

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JANUARY 22, 2013
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:03 p.m.

II. ROLL CALL

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

III. MEETING AGENDA APPROVED

Member Brindle made a motion, seconded by Member Sprague, approving the meeting agenda.

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 table Item IV.F. Special Assessment Agreements – Richmond Hills Park, as follows:

IV.A. Approve regular and work session meeting minutes of January 8, 2013

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated January 10, 2013, and consisting of 27 pages; General Fund \$194,785.59; General Debt Service Fund \$425.00; City Hall Debt Service \$2,100.00; PIR Debt Service Fund \$300.00; Working Capital Fund \$24,250.27; Equipment Replacement Fund \$32,274.21; Art Center Fund \$1,648.91; Aquatic Center Fund \$558.24; Golf Course Fund \$15,602.09; Ice Arena Fund \$82,418.94; Edinborough Park Fund \$20,852.85; Centennial Lakes Park Fund \$12,655.88; Liquor Fund \$176,172.39; Utility Fund \$382,527.42; Storm Sewer Fund \$501.69; PSTF Agency Fund \$422.26; TOTAL \$947,495.74 and for approval of payment of claims dated January 17, 2013, and consisting of 27 pages; General Fund \$332,464.96; Police Special Revenue \$605.62; Working Capital Fund \$8,364.15; Equipment Replacement Fund \$7,197.59; Art Center Fund \$2,047.12; Golf Dome Fund \$71,037.22; Aquatic Center Fund \$463.82; Golf Course Fund \$6,536.06; Ice Arena Fund \$218,411.10; Edinborough Park Fund \$6,879.73; Centennial Lakes Park Fund \$11,909.93; Liquor Fund \$204,334.06; Utility Fund \$132,000.55; Storm Sewer Fund \$1,714.17; PSTF Agency Fund \$6,277.59; Centennial TIF District \$5,613.84; Payroll Fund \$3,389.63; TOTAL \$1,019,247.14; and, Credit Card Transactions dated November 27 – December 26, 2012; TOTAL \$19,566.79

IV.C. Approve Addendum to Golden Valley Dispatch Contract

IV.D. Approve 2013 Community Health Services Agreement with Bloomington Language Correction

IV.E. Accept Traffic Safety Report of December 12, 2012

IV.F. Table Special Assessment Agreements – Richmond Hills Park to February 19, 2013

IV.G. Adopt Resolution No. 2013-11, purchase of easement and condemnation of land for removal of Lift Station No. 1

IV.H. Request for Purchase, 2013 GMC Sierra 4WD Vehicle, Public Works, awarding the bid to the recommended low bidder, Nelson Auto Center at \$24,666.67

IV.I. Approve lease agreement for use of radio equipment on community water tower

IV.J. Adopt Resolution No. 2013-13 approving removal of Remarketing Agent for Multifamily Housing Revenue Refunding Bonds (Vernon Terrace Apartment Project), Series 2004 and appointment of successor Remarketing Agent

IV.K. Adopt Resolution No. 2013-15 accepting Urban Area Security Initiative Grant (UAS|10-00732)

IV.L. Adopt Resolution No. 2013-16 accepting Emergency Management Performance Grant (OMB-A133)

Minutes/Edina City Council/January 22, 2013

IV.M. Adopt Resolution No. 2013-10 supporting grant application, Hennepin County HRA for Supplemental Transit-Oriented Development Funds, Edina Medical Plaza Project, 6500 France Avenue

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

None.

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

VI.A. NEIGHBORHOOD BOUNDARIES AND NAMES AND THE RELATED NEIGHBORHOOD ASSOCIATION POLICY – COUNCIL ACTION POSTPONED TO FEBRUARY 5, 2013

Hope Melton, Neighborhood Identification Steering Committee Chair, introduced the following Committee members: Dick Brozic, Bruce Carlson, Laura Ericksen, Rob Erickson, Paula Harter, Bob Miller and Bob Moore. She stated that Bright Dornblaser, Jennifer Janovy and Gene Persha also served on the committee. Ms. Melton presented a summary of the Name Your Neighborhood final report including the mission and purpose of this effort, the process used, and community participation.

Laura Ericksen, Neighborhood Identification Steering Committee Member, presented neighborhood names boundaries proposed for the Northeast Quadrant. Ms. Ericksen explained the Sunnyslope neighborhood was recommended for inclusion with the Country Club neighborhood based on the number of households, population, types of housing stock, size of the area, and to prevent an orphan area. The same considerations were used with the Chowen Park neighborhood to include the area north of the Minnehaha Creek. The Council acknowledged that neighborhood association policy would define how neighborhoods could request changes to names or boundaries.

Bruce Carlson, Neighborhood Identification Steering Committee Member, presented neighborhood names boundaries proposed for the Northwest Quadrant.

Bob Moore, Neighborhood Identification Steering Committee Member, presented neighborhood names boundaries proposed for the Southeast Quadrant.

Rob Erickson, Neighborhood Identification Steering Committee Member, presented neighborhood names boundaries proposed for the Southwest Quadrant.

The Council applauded the efforts of the Committee and residents for working on this project to enhance a sense of community. It was noted that while the terms of legal notification would remain the same, identifying neighborhoods would increase the City's ability to communicate with its residents beyond the requirements of legal notification and when no legal notice was required.

Ms. Melton clarified it was not the intent to create another level of representation or to require formalization of neighborhood associations. She explained that organized neighborhood associations already in existence could remain unchanged if they so choose without becoming a City-recognized association.

Assistant Manager Kurt reviewed the proposed policy and answered questions of the Council relative to the formulation of the policy. The Council acknowledged the intent of policy formation was that the proposed bylaws would relate to communication, notice, and leadership, creating transparency of an organization that was voluntary. If the City was going to recognize a neighborhood associations to communicate with a broader neighborhood through that organization, there was a need for a certain

foundation of organizational sufficiency to assure everyone within that geographic area was included in neighborhood meetings and communications.

The Council questioned what would happen if an existing neighborhood organization determined it did not want to become a subset of a bigger neighborhood but instead wanted to communicate directly with the city. Assistant Manager Kurt replied that lack of a formal channel could make that difficult.

Mayor Hovland opened the public hearing at 7:50 p.m.

Public Testimony

Brant Pallazza, 4804 West Sunnyslope Road, addressed the Council.

John Currie, 4929 West Sunnyslope Road, addressed the Council.

Steven Buss, 4904 East Sunnyslope Road, addressed the Council.

Lee McGrath, 4619 Moorland Avenue, addressed the Council.

Kitty O’Dea, 4610 Bruce Avenue, addressed the Council.

Joe Eilers, 4809 Hilltop Lane, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

The Council indicated public input was an important component of “Name Your Neighborhood” process and would assist in the determination whether to adopt in whole or in part this recommendation at its February 5, 2013, meeting. The public was encouraged to provide additional comment in writing prior to the next meeting.

VI.B. VACATION REQUEST, ROADWAY EASEMENT ADJACENT TO 5205 BENTON AVENUE – RESOLUTION NO. 2013-12 ADOPTED

Engineer Presentation

Engineer Houle presented the request of Jeanne Nordby, the owner of 5205 Benton Avenue, to vacate the adjacent 30-foot road easement that had been dedicated and deeded to the City by this property owner in 1957 for street purposes. He noted that in addition to vacating the easement, the property would also need to be transferred back to Ms. Nordby. Mr. Houle advised private and public utilities had been contacted and staff recommended the City retain an easement over the westerly ten feet for utility purposes.

The Council discussed the request and acknowledged the desirability for the City to maintain an inventory of City rights-of-way for potential sidewalk pathways. However, there was no current plan for a pedestrian way within this intra-City block.

Mr. Houle answered questions of the Council relating to placement of utilities. It was noted that the Nordbys had not paid taxes on this 30-foot strip of land since it had been deeded to the City in 1957. City Attorney Knutson clarified the consideration was whether to vacate the City’s interest and since it held fee title, whether or not to transfer the title for the property back to the Nordbys. Mr. Knutson advised the Council if it wished, could sell the property. The Council acknowledged this property had originally been gifted by the adjacent homeowner (Nordbys) and the action under consideration would return it to the Nordbys with the City retaining a ten-foot easement.

Minutes/Edina City Council/January 22, 2013

Proponent Presentation

Chris Nordby, 7051 West 110th Street Circle, Bloomington, representing Jeanne Nordby, stated his parents became owners of the entire lot in 1953. When they requested a lot split in 1957 to build a new home, the City indicated it wanted a street easement on the westerly 30 feet. His parents gave the City a quit claim deed and received compensation of \$1. Mr. Nordby indicated they were not aware of any utilities that encroached within the 30-foot property, which his parents had maintained for 60 years at no cost to the City.

Mayor Hovland opened the public hearing at 7:23 p.m.

Public Testimony

Reynald Baribault, 5904 Code Avenue, addressed the Council.

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

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

Member Brindle introduced and moved adoption of Resolution No. 2013-12, Property Owner Reassignment. Member Sprague seconded the motion.

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

VII. COMMUNITY COMMENT

Lee McGrath, 4619 Moorland Avenue, addressed the Council regarding civil forfeiture process.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO. 2013-14 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. 2013-14 accepting various donations. Member Bennett seconded the motion.

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

VIII.B. EDINA SWIM CLUB RESIDENCY REQUIREMENT – LOWERED TO 60%

Parks and Recreation Director Kattreh reviewed the Council's 2011 action to continuing the Edina Swim Club as the youth sports organization having primary access to City-owned swimming facilities and approving the Priority Use of the Edina Aquatic Center Facilities Policy and Relationship Document with a 75% residency requirement. Ms. Kattreh indicated that in December of 2012, the Edina Swim Club expressed concern with meeting the residency requirement and requested the requirement be lowered to 60%.

The Council indicated that while Edina Swim Club representatives were in attendance, it would rely on staff's report and recommendation since this was not a public hearing and notice and opportunity to speak had not been given to others who might like to comment, include representatives of the Aquajets that would be foreclosed from the opportunity to speak its position or provide input at tonight's meeting.

Ms. Kattreh answered questions of the Council, indicating the Edina Swim Club had committed to an annual Edinborough Park pool rental fee of \$53,000 per year and total pool rental equaling \$126,000 per year. Prior to that recent agreement, the Edina Swim Club was committed to \$10-12,000 per year. Ms.

Kattreh indicated 71% of current Edina Swim Club participants were Edina residents; under age 12, 85% were Edina residents; over age 12, 52% were Edina residents; and, over age 14, 41% were Edina residents. She explained there were not enough Edina competitive swimmers to make up the difference. In addition, the Edina Swim Club had full-time paid professional staff, coaches, and administrators, which was significantly different from other athletic associations that had a higher residency requirement.

The Council considered what had changed since nine months ago when it and the Edina Swim Club had agreed to a 75% residency requirement. Ms. Kattreh stated her understanding the Club's problem meeting the residency requirement was a combination of issues. She said the Edina Swim Club reported their recordkeeping had improved significantly; the Club found their membership numbers vacillate during the year, and the Edina Swim Club had honestly stated it was not sure of its residency numbers when this was discussed last year. Ms. Kattreh said the Edina Swim Club reported their membership residency was at 71%. Ms. Kattreh stated the Club had hoped expanded hours at Edinborough Park pool and improved marketing would benefit its feeder program and increase participation by Edina residents. Ms. Kattreh explained the Edina Swim Club hoped the residency requirement would not limit its ability to attract high quality swimmers or compete in regional and national competitions.

At the request of the Council, Ms. Kattreh reviewed the current swim hours for the Edina Swim Club and Aquajets, noting if the lower residency requirement was not approved, the major impact would be priority use at the Aquatic Center this summer and use of about two hours per day. Ms. Kattreh stated the status of those two hours would be up to the Aquatic Center Manager but staff would recommend maintaining status quo. It was noted the residency requirement was taken once per year and staff would use an average since monthly numbers fluctuate significantly. **Member Swenson made a motion, seconded by Member Brindle, approving a change in Edina Swim Club residency requirement from 75% to 60%.**

Mayor Hovland and Member Sprague indicated that while they supported the Edina Swim Club, concern remained with this request being made just nine months after agreement had been reached following a complete vetting process that included balanced input from the Edina Swim Club and Aquajets. In addition, it was felt a higher residency requirement incentivized organizations to seek out Edina residents.

Ayes: Bennett, Brindle, Swenson

Nays: Sprague, Hovland

Motion carried.

VIII.C. BIDS FOR COUNTRYSIDE PARK RENOVATION – AUTHORIZED

Ms. Kattreh reviewed the past consideration of improvements to Countryside Park and requested authorization to advertise for bids to complete the Master Plan project.

Gabrielle Grinde, landscape architect with Hoisington Koegler, 123 North Third Street, Minneapolis, presented the Countryside Park Master Plan approved in 2008 and its evolution to the current Master Plan. She described the features and playground equipment to be included and cost summary estimate of \$1,025,000. Jill Bills, architect with SGN Wendel, 111 Washington Avenue North, Minneapolis, presented the Countryside Park shelter plan. Ms. Grinde and Ms. Bills answered questions of the Council related to playground and trail features.

Ms. Kattreh stated appreciation for the assistance of the Countryside Neighborhood Association and support for an accessible playground structure, which she hoped would become the City's standard. She indicated the existing play structure would be donated and advised of the time schedule with completion in October. Ms. Grinde reviewed points of access into the park and described the location of ballfield seating. Staff was encouraged to keep in mind the need for trees to provide shade during summer baseball viewing. **Member Sprague made a motion, seconded by Member Brindle, authorizing staff to advertise for bids for the Countryside Park Renovation.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Minutes/Edina City Council/January 22, 2013

Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

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

IX.B. MINUTES:

- 1. ART CENTER BOARD MINUTES, NOVEMBER 15, 2012**
- 2. COMMUNITY HEALTH COMMITTEE, OCTOBER 17, 2012**
- 3. EDINA TRANSPORTATION COMMISSION, NOVEMBER 15, 2012**
- 4. ENERGY & ENVIRONMENT COMMISSION, NOVEMBER 8, 2012**
- 5. HERITAGE PRESERVATION BOARD MINUTES, DECEMBER 11, 2012**
- 6. PARK BOARD, DECEMBER 11, 2012**
- 7. PLANNING COMISSION, DECEMBER 12, 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 9:51 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, February 5, 2013.

James B. Hovland, Mayor

Video Copy of the January 22, 2013, meeting available.