

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 20, 2009  
7:02 P.M.**

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

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Swenson and seconded by Member Bennett approving the Council Consent Agenda as submitted.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*MINUTES APPROVED – REGULAR MEETING OF OCTOBER 6, 2009, AND WORK SESSION OF OCTOBER 6, 2009** Motion made by Member Swenson and seconded by Member Bennett approving the minutes of the Regular Meeting of October 6, 2009, and Work Session of October 6, 2009.

Motion carried on rollcall vote – five ayes.

**SPECIAL ASSESSMENT PUBLIC HEARINGS HELD – AQUATIC WEEDS IMP. NO. AQ-09 – WEED MOWING IMP. NO. WD-09 – TREE REMOVAL IMP. NO. TR-09 – RESOLUTION NO. 2009-87 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Park and Recreation Director Keprios presented a recommendation to certify special assessments for: Imp. No. AQ-09, Aquatic Weed Treatment of Arrowhead Lake, Indian Lake, and Minnehaha Creek Mill Pond; Imp. No. WD-09, Weed Cutting Services; and, Imp. No. TR-09, Diseased Elm Tree Removal Costs. The Council asked questions of Mr. Keprios regarding the cost of removal per tree.

Mayor Hovland opened the public hearing at 7:11 p.m.

Public Testimony

No one appeared to testify.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Swenson made a motion, seconded by Member Bennett, adopting Res. No. 2009-87 adopting the assessment rolls for Improvement No. AQ-09, Aquatic Weed Treatment, Improvement No. WD-09, Weed Cutting and Improvement. No. TR-09, Tree Removal.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – GARBAGE & DEBRIS REMOVAL – IMP. NO. REM-09 – RESOLUTION NO. 2009-90 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Assistant Manager Worthington presented a recommendation to certify special assessments for Imp. No. REM-09 for the cost to remove garbage and refuse from one property. She advised the resident had been referred to social services following a fire at their property.

Mayor Hovland opened the public hearing at 7:14 p.m.

Public Testimony

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No one appeared to testify.

**Member Bennett made a motion, seconded by Member Housh, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Brindle introduced and moved adoption of Resolution No. 2009-90, levying a special assessment for Garbage and Debris Removal Improvement No. REM-09.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – HIGHLANDS NEIGHBORHOOD RECONSTRUCTION – IMP. NO. BA-342 & L-50 – RESOLUTION NO. 2009-91 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Engineer/Public Works Director Houle presented the City's special assessment policy. He described the Highlands neighborhood reconstruction project and assessment cost of \$11,787.89 per residential equivalent unit (REU) and \$3,890.00 for side yard (1/3 REU), which was 21% lower than estimated. Mr. Houle advised of resident comment and correspondence received regarding this project, which would be made part of the record.

The Council asked questions of Mr. Houle about the assessment policy for corner lots affected by an assessment prior to 2005 (when the current assessment policy was adopted). Finance Director Wallin answered the Council's questions regarding the uniform interest calculation that complied with State Statute and capitalized interest. Mr. Houle stated that 15% engineering costs was typically used by Edina and in comparison with other cities and actual costs, remained a fair assessment with this project. City Attorney Knutson referenced State Statute 429 and advised that all costs related to the project, including engineering services and capitalized interest were part of the project cost and could be assessed. He advised that in other cities, soft costs average 30-35% of the total project cost. City Assessor Wilson referenced the 2005 City evaluation appraisal consulting report that examined costs assessed versus benefit. Mr. Wilson said the report concluded the market fully bore the total cost assessed.

Mayor Hovland opened the public hearing at 7:38 p.m.

### Public Testimony

Robert Tengdin, 5241 Lochloy Drive, addressed the Council.

George Klus, 5233 Lochloy Drive, addressed the Council.

Julie Walthour, 5605 Ayrshire Boulevard, addressed the Council.

Jerry Brahms, 5229 Doncaster Boulevard, addressed the Council.

Gayle Gaumer, 5209 Lochloy Drive, addressed the Council.

**Member Housh made a motion, seconded by Member Brindle, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council and staff addressed the residents' questions raised during public testimony regarding the computation of interest percentage, basis points, capitalized interest, and costs included in the assessment. The Council expressed an interest in electronic timecards so staff project time could be

accurately accrued to construction projects. Council consensus was reached that this neighborhood was being assessed under the same policies and in a manner consistent with past assessed projects.

**Member Swenson made a motion, seconded by Member Brindle, approving Highland Neighborhood Reconstruction Assessment Roll, Improvement No. BA-342 and L-50.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – DONCASTER SIDEWALK – IMP. NO. S-092 APPROVED** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the Doncaster sidewalk improvement project noting the assessed amount would be \$196.31 per REU, about nine percent higher than estimated due to driveway adjustments required for ADA regulations. The Council discussed the project and asked Mr. Houle about the procedure to report damage. It was noted the project carried a one-year warranty. The Council commended the engineering staff for its work with the improvement projects under consideration.

Mayor Hovland opened the public hearing at 8:27 p.m.

Public Testimony

Arthur Felker, 5500 Merritt Circle, addressed the Council.

**Member Housh made a motion, seconded by Member Brindle, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council and staff addressed questions and comments raised during public testimony regarding boulevard grass.

**Member Housh made a motion, seconded by Member Bennett, approving assessment roll for the Doncaster Sidewalk Improvement No. S-092.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – HALIFAX AVENUE SIDEWALK – IMP. NO. S-100 & S-100A APPROVED** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the Halifax Avenue sidewalk improvement project and special assessments of \$1,486.83 per REU for Imp. No. S-100 and \$128.09 per REU for Imp. No. S-100A.

Mayor Hovland opened the public hearing at 8:39 p.m.

Public Testimony

No one appeared to testify.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Housh made a motion, seconded by Member Swenson, approving the assessment roll for Halifax Avenue Sidewalk Improvement Nos. S-100 and S-100A.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

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Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – WOODLAND CIRCLE & WOODLAND LANE RECONSTRUCTION – IMP. NO. BA-345 & L-52 APPROVED** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the Woodland Circle and Woodland Lane reconstruction project and special assessments of \$13,491.99 per REU, a six percent reduction from the original estimate. He advised of correspondence received that would be part of the record.

Mayor Hovland opened the public hearing at 8:42 p.m.

Public Testimony

Nicholas Boosalis, 5704 Woodland Lane, addressed the Council.

Tracy Eichhorn-Hicks, 5708 Woodland Lane, addressed the Council and indicated he submitted a notice of appeal of the assessment.

**Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council and staff addressed the comments and questions raised during public testimony and the responsibilities of the engineering department. Mr. Houle described the scheduling of pavement rehabilitation projects. The Council discussed the project, property value increase resulting from an assessed project, and telephone calls expressing satisfaction with the project.

**Member Swenson made a motion, seconded by Member Housh, approving the assessment roll for Woodland Circle and Woodland Lane Reconstruction Improvement No. BA-345 and L-52.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – WOODEND DRIVE STREET – IMP. NO. BA-352 APPROVED** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the Woodend Drive street reconstruction project and special assessments at \$9,335.04 per REU, a six and one half percent reduction from the original estimate.

Mayor Hovland opened the public hearing at 9:03 p.m.

Public Testimony

Ruth Regnier, 4005 Woodend Drive, addressed the Council.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council thanked Ms. Regnier for staying to offer her praise for the Woodend Drive improvement project.

**Member Brindle made a motion, seconded by Member Bennett, approving assessment roll for Woodend Drive Street Improvement No. BA-352.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – GRANDVIEW SQUARE – IMP. NO. G-09 APPROVED** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the Grandview Square maintenance assessment project and special assessments at \$0.0679 per square foot.

Mayor Hovland opened the public hearing at 9:08 p.m.

Public Testimony

No one appeared to testify.

**Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

**Member Swenson made a motion, seconded by Member Housh, approving assessment roll for the Grandview Square Maintenance Improvement No. G-09.**

Rollcall:  
Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – 50<sup>TH</sup> & FRANCE – IMP. NO. M-09 – APPROVED** Affidavits of Notice presented and ordered placed on file.

Mr. Houle described the 50<sup>th</sup> Street and France Avenue maintenance assessment project and special assessments at \$0.8702 per square foot. He advised of maintenance issues with brick pavers and that a feasibility report to replace the brick pavers and make other improvements was being considered by the 50<sup>th</sup> & France Business Association.

Mayor Hovland opened the public hearing at 9:12 p.m.

Public Testimony

No one appeared to testify.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

**Member Bennett made a motion, seconded by Member Brindle, approving assessment roll for the 50<sup>th</sup> and France Avenues Maintenance Improvement No. M-09.**

Rollcall:  
Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

**Member Brindle introduced and moved adoption of Resolution No. 2009-91, levying special assessments for Highland Neighborhood Reconstruction Imp. No. BA342 & L 50, Doncaster Sidewalk Imp. No. S-092, Halifax Avenue Sidewalk Imp. No. S-100 & S-100A, Woodland Circle & Woodland Lane Reconstruction Imp. No. BA-345 & L-52, Woodend Drive Imp. No. BA-352, Grandview Square Maintenance Imp. No. G-09, and 50th & France Maintenance Imp. No. M-09**

Member Bennett seconded the motion.  
Rollcall:  
Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

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**PUBLIC HEARING HELD ON CERTIFICATION OF DELINQUENT UTILITIES – RESOLUTION NO. 2009-88 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Mr. Wallin presented a recommendation to certify delinquent utility bills for collection with the 2010 property taxes. It was noted that certification of delinquent accounts would best protect the City by placing a lien against the property until payment was received.

Mayor Hovland opened the public hearing at 9:20 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

**Member Bennett introduced and moved adoption of Resolution No. 2009-88, authorizing the certification of delinquent utility charges to the Hennepin County Auditor.** Member Swenson seconded the motion.

Rollcall:  
Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

**\*PUBLIC HEARING CONTINUED TO NOVEMBER 2, 2009 – ORDINANCE NO. 2009-12** Motion made by Member Swenson and seconded by Member Bennett continuing the public hearing to November 2, 2009 for Ordinance No. 2009-12, amending Section 850 to require a conditional use permit for accessory buildings over 1,000 square feet.

Motion carried on rollcall vote – five ayes.

**STATEWIDE HEALTH IMPROVEMENT PLAN PRESENTED** Karen Zeleznack and Eileen O’Connell, Bloomington Public Health, presented updates on the statewide health improvement plan, implementation grant received, and H1N1 plans to assure those at highest risk received vaccine.

**\*TRAFFIC SAFETY REPORT OF OCTOBER 7, 2009 APPROVED** Motion made by Member Swenson and seconded by Member Bennett approving the October 7, 2009 traffic safety report.

Motion carried on rollcall vote – five ayes.

**RESOLUTION NO. 2009-84 ADOPTED ACCEPTING VARIOUS DONATIONS** Mayor Hovland explained that 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 Bennett introduced and moved adoption of Resolution No. 2009-84 accepting various donations.** Member Brindle seconded the motion.

Rollcall:  
Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

**\*RESOLUTION NO. 2009-89 ADOPTED – AUTHORIZING AND APPROVING MDH GRANT AGREEMENT “PUBLIC HEALTH EMERGENCY RESPONSE” (PHERI/II)** Motion made by Member Swenson and seconded by Member Bennett to adopt Resolution No. 2009-89, authorizing the City of Edina to enter into a Public Health Emergency Response Grant Agreement with the Minnesota Department of Health.

Motion carried on rollcall vote – five ayes.

**\*PARK BOARD APPOINTMENT APPROVED TO COMMUNITY EDUCATION SERVICES BOARD**  
Motion made by Member Swenson and seconded by Member Bennett appointing Bill Lough as the Edina Park and Recreation Board representative to the Community Education Services Board for a term ending June 30, 2010.

Motion carried on rollcall vote – five ayes.

**\*2010 COUNCIL MEETING DATES AND HOLIDAYS** Motion made by Member Swenson and seconded by Member Bennett approving 2010 council meeting dates and holidays.

Motion carried on rollcall vote – five ayes.

**\*PROFESSIONAL SERVICES APPROVED – STORM SEWER INSPECTION** Motion made by Member Swenson and seconded by Member Bennett authorizing the City Manager to approve the proposal for the street sign and storm sewer inventories for the City of Edina. Motion carried on rollcall vote – five ayes.

**COMMUNITY COMMENT**

No one appeared to comment.

**\*CONFIRMATION OF CLAIMS PAID** Motion made by Member Swenson and seconded by Member Bennett approving payment of the following claims as shown in detail on the Check Register dated October 8, 2009, and consisting of 35 pages: General Fund \$419,997.76; Communications Fund \$3,658.54; City Hall Debt Service \$900.00; Working Capital Fund \$1,206,990.32; Construction Fund \$6,194.92; Art Center Fund \$6,043.62; Golf Dome fund \$1,197.60; Aquatic Center Fund \$4,417.13; Golf Course Fund \$15,919.50; Ice Arena Fund \$37,174.60; Edinborough/Centennial Lakes Fund \$26,388.98; Liquor Fund \$265,581.41; Utility Fund \$150,925.40; Storm Sewer Fund \$26,204.04; PSTF Agency Fund \$6,552.06; **TOTAL \$2,178,145.88** and for approval of payment of claims dated October 15, 2009, and consisting of 28 pages: General Fund \$117,678.59; Communications Fund \$12,927.51; Police Special Revenue \$15,501.09; Working Capital Fund \$61,717.38; Art Center Fund \$2,577.61; Golf Dome Fund \$1,455.77; Aquatic Center Fund \$118.82; Golf Course Fund \$14,416.64; Ice Arena Fund \$27,788.85; Edinborough/Centennial Lakes Fund \$7,062.08; Liquor Fund \$174,598.48; Utility Fund \$381,029.16; Storm Sewer Fund \$3,253.45; Recycling Fund \$40,935.02; PSTF Agency Fund \$915.20; **TOTAL \$861,975.65**; and, Credit Card Transactions dated August 26 – September 25, 2009: **TOTAL \$2,441.56**.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:03 p.m.

Respectfully submitted,

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Debra A. Mangan, City Clerk

Minutes approved by Edina City Council, November 2, 2009.

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James B. Hovland, Mayor

Video Copy of the October 20, 2009, meeting available.