

APPROVED MINUTES

EDEN PRAIRIE CITY COUNCIL MEETING

TUESDAY, JANUARY 6, 2009

**7:00 PM, CITY CENTER
Council Chamber
8080 Mitchell Road**

CITY COUNCIL: Mayor Phil Young, Council Members Brad Aho, Ron Case, Jon Duckstad and Kathy Nelson

CITY STAFF: City Manager Scott Neal, Parks & Recreation Director Jay Lotthammer, Public Works Director Eugene Dietz, City Attorney Ric Rosow and Council Recorder Jan Curielli

I. ROLL CALL / CALL THE MEETING TO ORDER

Mayor Young called the meeting to order at 7:00 PM. All Council Members were present.

II. COLOR GUARD / PLEDGE OF ALLEGIANCE

Mayor Young thanked Boy Scout Troop 695, sponsored by Prairie Lutheran Church, for presenting the colors tonight.

III. SWEARING IN OF COUNCIL MEMBERS BRAD AHO AND RON CASE

City Attorney Rosow swore in Council Members Brad Aho and Ron Case.

IV. COUNCIL FORUM INVITATION

V. APPROVAL OF AGENDA AND OTHER ITEMS OF BUSINESS

Case added items under **Item XV.A.** Neal said he would like to discuss the City's membership in the Association of Metropolitan Municipalities under **Item XV.B.**

MOTION: Aho moved, seconded by Duckstad, to approve the agenda as amended.
Motion carried 5-0.

VI. PROCLAMATIONS / PRESENTATIONS

A. PROCLAMATION CELEBRATING THE CHINESE NEW YEAR

Mayor Young read a proclamation celebrating the Chinese New Year.

VII. MINUTES

A. COUNCIL WORKSHOP HELD TUESDAY, DECEMBER 16, 2008

MOTION: Duckstad moved, seconded by Aho, to approve the minutes of the Council Workshop held Tuesday, December 16, 2008, as published. **Motion carried 4-0-1, with Case abstaining.**

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B. CITY COUNCIL MEETING HELD TUESDAY, DECEMBER 16, 2008

Case said the vote on the motion for **Item XIV.B.3** on Page 16 should be “**Motion carried 4-1-0, with Duckstad opposed.**”

MOTION: Nelson moved, seconded by Aho, to approve the minutes of the City Council Meeting held Tuesday, December 16, 2008, as amended. **Motion carried 5-0.**

VIII. REPORTS OF ADVISORY BOARDS & COMMISSIONS

IX. CONSENT CALENDAR

- A. ADOPT RESOLUTION NO. 2009-01 AUTHORIZING CITY OFFICIALS TO TRANSACT BANKING BUSINESS**
- B. ADOPT RESOLUTION NO. 2009-02 DESIGNATING DEPOSITORIES**
- C. ADOPT RESOLUTION NO. 2009-03 AUTHORIZING USE OF FACSIMILE SIGNATURES BY PUBLIC OFFICIALS**
- D. ADOPT RESOLUTION NO. 2009-04 AUTHORIZING TREASURER OR DEPUTY TREASURER TO INVEST CITY OF EDEN PRAIRIE FUNDS**
- E. ADOPT RESOLUTION NO. 2009-05 AUTHORIZING AUTHORIZING TREASURER OR DEPUTY TREASURER TO MAKE ELECTRONIC FUND TRANSFERS FOR CITY OF EDEN PRAIRIE**
- F. ADOPT RESOLUTION NO. 2009-06 AUTHORIZING PAYMENT OF CERTAIN CLAIMS BY FINANCE DEPARTMENT WITHOUT PRIOR COUNCIL APPROVAL**
- G. ADOPT RESOLUTION NO. 2009-07 ESTABLISHING MEETING DATES AND TIMES FOR CITY BOARDS AND COMMISSIONS FOR 2009**

MOTION: Duckstad moved, seconded by Aho, to approve Items A-G on the Consent Calendar. **Motion carried 5-0.**

X. PUBLIC HEARINGS / MEETINGS

XI. PAYMENT OF CLAIMS

MOTION: Aho moved, seconded by Duckstad, to approve the Payment of Claims as submitted. **The motion was approved on a roll call vote, with Aho, Case, Duckstad, Nelson and Young voting “aye.”**

XII. ORDINANCES AND RESOLUTIONS

XIII. PETITIONS, REQUESTS AND COMMUNICATIONS

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XIV. APPOINTMENTS

A. RESOLUTION NO. 2009-08 DESIGNATING OFFICIAL CITY NEWSPAPER

MOTION: Case moved, seconded by Duckstad, to adopt Resolution No. 2009-08 designating the *Eden Prairie News* as the official City newspaper for the year 2009. **Motion carried 5-0.**

B. RESOLUTION NO. 2009-09 DESIGNATING OFFICIAL MEETING DATES, TIME AND PLACE FOR THE CITY OF EDEN PRAIRIE CITY COUNCIL IN 2009 AND APPOINTING ACTING MAYOR

MOTION: Duckstad moved, seconded by Case, to adopt Resolution No. 2009-09 designating the official meeting dates, time and place for the City of Eden Prairie Council in 2009 and appointing Council Member Aho the Acting Mayor. **Motion carried 5-0.**

Nelson asked about the date for the April Council meeting. Neal said, as Council Member Nelson suggested at the last meeting, the April meeting was moved to the third Tuesday.

C. RESOLUTION NO. 2009-10 APPOINTING COMMISSIONERS TO THE EDEN PRAIRIE HOUSING AND REDEVELOPMENT AUTHORITY

MOTION: Aho moved, seconded by Duckstad, to adopt Resolution No. 2009-10 appointing City Council Members to serve as Commissioners for the Eden Prairie Housing and Redevelopment Authority; and appointing Phil Young as Chair; Scott Neal as Executive Director and Kathy Nelson as Secretary for the calendar year 2009. **Motion carried 5-0.**

D. RESOLUTION NO. 2009-11 APPOINTING DIRECTOR AND ALTERNATE DIRECTOR TO THE SUBURBAN RATE AUTHORITY FOR 2008

MOTION: Nelson moved, seconded by Duckstad, to adopt Resolution No. 2009-11 designating Council Member Case as Director and Gene Dietz as Alternate Director to the Suburban Rate Authority. **Motion carried 5-0.**

E. APPOINTMENT OF MAYOR YOUNG AS DELEGATE AND COUNCIL MEMBERS AS ALTERNATES TO ASSOCIATION OF METROPOLITAN MUNICIPALITIES

MOTION: Duckstad moved, seconded by Aho, to approve appointment of the Mayor as Delegate and Council members as Alternates to the Association of Metropolitan Municipalities.

Young suggested the motion be withdrawn and the item be discussed under **Item XV.B.** Duckstad withdrew the motion with the consent of Aho.

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F. APPOINTMENT OF MAYOR YOUNG AS DELEGATE AND COUNCIL MEMBERS AS ALTERNATES TO NATIONAL LEAGUE OF CITIES

MOTION: Case moved, seconded by Duckstad, to approve appointment of the Mayor as Delegate and Council members as Alternates to the National League of Cities. **Motion carried 5-0.**

G. APPOINTMENT OF MAYOR YOUNG TO MUNICIPAL LEGISLATIVE COMMISSION

MOTION: Duckstad moved, seconded by Nelson, to appoint the Mayor to the Municipal Legislative Commission. **Motion carried 5-0.**

H. APPOINTMENT TO SOUTHWEST CABLE TV COMMISSION

MOTION: Aho moved, seconded by Nelson, to approve appointment of Council Member Case to the Southwest Cable Commission. **Motion carried 5-0.**

I. APPOINTMENT TO EDEN PRAIRIE FOUNDATION

MOTION: Case moved, seconded by Duckstad, to approve appointment of Council Member Nelson to the Eden Prairie Foundation. **Motion carried 5-0.**

J. APPOINTMENT TO I-494 CORRIDOR COMMISSION

MOTION: Duckstad moved, seconded by Case, to approve appointment of Council Member Aho to the I-494 Corridor Commission. **Motion carried 5-0.**

K. APPOINTMENT TO CITY AND SCHOOL FACILITIES USE TASK FORCE

MOTION: Nelson moved, seconded by Aho, to approve appointment of Council Member Duckstad to the City and School Facilities Use Task Force. **Motion carried 5-0.**

L. APPOINTMENT OF ASSISTANT WEED INSPECTOR

Neal said each year the City appoints an Assistant Weed Inspector. The Assistant Weed Inspector enforces the local and state weed ordinances. Jeff Cordes has been doing this inspection work for the past several years and is familiar with the City ordinance and state law. Under State Statute the Mayor is the City Weed Inspector and appointment of an Assistant Weed Inspector thereby relieves the Mayor of those duties.

MOTION: Nelson moved, seconded by Duckstad, to appoint Jeff Cordes as Assistant Weed Inspector for the City of Eden Prairie. **Motion carried 5-0.**

M. APPOINTMENT OF CITIZEN REPRESENTATIVE TO SOUTHWEST METRO TRANSIT COMMISSION

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Neal said it is necessary for the City Council to appoint a Citizen Representative for a three-year term to end December 31, 2011. Former Mayor Nancy Tyra-Lukens has served in this position since January 2007. He said the Southwest Metro Transit Commission is interested in having her reappointed and she is interested in being reappointed. He noted Council Member Duckstad serves as a City Council Member representative to the commission.

MOTION: Nelson moved, seconded by Case, to appoint Nancy Tyra-Lukens to the Southwest Metro Transit Board as the Eden Prairie Citizen Representative for a three-year term to end December 31, 2011. **Motion carried 5-0.**

XV. REPORTS

A. REPORTS OF COUNCILMEMBERS

1. Discussion Regarding Issues Raised During Campaign – Case

Case said there were important issues raised in the City during the recent campaign, and he suggested Council Member Aho and he meet in the next couple of weeks and bring back a report for the next Council meeting that might evolve into some proposals that staff might look at. As an example he said two or three years ago there was an issue with 10-12 properties located northeast of Red Rock Lake whose owners wanted to buy back some land that had been deeded to the City by the developer. In looking at that issue again, he wondered if there are outlots and parcels all over the City that we may not actually want and that we may have other ways to protect.

Young asked if they would just give the presentation of the issues at the next meeting. Case said Mr. Neal told him the workshop calendar is not yet set in stone so it might be timely to come up with some thoughts or ideas for staff to go out and look at.

2. Council Review of Charge to the BAC – Case

Case said he met with the Chair of the Budget Advisory Commission (BAC) and talked to many people over the past several months. During the campaign he came to the realization the BAC has a valuable role to play. As we watched what unfolded last year as some ideas from the BAC got out before the Council had an opportunity to look at the proposals, he wondered if the Council could refine the charge to them to be more specific on what they bring back. He thought any proposal that comes back for a cost savings might be in the context of alternatives but also would be in the context of values. That way if it gets out to the press before the Council gets a chance to look at it, it goes out with an added addendum that it needs to be in context. He said his point tonight is to ask if the Council could look at the charge, perhaps in a workshop meeting, to see if we want to revise it to get better information coming back and make sure they are serving us to the best of their potential.

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Young thought the charge to the BAC was pretty good and we always run a risk in how any board or commission communicates their report to us. Aho noted the Council just reviewed the charge and made some changes last year. Case said he would like to just read it through as a group. Young thought that would be appropriate.

Nelson said she would also like to do that, and she wanted to make sure the Council gets the same information as the BAC, preferably without having to attend all their meetings. She thought there might be some timelines for their making reports so the Council can get more advance notice of reports.

Young thought we could direct staff to make sure we get the same information. While he thought some of the recommendations made by the BAC at their last meeting were somewhat unexpected, we were in a unique time and the last quarter of 2008 was a difficult and trying circumstance. Nelson thought 2009 may have its own unique issues and troubles.

Duckstad said he agreed with Council Member Case and thought it would be a good idea to relook at the mission to make sure we are asking the BAC to help us in meaningful ways. He thought we could go through the mission statement with care at a workshop, make some changes if needed, and decide what we want them to do and how we want them to help us.

3. Payment of Claims – Case

Case said he had a couple of items regarding the Payment of Claims. He noted the Art Center has generated a sense of confusion in the community based on the fact the Council accepted the building and land somewhat tentatively but then in a couple of meetings tentatively expressed concern that it not be funded yet until a certain amount of money was raised. He wanted to point out \$87,318 was spent for the Art Center in December which he understood was for improvements to the parking lot, so there has been some funding of the Art Center. Although he understood the importance of the improvements to the parking, tonight we have before us another gift for the Art Center. He warned there is a path we are walking down and we may reach a point where it is difficult to go back.

Case said a larger issue regarding the Payment of Claims is that it shows the City spent over \$4,000,000 during the month of December, but in looking at it in detail there is a lot of in and out money in our Enterprise Funds. Those items inflate the expense numbers and are currently listed under the general operating budget. He wondered if would be possible split out the Enterprise Funds from the general expenses. He thought it would be helpful to both the Council and City residents to see those separately.

Young said he was not sure we have ever directed staff as to how that should be presented. Neal said it may be a limitation of the reporting system we have, but he will check with the Finance Department.

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4. Friendship Ventures Camp – Case

Case said he was frustrated to read in the Heritage Preservation Commission minutes that there has again been noncompliance on work done on some of the historic buildings at Friendship Ventures Camp to the extent they plan to put a stop order on it. Even though he supports what the camp is doing he thought it was time not to be dealing with issues of noncompliance there.

Young said it has been some time since we received an update on Camp Edenwood and the status of construction activities. Neal said staff will get a briefing ready for the Council at the next meeting.

B. REPORT OF CITY MANAGER

1. 2009 Budget – Neal

Neal said we have an approved budget for 2009, but staff is still looking at ways we can conserve dollars. One of the things they have done is to examine the advocacy organizations we belong to, and one organization that does not seem to have a direct benefit to us is the Association of Metropolitan Municipalities (AMM). In addition to the AMM, we belong to the Municipal Legislative Commission and the League of Minnesota Cities. He asked City staff whether we should continue to belong to this organization and what the direct benefits of membership are, but he did not receive anything back from them. The annual cost of AMM membership is about \$12,000. He asked Council Members to talk about it with their peers and provide him with feedback. He noted it would require a City Council action to withdraw from the organization and that could be placed on the January 20 agenda if the Council wants.

Aho asked if there is a time frame that would be appropriate. Neal said now would be an appropriate time as their fiscal year budget goes from July 1 to June 30.

Nelson said she was glad we are doing that review. Last year she questioned belonging to all three organizations. We do need to watch even small stuff right now.

Young said at this time we will make no appointment to the Association of Metropolitan Municipalities and will consider it again at the next meeting.

C. REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

D. REPORT OF PARKS AND RECREATION DIRECTOR

1. **Sampson Family Donation for Art Center Upgrades**

Lotthammer said last spring when we accepted the Art Center building from the Sampson Family there were two main items limiting the building as a public facility. The building needed to be brought to code, accessibility requirements for a public building needed to be met, and it had only six parking spaces. The Council gave approval to expand the parking lot and that has been completed. The Council said the issues regarding accessibility and bringing it to code for public use should be continued and fundraising opportunities should be looked for. The overall work at the time was for \$83,000, but when staff looked at the scope for ADA accessibility and code compliance, it came down to \$29,000 as a bare minimum amount to host public activities there. Recently the Sampson Family has stepped forward and said they would like to donate the \$29,000 for the renovation work and make available another \$6000 if needed for renovation or for equipment within the Art Center. They want this to be financial assistance in order to get the building open and not to put pressure on the City Council to do something. He said there are two actions related to this tonight: the first is to act on the gift; and the second is to authorize staff to move forward with the modifications to the building to open it and make it available for public use.

Aho asked if staff feels the \$29,000 figure is pretty accurate in terms of the overall funds required to make the facility usable by the public. Lotthammer said about two months ago we went back and sat down with the contractor, the architect and Paul Sticha, our Facilities Manager, and combed through it to see the costs related to that. The contractor will still honor the price.

Aho asked if this leaves out the changing of the garage doors into a storefront. Lotthammer said the biggest part of the \$29,000 is for the second rest room and moving some of the plumbing, as well as replacing some door hardware and changing thresholds. The remaining portion of the original \$83,000 cost was to change out the storefront because eventually that area would not be used as a garage. It also included a partition that would allow the large area of the building to be separated into classrooms, some painting and some changes to the flooring.

Aho asked if the changes proposed would limit the ability of the facility to be used in terms of programs. Lotthammer said it would limit our ability to divide it up, but we believe we would have the capability of having good quality programs and would see a starting date sometime in April for programs and classes within the facility.

Rosow said under State law the Council is required to formally accept all donations. He noted there are conditions present in this motion regarding the use of \$29,000 for remodeling with another \$6,000 to be used for renovating the facility, if necessary, or for equipment. If the City would choose not to use the facility as an Art Center, the City would be obligated to return that portion of the donation.

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Young asked if the building could be put to some use by April if we accept the gift and approve the \$29,000 in work. Lotthammer said he believes from discussion with the contractor we would be able to finish it so programs and classes could be held there in April.

Young asked what programs and classes would be held there. Lotthammer said we have been approached by individuals wanting to teach pottery, painting, drawing and sketching classes. Young asked if we have equipment in the building to facilitate all those types of classes. Lotthammer replied some types of classes do not require a lot of specialty equipment, but pottery classes would require wheels and other equipment. The Sampson Family has stayed tuned to the fundraising efforts. Several companies and corporations have said they would be more likely to give if we can demonstrate we are using the building as an Art Center.

Young asked what additional capital expenses the City will face in the near term as a result of our actions if we accept this gift and approve these upgrades. Lotthammer said we don't have any plans to purchase capital or spend dollars not coming to us from fundraising efforts. If this were open and available as a facility, we would have the capability to buy some things using foundation donations. There are no dollars budgeted from the City's capital funds and there is no intent to ask for capital funds.

Duckstad said there were apparently two bids; however, in this case we are only doing a portion of the work that was bid on. He asked if that means we have to re-let the bids or can we accept the lowest bidder even though they were bidding on more work. Rosow said the competitive bid statute was changed about a year ago, so the competitive bid amount is \$100,000. For this size project, we can now obtain quotations without having to go to sealed bids.

Nelson said she is excited about getting this open to the public. She has talked to members of the community, and there are a number of people who have promised checks once the building is open to the public. She thought this is very generous of the Sampson Family, and it would be wonderful to have it open in April.

MOTION: Aho moved, seconded by Nelson, to acknowledge the donation from Mrs. Elaine Sampson and Family in the amount of \$35,000 to be used for remodeling work and equipment at the Eden Prairie Art Center. **Motion carried 5-0.**

2. Art Center Upgrades Contract

MOTION: Nelson moved, seconded by Case, to authorize staff to contract with Doran Construction in the amount of \$29,000 for work related to Art Center building remodeling. **Motion carried 5-0.**

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E. REPORT OF PUBLIC WORKS DIRECTOR

F. REPORT OF POLICE CHIEF

G. REPORT OF FIRE CHIEF

H. REPORT OF CITY ATTORNEY

XVI. OTHER BUSINESS

XVII. ADJOURNMENT

MOTION: Nelson moved, seconded by Aho, to adjourn the meeting. **Motion carried 5-0.** Mayor Young adjourned the meeting at 7:50 PM.