

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
MAY 1, 2012  
7:00 P.M.**

***I. CALL TO ORDER***

Mayor Hovland called the meeting to order at 7:00 p.m.

***II. ROLL CALL***

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

***III. MEETING AGENDA APPROVED***

Member Bennett made a motion, seconded by Member Brindle, approving the meeting agenda as revised to add Item V.D., Resolution No. 2012-72, Recognizing the City's Quasquicentennial and the Work of the Edina Historical Society and its Quasquicentennial Committee; and to consider Item VI.B., Public Hearing – Temporary Intoxicating Liquor License – Chamber of Commerce prior to Item VI.A., Public Hearing continued from April 17, 2012 – Preliminary Plat with Lot Area and Lot Width Variances, 6120 Brookview Avenue, JMS Custom Homes.

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

***IV. CONSENT AGENDA ADOPTED***

Member Swenson made a motion, seconded by Member Bennett, approving the consent agenda as revised to remove Items IV.A., Approval of Minutes – Regular and Work Session Meeting Minutes of April 17, 2012, and Town Hall Meeting Minutes of April 14, 2012; IV.C., Consideration of Ordinance No. 2012-11 CSO/Parking Attendant Amendment Including Waiver of Second Reading; IV.D., Resolution No. 2012-68 Receiving Feasibility Study for Gallagher Drive Roadway and Nine Mile Creek Regional Trail Improvements, Imp. BA-382; IV.E., Resolution No. 2012-69, Receiving Plans for Bike Boulevard Improvements, Imp. A-238; IV.F., Proposed Urban Planner for France Avenue Pedestrian Crossing Improvements; and, IV.G., Modifications to Edina Emerald Energy Program to Include Apartments as Eligible Properties under the Program, as follows:

~~IV.A. Approval of Minutes – Regular and Work Session Meeting Minutes of April 17, 2012, and Town Hall Meeting Minutes of April 14, 2012~~

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated April 19, 2012, and consisting of 31 pages; General Fund \$370,487.12; Police Special Revenue \$1,582.93; PIR Debt Service Fund \$126.38; Working Capital Fund \$931.17; Equipment Replacement Fund \$12,213.08; Art Center Fund \$2,378.85; Golf Dome Fund \$3,206.10; Aquatic Center Fund \$1,243.53; Golf Course Fund \$34,154.63; Ice Arena Fund \$10,022.47; Edinborough Park Fund \$11,908.35; Centennial Lakes Park Fund \$8,540.96; Liquor Fund \$227,055.76; Utility Fund \$287,100.54; Recycling Fund \$39,958.20; PSTF Agency Fund \$4,636.39; TOTAL \$1,015,546.46 and for approval of payment of claims dated April 26, 2012, and consisting of 28 pages; General Fund \$139,647.87; Working Capital Fund \$6,788.06; Equipment Replacement Fund \$22,243.89; Art Center Fund \$5,822.20; Golf Dome Fund \$92.19; Aquatic Center Fund \$1,416.65; Golf Course Fund \$20,944.74; Ice Arena Fund \$1,207.73; Edinborough Park Fund \$4,254.03; Centennial Lakes Park Fund \$4,298.77; Liquor Fund \$150,272.16; Utility Fund \$375,095.75; Storm Sewer Fund \$2,443.49; Recycling Fund \$3,838.00; PSTF Agency Fund \$357.93; Payroll Fund \$5,325.85; TOTAL \$744,049.31

~~IV.C. Consideration of Ordinance No. 2012-11 CSO/Parking Attendant Amendment Including Waiver of Second Reading~~

~~IV.D. Resolution No. 2012-68 Receiving Feasibility Study for Gallagher Drive Roadway and Nine Mile Creek Regional Trail Improvements, Imp. BA-382~~

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~~IV.E. Resolution No. 2012-69, Receiving Plans for Bike Boulevard Improvements, Imp. A-238~~

~~IV.F. Proposed Urban Planner for France Avenue Pedestrian Crossing Improvements~~

~~IV.G. Modifications to Edina Emerald Energy Program to Include Apartments as Eligible Properties Under the Program~~

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**ITEMS REMOVED FROM THE CONSENT AGENDA**

**IV.A. REGULAR MEETING MINUTES OF APRIL 17, 2012 – APPROVED AS REVISED - WORK SESSION MEETING MINUTES OF APRIL 17, 2012, AND TOWN HALL MEETING MINUTES OF APRIL 14, 2012 – APPROVED AS SUBMITTED**

It was noted the Grandview District public hearing testimony contained additional detail over the standard minute format indicating: “addressed the Council.” Member Bennett stated she had provided condensed detail so the minutes would be more informative and because the webstream was sometimes difficult to access. Following discussion, majority Council supported the minutes reflecting consistent formatting for all public hearings and indicated this issue would be discussed at a future Work Session. **Member Swenson made a motion, seconded by Member Sprague, approving the Regular Meeting minutes of April 17, 2012, striking Grandview District public hearing comments and retaining the standard format until the Council has an opportunity to discuss minute format, correcting “LaMontague” to “Spalon Montage,” and Page 10, Line 9, striking the word “since.”**

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

**Member Sprague made a motion, seconded by Member Swenson, approving the Work Session meeting minutes of April 17, 2012, and Town Hall meeting minutes of April 14, 2012, as submitted.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.C. ORDINANCE NO. 2012-11 ADOPTED – CSO/PARKING ATTENDANT AMENDMENT**

Police Chief Long presented the draft ordinance and indicated it reflected current practice. **Mayor Hovland made a motion to grant First and waive Second Reading adopting Ordinance No. 2012-11, amending the Edina City Code concerning control of traffic and vehicles. Member Sprague seconded the motion.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**IV.D. RESOLUTION NO. 2012-68 – ADOPTED – RECEIVING FEASIBILITY STUDY FOR GALLAGHER DRIVE ROADWAY AND NINE MILE CREEK REGIONAL TRAIL IMPROVEMENTS, IMP. BA-382**

**IV.E. RESOLUTION NO. 2012-69 – ADOPTED – RECEIVING PLANS FOR BIKE BOULEVARD IMPROVEMENTS, IMP. A-238**

**IV.F. PROPOSED URBAN PLANNER FOR FRANCE AVENUE PEDESTRIAN CROSSING IMPROVEMENTS – APPROVED**

With regard to Items IV.D. and IV.E., the Council requested receipt of Transportation Commission meeting minutes in advance, so it was aware of comments and concerns related to those projects.

With regard to Item IV.F., the Council acknowledged a Response for Proposal was not used and while it found the credentials of the urban planning team to be impressive, wanted to assure “urban design” was adequately addressed. The Council’s intention was to address a wider context of the corridor roadway and neighborhood connections beyond the three intersections, to assure the use of best practices, and

incorporate designs proven to have worked elsewhere. **Member Bennett introduced and moved adoption of Resolution No. 2012-68, receiving feasibility report for Gallagher Drive Roadway and Nine Mile Creek Regional Trail Improvements, Imp. BA-382; and, Resolution No 2012-69, receiving plans for Bike Boulevard Improvements, Imp. A-238, and approving proposed Urban Planner for engineering services for France Avenue Pedestrian Crossing Improvement.** Member Swenson seconded the motion.

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

**IV.G. MODIFICATIONS TO EDINA EMERALD ENERGY PROGRAM TO INCLUDE APARTMENTS AS ELIGIBLE PROPERTIES UNDER THE PROGRAM – APPROVED**

The Council asked staff to contact the condominium owners within the Housing Improvement Area that had previously made a similar request and determine if interest remained. **Member Swenson made a motion, seconded by Member Bennett, approving modifications to the Edina Emerald Energy Program to include apartments as eligible properties under the Program.**

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

**V. SPECIAL RECOGNITIONS AND PRESENTATIONS**

**V.A. HERITAGE PRESERVATION MONTH PROCLAIMED**

Mayor Hovland read the proclamation in full. **Member Sprague made a motion, seconded by Member Swenson, approving proclamation declaring May 2012 as Heritage Preservation Month in the City of Edina.**

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

**V.B. HERITAGE AWARD**

Associate Planner Repya described the heritage of the Convention Grill and announced it was the recipient of the 2012 Heritage Award. On behalf of Convention Grill's owner, John Rimarcik, his son Tony Rimarcik along with long time employee Shawn Schmitz accepted the Heritage Award. Also attending to celebrate the award were two gentlemen, Nick Santrizos, son of the Grill's original owner and Nick Santrizos, nephew of Nick and also grandson of the Grills original owner. All present thanked the City for the Heritage Award. The Council and audience responded with a round of applause.

**V.C. LAW ENFORCEMENT MEMORIAL WEEK PROCLAMATION**

Mayor Hovland read the proclamation in full. **Member Bennett made a motion, seconded by Member Sprague, approving proclamation declaring May 15, 2012, as Peace Officers Memorial Day and May 13 through May 19, 2012, as Police Week in the City of Edina.**

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

Police Chief Long accepted the proclamation, thanked the Council for this recognition and announced planned events including "Coffee with the Chief."

**V.D. RESOLUTION NO. 2012-72 ADOPTED – EDINA QUASQUICENTENNIAL**

Mayor Hovland read the resolution in full. **Member Bennett introduced and moved adoption of Resolution No. 2012-72, recognizing the City's Quasquicentennial and the work of the Edina Historical Society and its Quasquicentennial Committee.** Member Brindle seconded the motion.

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

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Ruth Valgema, representing the Quasquicentennial Committee, accepted the resolution, announced planned celebration events and encouraged all to participate. Quasquicentennial Committee Members were acknowledged and thanked.

**VI. PUBLIC HEARINGS HELD** – Affidavits of Notice presented and ordered placed on file.

**VI.B. TEMPORARY INTOXICATING LIQUOR LICENSE – CHAMBER OF COMMERCE – APPROVED**

Police Chief Long presented the request of the Edina Chamber of Commerce for a Temporary On-Sale Intoxicating Liquor License for the May 17, 2012, Taste of Edina event and recommended approval conditioned on the sale being limited to beer and wine.

Mayor Hovland opened the public hearing at 7:45 p.m.

Public Testimony

No one appeared to comment.

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

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

**Member Swenson made a motion, seconded by Member Brindle, approving Temporary Intoxicating Liquor License for the Chamber of Commerce for its Taste of Edina event on May 17, 2012, 4:30-7:30 p.m.**

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

Arrie Larsen Manti, Chamber of Commerce President, advised of planned events and encouraged participation.

**VI.A. CONTINUED FROM APRIL 17, 2012 – PRELIMINARY PLAT WITH LOT AREA AND LOT WIDTH VARIANCES, 6120 BROOKVIEW AVENUE, JMS CUSTOM HOMES – REFERRED TO STAFF TO DRAFT FINDINGS FOR DENIAL**

Planning Director Presentation

Planning Director Teague presented the request of JMS Custom Homes to subdivide the property and create a new 50-foot lot north of the existing home. The request includes a subdivision for two lots, lot width variance from 75 feet to 50 feet for each lot, lot area variance from 9,000 square feet to 6,676 and 6,671 square feet, and a minor lot depth variance from 133.8 to 133.7 feet for Lot 2. Mr. Teague presented the required variance criteria and advised staff and the Planning Commission found the request does not meet variance criteria and recommended denial subject to findings as contained in the staff report and Planning Commission meeting minutes.

Proponent Presentation

Jeff Schoenwetter, representing JMS Custom Homes, stated JMS valued its relationship with the City and planned to continue its endeavors in Edina. He indicated this property was originally platted in the 1920s as two 50-foot lots and had water and sewer utilities for two lots, so it was anticipated each 50-foot property would accommodate its own home, much like other 50-foot lots in this neighborhood. He indicated the immediate lots to the west and south were 50-foot home sites, as part of the Pamela Park neighborhood. Mr. Schoenwetter stated the JMS's rationale for considering that a "neighborhood" was larger than a single block. Mr. Schoenwetter suggested that for thoughtful development and reasonable investments, all 50-foot lots must be available for redevelopment and that most builders in his opinion were consistently honing skills to build exceptional homes on 50-foot lots without variance.

Mr. Schoenwetter presented slides and commented on how this plat was developed over the years, the area zoning mix that included residential, apartments, duplex, and commercial zoning within 100 feet to the south of the subject site. He noted the Fairfax plat had 85.7% 50-foot lots, exactly as proposed. He displayed the plat and described the location of 50-foot lots, slightly larger lots, commercial, park properties, noting there was only one historically extra-large lot representing less than one-half a percent of the total lots in the neighborhood. In addition, only 3% of the lots were over 100 feet in width. Mr. Schoenwetter then displayed video of Janey Westin stating the Westins combined their property with the lot next door to make a conforming lot, and a slide of the side yard noting it had similar setbacks to the home that was built. He then presented video of Council's debate of variance criteria and approval of a similar subdivision request to create two 50-foot lots and lot width and lot area variances. Mr. Schoenwetter presented letters and video comments by area neighbors and the Planning Commission Chair supporting the JMS application. He suggested the vision of the future was shared by many, and approval of the requested subdivision would assure a smaller home was built on this lot. The proposed house would have 1,140 square feet on the first floor with a price point under \$600,000. Mr. Schoenwetter indicated the existing 2-story house had 1,400 square feet on first floor, 4 bedrooms, and was selling for \$699,000.

Mayor Hovland indicated the public hearing was continued from April 17, 2012, and invited additional public testimony at 8:22 p.m.

Public Testimony

Jackie Whitbeck, 6128 Brookview Avenue, addressed the Council.

Dick Whitbeck, 6128 Brookview Avenue, addressed the Council.

Mickie Turk, 6141 Brookview Avenue, addressed the Council.

Janey Westin, 6136 Brookview Avenue, addressed the Council.

Carol Carmichiel, 6112 Brookview Avenue, addressed the Council.

Jerrod Lindquist, 5945 Concord Avenue, addressed the Council.

Danny Uhrhammer, 6101 Oaklawn Avenue, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council addressed issues raised during public testimony and questions asked of Messrs. Teague and Knutson relating to the original platting of this area. Mr. Teague explained the original two 50-foot lots were combined and the original house was constructed in the middle of the 100-foot lot. When that property was listed for sale, a similar subdivision request for two 50-foot lots was under consideration by the Planning Commission; however, the application was withdrawn prior to action and, at that point, the property was sold to JMS. For the current house, a survey had been submitted and was approved based on that survey information. Construction began and a complaint was registered that the setback had not been met. Staff investigated, discovered the setback was off eight to nine feet and issued a stop work order. JMS was told it could meet the required setback or apply for a front yard variance. JMS applied for a variance through the Zoning Board of Appeals, which was denied. JMS then successfully sued the City so the current house existed as a legal non-conforming house.

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The Council discussed the zoning regulation at the time the area was platted and change instituted in 1951 increasing the minimum lot width to 75 feet. Mr. Teague stated two platted lots combined into a single lot cannot then be re-subdivided if it resulted in the creation of a subminimum lot without a variance. In neighborhoods where lots exceed 9,000 square feet in size, 75 feet in width, or 130 feet in depth, the median lot size was established based on lots within 500 feet of the subject site. The Council noted code guided the formation of larger than minimum sized lots but does not contemplate the creation of subminimum lots.

The Council expounded on its finding that the requested subdivision would not satisfy required variance standards: there were no circumstances unique to the property that called for variance consideration, it was a self-created hardship, and reasonable use existed since the property already contained a house. In addition, the Council took exception to the proponent's claim that the subject lot was surrounded by 50-foot lots, noting the adjoining lots to the north, south, and across the street were as large as or larger than the subject 100-foot lot. Thus, the creation of two 50-foot lots would be out of character with the neighborhood. **Member Bennett made a motion, seconded by Member Sprague, referring the request of JMS Custom Homes for preliminary plat with lot area and lot width variances at 6120 Brookview Avenue to staff to draft findings for denial for consideration at the May 15, 2012, Council meeting.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VI.C. LEVYING SPECIAL ASSESSMENTS FOR PUBLIC HEALTH NUISANCE ABATEMENT NO. 18165 – RESOLUTION NO. 2012-70 ADOPTED***

Community Health Administrator Engelman recommended levying Abatement No. 18165 in the amount of \$9,893.66 to abate a public nuisance condition. She reported the resident moved back into the property the end of November 2011.

Mayor Hovland opened the public hearing at 9:11 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2012-70; levying special assessments for garbage and debris removal improvements, and directing Bloomington Health Care follow up with the resident in question.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VII. COMMUNITY COMMENT***

No one appeared to comment.

***VIII. REPORTS / RECOMMENDATIONS***

In consideration of those in attendance, **Member Swenson made a motion, seconded by Member Brindle, amending the agenda to consider Item VIII.C., Hornets' Nest Proposal, prior to Item VIII.A., Ordinance No. 2012-10 Amending Section 900 Discount Pricing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***VIII.C. HORNET'S NEST PROPOSAL – SUPPORTED IN CONCEPT***

Manager Neal introduced the item and stated the intention was that the City Council discuss the Hornet's Nest proposal and make a determination. If endorsed for advancement, additional regulatory steps would be required including Planning Commission review and noticed public hearing.

Ellen Jones, 5261 Lochloy Drive, Park Board Vice Chair and Working Group Chair, reported on the Park Board's rationale to recommend supporting the Hornet's Nest proposal.

Eric Anderson, 6501 Indian Hills Road, representing Drive for the Hive, a nonprofit organization, thanked the Park Board and staff for its assistance with this project. He advised of the need to address and update Braemar West Arena hockey and figure skating facilities and presented the Hornet's Nest proposal for a two-story, 26,450 square-foot addition estimated at \$3.2 million. Mr. Anderson presented a financial summary, indicating Drive for the Hive would solicit 25% of the project cost through private donations, and request financing of \$2.2 million with the debt amortized over a 20-year period. This would result in 25% equity and 75% debt to be financed. He then presented projected revenue and cash flow that would be used to pay operating expenses and retire the debt, noting there would be a slight negative cash flow in early years but Braemar Arena staff believed the training facility would produce additional revenue in addition to dues charged to the Edina Hockey Association and Braemar City of Lakes Figure Skating Club that would create a positive cash flow.

The Council asked questions of Mr. Anderson relating to the location of similar facilities and conditional recommendation of the Park Board. Mr. Anderson stated he had no concerns over the recommended conditions and advised that Drive for the Hive currently had private pledge commitments for \$275,000 of the \$740,000 to be raised. In addition, Rich Meyer a 20-year professional fundraiser had volunteered to help guide fund raising efforts. Mr. Anderson explained that value engineering of the project resulted in reducing the size of the structure and lowered the project cost by \$1 million. It was the intention that the capital reserve would be used for future repairs and maintenance.

The Council continued its discussion of the proposed project, how ice time would be scheduled and indicated there was a need to develop a priority use policy for this facility. It was noted if the use of the Braemar City of Lakes Figure Skating Club declined and the \$20 per player per year surcharge was not paid, it would represent a small portion (\$4,000/year) of the excess cash flow being generated. Mr. Neal explained that if the Council supported moving this proposal forward, it would be subject to the same regulatory processes as other land use considerations.

Park Director Keprios presented additional proposed improvements to update and revitalize Braemar Arena should the Hornet's Nest project go forward: to relocate the West Arena Zamboni Room estimated at \$255,045 to resolve safety hazards; additional lower level lobby space estimated at \$42,000; create player/coach/staff accessible path estimated at \$161,000; and create standing room only area at \$23,300; totaling \$481,345. Mr. Keprios provided a budget summary and cash flow balance summary, with and without improvements. He then presented the recommendation of the Park Board to move forward with the Hornet's Nest proposal subject to conditions detailed in the staff report. It was noted that if approved by the City Council, the proposal to rezone the park property for retail and dry-land training (Public Leasing) and signage would be considered by the Planning Commission on May 23, 2012; the dry-land training vendor would not be open to the public during High School hockey games (no need for transportation or parking study); and rezoning and the project public hearing could be scheduled as early as the June 5, 2012, Council meeting. Mr. Keprios indicated issues remaining to be resolved are the type of agreement with Drive for the Hive and City of Edina and whether Drive for the Hive could act as construction manager for no fee. He extended his appreciation to all who had participated in this consideration.

The Council referenced the City's policy relating to recognition of contributions, and reluctance was expressed to consider naming this facility for a donor since it was a City-owned property. The Council

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considered the responsibility for the ingress/egress of the Zamboni room and ADA pathway. Since the Hornet's Nest proposal necessitated a longer extension of the ADA pathway, it was suggested that cost should be prorated. Mr. Anderson indicated Drive for the Hive would be willing to work through those issues.

The Council noted the proposed lease term was ten years while the bond term was 20 years. Mr. Anderson explained that 20-year leases were not commonplace in the market for this type of use. The Council noted the retail component at Braemar was operated by the City and it did not have a policy for privatization on public land. Mr. Anderson stated he had researched the principle behind allowing a commercial entity on public land and encouraged the Council to consider the National Parks Service policy that allowed private enterprise on public land, striking the correct balance between privatization and preservation while providing a better experience for its visitors. **Member Swenson made a motion, seconded by Member Brindle, approving Hornets' Nest concept subject to:**

- 1. The project must receive all required municipal land use regulatory approvals from the City**
- 2. Drive for the Hive organization entering into memorandum of understanding approved by the City Council that formally established respective roles and responsibilities of both parties to accomplish this project**
- 3. Vendors, School District, and pertinent sports organizations must enter into agreements acceptable to the City relative to lease or use of the facility, or portions thereof**
- 4. Drive for the Hive must raise \$739,314.83 in private donations**
- 5. Vendors for the dry-land training facility and the sporting goods retail store must commit to a minimum ten-year lease**
- 6. The Edina School Board of Education must agree to an additional ice rental surcharge and restructuring to the spectator fee distribution for High School hockey games at Braemar Arena to help cover locker room operating expenses**
- 7. The Edina Hockey Association must agree to a \$20 per player per year surcharge for a 20-year period (the life of the bonds)**
- 8. The Braemar City of Lakes Figure Skating Club must agree to a \$20 per player per year surcharge for a 20-year period (the life of the bonds)**

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

***VIII.A. ORDINANCE NO. 2012-10 – ADOPTED – AMENDING SECTION 900.12(7) DISCOUNT PRICING***

Chemical Health Coordinator Iverson presented the research and findings of the Edina Health Partners Coalition and noted the greatest concern was that any discount pricing be sensitive to not promote increased alcohol use and to support responsible alcohol use.

The Council discussed the ordinance amendment and asked questions of staff. Mr. Neal indicated this process started at the request of the Restaurant Association, and the proposed ordinance amendment was drafted by staff based on Ms. Iverson's research. It was noted the amendment would regulate practices of selling and serving alcoholic drinks but would not regulate the price, which was difficult to regulate successfully. **Member Swenson made a motion to grant First and waive Second Reading adopting Ordinance No. 2012-10, amending the Edina City Code concerning liquor. Member Sprague seconded the motion.** The Council continued its discussion of the amendment and indicated support to consider the food to alcohol percentage requirement at a future meeting.

Rollcall:

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

***VIII.B. PRIORITY USE OF THE EDINA AQUATIC CENTER FACILITIES POLICY AND RELATIONSHIP DOCUMENT – APPROVED***

Mr. Keprios presented staff's recommendation to adopt the proposed Priority Use of the Edina Aquatic Center Facility Policy and Relationship Document that reflected a 75% residency requirement for the Edina Swim Club and granting it first priority access. In addition, the Edina Swim Club must maintain its status as a nonprofit corporation in accordance with Minnesota law, and may not discriminate based on ability; however, may make team assignments based on demonstrated ability to swim 25 yards in both the freestyle and backstroke. **Member Swenson made a motion, seconded by Member Sprague, approving priority use of the Edina Aquatic Center Facilities Policy and Relationship Document, with corrections to grammar and capitalization.**

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

**VIII.D. RESOLUTION NO. 2012-73 ADOPTED – SOUTHWEST TWIN CITIES YELLOW RIBBON COALITION**

Member Brindle stated this matter was brought to her attention by Scott McDonald, Rotary Club President. She explained the Beyond the Yellow Ribbon Program, a community support program for families of deployed military service members, and described the need for this support program, services offered, and formation of a six-city Yellow Ribbon Coalition operated by a steering committee. **Member Brindle introduced and moved adoption of Resolution No. 2012-73, proposal to participate in the proposed Southwest Twin Cities Yellow Ribbon Program Coalition.** Member Bennett seconded the motion.

The Council discussed the Program and addressed the concern expressed relating to the level of City resources that would be committed. Mr. Neal explained that if approved, it would pledge the City's support for staff to meet with the other five cities forming the Southwest Twin Cities Yellow Ribbon Coalition to coordinate a support network with the private sector, identify volunteers and resources. The intent was to identify a network of existing services and create awareness of those services to military families.

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

**VIII.E. RESOLUTION NO. 2012-71 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 Swenson introduced and moved adoption of Resolution No. 2012-71 accepting various donations.** Member Bennett seconded the motion.

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

**IX. CORRESPONDENCE AND PETITIONS** – Mayor Hovland acknowledged the Council's receipt of various correspondence.

**X. MAYOR AND COUNCIL COMMENTS** – Received

**X.A. PREPARATION OF BRAEMAR ARENA USE POLICY DIRECTED**

Member Sprague noted there would be an increase in use requests should the Hornet's Nest proposal move forward and supported directing staff to prepare a Priority Use Policy for Braemar Arena for presentation to the Park Board. **Member Sprague made a motion, seconded by Member Bennett, directing staff to prepare and present a Priority Use Policy for Braemar Arena to the Park Board for its recommendation to Council.**

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

**X.B. WORK SESSION – SCHEDULED**

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**Member Sprague made a motion, seconded by Member Bennett, directing staff to schedule a work session to discuss Subdivision 3 of Liquor Ordinance 900.12, the 60%/40% rule, and option of standardized reporting requirement based on sales tax with notification of meeting to stakeholders.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***X.C. CONSIDERATION OF MEETING MINUTE CONTENT SCHEDULED***

The consensus of the Council was to hold discussion of meeting minute format at the July 17, 2012, business meeting.

***XI. MANAGER'S COMMENTS*** – Received

***XII. ADJOURNMENT***

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:50 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, May 15, 2012.

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Debra A. Mangen, City Clerk

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James B. Hovland, Mayor

Video Copy of the May 1, 2012, meeting available.