking restriction; NOW THEREFORE, BE IT RESOLVED by the Edina City Council that the Mayor and the City Manager are hereby authorized and directed to execute and deliver an Agreement to release the instrument described herein as Conditions to Parking Variance.

Adopted this 1st day of November 2005.

Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2005-96 APPROVING FINAL PLAT FOR GRAMERCY EDINA, 5101 WEST 70TH STREET** Member Housh made a motion introducing Resolution No. 2005-96, Approving the Final Plat for Gramercy Edina, 5101 West 70th Street and moved approval:

RESOLUTION NO. 2005-96

**APPROVING THE FINAL PLAT FOR
GRAMERCY EDINA
5101 WEST 70TH STREET**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "GRAMERCY EDINA", platted by Timothy F. Nichols, President, presented at the regular meeting of the City Council on November 1, 2005, be and is hereby granted final plat approval.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR DIESEL FUEL FOR PERIOD OCTOBER 1, 2005, THROUGH AUGUST 31, 2008** Motion made by Member Housh and seconded by Member Masica approving the purchase of diesel fuel for the period October 1, 2005, through August 31, 2008 as determined per delivery by the "rack average price" plus a profit margin.

Motion carried on rollcall vote - five ayes.

***TECHNICAL CORRECTION TO COUNCIL MINUTES OF NOVEMBER 16, 2004, APPROVED** Motion made by Member Housh and seconded by Member Masica approving the technical correction to the Council Minutes of November 16, 2004, as presented.

Motion carried on rollcall vote - five ayes.

SECTION A.1 OF TRAFFIC SAFETY STAFF REPORT OF OCTOBER 6, 2005, APPROVED

Member Swenson removed the Traffic Safety Staff Report Section A.1 from October 6, 2005, from the Consent Agenda for further information.

Engineer Houle said the Council received a request to temporarily allow some parking on the north side of South View Lane. On-site parking has been limited with the construction of gymnasiums on the Edina Community Center campus. Mr. Houle noted a letter was received from the school district requesting parking be allowed on the north side of South View Lane from Normandale Road to Concord Avenue. Following a Council discussion, the north side of the street will be posted "NO PARKING 2 P.M. TO 8 A.M." until June 15. The issue will be back on the agenda for Council review next summer.

A Council discussion was held regarding concern with safety, number of hours there would be NO PARKING, the sidewalk emptying into the street with no crosswalk, and would the neighbors would

be notified of the change. Mr. Houle said a letter would be mailed to the neighbors abutting the NO PARKING area.

Member Housh made a motion approving amended Section A.1 of the Traffic Safety Staff Report of October 6, 2005;

- 1. The north side of South View Lane from Normandale Road to Concord Avenue will be posted "NO PARKING 2 P.M. TO 8 A.M." until June 15, 2006.**

Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RECYCLING AND SOLID WASTE COMMISSION RECOMMENDATION ON CURBSIDE REFUSE COLLECTION APPROVED Coordinator Wilmot said the Recycling and Solid Waste Commission received a request from a resident and from a Council Member to study the possibility of allowing yard waste to be placed at the curb in a waste cart. At their April 20, 2005, meeting, the Commission discussed City Code 705 relating to yard waste collection and refuse. The Commission noted that presently the Code stated yard waste must be stored in a plastic bag and placed next to the street or curb no more than 12 hours prior to scheduled pickup. Ms. Wilmot said the Commission observed if the City were to allow yard waste to be stored in a waste cart and placed at the curb on the designated day, it would be reasonable to allow a refuse waste cart to be handled the same. Ms. Wilmot reminded the Council the current City Code dictates that refuse containers must be stored out of view from the front street, or in a garage, and not placed near the street or curb in any circumstance.

Ms. Wilmot noted that a study of neighborhood placement of refuse containers was undertaken during May, July and September. The results were that more than 50% of residents place their refuse containers at the curb on collection day even though the current code states the containers must remain at the garage. She said benefits for curbside waste cart collection would be, 1) less idling by collection trucks, 2) trucks would move through the neighborhood faster, 3) receptacle placement confusion would be alleviated, 4) potential for increased recycling participation, and 5) recycling commodity profit sharing increase due to increased participation.

Ms. Wilmot said that accommodations would be made for residents who are unable to place their refuse cart at the curb.

The Recycling and Solid Waste Commission recommended allowing curbside placement of yard waste and refuse cart containers on collection day.

Following a Council discussion, **Member Housh made a motion directing staff to prepare an ordinance amendment allowing residents to take their refuse cart to the curb on collection day similarly to the way recyclables are handled. Yard waste shall be stored within plastic bags and brought to the curb no more than 12 hours before pickup.** Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

APPOINTMENTS MADE TO BOARDS, COMMISSIONS AND COMMITTEES Mr. Hovland stated his intention to fill openings on the City's Boards, Commissions and Committees as follows:

BOARD/COMMISSION/COMMITTEE	NAME	TERM
PARK AND RECREATION	Gordon Roland - Student	11/1/06
PLANNING	Basima Tewfik - Student	11/1/06
TRANSPORTATION COMMISSION	Ellen Cerf - Student	11/1/06
	Marc Usem	2/1/07

Member Housh made a motion approving appointment of Gordon Roland, Student Member of the Park and Recreation Board for a term to November 1, 2006. Member Swenson seconded the motion.

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

Member Masica made a motion approving appointment of Basima Tewfik, Student Member of the Edina Planning Commission for a term to November 1, 2006. Member Hulbert seconded the motion.

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

Member Housh made a motion approving appointment of Ellen Cerf, Student Member of the Edina Transportation Commission for a term to November 1, 2006. Member Hulbert seconded the motion.

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

Member Hulbert made a motion approving appointment of Marc Usem to the Edina Transportation Commission for a term to February 1, 2007. Member Swenson seconded the motion.

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

Member Housh made a motion approving appointment of Douglas Mayo to the East Edina Housing Foundation for a term to February 1, 2008. Member Swenson seconded the motion.

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

***ADOPT RESOLUTION NO. 2005-97 CALLING DECEMBER 6, 2005, PUBLIC HEARING TO CONSIDER VACATION OF UTILITY AND DRAINAGE EASEMENT - PARKWOOD KNOLLS 26TH ADDITION** Member Housh introduced the following resolution, seconded by Member Masica and moved its approval:

RESOLUTION NO. 2005-97
CALLING FOR PUBLIC HEARING ON VACATION
OF UTILITY AND DRAINAGE EASEMENT
PARKWOOD KNOLLS 26TH ADDITION

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 December 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 50TH STREET
EDINA, MINNESOTA 55424

NOTICE OF PUBLIC HEARING ON
VACATION OF DRAINAGE AND UTILITY EASEMENT
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 December 6, 2005, at 7:00 P.M. in the Council Chambers at 4801 West 50th Street for a drainage and utility easement to be vacated:

PROPOSED LEGAL DESCRIPTION OF DRAINAGE AND UTILITY EASEMENT TO BE VACATED:

The westerly 5 feet of Lot 5 and the easterly 5 feet of Lot 6, Block 1, PARKWOOD KNOLLS 26TH ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, lying northerly of the southerly 5 feet, and southerly of the northerly 10 feet of said Lots.

All persons who desire to be heard with respect to the question of whether or not the above proposed street right of way and utility and drainage vacation is in the public interest and should be made shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra A. Mangen, City Clerk

Dated: November 1, 2005

Passed and adopted this 1st day of November 2005.

Motion carried on rollcall vote - five ayes.

*CONFIRMATION OF CLAIMS PAID Member Housh made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated October 19, 2005, and consisting of 27 pages: General Fund \$305,460.13; Communications Fund \$14,405.48; Working Capital Fund \$177,668.89; Art Center Fund \$706.38; Aquatic Center Fund (\$22.62); Golf Course Fund \$10,887.63; Ice Arena Fund \$19,363.06; Edinborough/Centennial Lakes Fund \$11,700.26; Liquor Fund \$175,838.51; Utility Fund \$459,300.54; Storm Sewer Fund \$6,268.76; Recycling Fund \$33,874.00; PSTF Fund \$612.66; TOTAL \$1,216,063.68; and for approval of payment of claims dated October 26, 2005, and consisting of 32 pages: General Fund \$196,364.95; Communications Fund \$7,492.99; Working Capital Fund \$178,348.41; Construction Fund \$320,066.95; Art Center Fund \$21,851.58; Golf Dome Fund \$99.22; Aquatic Center Fund \$11,498.42; Golf Course Fund \$17,200.59; Ice Arena Fund \$4,362.39; Edinborough/Centennial Lakes Fund \$22,663.88; Liquor Fund \$127,560.01; Utility Fund \$181,167.57; Storm Sewer Fund \$84,738.48; Recycling Fund \$65.00; PSTF Fund \$68,811.01; TOTAL \$1,242,291.45.

Motion carried on rollcall vote - five ayes.

*PETITION RECEIVED FOR STREET LIGHTING - SOUTH HARRIET PARK NEIGHBORHOOD Motion made by Member Housh and seconded by Member Masica acknowledging receipt of a petition for street lighting on the corner of West 53rd Street/Oaklawn Avenue from Jeff Holker, 5241 Oaklawn, in the South Harriet Park Neighborhood. Staff recommends denial of the petition for new decorative street lighting and not to order or further study the improvements as requested.

Motion carried on rollcall vote - five ayes.

CONCERNS OF RESIDENT

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Steve Spellman, 4608 Cascade Lane, presented two handouts to the Council and said he was representing the neighborhood involved in the construction of the sound wall on the west side of Highway 100. Mr. Spellman said that the neighbors had believed the wall would be built twenty feet high and that they were misled when they see the current design. He requested that the design be modified to a twenty foot height.

Paul Johnson, 4617 Cascade Lane stated he felt there was value added but he also was not satisfied with the design and wanted it extended to the south.

Bob Fiedler, 4604 Cascade Lane, said he was surprised the east side wall was being built at twenty feet while the west side was being built at twelve. He requested the height of the western wall be increased and also expressed concern over the landscaping

Bill Haymaker, 4605 Cascade Lane said he felt the wall was very expensive.

Ken Hanson, 4601 Cascade Lane said he was thankful for the wall, but expressed concern that with the eastern wall being built at twenty feet in height, the west side residents would be experiencing bounce.

Marshall Rosner, 4613 Cascade Lane expressed concern about the amount of noise abatement that would be received for the cost of the wall.

Engineer Houle outlined the process followed for this project. He acknowledged that the first graphic depicted the proposed wall at twenty feet, but stated that all correspondence and notices contained the correct information. He added the City was building the wall under a cooperative agreement with the Minnesota Department of Transportation and had already paid for the wall.

Wayne Norris Minnesota Department of Transportation District Area introduced the project engineer Peter Wasco. Mr. Wasco explained the engineering and environmental reasons for the wall's design and explained that the construction was too far along to change the design. Following a brief discussion, the Council consensus was that no action was necessary.

Bill Haymaker, 5038 Bruce Place, said he wanted to address the Council on the changes that have been made to the setback of his property on Bruce. Mr. Haymaker displayed a graphic that showed where his setback to the Minnehaha Creek was in 1992 and where it was currently. He said he felt he had been left with a significantly smaller lot due to the changes. Mr. Hughes noted that there have been FEMA and Statutory changes made that would have impacted Mr. Haymaker's property along with many other residents residing along the Creek.

NOVEMBER 15, 2005, MEETING NOTED FOR COUNCIL MEETING WITH LEGISLATIVE DELEGATION The Council suggested that Manager Hughes re-schedule the meeting with the Legislative Delegation for a later date allowing the Council, the Planning Commission and the Traffic Commission to meet on that date.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:55 P.M.

City Clerk