

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
AUGUST 15, 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 Housh and seconded by Member Swenson approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**THE GOVERNOR'S "FIT CITY" DESIGNATION PRESENTED TO CITY OF EDINA BY MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY** Scott Brener, Commissioner of the Department of Labor and Industry presented the City with a plaque designating Edina a "Fit City". He commended the City of Edina with developing recreation areas, parks, playgrounds, etc. for year-round physical activities for active living for all ages.

**CENTENNIAL LAKES PARK AND EDINBOROUGH PARK AWARDED** Director Keprios explained the Park Department received notification from Minnesota Premier Publications informing them that Centennial Lakes Park and Edinborough Park had been voted as 'family favorites' in the Minnesota Parent Magazine for July 2006. The four unsolicited awards were a result of a vote of their readers published in the May 2006 magazine. Centennial Lakes won the 'Best Outdoor Entertainment for Babies and Preschoolers'; Edinborough Park won for the 'Best Indoor Entertainment for Babies and Preschoolers'; 'Best Place to Play Inside'; and 'Best Indoor Entertainment for Older Kids'.

**\*MINUTES OF THE REGULAR MEETING OF AUGUST 1, 2006, AND SPECIAL MEETING OF AUGUST 1, 2006, APPROVED** Motion made by Member Housh and seconded by Member Swenson approving the Minutes of the Regular Meeting of August 1, 2006, and the Special Meeting of August 1, 2006.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2006-80 ADOPTED GRANTING FINAL DEVELOPMENT PLAN, RINK PROPERTIES, 7300 BUSH LAKE ROAD** Affidavits of Notice were presented, approved and ordered placed on file.

**Presentation by Planner**

Acting City Planner Cornejo presented the request for Final Development Plan from Rink Properties, 7300 Bush Lake Road. Mr. Cornejo explained Rink Properties had requested approval to allow the construction of a rigid frame structure as a permanent building. He noted the Council in February 2006, approved a request to allow Rink Properties to remodel and convert the old Northwest Tennis Club site to accommodate two hockey ice sheets and the required

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support facilities. Mr. Cornejo said the Zoning Board of Appeals on April 6, 2006, granted variances to allow spectator seating to be added and to allow a temporary air-supported fabric dome structure to house a third ice sheet. Mr. Cornejo explained that subsequent to those approvals City officials determined the building code required a larger separation between the main building and the proposed temporary air-supported structure. In response Rink Properties has proposed to add a rigid, steel-supported fabric membrane structure with sprinklers to comply with the building code.

Mr. Cornejo reported the Planning Commission at their July 26, 2006; meeting recommended the City Council consider granting a Final Development Plan for Rink Properties, 7300 Bush Lake Road, conditioned upon:

- ◆ Plans to be submitted that provide for the construction of the fire lane (south of the proposed structure) with a pervious paving system approved by the City Engineer; and
- ◆ If more than fifty percent (50%) of the square footage of the building was ever demolished or destroyed, or the building materials removed, the variances would lapse.

### Presentation by Proponent

Mike Palm, 5034 Bruce Avenue, reviewed the proposed plans for the steel supported fabric membrane structure. Mr. Palm answered questions from the Council relative to his proposal. He stated the fabric structure would only house ice between October to March, and added it was Rink Properties intention to make the structure a permanent facility in as few as two or three years.

Council questions included: concern over the safety of a fabric structure, the permanency of the structure, would spectators be allowed in the dome, would granting approval set precedence for other temporary structures, and parking and traffic generated by the third sheet of ice. Consensus was that there needed to be a definite life time limit on temporary building and approval should be tied to the use of the facility. Further the building must be constructed per the plans submitted to the Council on August 15, 2006. Findings of the Planning Commission were also cited which included:

- ◆ Subject site located in an area of minimal visibility and surrounded by properties zoned industrial
- ◆ Residential impact would be minimal
- ◆ Property owners have invested significantly in the site to include permanent additions to existing building, plus this proposed temporary structure
- ◆ Proposed type of fabric structure consistently used in athletic facilities and use of the land as an athletic facility, a permitted use in the PID zoning district.

No one appeared to comment.

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

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Hulbert made a motion introducing the following resolution and moving its adoption:

**RESOLUTION NO. 2006-80  
GRANTING FINAL DEVELOPMENT PLAN  
RINK PROPERTIES**

**NOW THEREFORE BE IT RESOLVED** the Final Development Plan as requested by Rink Properties for 7300 Bush Lake Road based upon the plans submitted at the August 15, 2006, City Council meeting is hereby approved including granting a variance allowing a fabric building with the following conditions:

- 1. Plans to be submitted that provide for the construction of the fire lane (south of the proposed structure) with a pervious paving system approved by the City Engineer; and**
- 2. If more than fifty percent (50%) of the square footage of the fabric building is ever demolished or destroyed, or the building materials removed, or the use is changed, the variance lapses.**

Adopted this 15<sup>th</sup> day of August, 2006. Member Swenson seconded the motion.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**FIRST READING GRANTED ON ORDINANCE NO. 2006-5 APPROVING AN ORDINANCE AMENDING SECTION 1235 - TEMPORARY PARKING PERMITS**

Manager Hughes explained several months ago the Council granted Final Development Plan approval for the 5000 France Avenue retail/condominium project at 50<sup>th</sup> and France. During the course of the Council's consideration, the applicant, Mr. Gene Haugland, noted that current City Code restricted overnight parking in the municipal parking ramps. In that the parking ramps may be used on occasion by visitors and guests of occupants of 5000 France, it was suggested that the City amend its Ordinance to allow individuals to use the ramp for overnight parking.

Mr. Hughes said staff prepared an amendment to Section 1235 of the City Code providing for issuance of temporary permits. The proposed amendment would suggest that such permits may be issued only to guests and visitors of occupants of residential dwellings in the 50<sup>th</sup> & France area and permits may be issued for not more than 14 days per vehicle.

Mr. Hughes said the proposed amendment would allow the City Manager to prescribe the locations within the municipal parking ramp where vehicles with such permits would be allowed to park. This would be consistent with regulations imposed on employees of the 50<sup>th</sup> & France area, who buy annual parking permits.

Mr. Hughes stated staff recommended First Reading of the proposed Ordinance Amendment.

Member Masica questioned how many guest spaces would be reserved. Mr. Hughes said the under-building parking equates to two spaces per dwelling unit but no specific spaces have been designated. Member Masica said she was dismayed that guest parking was not part of the original building plan. Mr. Hughes reminded the Council that overnight parking was discussed previously. He said the Ordinance would not assign parking spaces. A temporary parking permit holder would be treated similarly to an employee at 50<sup>th</sup> & France with certain areas allowing parking. Hours of enforcement in ramps were from 8 - 5 daily and a guest would need to observe parking limits. After 5 P.M., hours were not enforced. What the permit would allow was overnight parking after 5 PM. Member Masica asked if the Ordinance could provide a permanent

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location for overnight parking. Mr. Hughes suggested the Ordinance not be specific as to location for overnight parking, and that he be allowed to figure where these spaces should be located. Member Masica reiterated that there was prime parking for the theatre and shopping area and she voiced concern that spaces would be taken up with private parking.

Member Swenson stated that parking was not private until it was overnight. Mr. Hughes reminded that the parking was always general parking. Mr. Hughes said during the business day, guests were treated like an employee at the corner and were required to park where they park.

Member Hulbert inquired what the scenario would be with re-development on the Minneapolis side of France. Mr. Hughes said the Ordinance applied to residential units in the defined 50<sup>th</sup> & France commercial area that has the ability to obtain permits for guests; the Minneapolis side was not in the defined area. The buildings the amendment would apply to were the 5000 France Building, The Henley and The Regency.

Member Masica suggested where the proposed amendment read, 'only locations in municipal parking facilities as shall be designated by the Manager', it read also, 'in the least impacted area of the municipal parking ramp'. Mr. Hughes said language similar to this existed in the Code and he suggested at Second Reading that the language be included in the proposed amendment.

Member Swenson said she believed it would be a good policy to submit the proposed Ordinance Amendment to the business community at 50<sup>th</sup> & France for their opinion and feedback.

**Member Masica made a motion granting First Reading to Ordinance No. 2006-5 amending Section 1235 allowing temporary parking permits as amended.** Member Hulbert seconded the motion.

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

**CONCERN OF RESIDENTS** Kitty O'Dea, 4610 Bruce Avenue, voiced concern with a new house being constructed next door. She suggested changes be made to the review process for residents undergoing future construction. She elaborated that, 1) accurate survey scale data must be presented for compliance with historic preservation, and 2) grade of property adjacent to existing residences must be considered.

No formal Council action was taken.

**\*BID AWARDED FOR TRALEE DRIVE WATER MAIN IMPROVEMENTS CONTRACT NO. ENG. 06-6** Motion made by Member Housh and seconded by Member Swenson approving the award of bid for water main improvements WM-458, on Tralee Drive, Contract No. Eng. 06-6, to recommended low bidder, AB Environmental Corporation at \$54,898.00.

Motion carried on rollcall vote – five ayes.

**\*BID AWARDED FOR HOOK TRUCK SYSTEM - PUBLIC WORKS** Motion made by Member Housh and seconded by Member Swenson approving the award of bid for one 'hook truck' system for the Public Works Street Department, to sole bidder J Craft, Inc., under State Contract No. 435403 at \$92,166.27.

Motion carried on rollcall vote – five ayes.

**\*BID AWARDED FOR PARKING LOT RENOVATION - ARNESON ACRES PARK Motion made by Member Housh and seconded by Member Swenson approving the award of bid for parking lot renovation at Arneson Acres Park to recommended low bidder, Bituminous Roadways, Inc., at \$33,376.00.**

Motion carried on rollcall vote – five ayes.

**APPOINTMENTS MADE TO BIKE EDINA TASK FORCE** Steve Rusk, 5040 Hankerson Avenue, Bike Edina Task Force Chair, elaborated that a nucleus of five residents were involved in the selection of members to the Task Force. An application was made available and following a process, members suggested to serve were Bernie Beaver, Todd Brewer, Patrick Foley, Barry Hans, Troy Jefferson, Dwaine Lindberg, Patricia Maloney, Patrick Milan, Jeff Terwilliger, and Wilbur Thomas. Mr. Rusk gave background information on the ten members.

Mr. Rusk said that ‘routes’ residents were using would be the first order of business for the Task Force. Next would be taking an inventory of the streets and then sharing the results with the Edina residents for their input. Sharing the information with surrounding communities was of utmost importance to insure paths do not end at the border of Edina.

**Member Hulbert made a motion approving the appointment of the aforementioned residents as members of the Bike Edina Task Force.** Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**MUNICIPAL STATE AID ROUTES SPECIAL ASSESSMENT POLICY REVIEWED** Engineer Houle informed the Council the proposed Municipal State Aid Route Special Assessment Policy was the second part of the City’s State Aid Policy. On August 16, 2005, the Council approved a policy for local road reconstruction projects. It was then understood that the policy did not include roadways that have been designated as Municipal State Aid Routes. Municipal Routes were typically financed by a combination of State monies received from the gas tax fund, local utility funds and special assessments.

The proposed Special Assessment Policy for Municipal State Aid Routes follows a similar assessment methodology as the previous policy and was based upon a “residential equivalent unit” (REC). The REU was then translated for different types of land uses, such as commercial, industrial, public buildings and churches. Staff analyzed this new method and has compared it against some past projects and some potential future projects. The assessment amounts seem reasonable at the 35% level; past practice was assessed at about 20% for Municipal State Aid Routes. The other parts of the original policy such as how corner lots were assessed, financing, partial payments, etc., will remain the same.

**HOW DID WE GET HERE?**

Why was a change to the policy necessary?

1. MSA Routes consist of 20% of local roadway system (42 miles)
2. Local Roadway Policy reviewed and revised in 2005
3. Staff recommended an analysis of MSA Routes

Why consideration for change?

1. MSA Routes were typically mixed type developments (residential and commercial)
2. MSA Routes were typically collectors and above

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3. Requirements of CH 429 Statutes on Special Assessments:
  - Properties levied must receive benefit from improvement
  - Assessment must be uniform
  - Assessment must not exceed special benefit

4. Local roadways were assessed at a "residential equivalent unit (REU)

### How was the Policy Analyzed – Tools for Analysis

1. Looked at typical MSA Routes
  - Number of lanes (width)
  - Type of properties – residential and commercial
  - Likelihood of near future reconstruction
2. Reviewed past assessments in comparison to recommended policy

### WHAT was THE PROPOSED POLICY?

#### #1 Curb and gutter to be paid by either Stormwater Utility Funds or MSA Funds

- Curb and gutter was required on all MSA Routes – MnDOT requirement
- MSA funds can be used for curb and gutter in lieu of storm water funds

#### #2 Street Reconstruction Cost (excluding curb and gutter) on MSA streets should be assessed at 35% of cost

- MSA Routes make up 20% of roadway system
- Typically, higher functional classification – collectors, arterials, etc.
- City receives a portion of the gas tax fund for these routes
- Local roadways can be assessed at 100% of cost
- MSA Routes should not be assessed at 100% of cost
- 35% was a reasonable funding split for MSA Routes

#### #3 Assessable Unit for MSA projects shall be based on a Residential Equivalent Unit (lot) rather than front footage. REU's will be pro-rated to parcels based on trip generation for land uses relative to typical single family homes.

- Trips generated for single family residential lots were typically the same, regardless of size of lot
- Trips generated for higher density homes were typically less per unit such as apartments, condominiums, etc.

#### #3 Assessable Unit for MSA projects shall be based on a Residential Equivalent Unit (lot) rather than front footage. REU's will be prorated to parcels based on trip generation for land uses relative to typical single family homes

#### #4 If a corner lot was subject to multiple street assessments over a period of years, the total assessable cost should be the equivalent of one REU

- Same as non-MSA policy
- For purposes of fairness/equity a corner lot should be assessed for a total of one REU

#### #5 Multiple Assessments cannot be treated differently than areas with only one assessment

- Same as non MSA policy
- All homes/properties in road assessment area must be treated equally

#### #6 The term of residential roadway assessment should stay at 10 years

- Same as non-MSA policy
- Public improvement bonds at 10 years – rating agencies need payout schedules to match term of bonds

#### #7 The interest rate on assessments will be set at the bond rate plus 2%. If bonds have not been issued for 12 months, the 10 years Aaa rate will be used.

- Same as non-MSA policy

- Statutory requirements mandate that our rate be at this level unless a tax component was added to the annual payments

#8 The City will accept both partial and full pre-payments on assessments before going to the County tax rolls. For ease of administration, a minimum of 25% of the assessable cost must be applied for partial pre-payment

- Same as non-MSA policy

#9 Payment Schedule - Assessments should be calculated on a declining payment schedule because it was cheaper than a "mortgage style" amortized schedule

- Same as non-MSA policy

#10 the new policy should not be retroactive to projects that have already been assessed or where project assessments were pending

- Recommended projects under construction or completed, but not assessed, be handled under current policy since original hearing indicated assessment methodology; i.e. West 58<sup>th</sup> Street should remain at 20% otherwise a public hearing would be required to be held.

The Policy Proposal for Municipal State Aid Routes was as follows:

1. Cost of Municipal State Aid (MSA) Street Curb and Gutter will be financed by either MSA funds or by the Storm Water Utility Fund.
2. Street Reconstruction costs (excluding curb and gutter) on MSA streets should be assessed at 35 percent of the cost.
3. The assessable unit for MSA street projects shall be based on the REU per lot rather than the front footage of the lot. REU's will be prorated to parcels based on trip generation for the land uses relative to the typically single family residential land use.
4. If a corner lot was subject to multiple street reconstruction assessments over a period of years, the total assessable cost should be the equivalent to 1 residential equivalent unit.
5. Multiple assessments cannot be treated differently than areas with one assessment being incurred.
6. The term of MSA roadway reconstruction assessments will be 10 years.
7. Assessment Interest Rate - The interest rate of the assessment should be pegged to the assessment bonds that have been issued in the past 12 months or the 10 year Aaa bond rate plus 2%.
8. The City will accept both partial pre-payments and full pre-payments on assessments before going to the County for tax rolls. For ease of administration, a minimum of 25% of the assessable cost must be applied for a partial payment.
9. Payment Schedule - Currently, assessments were calculated on a level principal payment schedule. This results in a declining payment schedule that was cheaper than a traditional amortized schedule which would have equal payments over the life of the assessment. Staff recommends the declining balance schedule continue to be used because of the lower total cost.
10. The new policy will NOT be retroactive to projects already assessed and/or where project assessments were pending.

Following a Council discussion, Mayor Hovland gave direction to continue the issue to the September 5, 2006, regular Council meeting and to direct staff to focus on estimates for Concord Avenue, 70<sup>th</sup> and Metro Boulevard and any pending 2007 projects. Staff was asked to compare the 20, 35 and 50% REU basis, but look at the existing policy and how it would split out. Mr. Hughes elaborated that the potential tax burden on single family residences and small businesses

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on Municipal State Aid Routes would be compared to residences and businesses on non-State Aid Routes.

No formal Council action was taken.

**RECREATIONAL FIRE REPORT PRESENTED** Chief Scheerer explained that on July 18, 2006, a resident appeared before the Council with a concern about residential recreational fires. The City of Edina Code Section 605, 207.1 Prohibits Open Fires and states no person shall ignite, cause to be ignited, or maintain an open fire except as permitted in Section 307. Code Section 605, 307.2 states that the Fire Chief may allow fires for training, abatement of hazards, management of vegetation, special events and ceremonies.

Edina does not have staff to enforce the Ordinance with the popularity of the outdoor fireplaces. In 2000, Edina, like most cities, began allowing recreational fires due to the trendy fireplaces as well as residents began constructing permanent fireplaces with landscaped gardens. At this juncture, it was the Fire Departments wish to accommodate residents desire to have fires, but safely. Mr. Scheerer said nuisances associated with fires were smoke, gas and soot or cinders in such quantities as to make occupancy of a property uncomfortable.

A permit system has been designed to create a safe environment and clearly states that smoke cannot create a nuisance to neighbors. Permits were free, designed to create greater compliance, may be completed on line, at City Hall or Fire Station #1 and was asked to read and comply with all the rules or the license may be revoked.

Mr. Scheerer said that the rules that govern fires are, 1) a permit was required, 2) a fire must be on the property of the owner applying for the permit, 3) a permit was valid for one year, 4) a fire was NOT permitted from 12:00 AM to 7:00 AM, 5) a fire must be contained in a pit, ring, enclosure or similar device, 6) a fire must be 25' from any structure unless contained in an enclosed firebox with screening or similar device, 7) a fire in a wood burning appliance must be 10' from any structure, 8) the area within a 5' radius of the fire must be clear of combustibles, 9) permit holders must notify their neighbors when having a fire, 10) an approved extinguisher must be available (may be a garden hose or similar device), 11) wood to be burned must be clean and produce little detectable smoke/odor, 12) residents must notify Fire Department when having a fire, 13) no flammable or combustible liquids shall be used to kindle/rekindle fire, 14) Total fire load of fire shall not exceed 3 feet in diameter and 2 feet in height, 15) prevailing wind at burn time shall be away from nearby residences and must be less than 15 mph; 16) fire must be attended at all times by at least one responsible person over 18 years of age or older, and 17) fire must be completely extinguished before leaving it unattended.

Mr. Scheerer noted that permits may be restricted by the Fire Department or MN DNR during periods of high fire danger. All outstanding open fire permits would be void at this time. Permits may be revoked and ordered extinguished if, 1) any recreational fire requirement was violated, 2) a fire hazard exists or develops, and 3) valid complaints were received from neighbors regarding fire or smoke.

Surrounding cities policies were similar to Edina and some do not require a "permit". Edina's policies were generally more restrictive and some limit hours, frequency and require a permit on site. Mr. Scheerer said about 100 permits were issued per year and the department responds to

approximately 2 - 4 complaints per month during the non-winter seasons. Most persons who receive complaints were not aware of the permit requirement and were issued a warning. The usual violations were burning of yard waste, and construction debris and the second common violation was smoke entering a neighbor's home. Mr. Scheerer reiterated that many smoke complaints were not valid and no significant fires have been noted from recreational fires.

Mr. Scheerer said the Council could consider options such as, 1) not allowing most/all recreational fires, 2) limiting the length/frequency/location of fires, 3) reducing the time period allowed for fires, 4) Add a minimum distance from neighbor's homes or lot lines, 5) treat fire pits different than self-contained, 6) not allow a first offense, and 7) maintain permit system and rules.

Mr. Scheerer noted the complaints voiced by Rick Hauser, on July 18, 2006, were, the regulations were one size fits all and favor those having fires at the expense of those affected by fires. He offered solutions such as fires in self-contained units should be treated differently than a fire pit and the current on-line permit regulations could contain a personal inspection program as well as consent of the neighbors and distance from the neighbors should be stated on the application. Mr. Hauser said pits could be limited to certain areas of the City and the permit could be suspended until the problem was fixed.

Mr. Scheerer indicated there were policy options to consider:

- Do not allow most/all recreational fires
- Limit the fires (length/frequency/location)
- Reduce the time period that fires were allowed
- Add a minimum distance from neighbor's homes or lot lines
- Treat fire pits different than self-contained fires
- Do not allow a first offense
- Keep permit system and rules the same

Mr. Scheerer recommended that the length of time for fires be limited for Sunday through Thursday until 10:00 P.M. which would be similar to surrounding communities.

Member Housh recommended more education to the public about the permitting process for recreational fires.

Rick Hauser, 6825 Chapel Lane, thanked the Council and staff for their quick response to his concern. He concurred with limiting the Sunday through Thursday time limit and suggested that Edina continue to work on the regulation with a focus on the frequency of fires.

Council consensus was to notify the approximately 100 permit holders immediately of the proposed changes and encourage them to be good neighbors and not wait until the normal January permit renewal time.

No formal Council action was taken.

**CANADIAN PACIFIC RAIL TRAIL REPORT PRESENTED** Mr. Hughes introduced Kris Kubicek, Planning Intern in Regional Planning and Landscape Architecture, who was assigned to study the Canadian Pacific Rail preliminary plan and ultimately to submit it to CP Rail to start the process of securing permission to co-locate a trail on their right-of-way.

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### Study Intent

- Introduce the concept and feasibility of a trail utilizing the Canadian Pacific Rail Road right-of-way
- Show connections within the community and greater Minneapolis area including St. Louis Park and Bloomington

### Study Content

- Benefits of trails in general
- Intent of the Regional Canadian Pacific Trail (RCPT)
- Opportunities and constraints of the RCPT
- Trail location and connections
- Assessment of the study area

### Benefits of Trails

- Encourage physical activity in residents
- Alternative to automobile dominated transportation system

### Intent for the RCPT

- Trail will run along the CP Rail line and create a corridor of movement in Edina
- Link Edina to surrounding cities including Minneapolis
- Trail will create additional recreation/transportation opportunities

### Strengths/Opportunities/Constraints

- Council support
- Hennepin County support
- Surrounding area support
- Edina lacking regional trails
- Provide alternative transportation
- Safe means of travel
- Means of connection to residential areas, schools, parks and trails
- Trail passes near both low and high density residential areas
- Right-of-way being actively used as rail line
- Portions of trail encounter narrow rights-of-way
- Portions of trail encounter areas of fully-developed residential areas, some of which include private improvements such as fences and landscaping in the right-of-way
- Community was built out

### RCPT Trail and Connections

- Majority of the RCPT (4.1 miles) was contained in Edina
- Northern portion was in St. Louis Park
- Southern portion was in Bloomington

### Future Connections

- First tier trail was being planned by the Three Rivers Park District (formerly Hennepin County Park District)

### Trail Concept Plan

- Design Elements: Minimum 15 foot setback from rails; Trail will be 10 - 12 foot minimum; Design includes two bike lanes and shared pedestrian access

### Steps Completed to Date

- Initial data collected and study completed and documented
- Initial communication with CP Rail made and stipulations for trail received

- Meetings held with St. Louis Park and Bloomington to confirm willingness to connect trails

Next Steps

- Initiate further contact with CP Rail by sending report and follow-up work
- Forward report to Bikeway Task Force

Future Steps

- Apply for federal funding for trail
- Hold community meetings and public outreach

Mr. Hughes indicated that providing the finished plan to CP Rail as soon as possible was essential. He reminded the Council that a four month window exists with federal funding requests to deal with the right-of-way issue.

**Member Hulbert made a motion receiving the Canadian Pacific Rail Trail Report and authorize submission of the report to CP Rail and the Bikeway Task Force.** Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2006-79 - 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 introduced the following Resolution and moved its adoption:**

**RESOLUTION NO. 2006-79  
ACCEPTING DONATIONS  
ON BEHALF OF THE  
CITY OF EDINA**

**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.**

**Donation to the Edina Senior Center:**

**Tony Ames \$38.00**

**Donations to the Edina Art Center**

<b>Sarah H. Dill wood canvas stretchers</b>	<b>\$50.00</b>	<b>Molly Bergum</b>	<b>\$35.00</b>
<b>General Mills Foundation</b>	<b>\$30.00</b>	<b>James Van Valkenburg</b>	<b>\$50.00</b>
<b>Kitty Matthews</b>	<b>\$25.00</b>	<b>Michael Kelly</b>	<b>\$500.00</b>
<b>John O'Leary</b>	<b>\$25.00</b>	<b>Elizabeth Eisenbrey</b>	<b>\$100.00</b>
<b>Kathleen Sovell</b>	<b>\$25.00</b>	<b>Shara Mohtadi</b>	<b>\$25.00</b>
<b>Jay Frigard</b>	<b>\$25.00</b>	<b>Rita Corrigan</b>	<b>\$25.00</b>
<b>Nancy Acker</b>	<b>\$25.00</b>	<b>Pamela Luer</b>	<b>\$20.00</b>
<b>Arlene Green</b>	<b>\$25.00</b>	<b>Wendy Sallman</b>	<b>\$10.00</b>
<b>Lauren Gregorian</b>	<b>\$25.00</b>	<b>Mary Gould Pottery supplies</b>	<b>\$700.00</b>

**Donation to the Braemar Memorial Fund for future Golf Course equipment purchases:**

<b>Duane Blake</b>	<b>\$50.00</b>	<b>D W Steinkamp</b>	<b>\$30.00</b>
<b>State Farm Companies</b>	<b>\$500.00</b>	<b>Ivan Roberson</b>	<b>\$30.00</b>

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Daniel Geske \$15.00 Midwest Investment Advisors \$15.00

Dated: August 15, 2006. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

**\*LEASE AGREEMENT APPROVED FOR T-MOBILE CENTRAL LLC CELL ANTENNA AT VANVALKENBURG WATER TOWER** Motion made by Member Housh and seconded by Member Swenson approving the lease agreement for a T-Mobile Central LLC cell antenna at VanValkenburg Water Tower.

Motion carried on rollcall vote - five ayes.

**\*CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Swenson seconded the motion approving payment of the following claims as shown in detail on the Check Register dated August 2, 2006, and consisting of 30 pages: General Fund \$502,823.97; Communications Fund \$18,162.09; Working Capital Fund \$4,676.40; Art Center Fund \$23,124.61; Golf Dome Fund \$1,203.82; Aquatic Center Fund \$28,309.37; Golf Course Fund \$19,289.57; Ice Arena Fund \$4,597.31; Edinborough/Centennial Lakes Fund \$18,742.88; Liquor Fund \$130,128.02; Utility Fund \$24,710.60; Storm Sewer Fund \$522.42; PSTF Fund \$1,570.50; TOTAL \$777,861.56; and for approval of payment of claims dated August 9, 2006, and consisting of 32 pages: General Fund \$333,406.46; CDBG Fund \$8,065.00; Communications Fund \$47,619.32; Working Capital Fund \$514,171.44; Construction Fund \$2,111.14; Art Center Fund \$24,738.34; Aquatic Center Fund \$14,820.91; Golf Course Fund \$12,366.36; Ice Arena Fund \$427.79; Edinborough/ Centennial Lakes Fund \$1,596.94; Liquor Fund \$209,851.26; Utility Fund \$72,200.05; Storm Sewer Fund \$1,550.55; PSTF Agency Fund \$3,146.84; TOTAL \$1,246,072.40.

Motion carried on rollcall vote - five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:41 P.M.

Respectfully submitted,

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City Clerk