

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
SEPTEMBER 4, 2007  
7:00 P.M.**

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

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Housh and seconded by Member Swenson approving the Council Consent Agenda with the exception of Item VI. C. Braemar West Arena Emergency Repair Evaporative Condenser as presented.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF AUGUST 21, 2007, WORK SESSION OF AUGUST 21, 2007 AND STUDY SESSION OF AUGUST 28, 2007 APPROVED** Motion made by Member Housh and seconded by Member Swenson approving as presented the minutes of the Regular Meeting of August 21, 2007, Work session of August 21, 2007 and Study Session of August 28, 2007.

Motion carried on rollcall vote - five ayes.

**RESOLUTION NO. 2007-93 AND 2007-94 DECLARING SUFFICIENCY OF PETITION AND ORDERING IMPROVEMENT NO. S-092 DONCASTER WAY SIDEWALK** Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Houle stated a petition had been received in January of 2003 requesting sidewalk. Mr. Houle said the current petition contained 57% of the affected property owners' signatures, thusly requiring a 3/5 favorable vote by the City Council to move the project forward.

Mr. Houle outlined the proposed sidewalk for Doncaster Way using a power-point display. He said the sidewalk would consist of a five-foot wide boulevard style concrete walk from the intersection of Tracy Avenue and Vernon Avenue east to Doncaster Way, then along the easterly side of Doncaster Way to the entrance of Highlands Elementary School, then along the westerly side of Doncaster Way from the Highlands Elementary School entrance to Ayrshire Avenue. The estimated project cost was \$93,770, and funding for the project would come from a combination of Municipal State Aid (\$12,500), special assessments (\$40,636), Edina School District 273 (\$20,317) and City of Edina revolving fund (\$20,317).

Mr. Houle said the project was deemed to be feasible and needed from an engineering standpoint.

The Council questioned staff on various aspects of the proposed sidewalk improvement including: location and mechanism for crossings, average daily traffic counts (when & where taken), had STOP signs been considered, Safe Routes to Schools program, location of the sidewalk, impact on area yards and existing landscaping, impact on trees, the need for retaining walls, accident data for the area, maintenance of the sidewalk, number of school walkers, and any impact the proposed sidewalk would have on school bus routes.

Mayor Hovland allowed a citizen to speak, who had proposed that the City postpone a decision on the project.

## Minutes/Edina City Council/September 4, 2007

Barbara Lorig, 5516 Doncaster Way, proposed the formation of a mediation committee. She suggested the City postpone any decision for thirty days to allow the neighborhood to achieve a consensus on the issues which had become divisive.

The Council discussed the proposal. Issues expressed included: the timing of the request for mediation, whether mediation was appropriate for this situation, the division of the neighbors over the proposed sidewalk, safety of children walking to school, and the place of mediation in the structure of local governance. **Motion by Member Bennett, seconded by Member Masica to seat a committee as suggested by Barbara Lorig and allow the committee thirty days to achieve a neighborhood consensus on the proposed sidewalk.**

Ayes: Bennett, Masica

Nay: Housh, Swenson, Hovland

Motion failed.

### Public Comment

The following persons testified in support of the proposed sidewalk project: Scott Danielson, 5521 Doncaster Way; Bob Molhoek, 5504 Doncaster Way; Donald Leeper, 5505 Merritt Circle; Mike Marinovich, 5516 Merritt Circle; Keith Tomlinson, 5824 Northwood Drive; Lisa Farnam, 5500 Chantry Way; and Tracy Tomlinson, 5824 Northwood Drive. The persons testifying for the proposed sidewalk cited safety concerns and suggested that traffic needed to be managed.

The following persons testified in opposition of the proposed sidewalk project: Darrin Eilertson, 5532 Mirror Lakes Drive; Anne Hussian, 5408 Doncaster Way; Bill Wold, 5520 Glengarry Parkway; Jeanne Doepke, 5409 Doncaster Way; Susan Carlson, 5509 Merritt Circle; Jason Jones, 5109 Mirror Lakes Drive; Matt Hanks, 5501 Merritt Circle; and Bill Fitch, 5201 Mirror Lakes Drive. The persons testifying against the proposed sidewalk suggested that traffic be managed, questioned the assessment of their property, or stated they did not want their yards cut up by a sidewalk.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Following a Council discussion of the proposed project, **Member Swenson moved to introduce and adopt Resolution No. 2007-93 acknowledging over 35% of the affected properties signed a petition for construction of a sidewalk along Doncaster Way from the intersection of Tracy Avenue and Vernon Avenue to Ayrshire Boulevard and resolving that the required votes for approval of the proposed sidewalk was three out of five as per MS 429.035.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**Member Housh made a motion to introduce and adopt Resolution No. 2007-94 receiving the feasibility report, ordering Improvement Project S-092 -- the construction of a sidewalk along Doncaster Way from the intersection of Tracy Avenue and Vernon Avenue to Ayrshire Boulevard - designating the City Engineer, the engineer for the improvement, directing the engineer to prepare plans and specifications, and authorizing advertisement for bids.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2007-95 ORDERING IMPROVEMENT NO. S-100 HALIFAX AVENUE SIDEWALK** Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Houle stated a petition had been received in December of 2004 requesting sidewalk. Mr. Houle said the current petition contained 28% of the affected property owners' signatures, thusly requiring a 4/5 favorable vote by the City Council to move the project forward.

Mr. Houle outlined the proposed sidewalk for Halifax Avenue using a power-point display. He said the sidewalk would consist of a boulevard-style concrete walk along the easterly side of Halifax Avenue from West 54<sup>th</sup> Street to West 51<sup>st</sup> Street. The cost of the sidewalk was estimated at \$127,500 with funding coming from special assessments (\$94,650) and the City revolving fund (\$32,850).

Mr. Houle said the project was deemed to be feasible and needed from an engineering standpoint.

The Council questioned staff on various aspects of the proposed sidewalk improvement including: timing of street reconstruction in the area, driveways pitch, retaining walls, width of roadway, traffic calming, impacts on trees, existing landscaping restoration, steepness of some front yards, traffic volume, method of special assessment (area vs. front footage), the possibility of installing sidewalks on both sides of street and the location of sidewalks.

Public Comment

The following persons testified in support of the proposed sidewalk project: Nick Dzandzara, 5208 Halifax Avenue; Beth Waterloo, 5313 Halifax Avenue; Gino Peluso, 5228 Halifax Avenue; Marie Pechman, 5316 Halifax Avenue; Mary Porter, 5120 Halifax Avenue; Orlando Flores, 5232 Halifax Avenue; Lisa Harmening, 5229 Halifax Avenue; Art Heiam, 5101 Halifax Avenue; Steve Dobbs, 5320 Halifax Avenue; John Crist, 5324 Halifax Avenue; Penny VanKampen, 5117 Halifax Avenue; and Scott Borene, 5117 Halifax Avenue. Bert McDonough, 5213 Halifax Avenue, favored a sidewalk on the west of Halifax. Hans Loeffler, 5125 Halifax Avenue, wanted the boulevard narrowed.

The following persons testified in opposition of the proposed sidewalk project: Mary Balogh, 5204 Halifax Avenue; Mike Dumond, 5032 Halifax Avenue; Theresa Forliti, 5336 Halifax Avenue; Lynda Carlson, 5105 Halifax Avenue; Sheila Pierce, 5333 Halifax Avenue; Wayne Wenger, 5212 Halifax Avenue; Don Curtis, 5209 Halifax Avenue; Dennis Busainz, 5100 Halifax Avenue; Jack Meenan, 5300 Halifax Avenue; and Harland Halvorson, 5217 Halifax Avenue. Concerns included traffic control of speed and volume was needed before sidewalks, amount and term of the special assessment to fund the project, the impact of sidewalk on property, driveway steepness, need for retaining wall, and maintenance.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Following a Council discussion of the proposed project, **Motion by Member Housh, seconded by Member Swenson to adopt Resolution No. 2007-95 receiving the feasibility report, ordering Improvement Project S-100 -- the construction of a sidewalk along Halifax Avenue between 51<sup>st</sup> Street and 54<sup>th</sup> Street -- designating the City Engineer, the engineer for the improvement, directing the engineer to prepare plans and specifications, and authorizing advertisement for bids.**

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Minutes/Edina City Council/September 4, 2007

PUBLIC HEARING CONTINUED UNTIL OCTOBER 2, 2007 - VACATION OF A PORTION OF WEST 41<sup>ST</sup> STREET PUBLIC RIGHT-OF-WAY Affidavits of Notice were presented, approved and ordered placed on file.

Mr. Houle said staff had been approached by the property owner of 4100 Lynn Avenue requesting the vacation of the existing West 41<sup>st</sup> Street right-of-way from Monterey Avenue to Lynn Avenue. Using a power-point display, he stated the City would retain all utility easements if the public street right-of-way was vacated. Mr. Houle reported the utility companies had been contacted and also would like the utility easement rights retained.

Mr. Houle stated adjacent property owners had been mailed letters asking if they supported the proposed vacation. He said the owner at 4021 Monterey Avenue indicated support, while the owner of 4022 Lynn indicated non-support. No responses had been received from the owner of 4101 Monterey Avenue. Council's questions included: limits on property with retention of utility easement, purpose and function of city pumping station, what becomes of the vacated property and who makes that decision. Staff explained the vacation of the right-of-way would allow the proponent to build a larger house on the lot, Hennepin County would decide where the right-of-way originally came from and return it to that ownership, and the pumping station was a sewer lift station.

Gordon Sedor, property owner of 4100 Lynn Avenue, proponent, stated he intended to construct a new house if he was able to obtain additional right-of-way to increase the buildable area on the lot allowing him to build the house he desired.

Member Bennett questioned whether Mr. Sedor actually lived at 4100 Lynn Avenue because she believed the home was presently vacant and listed for sale. Mr. Sedor said he lived in Shakopee.

Public Comment

Nan Schwappach, 4010 Lynn Avenue, stated she objected to the proposed vacation. Steve Phillips, 4104 Lynn Avenue stated he was also speaking for the resident of 4101 Monterey and they were both opposed to the vacation. Concerns expressed included new homes being built that were too large for the neighborhood, water flow, drainage, and environmental impact.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland.

Motion carried.

The Council discussed the proposed vacation. They expressed concern making a decision without additional information such as: the potential legal description of a partial vacation of West 41<sup>st</sup> Street, seeing the actual plat map showing the lots and lot dimension for five to seven parcels in each direction and drainage information for the impacted lots and neighboring area. Staff suggested they could have the requested information ready in approximately four weeks. **Member Housh made a motion continuing action on the requested vacation of a portion of West 41<sup>st</sup> Street public right-of-way between Lynn and Monterey Avenues until October 2, 2007.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**\*HEARING DATE SET OF SEPTEMBER 18, 2007, FOR PRELIMINARY REZONING, FINAL DEVELOPMENT PLAN AND AMENDMENT TO THE COMPREHENSIVE PLAN, 6444/6446 XERXES AVENUE SOUTH** Motion made by Member Housh and seconded by Member Swenson approving September 18, 2007, as hearing date for Preliminary Rezoning, Final Development Plan and Amendment to the Comprehensive Plan, 6444/6446 Xerxes Avenue South.

Motion carried on rollcall vote – five ayes.

**PUBLIC COMMENT**

Todd Croft, 5204 Halifax Avenue, asked that the Halifax Avenue improvement be accelerated so the traffic calming would happen sooner and asked that the sidewalk assessment policy be reviewed. The Mayor directed him to the website to the Neighborhood Traffic Management Plan Application Form that he could use with his neighbors.

**\*BID AWARDED FOR CONTRACT NO. ENG 07-11 LANDSCAPING WEST 70<sup>TH</sup> STREET**  
Motion made by Member Housh and seconded by Member Swenson awarding the bid for Contract NO. ENG. 07-11 Landscaping West 70<sup>th</sup> Street project to the recommended low bidder Arteka Companies LLC at \$95,954.01.

Motion carried on rollcall vote – five ayes.

**\*BID AWARDED FOR CONTRACT 50<sup>TH</sup> AND FRANCE EMERGENCY CONCRETE PAVER REPAIR**  
Motion made by Member Housh and seconded by Member Swenson awarding the bid for 50<sup>TH</sup> and France emergency concrete paver repair to the recommended low bidder Carlson-LaVine Inc. at \$23,612.28.

Motion carried on rollcall vote – five ayes.

**BID AWARDED FOR CONTRACT EMERGENCY REPAIR OF THE EVAPORATION CONDENSER AT THE BRAEMAR WEST ARENA**  
Member Masica removed the item from the Consent Agenda for more information. She asked if the Braemar Arena carried business interruption insurance. Mr. Hughes said he believed the only enterprises with business interruption insurance were the liquor stores. Motion made by Member Masica and seconded by Member Swenson awarding the bid for a replacement evaporation condenser at Braemar West Arena to the recommended low bidder New Mech Companies, Inc. at \$39,378.00 plus sales tax.

Motion carried on rollcall vote – five ayes.

**RESOLUTION NO. 2007-92 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 a majority of favorable votes of the Council accepting the donations.

Member Housh introduced Resolution No. 2007-92, accepting various donations, and moved approval. Member Masica seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**\*CONFIRMATION OF CLAIMS PAID**  
Motion made by Member Housh and seconded by Member Swenson approving payment of the following claims as shown in detail on the check register dated August 22, 2007, and consisting of 28 pages: General Fund \$182,074.51; CDBG Fund \$120.00; Communications Fund \$2,741.99; Working Capital Fund \$702,108.99; Art Center Fund \$836.41; Golf Dome Fund \$1,462.90; Aquatic Center Fund \$15,652.71; Golf Course Fund \$29,794.09; Ice Arena Fund \$4,250.27; Edinborough/Centennial Lakes Fund \$21,973.19; Liquor Fund \$179,738.67; Utility Fund \$91,411.32; Storm Sewer Fund \$234,006.22; PSTF Fund \$1,733.06; Total \$1,467,904.33; and for approval of payment of claims dated August 29, 2007, and consisting of 29 pages: General Fund \$355,536.48; Communications Fund \$438.49; Working Capital Fund \$17,134.95; Art Center Fund \$14,268.26; Golf Dome Fund \$127.62; Aquatic Center Fund \$3,461.63; Golf Course Fund \$7,735.85; Ice Arena Fund \$2,008.92; Edinborough/Centennial Lakes Fund \$18,654.74; Liquor Fund \$159,679.09; Utility Fund \$227,837.50; Storm Sewer Fund \$12,360.11; Recycling Fund \$3,791.40; PSTF Agency Fund \$9,803.76; Total \$812,838.80.

Motion carried on rollcall vote – five ayes.

**RESOLUTION NO. 2007-91 SETTING MAXIMUM TAX LEVIES FOR 2008**

Mr. Hughes stated setting the maximum tax levy was the next step in the process for the 2008 budget which was used for calculations of parcels specific truth in taxation notices that must be sent out. Following the truth in taxation hearings in December, the Council will certify the actual levy which cannot exceed the maximum levy that was set by the Council at this time based upon the proposed 2008 Operating Budget.

Mr. Hughes recommended adoption of Resolution No. 2007-91 setting the maximum proposed 2008 tax levies of \$20,314,404 for the General Fund, \$1,040,186 for the debt service of the Housing and Redevelopment Authority Public Project Revenue bonds Series 2002, and \$200,000 for the debt service of the Housing and Redevelopment Authority Public Project Revenue Bonds Series 2005A and using \$185,794 of the surplus of the Gymnasium construction bond proceeds, and \$455,641 for the debt service of the Capital Improvement Plan bonds Series 2007A (year 1 of Fire Station debt service levy). The total market value based referendum levy would be set at \$595,438.

Following a brief discussion, **Member Bennett introduced Resolution No. 2007-91 and moved its adoption.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**DECEMBER 3, 2007, DATE SET FOR TRUTH IN TAXATION HEARING** After reviewing the potential dates for the City's Annual Truth In Taxation hearing and acknowledging that the City of Edina would not need to hold the hearing due to its low levy increase **Member Masica made a motion setting Monday December 3, 2007, at 5:00 P.M. for the initial Truth in Taxation hearing, Monday December 10, 2007, at 5:00 P.M., for the continuation hearing, and Tuesday December 18, 2007, at 7:00 P.M. for the budget adoption.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

There being no further business on the Council agenda, Mayor Hovland declared the meeting adjourned at 11:55 p.m.

Respectfully submitted,

---

Debra A. Mangen, City Clerk