MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 20, 2006
7:00 P.M.

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Hulbert approving the Council Consent Agenda as presented with the exception of Agenda Item IV.D., 2006 Alley Projects and Stauder Circle, Contract No. ENG 06-7, Imp. Nos. A-210, STS-325, A-211, A-223, STS-324 and STS-263; Agenda Item IV.E., Steel Detail/Design, two Change Orders – Camelot Metals, Inc., - Gymnasium Construction; and Agenda Item V.D. Traffic Safety Staff Review for June 8, 2006.
Rollcall:
Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

***MINUTES OF THE REGULAR MEETING OF JUNE 6, 2006, APPROVED Motion made by Member Swenson and seconded by Member Hulbert approving the Minutes of the Regular Meeting of the Edina City Council for June 6, 2006.**
Motion carried on rollcall vote – five ayes.

VARIANCE APPEAL DENIED DECISION OF ZONING BOARD OF APPEALS UPHELD 4622 DREXEL AVENUE Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Assistant Planner
Assistant Planner Aaker explained that Robert Miller, owner of the property located at 4622 Drexel Avenue appealed the May 4, 2006, Zoning Board of Appeals denial of his driveway width variance application. Mr. Miller would like to improve his property by converting the existing front-loading garage into living space, adding on to the back of the home on both the main and second floor and constructing a new detached garage in the backyard. To access the garage, the driveway would need to be relocated from the north to the south side of the property and the new driveway would measure 10.5 feet wide. The minimum driveway width in Edina was 12 feet; a variance would be required for the project.

Ms. Aaker noted that two Zoning Board of Appeals meeting have been held considering a driveway width variance, one on April 6, 2006, and again May 4, 2006, meeting, explaining that at the first meeting one of the board members voted against the request, but encouraged the property owner to decrease the width of the driveway and reapply. Mr. Miller followed this advice. Ms. Aaker said at the May 4, 2006, Zoning Board of Appeals meeting, two members voted in favor of the motion to approve the request and two members against. The motion was denied for lack of majority. Ms. Aaker reported that Mr. Miller, the property owner was appealing the denial of the 1½ foot driveway width variance to allow a driveway width of 10 ½ feet.

Ms. Aaker indicated all the improvements to the property comply with the City's ordinances except for the driveway width. She added if the detached garage were approved, all new construction in the Country Club area would require the Heritage Preservation Board's approval.

Steven Grimshaw, 701 4th Avenue South, Suite 300, Minneapolis, representing Mr. Miller said he would explain why Mr. Miller believes his hardship has been met. Mr. Grimshaw said he observed upon traveling the neighborhood that there were many garages located in the rear yard and entered into from the alley. Mr. Grimshaw said the Millers would be amenable to a driveway width other than 10.5 feet, because they want to get their addition completed. Mr. Grimshaw said the Miller's could raze and rebuild the home and locate the driveway where they wish but they have chosen to remodel.

Dan Crome, 2638 42nd Avenue South, St. Cloud, MN, explained the current driveway was at a 10.5 slope. The proposed driveway would lower the slope significantly because of the greater length. Because of the topography adjacent to the curb or street, there was no way to get around the slope without re-designing the whole area. Mr. Crome said the driveway would not be flat but because of the length there would be a place to park a car without having to immediately enter the garage. He added that Mr. Miller designed a turn-about for the detached garage site in the rear yard.

Mayor Hovland asked if run-off from the site has been considered and whether or not the north side of the lot had been reviewed for placement of a driveway. Mr. Crome said the driveway could be installed so there would not be any run-off and it was determined that there was insufficient room on the north lot. Mayor Hovland asked what the hardship was on the proposal. Mr. Grimshaw responded in the winter the driveway was not safe and barely usable.

Member Masica asked what the width was of the current driveway. Mr. Miller's representatives replied it was twelve feet wide.

Member Swenson asked if the Heritage Preservation Board has reviewed the proposal. Ms. Aaker explained it was the staff liaison who would review any new curb cut and driveway extension, and the Heritage Preservation Board would review the garage as a new structure in the district after the variance process has been completed.

Member Masica asked if the driveway placement required a variance. Ms. Aaker replied the only variance necessary was relative to the width of the driveway.

Mayor Hovland asked what was the average driveway width on Drexel. Ms. Aaker replied they varied between eight to ten feet with double driveways being around twelve feet wide.

Member Hulbert asked if there was a history of granting variances relating to snow. Staff replied this was the first driveway width variance in many years.

Member Housh asked if the Code regulating the driveway width created after the neighborhood was built. Ms. Aaker stated that it was created after the neighborhood was finished.

Member Swenson asked if there have been so few requests for driveway lot width variances that there were no provisions within the code for areas with different driveways widths typically. Ms. Aaker replied it had not been an issue previously.

Member Swenson asked if it would be easier to control run off with a "green strip" between the proponent and neighbor or if there were a "common" driveway. Mr. Crome clarified that he was not an engineer, but a land surveyor. He said to his knowledge there had not been a grading plan. He deferred to the City Engineer. Engineer Houle said if the driveway were to be approved, Edina Engineering would require that a curb be installed along the outer edge of the driveway to contain all the water coming off their property stopping the spill onto the neighbor's property.

Member Hulbert asked how this would affect snow storage. Mr. Houle said they must store the snow on their own property and so would have to move the snow to the rear yard.

Member Masica asked if moving the driveway to the south enhanced safety. Mr. Houle replied that looking at the issue under Edina Code Section 1205, the lot was eligible for one curb cut. He said from a safety perspective, he felt if you were facing traffic it was safer than backing up.

Mayor Hovland acknowledged that when driving through the neighborhood, narrow and shared driveways could be seen, but the difference between those conditions and the request was that those driveways were already in existence and not a new request for a non- conforming use. He said he could see the next door neighbor's having a concern about having a new driveway next to the existing one and taking away the green space.

Public Comment

Dan Delianedis, 4624 Drexel Avenue stated that the Edina Code mandated driveways be twelve feet in width. He stated he opposed the requested variance, stated his reasons and asked the requested variance be denied.

Christine Delianedis, 4624 Drexel Avenue, stated that they do not park at the top of their drive, but rather on the slope. Ms. Delianedis also stated her reasons and opposed the requested variance.

Marcia Herman, 4602 Drexel Avenue, stated her opposition to the requested variance.

Sandy Neal, 4623 Drexel Avenue, stated her opposition to the requested variance.

Sharon Fleischmann, 4621 Drexel Avenue, stated her opposition to the requested variance.

David Samuelson, 5518 Oliver Avenue South, Minneapolis, representing the proponent Dennis Miller. He said the new driveway would be built to match the neighboring driveway so there would not be any safety or elevation changes. He pointed out the error on the plans as presented. Mr. Samuelson said the hazard for the Millers was that there was no flat spot to park a car on their existing driveway. He said the proposed driveway would rectify that condition.

Mayor Hovland asked what rules would govern the excavation of the existing sloped driveway bringing it to near level and then rebuilding the new garage to align with the level driveway. Ms. Aaker said the rules would not be the zoning ordinance, but rather the building code. Mayor Hovland asked if the proponent had considered the possibility of excavating the existing driveway and rebuilding the garage at the lower elevation. Mr. Samuelson said there was no basement at that location so the house would need to be jacked up, and excavated under the

existing garage. It was not considered because of the cost. He added this would also require a large retaining wall and said the expense would prohibit that option.

Member Swenson made a motion to close the public hearing. Member Hulbert seconded the hearing.
Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

Member Swenson commented that if a curb were required on the proposed driveway it would actually be less than 10.5 feet wide. Mr. Houle said the reason to request a curb was because the grading plan indicated the addition of pavement would cause drainage to accumulate faster. He said it would need to be contained with either a curb or a swale to protect the neighbor's property. Mr. Houle said the curb would only be about four inches. He added that typically vehicles were under eight and one half feet in length or they were considered oversized.

Member Masica asked how this driveway, if it were approved would be staged without using the neighbor's property. Mr. Hughes explained that was not an issue of the City, but rather something for the involved property owners to agree upon. He said it was not unusual for adjacent property owners to allow access across their property during construction projects.

Member Swenson asked Robert Miller if he was planning to move into the house on Drexel. Robert Miller, 3405 Fordum Court, St. Anthony said it was his intention to move into the home with his family.

Member Masica asked what the proposed driveway material was. Mr. Samuelson said it was planned to be either concrete or stamped concrete.

Mayor Hovland said the proposed addition's plans were beautiful and it would be a great house for the neighborhood, but if he were the neighbors he would have concerns. He indicated that he did not believe there was an undue hardship warranting a variance in this instance. Mayor Hovland said the property owner did not want to use the existing driveway claiming it was the hardship, but the driveway has been used as it existed for forty years. Mayor Hovland said he was concerned about adverse impact on the property value of the house next door. He said he believed there was some logic that shared driveways were less appealing than a private driveway. Mayor Hovland said he would love to see a new home on the site, he felt the garage must be front loading and he intended to vote against granting the variance even though he liked the architecture of the proposed home. Mayor Hovland said he did not believe the proponent proved undue hardship.

Member Swenson cited her years of experience on the Planning and the Zoning Board of Appeals. She said she agreed that backing out of the driveway was not desirable or particularly safe. Member Swenson said she liked the design of a turn around in the backyard so you could drive out the driveway. However, she said the change and hardship the proposed driveway would impose on the neighbor was more negative than the existing driveway.

Member Hulbert said that she did not believe a hardship had been demonstrated. She said since this was Minnesota, the Council would be getting into a slippery slope if they began granting variances due to ice on the hill because Edina had many driveways with hills.

Member Housh agreed with his colleague. He said that in his reading of the packet there were some arguments discussed in the Zoning Board meetings which led to the close votes. However, in looking at the property he felt it was too tight a space and for the reasons previously stated by his colleagues, and he would not support granting the variance.

Member Masica stated she also agreed with her colleagues that undue hardship had not been demonstrated to warrant granting a variance. She expressed her hope that Mr. Miller would be able to go forward with a different design which would not require any variance because she agreed it would be a great benefit to the neighborhood to have the home redesigned. Member Masica stated she believed it would be possible to accomplish a redesign on the lot with the driveway in its current position.

Member Swenson made a motion to deny the variance appeal and the requested variance from driveway width for 4622 Drexel Avenue. Member Hulbert seconded the motion.
Rollcall:
Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

CONCERN OF RESIDENTS
No residents appeared to speak.

BID AWARDED FOR WORKERS' COMPENSATION INSURANCE RENEWAL Bill Homeyer, Agent for Harris Homeyer Insurance, explained the quote from the League of Minnesota Cities Insurance Trust (LMCIT) represents an 18% increase in premium. The reason for this increase was the City's experience modification which went from .89 to 1.06 plus a payroll increase of 3%. After reviewing the losses for the past year, LMCIT has been asked to review reserves previously set aside for the losses. If the reserves can be reduced, the LMCIT will reduce the quote. If the reserves need to be increased, the quote will not be increased.

Member Housh asked if it was likely the next year's premium would be similar. Mr. Homeyer responded that the increase was reflective of the City's experience.

Member Masica inquired what the look-back period was for the experience modifier. Mr. Homeyer said the modifier was taken within the last three years.

Member Swenson asked if the City could do anything to improve the rate. Assistant to the City Manager Smith responded that employees were being trained year round, dedicated towards safety in operating equipment, using personal safety equipment or performing a job safely.

Member Housh asked if the League provides safety consulting services. Ms. Smith said yes there were services provided through the League for loss control as well as the City does contract elsewhere for those services.

Member Housh made a motion approving the Award of Bid for Workers' Compensation Insurance renewal to the sole bidder, the League of Minnesota Cities Insurance Trust (LMCIT) at $433,315.00. Member Masica seconded the motion.
Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

BID AWARDED FOR GENERAL LIABILITY INSURANCE RENEWAL Mr. Homeyer indicated the quote for the City's General Liability, Equipment, Liquor Liability, Pollution, Employee Benefit, Law Enforcement Liability, Employee Practices Liability, Public entity Management Liability, Auto and Terrorism insurance renewal represents a 7.3% reduction in premium.

Member Hulbert made a motion approving the Award of Bid for General Liability Insurance renewal to sole bidder St. Paul Travelers Insurance Company at $437,854.00. Member Swenson seconded the motion.

Member Masica was absent when the vote was taken.
Ayes: Housh, Hulbert, Swenson, Hovland
Motion carried.

BID AWARDED FOR PROPERTY INSURANCE RENEWAL Ms. Smith introduced Jack Carroll from the AON Insurance Company. Mr. Carroll indicated the City's Property, Boiler and Machinery, Inland Marine and Crime Insurance renewal showed an increase of 3% in the property values because of the increase in value. He reminded the Council the rate did not change from the 2005 rate.

Member Housh questioned whether the deductible amount remains at $10,000. Mr. Carroll said it was the same.

Following a brief Council discussion, **Member Masica made a motion approving the Award of Bid for the Property Insurance renewal to the St. Paul/Travelers Insurance Company at $79,402.** Member Housh seconded the motion.
Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

***AWARD OF BID FOR WTP #4 CHEMICAL ROOM EXPANSION ROOFING SYSTEM – UTILITY DEPARTMENT** **Motion made by Member Swenson and seconded by Member Hulbert for award of bid for WTP #4 Chemical Room Expansion Roofing System at Water Treatment Plant No. 4, for the Utility Department to recommended low bidder, Omni Roofs Incorporated at $16,507.00**
Motion carried on rollcall vote – five ayes.

***AWARD OF BID FOR VENTILATION SYSTEM – EXPANSION OF WATER TREATMENT PLANT NO. 4** **Motion made by Member Swenson and seconded by Member Hulbert for award of bid for Ventilation System for the expansion of Water Treatment Plant No. 4, to recommended low bidder, Forte Mechanical, Inc., at $14,975.00.**
Motion carried on rollcall vote – five ayes.

BID AWARDED FOR 2006 ALLEY PROJECTS AND STAUDER CIRCLE – CONTRACT NO. ENG. 06-7, IMPROVEMENT NOS. A-210, STS-325, A-211, A-223, STS-324 AND STS-263 Member Hulbert asked that the Award of Bid for the 2006 Alley Projects and Stauder Circle, Contract No. Eng. 06-7, Improvement Nos. A-210, STS-325, A-211, A-223, STS-324 and STS-263 be removed from the Consent Agenda for further information. She inquired why there was such a large discrepancy in the bid amounts. Mr. Houle said the bid that was recommended was close to the engineer's estimate for the project. The higher bid during this time of year reflects a new

group of estimators and they either were over or under. Mr. Houle reiterated that Sauder Circle was a storm sewer improvement. He added when the pond overflows, water remains on the roadway until City crews pump the pond out. One driveway was affected and the problem will be resolved with this project.

Motion made by Member Hulbert approving the award of bid for 2006 alley projects and Sauder Circle, Contract No. Eng. 06-7, Improvement Nos. A-210, STS-325, A-211, A-223, STA-324 and STS-263 to recommended low bidder DMJ Corporation at $154,988.50. Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson Hovland

Motion carried.

BID AWARDED FOR CHANGE ORDERS FOR STEEL DETAIL/DESIGN TO CAMELOT METALS, INC., FOR GYMNASIUM CONSTRUCTION Member Masica asked that the Award of Bid for Change Order for Steel Detail/Design to Camelot Metals, Inc., for the Gymnasium Construction be removed from the Consent Agenda for additional information. Member Masica asked what unforeseen issues developed on the gymnasium project that would require a change order. Director Keprios introduced Ted Rozeboom, Rozeboom Miller Architects, 244 1st Avenue North, Minneapolis who informed the Council that a slide show of the gymnasium project would be presented at a regular Council meeting.

Mr. Rozeboom indicated after the building was opened up for during construction, it was discovered that conditions with framing, and coordination issues for the added roof structure steel as well as changes in design constituted a $29,204.00 change order for Camelot Metals, Inc., to cover the additional shop-drawing detailing, manufacturing and installation.

Mr. Keprios noted at the June 6, 2006, Joint Powers Oversite Committee (JPOC) meeting, a motion was passed approving a $7,680.00 change order for costs of a structure redesign required for the South View Middle School project. Mr. Keprios noted there have been seven previous change orders with Camelot Metals, Inc., that total $35,162.00 or just over 9% of the original contract. The two additional change orders along with seven previous change orders collectively exceed 10% of the original contract amount and require Council approval. Mr. Keprios concluded that the project was presently under budget.

Following a Council discussion, **Member Swenson made a motion for award of bid for two Steel Detail/Design Change Orders for Gymnasium Construction to Camelot Metals. Inc. at $29,204.00.** Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***AWARD OF BID FOR APPROVAL OF ANNUAL MICROSOFT STATE ENTERPRISE AGREEMENT Motion made by Member Swenson and seconded by Member Hulbert for award of bid for the annual Microsoft State Enterprise Agreement to recommended sole bidder Software House International at $42,000 under Stat4e Contract #425551.**

Motion carried on rollcall vote – five ayes.

EDINA YOUTH SPORTS TASKFORCE PRESENTATION Mr. Keprios said at the May 9, 2006, meeting, the Park Board unanimously accepted the recommendations of the Youth Sports Taskforce documents, 1) "Youth Sports Core Values and Community Strategy" and the 2) "Youth

Athletic Association's Relationship with the Edina Park Board and the Park and Recreation Staff". Mr. Keprios thanked everyone involved in the process since it began in October, 2005.

Using a Power Point Slide Show, George Klus, Chair of the Youth Sports Taskforce presented Taskforce's final recommendation. He reviewed the groups background and its mission: "*The mission of the Edina Youth Sports is to define the roles and responsibilities of City Staff, Park Board and City Council as it relates to Edina's independently incorporated youth athletic associations.*"

Mr. Klus reported the Taskforce held a public meeting November 10, 2005 and invited citizens to share issues and concerns. He said the issues and concerns expressed included:

1. Public concerns appear different than Taskforce mission statement
2. Is there a need for a Youth Sports Oversight Board
3. What is an elite team
4. Public money/resource allocation to private teams vs. different participant fees
5. What was the government's role in dealing with over scheduled youth resulting in a lack of family time
6. Too many scheduled programs for kids/not enough free time
7. Access to participation
8. Need to educate the public on how athletic associations function
9. What level of oversight and control should government have of youth athletic associations
10. Do traveling team participants get more access to facilities
11. What were other communities doing with these issues
12. Is there an issue to serve the greater good
13. Why was the Taskforce formed and under what criteria were Taskforce members chosen
14. What oversight venues were currently in place
15. The biggest problem that should concern government was the current lack of public facilities
16. What should the role of the Park Board and City Council be in providing an appropriate number of facilities
17. What was the effect on a child when picking elite teams at a young age
18. If City assumes more control/oversight of youth athletic associations – more structure should be provided by the City as well as medical personnel at games, practices/tournaments

Mr. Klus said that following the November 10th meeting, the Taskforce held community input meetings on: December 8, 2005 – Public Hearing – General Public and on January 12, 2006 – Public Hearing – Athletic Associations. He added that at every meeting public testimony was taken.

Mr. Klus said the Taskforce's recommendation was the City adopt the "Youth Sports Core Values and Community Strategy" and that each athletic association also enter into a "Relationship Agreement" with the City. Mr. Klus reviewed in detail the "Strategy" and Relationship Agreement including:

- The City of Edina believes in the benefits and attraction of youth sports as a means of teaching children community values and skills that will benefit them throughout life; and
- Edina's youth athletic associations develop fundamental internal and eternal assets providing opportunities to develop positive character traits and life values where they can learn a

multitude of lessons and fundamentals such as ethics, abiding by the rules, winning and losing with grace, coping with success and failure, trying to do your best, respecting authority figures, learning team work, developing motor skills and sports specific knowledge; and

- The most underlying mission for every youth athletic association was to develop emotionally, socially, and physically healthy children; and
- The youth sports programs conducted under right conditions were enormously beneficial for children; and
- The need to ensure that Edina's youth athletic association programs provide athletic programs that were safe, positive, fun, physically and psychologically age-appropriate, educational, teaches values and ethics, strengthens the community, promotes competition without conflict, open to all residents of all abilities and should not be denied an opportunity to participate based on ability, offer a reasonable number of events, and were administered by qualified volunteers; and
- Youth sports association league organizers and administrators must be educated on how to provide a safe, positive, and fun youth sports environment before being granted access to public facilities; and
- Volunteer coaches and parents must receive orientation and education as to the individual roles and responsibilities in our community effort to raise the standards of youth sports programs and that volunteer coaches and parents be held accountable for their behaviors; and
- It was necessary and desirable to establish guidelines, requirements and standards for youth sports associations utilizing public facilities; and
- Recognize the need to ensure that Edina's youth athletic associations form and advertise a formal grievance process by which residents were assured of an appropriate venue and process to hear their grievances in a manner that was open, fair, and just; and
- That the City of Edina in a meeting duly assembled and by the authority thereof, recognizes and encourages official implementation of this Community Strategy to improve the culture of youth sports for all participants.
- Mission of the Edina Park and Recreation Department was to do our part in further developing, preserving, and maintaining the City of Edina's parks, recreation programs, and resources as a premier and comprehensive park and recreation department in the Twin Cities area.
- The Relationship Document between the Edina Park and Recreation Department, Park Board, and with each association, establishes a common set of guidelines that were to be adopted by all athletic associations. The intent of these guidelines was to ensure that associations were mindful of the public's desire for positive and healthy athletic experiences for children and families in our community.

<u>Relationship Agreement:</u>

The "Youth Sports Core Values And Community Strategy" established by the Edina Park Board in cooperation with the Edina Park And Recreation Department, was to be adopted by all associations. The community strategy defines the city's core values and philosophy in the delivery of the community's youth sports programs.

- Edina Park and Recreation Department will provide facilities and fields for boys and girls at each age group within the association; and
- It was the City of Edina's view that the public was best served when there was only one independently incorporated youth athletic association per sport. The City of Edina also understands and supports that in some cases the public and volunteers were best served by

having the traveling component of a particular sport administered by its own independent youth athletic association; and

- The Edina Park and Recreation Department in cooperation with the Park Board will help each association plan, and provide safe and well maintained public athletic facilities to meet the youth sports programs, and give professional staff liaison services regarding the operation of their association, and offer appropriate clerical and administrative support services; and
- The Edina Park and Recreation Department shall set as a liaison between the associations and the Edina Park Board to assist associations to providing a well-rounded and equitable program for all participants.

Mr. Klus explained there would be minimal guideline for the operation of the associations and a grievance process. He detailed the proposed grievance process that was would be used.

Mr. Klus concluded that sports were not an "I" sport, it was a "team" sport and parents must remember that fact. The goal was to allow every child to compete in a team sport, to build core values, learn a sport and have fun.

Mayor Hovland inquired whether there were any infirmities in the present relationship between the associations that would have caused the Taskforce a significant level of concern. Mr. Klus said all comments that were relevant to the mission were dealt with. The Grievance Process for all the associations would be the biggest change to the document.

Member Housh asked what specific types of grievances would there be. Mr. Klus said everything from program decisions, number of games, level of competition, etc.

Member Swenson asked if there was a no-cut issue on traveling team would that be a program decision. Mr. Klus said ultimately that should be handled at the Assocaition level but it could possible be grieved.

Mayor Hovland asked what a parent could do if there was an abusive coach. Mr. Klus noted you cannot grieve the assignment of a coach but the document does not state that you couldn't grieve the actions of a coach. Mayor Hovland asked what sanctions would be used. Mr. Klus said in the worst scenario the youth would not be allowed to play on a sports team or that an Association would lose access to a City owned facility.

Member Hulbert thanked the Park and Recreation Department for their management of the approximately $20 million worth of park facilities.

Member Swenson asked if a City staff person were a liaison to the sports teams. Mr. Keprios responded yes and that it has been a positive situation. Mr. Keprios shared that in his 29 year tenure four or five issues have remained unresolved.

Mayor Hovland indicated some people will view the document as too heavy handed while some believe it could be heavier. He asked from a Taskforce perspective, what the role of government should be with standards of conduct and accountability for associations using public facilities. Mr. Klus said the only control the City would have was with the use of the facilities. Much of what this document would do was educate people with guidelines in what the associations do. Mr. Keprios said the accountability would go to the Park Board. He added the program was fabulous that was run by volunteers. If the program were run by a department that controlled every aspect, a few aspects would be different.

Member Housh reiterated historically the operation between the associations and the City has been a collaborative effort.

Member Hulbert asked where the role was for the Council in the document. Mr. Keprios said he believes if the Council wished to make the guidelines mandates, decision issues would be before the Council often. Mr. Keprios said the core values would be the guide for running the program.

Member Swenson asked that the Taskforce Members be noted as: George Klus, Tom Asp, Mary Brindle, Steve Dove, Russ Fortner, Molly Friedemann, Keith Harmon, Lynne Morishita, Karla Sitek, and Mike Weiss.

Member Masica asked Attorney Gilligan if any liability could be incurred by being a part of the grievance process. Mr. Gilligan said the City has been named in suits before regarding facility use. To the extent that there was more involvement, additional liability could be a potential. Member Masica asked if the City was named as an additional insured on their insurance policies. Mr. Gilligan said they do that presently but potential liability still exists.

Public Comment:
Robert Dildine, 2208 23rd Avenue South, Minneapolis, Attorney and Board Member of KEAP, gave background of his expertise in Edina schools and sports issues. He said what the Council was being asked to do was institutionalize a system which creates an agency problem. The associations do a good job but need oversite. While the Council was accountable for facility use, the volunteers have their own incentive motivated by their own motivations. Mr. Dildine said this appears in a system of tryouts. KEAP promotes equal access to sports for facility use.

Member Masica asked if the City as the provider of public facilities was not responsible for the tryout process. Mr. Dildine said yes the City would be accountable but families should have a choice, based on their children's desire, of which emphasis they want. Member Masica asked if the Council would be responsible if a child was placed on a team that was not appropriate for his ability.

Member Housh asked if the existing system in Edina was unusual. Mr. Dildine said no and Edina was a leading area for change. KEAP suggested an oversite committee be established for parents to bring grievances without involvement by the Council. Mayor Hovland asked why an oversite committee would be formed when there was a Park Board. Mr. Dildine said there was no oversite for the associations and there was no control over who plays or gets cut. Facilities use must be equitable for all levels of play. Mr. Dildine said there were two issues, 1) monopoly of facilities and 2) cutting kids from teams with lots of access to facilities.

Member Hulbert asked at what age children were being cut from programs. Member Swenson said there was placement on teams by cuts but there were organizations that place kids where they want to be, i.e. travel or house teams.

Marian Slocum, 6101 Chowen Avenue, said the Taskforce did a lot of work on the document but it was status quo. She mourned sports with no parent involvement. With parent involvement in sports, it was unavoidably political, emotional and highly charged. She suggested an oversite committee be established for accountability.

Vicki Slomiany, 4604 Bruce Avenue, President of Edina Fast Pitch Association, urged adoption of the documents that would develop a common code of conduct, a grievance process, mandated background checks, education for parents and insurance requirements.

Dr. Merle Hillman, KEAP Board Member and resident of St. Louis Park, after sharing his background stated he was an advocate for children and their emotional and physical states. He suggested more inclusive policies into the exclusive policies. More children need to be active in sports to avoid obesity.

Dr. Paul Bearmon, 4526 Arden Avenue, stated the Council should be calling the shots not the associations. He said this process began with a request for twenty fifth grade girls to have access to courts and was told no by the Park and Recreation Department. Three years ago he inquired of the Park and Recreation Department about facility allocation and was told the associations could not be told how to run their programs. Mr. Bearmon gave an analogy of a band class where kids with different levels of ability still play in the band. He suggested a huge leap allowing equitable use of facilities for all levels of play.

Member Housh asked what the process would be for handling of a grievance. Mr. Bearmon said the grievance would be an anonymous process.

Tony Chicaucus, 6612 Paiute Pass, indicated Dr. Bearmon was a member of a Citizens Council on Healthcare where a press release dated April 28, 2004, stated, "government should not direct the practice of medicine", another esteemed member of the panel noted that 'individual doctors do better than a beauacracy in determining what was best for the patient.' He concurred with Paul Bearmon on the issue.

Dan Hoene, 5916 Code Avenue, co-president of the Edina Hockey Association, said the Hockey Association supports the Taskforce recommendation. He stated the process was fairly handled; positions reasonably recognized and were taken into consideration for the final document. He said certain revisions may be warranted, in the judgment of the Hockey Association, a good faith effort to serve the interest of Edina youth and to accommodate the different perspectives on the issues was presented. Mr. Hoene said anyone who wants to play hockey can play and ice time was equitable for all ages. The most time-consuming aspect was locating good coaches.

Jeff Johnson, 7108 Fleetwood Drive, said the majority of the problems were not with the associations but with parents and their choices for their children.

Member Hulbert asked how long do Edina children play hockey. Mr. Hoene responded there were children from Kindergarten through 12th grade playing Edina hockey. Approximately 25 Edina kids play hockey in other cities as well.

Jeff Carpenter, President of the Edina Swim Club, voiced support of the process and recommended adoption of the Edina Youth Sports Taskforce recommendation. He commented on the "subtle threats" made and suggested, 1) the document should define what an Edina Youth Athletic Association actually is, 2) the Grievance procedure process for the Swim Club was governed on an oversite basis by the Minnesota Swim Club and the USA Swimming both on a State and National basis as a regulatory body with respect to the competition part of the Club and could not be a part of the grievance process with the proposed document. Mr. Carpenter said the

signature requirement was troublesome and he would rather obligate the association to furnish materials to all participants.

Mayor Hovland asked if there were procedures for a grievance process available locally. Mr. Carpenter said he would not ask for the Swim Club to be exempt just subject to an oversite process. Mayor Hovland asked for more information on the Swim Club. Mr. Carpenter indicated swimmers could begin at seven and there was no limitation on numbers of swimmers that would be able to participate.

Mrs. Shalia, 4805 Upper Terrace, said the Core Values were fabulous. She noted some coaches her children have had were wonderful and some have turned her children away. She said there was a need for an oversite committee to assure equitable time and use of facilities.

Jeff Ryan, 4805 Sunnyside Road, indicated he has served and coached on various Edina Sports Boards. He voiced his support of the Edina Taskforce recommendation. He responded to a previous question about a grievance and suggested dealing directly with the child about their desires. Mr. Ryan suggested the Taskforce grapple with field conditions.

Member Housh said within the last few years a number of Edina fields have been improved.

Member Hulbert asked who the Lacrosse Association competes with for fields. Assistant Park Director MacHolda said currently fields were shared by Lacrosse, football, recreational soccer, and traveling soccer all playing on multi-purpose fields. Member Hulbert asked how field time was designated. Mr. MacHolda said he strives to set times based on age and ability because there was a lack of premier facilities for games/practices. Interest in Lacrosse has grown tremendously and it was suggested that a daytime use be considered for fields. The premier times were Monday through Thursday evenings and that was when volunteer coaches were available and the crunch was created.

Todd Johnson, 7501 Gleason Road, President of the Edina Soccer Association, stated that no one was cut from the Soccer Association. He suggested the document be approved. He said acquiring signatures from 1700 families was an ominous task. Mr. Johnson said the Association does background checks currently but criteria must be set for these checks. Acquiring 375 parent volunteers was a challenge as well as 15 volunteers to serve on the Soccer Board. He noted that some KEAP members were not from Edina and have only general information that may pertain to Edina. Mr. Johnson questioned how big was the problem that needs solving. He concluded that the system was not broken.

Dick Novak, 5028 West 56th Street, said his comments would center on soccer. He has been a guru and a liaison between traveling and house leagues, and a lightning rod on the Minnesota Youth Soccer Association. The MYSA does the background checks on volunteer coaches. Mr. Novak voiced concern with parents with an agenda getting on boards. He shared an example of the Cottage Grove system where facility use hinges on whether non-residents make up a team. He concluded many accredited referees were not from the area and the background checks would be managed by the MYSA, and a registered adult should be present with the kids at all times. Mr. Novak recommended passage of the recommendation with minor amendments.

Dick Ward, 6809 Galway Drive, the Past President of the Edina Basketball Association, said he attended most of the meetings of the Taskforce. He said most satisfied customers were never

heard from. He said the Taskforce did a good job of examining the situation yet he did not know if any support could be given to an oversite committee. Mr. Ward said the try outs for the Basketball Association begin in fifth grade with no cuts being a part of the process. He concluded that the work of the youth associations be affirmed by the Council and the public.

Mr. Klus noted that members of the Taskforce were involved persons with a good perspective, and who worked hard to produce the recommended document. He recommended the document be reviewed on an annual basis.

Member Masica made a motion seconded by Member Swenson to close the public hearing.
Rollcall: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

Member Hulbert suggested tabling the issue and scheduling a work session at a later date.

Member Masica said due to the lateness of the hour, and the suggestions brought forward, she suggested continuing the issue to the next available date.

Member Housh said he believed the folks that came and spoke at this meeting would like some resolution to the issue. He indicated he has read hundreds of e-mails, followed it on television, and met with people. He said he does not know what else needs to be done.

Member Masica inquired whether some 'tweaking' amendments could be included within a six month period.

Mayor Hovland indicated he would like more information from Attorney Gilligan on the liability exposure during a grievance process as well as criteria for background checks. He suggested that the issue be back on the Council Agenda at the July 5, 2006, meeting and encouraged the Council to individually tweak the document.

Mayor Hovland questioned the timeline on approving the final recommendation of the Edina Youth Sports Taskforce. Mr. Keprios added if there was an intent to change things, send the document back to the Taskforce. If there was a fundamental difference and if more community input was sought, a needs assessment survey might be necessary.

Mayor Hovland asked if the Council believes a Youth Taskforce Oversite Committee was necessary. Member Hulbert again said the issue should be continued to a later date.

Member Masica asked what method would be used to communicate suggestions to the Taskforce. Mr. Hughes said the items he noted are, 1) criteria for background checks, 2) legal opinion on liability the City might incur if there was more City involvement, 3) signature for receipt of the documents, 4) definition of what an athletic association is, i.e. listing or describing them, and 5) grievance process when an association may have their own process with a larger organization they were a part of. Mr. Hughes noted that continuance to August 1, 2006, was suggested given other agenda items for the July 18, 2006, meeting.

Member Swenson asked if the suggested meeting date of August 1, 2006, would be a public hearing. Council consensus was that it would not be a public hearing.

Member Hulbert made a motion to return the document to the Edina Youth Sports Taskforce with suggestions as delineated as follows: 1) criteria for background checks, 2) legal opinion on liability the City might incur if there was involvement, 3) signature for receipt of the documents, 4) definition of what an athletic association is, i.e. listing or describing them, and 5) grievance process when an association may have their own process with a larger organization they are a part of and to be back on the Council Agenda at the August 1, 2006, regular meeting. Member Masica seconded the motion.

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

RESOLUTION NO. 2006-68 – ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Swenson made a motion approving the following resolution:

RESOLUTION NO. 2006-68

WHEREAS, Minnesota Statute 465.03 allows cities to accept grants and donations of real or personal property for the benefit of its citizens;

WHEREAS, said donations must be accepted via a resolution of the Council adopted by a two thirds majority of its members.

NOW, THEREFORE, BE IT RESOLVED, that the Edina City Council accepts with sincere appreciation the following listed donations on behalf of its citizens.

Donations to the Edina Art Center as follows:

Georgia Rouman	**$200**
John Telfer	**$ 25 Misc. Pottery tools**
Melinda Erickson	**$ 50**
Kurt and Laura Nisi	**$ 60**
Doreen Halvorsen	**$ 10**

Dated: June 20, 2006. Member Masica seconded the motion.

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

APPOINTMENTS MADE TO COMMUNITY EDUCATION SERVICES BOARD AND COMMUNITY HEALTH COMMITTEE Mayor Hovland voiced his intention to reappoint Ann Swenson, Linda Presthus and Cheryl Gunness to the Community Education Services Board for a one year term ending June 30, 2007. He further noted his intention to appoint Janet L. Johnson and Mary Jo Kingston to openings on the Edina Community Health Committee for terms ending February 1, 2008.

Motion made by Mayor Hovland to reappoint Ann Swenson, Linda Presthus and Cheryl Gunnes to the Community Education Services Board for a term to June 30, 2007, and to appoint Janet L. Johnson and Mary Jo Kingston to the Edina Community Health Committee for terms to February 1, 2008. Member Hulbert seconded the motion.

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

TRAFFIC SAFETY STAFF REVIEW FOR JUNE 8, 2006, CONTINUED TO REGULAR COUNCIL MEETING OF JULY 5, 2006 Manager Hughes asked that the Traffic Safety Staff Review for June 8, 2006, be continued until the July 5, 2006, Council meeting.

Motion made by Member Housh and seconded by Member Swenson to continue the Traffic Safety Staff Review for June 8, 2006, until July 5, 2006.
Ayes: Housh, Hulbert, Masica, Swenson, Hovland
Motion carried.

***CONFIRMATION OF CLAIMS PAID Member Swenson made a motion and Member Hulbert seconded the motion approving payment of the following claims as shown in detail on the Check Register dated June 7, 2006, and consisting of26 pages: General Fund $98,731.68; Communications Fund $2,432.07; Working Capital Fund $3,047.34; Art Center Fund $35.00; Golf Course Fund $15,431.75; Aquatic Center Fund $22,294.87; Ice Arena Fund $2,185.79; Edinborough/Centennial Lakes Fund $5,515.60; Liquor Fund $204,370.08; Utility Fund $35,901.50; Storm Sewer Fund $715.00; Recycling Fund $50.00; PSTF Agency Fund $3,432.15; TOTAL $394,142.83; and for approval of payment of claims dated June 13, 2006, and consisting of 34 pages: General Fund $179,393.53; CDBG Fund $37.00; Communications Fund $3,776.60; Working Capital Fund $507,847.00; Construction Fund $26,872.06; Art Center Fund $3,778.22; Golf Dome Fund $1,926.31; Aquatic Center Fund $34,928.29; Golf Course Fund $8,459.35; Ice Arena Fund $23,023.73; Edinborough/ Centennial Lakes Fund $8,022.55; Liquor Fund $139,072.83; Utility Fund $397,176.07; Storm Sewer Fund $9,299.08; Recycling Fund $33,958.00; PSTF Agency Fund $674.30; TOTAL $1,378,244.92.**
Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:40 A.M.

Respectfully submitted,

_____
City Clerk