

**APPROVED MINUTES**

**EDEN PRAIRIE CITY COUNCIL MEETING**

**TUESDAY, JANUARY 8, 2008**

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

**CITY COUNCIL:** Mayor Phil Young, Council Members Brad Aho, Sherry Butcher, Jon Duckstad and Kathy Nelson

**CITY STAFF:** City Manager Scott Neal, Parks & Recreation Director Jay Lotthammer, Public Works Director Eugene Dietz, City Planner Michael Franzen, Community Development Director Janet Jeremiah, 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.

**II. COLOR GUARD / PLEDGE OF ALLEGIANCE**

Young said a new Scouts Color Guard program has been initiated. He said the Color Guard program was created to strengthen the City's already good relationship with the local Scouting community and to enhance the beginning of City Council meetings. Scout Troops will rotate to perform the Color Guard for each Council meeting.

**III. COUNCIL FORUM INVITATION**

**IV. PROCLAMATIONS / PRESENTATIONS**

**A. PROCLAMATION CELEBRATING THE CHINESE NEW YEAR**

Mayor Young read a proclamation recognizing the start of the Chinese New Year and extending the Council's best wishes to the government officials and people of Loudi, China.

**V. APPROVAL OF AGENDA AND OTHER ITEMS OF BUSINESS**

Young said the Council discussed adding **Item XIII.O. APPOINTMENT TO SOUTHWEST LIGHT RAIL TRANSIT POLICY ADVISORY COMMITTEE** at tonight's workshop.

Neal said the proposed motion for **Item XIII.H. APPOINTMENT TO SOUTHWEST CORRIDOR COMMISSION** should be changed to withdraw from the organization, per the Council's discussion in the workshop.

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

**VI. MINUTES**

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**A. COUNCIL WORKSHOP HELD TUESDAY, DECEMBER 18, 2007**

**MOTION:** Nelson moved, seconded by Butcher, to approve the minutes of the Council Workshop held Tuesday, December 18, 2007, as published. **Motion carried 5-0.**

**B. CITY COUNCIL MEETING HELD TUESDAY, DECEMBER 18, 2007**

**MOTION:** Butcher moved, seconded by Duckstad, to approve the minutes of the Council Meeting held Tuesday, December 18, 2007. **Motion carried 5-0.**

**VII. REPORTS OF ADVISORY BOARDS & COMMISSIONS**

**VIII. CONSENT CALENDAR**

**A. CLERK'S LICENSE LIST**

**B. LAMETTRY COLLISION** Second Reading of Ordinance 1-2008-PUD-1-2008 for Planned Unit Development District Review with waivers on 3.2 acres and Zoning District Amendment in the Commercial Regional Service Zoning District on 3.2 acres; Resolution 2008-01 for Site Plan Review on 3.2 acres Location: 11903 Valley View Road. (**Ordinance No. 1-2008-PUD-1-2008 for PUD District Review with waivers and Zoning District Amendment; Resolution No. 2008-01 for Site Plan Review**)

**C. ADOPT RESOLUTION NO. 2008-02 RELEASING THE FOUNTAIN PLACE RETAIL DEVELOPMENT AGREEMENT AND CONSERVATION/ SCENIC EASEMENT FOR LOT 2, BLOCK 1, FOUNTAIN PLACE**

**D. AUTHORIZE EXECUTION OF THIRD AMENDMENT TO THE PURCHASE AGREEMENT FOR LOT 1, BLOCK 1, AND OUTLOT C, COLUMBINE ADDITION**

**E. ADOPT RESOLUTION NO. 2008-03 AUTHORIZING CITY OFFICIALS TO TRANSACT BANKING BUSINESS**

**F. ADOPT RESOLUTION NO. 2008-04 DESIGNATING DEPOSITORIES**

**G. ADOPT RESOLUTION NO. 2008-05 AUTHORIZING USE OF FACSIMILE SIGNATURES BY PUBLIC OFFICIALS**

**H. ADOPT RESOLUTION NO. 2008-06 AUTHORIZING TREASURER OR DEPUTY TREASURER TO INVEST CITY OF EDEN PRAIRIE FUNDS**

**I. ADOPT RESOLUTION NO. 2008-07 AUTHORIZING TREASURER OR DEPUTY TREASURER TO MAKE ELECTRONIC FUND TRANSFERS FOR CITY OF EDEN PRAIRIE**

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J. ADOPT RESOLUTION NO. 2008-08 AUTHORIZING PAYMENT OF CERTAIN CLAIMS BY FINANCE DEPARTMENT WITHOUT PRIOR COUNCIL APPROVAL

K. ADOPT RESOLUTION NO. 2008-09 ESTABLISHING MEETING DATES AND TIMES FOR CITY BOARDS AND COMMISSIONS FOR 2008

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

IX. PUBLIC HEARINGS / MEETINGS

X. PAYMENT OF CLAIMS

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

XI. ORDINANCES AND RESOLUTIONS

XII. PETITIONS, REQUESTS AND COMMUNICATIONS

XIII. REPORTS OF ADVISORY BOARDS & COMMISSIONS

XIV. APPOINTMENTS

A. RESOLUTION NO. 2008-10 DESIGNATING OFFICIAL CITY NEWSPAPER

Neal said this designation is required on an annual basis, and for the past couple of years there has been only one newspaper located in the corporate City limits. The *Eden Prairie News* now has an office in Eden Prairie and is qualified to be considered as the official newspaper. Prior to 2003, the *Eden Prairie News* had been the official City newspaper for 27 years. The *Eden Prairie Sun-Current* has been the official newspaper since 2003. Staff is recommending selection of *Eden Prairie News* because their proposal is competitively priced and their circulation is superior to that of the *Eden Prairie Sun Current*.

**MOTION:** Butcher moved, seconded by Duckstad, to adopt Resolution No. 2008-10 designating the *Eden Prairie News* as the official City newspaper for the year 2008. **Motion carried 5-0.**

B. RESOLUTION NO. 2008-11 DESIGNATING OFFICIAL MEETING DATES, TIME AND PLACE FOR THE CITY OF EDEN PRAIRIE CITY COUNCIL IN 2008 AND APPOINTING ACTING MAYOR

Neal said this resolution requires approval on an annual basis. He noted the schedule for this year is different in some ways from previous years, but he thought the proposed schedule will work very well.

Young recommended Council Member Butcher's reappointment as Acting Mayor.

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**MOTION:** Aho moved, seconded by Nelson, to adopt Resolution No. 2008-11 designating the official meeting dates, time and place for the City of Eden Prairie Council in 2008 and appointing Council Member Butcher the Acting Mayor.  
**Motion carried 5-0.**

**C. RESOLUTION NO. 2008-12 APPOINTING COMMISSIONERS TO THE EDEN PRAIRIE HOUSING AND REDEVELOPMENT AUTHORITY**

Neal said this appointment requires approval on an annual basis. Traditionally, the Mayor has served as the Chair of the HRA and the City Manager as the Executive Director with the Council as a whole serving as the Board. He said the Council Member appointed as Secretary has usually been the Council Member who is the easiest to reach when there is a document to sign.

**MOTION:** Butcher moved, seconded by Duckstad, to adopt Resolution No. 2008-12 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 calendar year 2008. **Motion carried 5-0.**

**D. RESOLUTION NO. 2008-13 APPOINTING DIRECTOR AND ALTERNATE DIRECTOR TO THE SUBURBAN RATE AUTHORITY FOR 2008**

Neal said this is an organization of suburban communities that monitors electric and other utility rates. This resolution requires approval on an annual basis. Director of Public Works Gene Dietz served as the Director and Councilmember Butcher served as the Alternate Director to the Suburban Rate Authority in 2007.

**MOTION:** Nelson moved, seconded by Aho, to adopt No. Resolution 2008-13 designating Director of Public Works Dietz as the Director and Council Member Butcher as the 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**

Neal said this appointment is approved on an annual basis. He noted the group was more recently known as the Metropolitan Cities.

**MOTION:** Aho moved, seconded by Duckstad, to approve appointment of the Mayor as Delegate and Council Members as Alternates to the Association of Metropolitan Municipalities. **Motion carried 5-0.**

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

Neal said this appointment is approved on an annual basis, and he recommended that Mayor Young be appointed as the delegate.

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**MOTION:** Butcher 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**

Neal said this is an organization of 12 cities in the Twin Cities area that are similar from a demographic and financial standpoint. These cities work together on matters of legislative advocacy.

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

**H. APPOINTMENT TO SOUTHWEST CORRIDOR COMMISSION**

Neal said Council Members and Staff discussed this at the workshop tonight and decided it would be appropriate to withdraw from the Southwest Corridor Commission.

Young noted the commission does fine work, but most of the work is now well to the west of Eden Prairie.

**MOTION:** Duckstad moved, seconded by Butcher, to withdraw from the Southwest Corridor Commission. **Motion carried 5-0.**

**I. APPOINTMENT TO SOUTHWEST CABLE TV COMMISSION**

Neal noted Council Member Aho served on the commission this past year. The Commission is a consortium of Eden Prairie, Minnetonka, Edina, Richfield and Hopkins and meets twice a year.

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

**J. APPOINTMENT TO EDEN PRAIRIE FOUNDATION**

Neal noted the Eden Prairie Foundation is a local philanthropic organization in the City. He said this appointment is approved on an annual basis, and Council Member Nelson is currently serving on the foundation.

Young recommended Council Member Nelson's reappointment.

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

**K. APPOINTMENT TO I-494 CORRIDOR COMMISSION**

Neal said this appointment is approved on an annual basis. The commission is a consortium of cities along the I-494 corridor that do advocacy and program

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management related to traffic and transit along the corridor. Councilmember Aho has served on the I-494 Corridor Commission from 2005 to 2007.

Young recommended Council Member Aho's reappointment.

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

### **L. APPOINTMENT TO CITY AND SCHOOL FACILITIES USE TASK FORCE**

Neal said the City and School Facilities Use Task Force meets at least annually and sometimes twice a year to discuss the joint City and School District use of facilities we each own. It is an important group that facilitates the appropriate sharing of public assets. Council Member Duckstad served on the City and School Facilities Use Task Force in 2007.

Young recommended Council Member Duckstad's reappointment.

**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.**

### **M. APPOINTMENT TO LEAGUE OF MINNESOTA CITIES INSURANCE TRUST BOARD OF TRUSTEES**

Neal said Council Member Butcher has served as a member of the League of Minnesota Cities Insurance Trust (LMCIT) Board of Trustees since 2003. He noted this appointment to the LMCIT is a substantial assignment. The Board asks that City governments support their members and recognize their appointments to this organization.

**MOTION:** Nelson moved, seconded by Duckstad, to appoint Council Member Butcher to serve on the League of Minnesota Cities Insurance Trust Board of Trustees. **Motion carried 5-0.**

### **N. APPOINTMENT OF ASSISTANT WEED INSPECTOR**

Neal said each year the City of Eden Prairie is requested to appoint an Assistant Weed Inspector for the City to enforce the local and state weed ordinances. Under the requirements of Minnesota Statutes, Chapter 18.80 and 18.81 the Mayor is the City Weed Inspector, and appointment of an Assistant Weed Inspector thereby relieves the Mayor or City Council of those duties as required by Minnesota State Statute. Jeff Cordes has been doing this inspection work for the past several years, and he is familiar with the City ordinance and state law.

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

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### O. APPOINTMENT TO SOUTHWEST LIGHT RAIL TRANSIT POLICY ADVISORY COMMITTEE

Neal said we need to appoint a representative and an alternate to the Southwest Light Rail Transit (LRT) Policy Advisory Committee. The committee was established by Hennepin County to manage and direct the future proposed LRT line from Minneapolis to Eden Prairie. The group has been moving that project forward and is getting to a point now where they are ready to make some important decisions. He said Council Member Aho has served as the representative and Janet Jeremiah as the alternate. Council Member Nelson has expressed interest in this committee.

Young said this will be a very important committee as work on the LRT line ramps up, and he was thankful both Council Members Aho and Nelson are willing to take this responsibility.

**MOTION:** Duckstad moved, seconded by Butcher, to appoint Council Member Aho as representative to the Southwest Light Rail Transit Policy Advisory Committee with Council Member Nelson as the alternate. **Motion carried 5-0.**

## XV. REPORTS

### A. REPORTS OF COUNCILMEMBERS

### B. REPORT OF CITY MANAGER

### C. REPORT OF THE COMMUNITY DEVELOPMENT DIRECTOR

### D. REPORT OF PARKS AND RECREATION DIRECTOR

### 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:** Butcher moved, seconded by Aho, to adjourn the meeting. **Motion carried 5-0.** Mayor Young adjourned the meeting at 7:25 PM.