

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 18, 2012
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:08 p.m.

II. ROLL CALL

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

III. MEETING AGENDA APPROVED

Member Swenson made a motion, seconded by Member Sprague, approving the meeting agenda as revised to add Item V.A., Resolution of Appreciation, and to consider Item V., Special Recognitions and Presentations, prior to Item IV., Adoption of Consent Agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. RESOLUTION OF APPRECIATION JOHN KEPRIOS DAY – ADOPTED

Mayor Hovland read in full a resolution of appreciation to Director of Parks John Keprios for his 35 years of dedicated service that declared December 27, 2012, as John Keprios Day in the City of Edina. **The Council unanimously introduced, moved, and seconded adoption of a Resolution of Appreciation for John Keprios.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council and audience responded with a standing ovation and round of applause. John Keprios thanked the Council for this recognition and indicated it had been his honor and privilege to serve the City for his entire career. The Council voiced its appreciation to Mr. Keprios for his exemplary service.

V.A. MEMORIAL BLOOD CENTER – BATTLE OF BADGES BLOOD DRIVE AWARD – RECEIVED

Police Officer Rofidal announced the Edina Police Department received the first place award for the most donors in the Battle of Badges Blood Drive.

Rachel Paavola, Memorial Blood Center, extended her appreciation to the Edina Police Department and 75 donors and presented the award plaque to Mayor Hovland.

V.B. POLICE DEPARTMENT DISTINGUISHED SERVICE AWARD – PRESENTED

Police Chief Long presented the Distinguished Officer Award to Police Officer Brandon Kusske for going above and beyond to resolve a stalking complaint that resulted in an arrest and successful guilty verdict. The Council and audience responded with a round of applause. Officer Kusske thanked his partner at the time, Officer Joel Moore and the City for this recognition, stating it was an honor to serve Edina.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Sprague, to add Item IV.P. Community Park Grant, to the consent agenda.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

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Member Sprague made a motion, seconded by Member Bennett, approving the consent agenda as revised to remove Items IV.C., Traffic Study Report of September 5, 2012; IV.D., Traffic Study Report of November 7, 2012; IV.H., Report on Townes Road Wetland; and, IV.J. Amendment to Retail Lease Agreement – Hornets Nest, as follows:

- IV.A. Approve regular and work session meeting minutes of December 4, 2012, and the special meeting minutes of December 11, 2012
- IV.B. Receive payment of the following claims as shown in detail on the Check Register dated December 6, 2012, and consisting of 27 pages; General Fund \$174,265.56; CDBG Fund \$28,856.15; Working Capital Fund \$41,440.84; Equipment Replacement Fund \$7,203.35; Art Center Fund \$5,335.55; Golf Dome Fund \$2,588.56; Aquatic Center Fund \$589.49; Golf Course Fund \$14,794.88; Ice Arena Fund \$48,043.76; Edinborough Park Fund \$8,248.85; Centennial Lakes Park Fund \$24,000.03; Liquor Fund \$279,109.91; Utility Fund \$17,247.51; Storm Sewer Fund \$7,499.00; PSTF Agency Fund \$3,165.76; Payroll Fund \$3,108.22; TOTAL \$665,497.42 and for approval of payment of claims dated December 13, 2012, and consisting of 35 pages; General Fund \$310,836.32; Police Special Revenue \$195.58; General Debt Service Fund \$425.00; PIR Debt Service Fund \$425.00; Working Capital Fund \$499,221.38; Construction Fund \$5.50; Art Center Fund \$8,515.69; Golf Dome Fund \$2,500.00; Aquatic Center Fund \$700.00; Golf Course Fund \$7,934.28; Ice Arena Fund \$85,732.38; Edinborough Park Fund \$34,729.27; Centennial Lakes Park Fund \$7,819.02; Liquor Fund \$191,456.86; Utility Fund \$654,690.46; Storm Sewer Fund \$91,722.25; Recycling Fund \$34,192.80; PSTF Agency Fund \$1,261.85; TOTAL \$1,932,363.64; and, Credit Card Transactions dated September 26 – October 25, 2012; TOTAL \$35,548.47
- ~~IV.C. Traffic Study Report of September 5, 2012~~
- ~~IV.D. Traffic Study Report of November 7, 2012~~
- IV.E. Adopt Resolution No. 2012-172, Lot Division, 3928 49th Street West
- IV.F. Adopt Resolution No. 2012-173, setting January 22, 2013, hearing date for consideration of Vacation of Public Right-of-Way Easement adjacent to 5205 Benton Avenue
- IV.G. Adopt Resolution No. 2012-174, correcting assessment amount for 5416 Kellogg Avenue
- ~~IV.H. Report on Townes Road Wetland~~
- IV.I. Approve Minnehaha Creek Watershed District Reach 14 Stream Bank Restoration Easement
- ~~IV.J. Amendment to Retail Lease Agreement – Hornets Nest~~
- IV.K. Adopt Resolution No. 2012-179, approving 2013 Park and Recreation Fees
- IV.L. Request for Purchase, upgrade to Fleet Management Software, awarding the bid to the recommended low bidder, CFA Software, Inc. at \$20,375
- IV.M. Approve amendment to Water Agreement with City of Minneapolis
- IV.N. Request for Purchase, upgrade and replacement Fire Department video conference equipment, awarding the bid to the recommended low bidder, Tierney Brothers, Inc. (Minnesota State Contract) at \$60,260.94
- IV.O. Adopt Resolution No. 2012-181, authorizing the redemption of G.O. Permanent Improvement Revolving Bonds, Series 2005E
- IV.P. Accept Twins Community Fund Park Grant

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.C. TRAFFIC STUDY REPORT OF SEPTEMBER 5, 2012 – ACCEPTED

Engineer Houle explained the ring road behind the Lund's parking lot was an MSA roadway so vertical traffic calming (speed hump) was not an option. He indicated that after the France Avenue improvements were completed, staff would consider how to address safety of pedestrian crossings. **Member Swenson made a motion, seconded by Member Bennett, approving Traffic Study Report of September 5, 2012.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.D. TRAFFIC STUDY REPORT OF NOVEMBER 7, 2012 – ACCEPTED

Mr. Houle answered questions of the Council regarding requests for two crosswalks on Interlachen Boulevard, a crosswalk at Xerxes Avenue and W. 55th Street, parking restrictions on Cornelia Drive across from Cornelia School, and a stop sign at Kellogg Avenue and W. 61st Street. Regarding Interlachen, Mr. Houle answered that because no pedestrians crossed Interlachen during an eight-hour observation period, the proposed crosswalks did not meet warrants. Residents have petitioned for a sidewalk along Interlachen and staff is finalizing a feasibility study that will look at incorporating crosswalks into sidewalk construction

The Council voiced concern that pedestrians may not be crossing Interlachen because there is no clearly delineated place to cross, and feasibility studies take time to complete. A request to look at this crosswalk in advance of when the sidewalk would be constructed was countered with the observation that unless a crosswalk is linked to a sidewalk, pedestrians would be unlikely to use it. It was also suggested there was need for additional study related to the correct location, which might be near the top of the hill by Skyline Drive to assure visibility.

Regarding a crosswalk at Xerxes and West 55th Street the Council discussed the location of bus stops on the west side of Xerxes and whether a crosswalk would be appropriate at 55th based on the number of documented pedestrians crossing at that location. Mr. Houle advised that by State Statute, every intersection was an unmarked crosswalk and it might be an option to stripe such a crosswalk at 55th. The Council indicated having the bus stop at 55th weighs heavily in favor of a crosswalk and directed staff to approach the County about that location.

With regard to 61st and Kellogg, Mr. Houle indicated the ETC had asked staff to consider a basketweave of stop signs as secondary criteria if warrants for a stop sign were not met. In addition, staff would study the intersection to determine the direction the stop signs should face to reduce commuter short-cuts. It was noted the issue of long-term parking by Cornelia School had been resolved. **Member Bennett made a motion, seconded by Member Sprague, approving Traffic Study Report of November 7, 2012.**

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

IV.H. REPORT ON TOWNES ROAD WETLAND – ACCEPTED

Environmental Engineer Bintner explained this report addressed the low landlocked City-owned wetland on Townes Road. This problem was known to the City, included within planning documents, and solutions were available but required additional study. He advised that long-term solutions were capital intensive in nature and staff's recommendation favors cost efficiencies by implementing those capital projects in coordination with major street reconstruction programs outlined in the CIP.

The Council discussed the current situation and indicated that waiting for a study in 2015 for any solution in 2017 was not reasonable. The Council acknowledged it had committed millions of dollars for 2013 for water and sewer infrastructure improvements but agreed with the need for a short-term solution as this was visible City land, along a roadway without much buffer for residential homes, and water levels in the wetland had increased after City changes in storm water management there might be no trees remaining in five years.

Mr. Bintner explained that once the nature of the problem was understood, staff would determine the best remediation measures. Mr. Houle presented the neighborhood petition and four suggestions, noting the first three could be accomplished under the City's normal operating budget. However, removal of invasive species was against current City policy of leaving fallen trees if they were not within an activity area.

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The Council agreed it would be a show of good faith by the City to undertake low cost and highly effective measures to clean the area and improve drainage swales within the City's operating budget. Then the City's attention could be turned to longer-term solutions and involvement by the Watershed District to remediate this situation as this area had changed over the last dozen years and was filling a larger role for the District by taking on additional water. **Member Sprague made a motion, seconded by Member Swenson, accepting the Report on Townes Road Wetland and directing staff to research short-term solutions outlined in the White Oaks Association letter of December 18, 2012, and consider advancement of the timeframe for a comprehensive study.**

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

IV.J. AMENDMENT TO RETAIL LEASE AGREEMENT – HORNETS NEST – APPROVED

Attorney Knutson indicated the new lease commencement date was January 30, 2013, instead of December 1, 2012, but the term was not reduced in duration. **Mayor Hovland made a motion, seconded by Member Swenson, approving the amendment to Retail Lease Agreement, Hornets Nest.**

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

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. MEMORIAL BLOOD CENTER – BATTLE OF BADGES BLOOD DRIVE AWARDED

V.B. POLICE DEPARTMENT DISTINGUISHED SERVICE AWARD PRESENTED

These items were considered prior to Item IV, Adoption of Consent Agenda.

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

VI.A. 6500 FRANCE MEDICAL PLAZA

- 1. VACATION OF UTILITY EASEMENTS – RESOLUTION NO. 2012-175 ADOPTED**
- 2. FINAL REZONING, ZONING ORDINANCE AMENDMENT CREATING PUD-3 AND FINAL DEVELOPMENT PLAN – RESOLUTION NO. 2012-176 ADOPTED – ORDINANCE NO. 2012-23 ADOPTED**

Community Development Director Presentation

Community Development Director Teague indicated this was the last step in the approval of the Edina Medical Plaza development. He presented the proposal and staff's recommendation to vacate utility easements located at 6500 France Avenue and 4005 65th Street West, subject to Item VI.A.2. being approved and the developer relocation of the 12-inch diameter watermain, dedicating easements over proposed watermain, rededicating a sanitary sewer easement over existing sanitary sewer main located along southeasterly corner of 6500 France Avenue South, and relocating any private utilities that might be located within the existing easement. He reviewed the project plans, noting nothing had changed since preliminary approval with the exception of the chiller relocation to the parking ramp rooftop to address the noise study findings. That change had been made between Planning Commission and City Council approval. Mr. Teague advised that the condition for public art had not been carried forward by the Planning Commission but could be included by the Council, if desired. It was noted the Planning Commission had recommended approval of the Final Rezoning, Final Development Plan, and Ordinance Amendment. Staff also recommended approval and to waive second reading of the ordinance if the Council determined to act favorably.

Mr. Houle described the sanitary sewer infrastructure alignment, location of the main, points of service, how the new building would be served, and location of the sanitary sewer to be removed.

The Council indicated support to include public art since the proponent's narrative had included that feature in every iteration.

Proponent Presentation

Stephen Michals, Mount Properties, 3600 Minnesota Drive, requested final approval for the project. He indicated the Point of France Board had made a formal request to remove the gazebo, to which they agreed as there were other more convenient and accessible seating areas for employees. In addition, the proponent would include an art feature as depicted on all of the project plans. Mr. Michals requested the Council consider waiving second reading of the ordinance so the development could start.

Mr. Michals answered questions of the Council related to Nine Mile Creek Watershed District approval of the stormwater management plan. It was noted the proponent would enter into a stormwater system maintenance agreement with the Nine Mile Watershed District that would be facilitated by Alliant Engineering.

Ed Farr, Edward Farr Architects, 7710 Golden Triangle Drive, Eden Prairie, displayed the site plan depicting the location of the outdoor seating and waiting areas within the enlarged plaza at the front of the proposed building. He indicated there would be one staircase to the green roof to address Code requirements; however, pedestrian access to the green roof would not be allowed.

Mayor Hovland opened the public hearing at 7:17 p.m.

Public Testimony

Marilyn Kemme, 6566 France Avenue South, Unit 1206, Point of France Board of Directors President, indicated the Board had no objection to the request but would ask that the gazebo and related pathways be removed due to its close proximity to the property line.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Member Swenson introduced and moved adoption of Resolution No. 2012-175, granting the vacation of public utility easements for 6500 France Avenue South and 4005 65th Street West; introduced and moved adoption of Resolution No. 2012-176, approving Final Rezoning from POD-1, Planned Office District to PUD, Planned Unit Development and Final Development Plan for 6500 France and 4005 West 65th Street for Mount Properties, based on the following findings:

- 1. The proposed land uses are consistent with the Comprehensive Plan.**
- 2. The plans are consistent with the approved Preliminary Development Plan.**
- 3. The site layout would be an improvement over a site layout required by standard zoning; the building is brought up to the street, provides podium height, and front door entries toward the street, includes sidewalks to encourage a more pedestrian friendly environment along the street.**
- 4. The design of the building is of a high quality brick, glass and concrete. A five story building would be generally consistent with the four story buildings on West 65th Street.**
- 5. Traffic would be improved in the area by eliminating the right-in and out access on France Avenue.**
- 6. Based on the traffic study done by WSB, the existing roadway could support the proposed development.**
- 7. The proposed project would meet the following goals and policies of the Comprehensive Plan:**
 - a. Building Placement and Design. Where appropriate, building facades should form a consistent street wall that helps to define the street and enhance the pedestrian environment. On existing auto-oriented development sites, encourage placement of liner buildings close to the street to encourage pedestrian movement.**
 - Locate prominent buildings to visually define corners and screen parking lots.**
 - Locate building entries and storefronts to face the primary street, in addition to any entries oriented towards parking areas.**
 - Encourage storefront design of mixed-use buildings at ground floor level, with windows and doors along at least 50% of the front façade.**

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- Encourage or require placement of surface parking to the rear or side of buildings, rather than between buildings and the street.
- b. **Movement Patterns.**
 - Provide sidewalks along primary streets and connections to adjacent neighborhoods along secondary streets or walkways.
 - Limit driveway access from primary streets while encouraging access from secondary streets.
 - Provide pedestrian amenities, such as wide sidewalks, street trees, pedestrian-scale lighting, and street furnishings (benches, trash receptacles, etc.).
- c. **Encourage infill/redevelopment opportunities that optimize use of City infrastructure and that complement area, neighborhood, and/or corridor context and character.**

And subject to the following conditions:

1. **Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:**
 - Site plan date stamped November 6, 2012.
 - Grading plan date stamped November 6, 2012.
 - Landscaping plan date stamped November 6, 2012.
 - Building elevations date stamped November 6, 2012.
 - Building materials board as presented to the Planning Commission and City Council.
2. **Prior to the issuance of the building permit, the following must be submitted:**
 - a. **A final landscape plan, subject to staff approval. Additionally, a performance bond, letter of credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping screening, or erosion control measures.**
 - b. **A construction management plan.**
3. **The property owner is responsible for replacing any required landscaping that dies.**
4. **Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revision to the approved plans to meet the District's requirements.**
5. **Compliance with the conditions required by the City Engineer in his memo dated November 20, 2012.**
6. **Site lighting shall conform to all minimum zoning ordinance standards including an intensity no greater than three foot-candles measured at property lines abutting property zoned residential and ten foot-candles measured at property lines abutting streets or property zoned non-residential.**
7. **Trash and recycling areas must be screened per Section 850.10 Subd. 2 of the City Zoning Ordinance.**
8. **Sustainable design. The design and construction of the entire project must be done with the Sustainable Initiatives as outlined in the applicant's narrative within the Planning Commission staff report. A sustainability check list, consistent with their list dated May 25, 2012, must be submitted to staff prior to building permit approval.**
9. **All buildings must be built with sprinkler systems, subject to review and approval of the Fire Marshal.**
10. **A Developers Agreement. As part of a Developers Agreement, the property owner would be required to participate in appropriate cost sharing for signal improvements at 65th Street and France Avenue.**
11. **The applicant must enter into a Proof-of-Parking Agreement to add more parking, if needed.**
12. **A minimum of 27 bicycle parking spaces shall be required. A bike parking plan must be submitted as part of the building permit application which demonstrates the City Code required bicycle parking requirements.**
13. **Adoption and compliance with the PUD Ordinance for the site.**
14. **Incorporation of a significant piece of public art of similar size, style, and uniqueness as depicted in the northeast elevation of the project plans.**
15. **The gazebo and walkway along the south lot line may be removed from the site plan.**

And to grant First and waive Second Reading adopting Ordinance No. 2012-23, amending the Zoning Ordinance to establish a PUD, Planned Unit Development District, at 6500 France Avenue. Member Sprague seconded the motion.

The Council reviewed the gazebo location and confirmed its decision to remove this amenity since it was too far removed from the building to gain a high level of activity and created a maintenance issue.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.B. WELLHEAD PROTECTION PLAN, PART 2 – APPROVED

Mr. Bintner presented Part 2 of the Wellhead Protection Plan that incorporated the implementation plan. He explained that following the public hearing, the Plan would be submitted to the Minnesota Department of Health for review and approval.

Mr. Houle described the treatment plan in the Grandview Square lower parking lot that had been successful in treating chlorides and ongoing monitoring of wells located to the north and west.

Mayor Hovland opened the public hearing at 8:35 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Brindle made a motion, seconded by Member Bennett, approving Wellhead Protection Plan Part 2.

Erik Tomlinson, Water Resource Solutions, LLC, 213 Fourth Street East, St. Paul, indicated that vulnerability was based on how protected the water reservoirs were from surface contamination and it also varied if extended beyond the mapped borders. He noted Edina was the first metro community to update its Plan and one requirement was conducting a potential contaminant source inventory that would identify, document, and track those sources. The Council acknowledged that Edina's control was within its borders, not without its borders, so collaboration and cooperation with bordering communities would be called for.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII. COMMUNITY COMMENT

Bernice Brown, 7151 York Avenue South, Apt. 7, Yorktown Continental Apartments, asked the City to assure sidewalks were cleared of snow to provide safe walking for its senior residents.

Ross Plaetzer, 4058 Sunnyside Road, raised concerns with lack of parking and traffic congestion in the commercial node at 44th and France Avenue/Sunnyside Road and requested consideration of a Small Area Plan.

Brady Willette, 6630 Golden Ridge Drive, Eden Prairie, representing a neighborhood group, raised concerns related to traffic in the area of the United Health Care campus facility at Highway 62 and Shady Oak Road.

VIII. REPORTS / RECOMMENDATIONS

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VIII.A. RESOLUTION NO. 2012-177 SETTING 2013 TAX LEVY AND ADOPTING 2013 OPERATING BUDGET – ADOPTED

Finance Director Wallin described the budget consideration process and presented the 2013 Tax Levy and Operating Budget reflecting a 2.5% levy increase. Manager Neal advised staff had also prepared an alternative to consider a levy increase of 1.9%.

The Council acknowledged it had stabilized the budget during recessionary times, addressed the balance between preservation and innovation, and been good stewards of Edina resident's funds. In addition, revenue sources had been added from franchise fees, TIF dollars for development, and special assessments for street reconstruction projects, allowing balanced use of all revenue streams and keeping the burden on property tax dollars as low as possible while still realizing the City's objectives.

Mr. Neal advised that a few projects could be reprogrammed, such as the 50th and France Liquor Store project, freeing Liquor Funds to be used towards capital improvements. He explained that while there would be no short-term consequences of this action, in the longer term the trend lines for available capital resources and desired capital spending diverge significantly after two years. He explained this budget would develop a Capital Levy within the General Fund Levy to provide a fairly significant fund balance for CIP funding.

The Council agreed with the need to create a stable and transparent self-sustaining funding source for the CIP rather than using General Fund reserves, which were not consistent. It was noted that this was the second year of the budget cycle, which would reboot in 2013 so the Liquor Fund money could be used to keep the levy increase sub-2% and the Council would then review building permit revenue, decreased operating expenses at Edinborough and other enterprises, and raising operating revenue, during its 2013 budget discussions.

The Council acknowledged these were still recessionary times for some of Edina's residents and a levy increase of 1.9% would allow the City to provide the services historically delivered in Edina without increasing the tax burden too much. It was noted a need remained in the next budget/CIP process to balance the request from residents calling for more facilities and residents concerned about being able to retain their property if the levy rises beyond their means. **Member Sprague introduced and moved adoption of Resolution No. 2012-177, adopting the budget for the City of Edina for the year 2013, and establishing tax levy increase of 1.9% for year 2013, payable in 2013.** Member Bennett seconded the motion.

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

VIII.B. 2013-2017 CAPITAL IMPROVEMENT PROGRAM – APPROVED

Finance Director Wallin presented staff's recommendation to approve the 2013-2017 Capital Improvement Program (CIP) with inclusion of the France Avenue corridor pedestrian improvements of approximately \$4 million. It was noted that based on adoption of the budget with a tax levy increase of 1.9%, the final CIP draft would be adjusted to defer the liquor store project and increase the level of transfer from the Liquor Fund to the General Fund. Mr. Wallin answered questions of the Council relating to the Construction Fund assigned balance trend and desirability of stabilizing the enterprise operations with a higher rate of recovery.

Mr. Neal advised the biggest source of revenue for the CIP was the General Fund surplus, which had been substantial for last few years but was not a reliable or transparent source of funds. The Council acknowledged the benefit of having a dependable revenue source (a tax levy that was set, imposed, and collected; and, Municipal Liquor Fund transfer) for use towards capital improvements. Council consensus was reached to make it a 2013 priority to address transparency and stability of CIP funding. **Member**

Swenson made a motion, seconded by Member Sprague, approving 2013-2017 Capital Improvement Program as revised to defer the 50th and France Liquor Store remodel project.

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

VIII.C. ORDINANCE NO. 2012-22, AMENDING SCHEDULE 185A SETTING FEES FOR 2013 – ADOPTED

Finance Director Wallin presented the schedule of fees and charges proposed for 2013, noting the Morningside water rates were removed since they were set by the City of Minneapolis. At the request of the Council, Police Chief Long had addressed the questions related to the dog license fees. **Member Swenson made a motion to waive Second Reading adopting Ordinance No. 2012-22, amending Schedule 185A setting fees for 2013. Member Sprague seconded the motion.**

Rollcall:

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

VIII.D. RESOLUTION NO. 2012-178 REQUESTING AN AMENDMENT TO MINNESOTA STATUTES ALLOWING HEALTH COVERAGE TO BE EXTENDED TO DOMESTIC PARTNERS AT THE DISCRETION OF LOCAL JURISDICTIONS – ADOPTED

Mr. Neal presented the recommendation of the Human Rights & Relations Commission (HRRRC) requesting an amendment to Minnesota State Statute allowing health coverage to be extended to domestic partners.

HRRRC Commissioner Russell Stanton, 5152 Danens Drive, stated this issue had been before the Legislature previously; however, was vetoed by the Governor.

HRRRC Commissioner Arnold Bigbee, 7621 Edinborough Way, Apt. 2110, noted the Commission's rationale was outlined in the resolution and advised of the companies providing domestic partnership benefits and communities in support of this amendment.

Mr. Stanton presented the resolution and recommended a revision to Subd. 1a, definition of dependents. **Member Bennett introduced and moved adoption of Resolution No. 2012-178, requesting an amendment to Minnesota Statutes allowing health coverage to be extended to domestic partners at the discretion of local jurisdictions, revising the definition of dependents, Subd. 1a, to indicate: "Notwithstanding the provisions of Minnesota Statutes 1969, section 471.61, as amended by Laws 1971, chapter 451, section 1, the word "dependents" as used therein shall mean spouse, children under the age of 26 years, and others as defined by governmental units at their discretion."** Member Brindle seconded the motion.

Rollcall:

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

VIII.E. ORDINANCE NO. 2012-20, CONCERNING COUNCIL SALARIES – ADOPTED

Mr. Neal presented the ordinance and information on comparable salaries in other similar communities. If adopted, it would put salaries in the middle range and not be effective until January 1, 2015.

The Council discussed the ordinance and indicated support to link future Council pay increases to a neutral third-party index, such as that produced each year by the Minnesota Office of Management and Budget, which indexes annual increases to the State's public employee salary cap. That index was based on the Consumer Price Index and was set by an independent analytical body over which the Council had no control. It was agreed this action would add transparency and neutrality to an otherwise politically sensitive action.

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Attorney Knutson advised that using such an index would take it out of the Council's control as the index would be built into the ordinance and become automatic. However, the increase would not be effective until 2015 because the Council could not raise its salary until after an election.

The Council discussed the placement of Edina in the "middle of the pack" of other cities related to Council salaries and its increased work load due to additional meetings. **Member Brindle made a motion to grant First Reading and waive Second Reading adopting Ordinance No. 2012-20, amending Section 120 of the City Code to adjust salaries for Council Members annually, based on a neutral third-party index, such as that produced each year by the Minnesota Office of Management and Budget. Member Swenson seconded the motion.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.F. DATE FOR 2013 ANNUAL DINNER MEETING WITH BOARDS AND COMMISSIONS – SELECTED

Following discussion of availability, **Council consensus was reached to set the date for 2013 annual dinner meeting with Boards and Commissions on March 11, 2013, at Braemar Clubhouse, from 5-7 p.m.**

VIII.G. DATE FOR 2013 ANNUAL VOLUNTEER RECOGNITION RECEPTION – SELECTED

Following discussion of availability, **Council consensus was reached to set the date for 2013 annual volunteer recognition reception on Monday, April 22, 2013, at Braemar Clubhouse from 5-7 p.m.**

VIII.H. DATES FOR INTERVIEW OF ADVISORY BOARD AND COMMISSION APPLICANTS – SELECTED

Following discussion of availability, **Council consensus was reached to set dates for interview of Advisory Board and Commission applicants on February 7, 11, and 20, 2013, starting at 5:30 p.m.**

VIII.I. RESOLUTION NO. 2012-180 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. 2012-180 accepting various donations. Member Sprague seconded the motion.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.J. POLICY FOR PEDESTRIAN AND CYCLIST SAFETY FUND – APPROVED

Mr. Neal stated this proposed policy had been under discussion for some time, the Edina Transportation Commission's comments had been included, and the policy had now been drafted for the Council's consideration. The Council noted the language relating to right-of-way improvement had not been included. Mr. Neal recommended language be incorporated in the list of eligible expenses to add post-project repair of right-of-way related to a project. The Council suggested the language incorporate the repair, replacement, rehabilitation, and reconstruction of all pedestrian and bicycle facilities.

The Council considered the correct terminology to assure clarity and whether to include the words "Pedestrian and Cyclist Safety" or "Active Living" to assure inclusion of living streets, safe travel for all modes. Following discussion, it was agreed to make no change at this time with the understanding it could be readdressed in the future once the public was educated relating to an active living philosophy. **Member Sprague made a motion, seconded by Member Swenson, approving Policy for Pedestrian and Cyclist Safety (PACS) Fund and to add language relating to post-project right-of-way vegetation improvements.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. MINUTES

1. **PARK BOARD MINUTES, NOVEMBER 19, 2012**
2. **HERITAGE PRESERVATION BOARD, NOVEMBER 14, 2012**
3. **PLANNING COMMISSION, NOVEMBER 27, 2012**

Informational; no action required.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER'S COMMENTS – Received

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:21 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, January 8, 2013.

James B. Hovland, Mayor

Video Copy of the December 18, 2012, meeting available.