

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 17, 2013
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:12 p.m.

II. ROLL CALL

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

III. MEETING AGENDA APPROVED

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Brindle made a motion, seconded by Member Swenson, approving the consent agenda as revised to remove Items IV.D., Resolution No. 2013-138 Authorizing the Removal of a Senior Citizen Special Assessment Deferral by Hennepin County; IV.E. Request for Purchase, Contract for Construction Management Services for the Sports Dome, Outdoor Refrigerated Ice Rink and Braemar Arena Improvements, RJM Construction; and, IV.F. Traffic Safety Report, November 6, 2013, as follows:

IV.A. Approve regular and work session meeting minutes of December 3, 2013

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated December 5, 2013, and consisting of 21 pages; General Fund \$262,977.74; Police Special Revenue \$7,993.31; General Debt Service Fund \$425.00; PIR Debt Service Fund \$543.72; Working Capital Fund \$46,634.29; Equipment Replacement Fund \$18,382.50; Art Center Fund \$11,761.87; Golf Dome Fund \$24,560.66; Aquatic Center Fund \$45,300.00; Golf Course Fund \$1,991.43; Ice Arena Fund \$3,227.92; Sports Dome Fund \$7,800.00; Edinborough Park Fund \$9,983.93; Centennial Lakes Park Fund \$1,171.71; Liquor Fund \$209,891.45; Utility Fund \$82,999.62; Storm Sewer Fund \$2,183.25; Recycling Fund \$42.94; PSTF Agency Fund \$25,722.70; Centennial TIF District \$95.65; Payroll Fund \$3,555.23; TOTAL \$767,244.92 and for receipt of payment of claims dated December 12, 2013, and consisting of 31 pages; General Fund \$198,853.15; Police Special Revenue \$217.56; Pedestrian and Cyclist Safety \$21,167.14; Working Capital Fund \$125,194.42; Equipment Replacement Fund \$24,386.73; Art Center Fund \$44.71; Golf Dome Fund \$658.08; Aquatic Center Fund \$1,227.35; Golf Course Fund \$15,188.65; Ice Arena Fund \$11,896.11; Edinborough Park Fund \$12,773.01; Centennial Lakes Park Fund \$3,302.68; Liquor Fund \$261,457.48; Utility Fund \$49,015.05; Storm Sewer Fund \$14,708.42; PSTF Agency Fund \$342.87; Centennial TIF District \$571.51; Grandview TIF District \$32,451.25; TOTAL \$773,456.17

IV.C. Adopt Resolution No. 2013-137 Accepting Blue Card Training Grant

~~IV.D. Resolution No. 2013-138 Authorizing the Removal of a Senior Citizen Special Assessment Deferral by Hennepin County~~

~~IV.E. Request for Purchase, Contract for Construction Management Services for the Sports Dome, Outdoor Refrigerated Ice Rink and Braemar Arena Improvements, RJM Corporation~~

~~IV.F. Traffic Safety Report, November 6, 2013~~

IV.G. Approve Stormwater Pollution Prevention Plan Application for Reauthorization

IV.H. Renew Community Health Services Agreement with Bloomington Public Health Division

IV.I. Renew Public Health Emergency Preparedness Services Agreement with Bloomington Public Health Division

IV.J. Approve On-Sale 3.2 Beer and Wine Licenses, Makers Café I, LLC dba Makers Café, 4920 West 77th Street

Minutes/Edina City Council/December 17, 2013

IV.K. Request for Purchase, Edina Liquor Grandview Store Remodel, awarding the bid to the recommended low bidder, Greystone Construction at \$57,150

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.D. RESOLUTION NO. 2013-138 AUTHORIZING THE REMOVAL OF A SENIOR CITIZEN SPECIAL ASSESSMENT DEFERRAL BY HENNEPIN COUNTY – NOT ADOPTED

Assessor Wilson explained that Hennepin County missed the deferred senior assessment when the property sold in 2012. At this time, he recommended the City release this assessment since the benefitting property owner no longer owned the property. The Council indicated the street improvement benefited the property, not the previous owner, and if missed it should be covered by the buyer's title insurance company.

Attorney Knutson stated he was not familiar with the nature of the error and while the deferral ended, it was the Council's decision whether to release the lien. It was noted the amount owed was about \$5,000 when considering the assessment principle plus interest. **Member Sprague made a motion, seconded by Member Swenson, to not release the special assessment lien on parcel PID 29-117-21-31-0009.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.E. REQUEST FOR PURCHASE, CONTRACT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE SPORTS DOME, OUTDOOR REFRIGERATED ICE RINK AND BRAEMAR ARENA IMPROVEMENTS – APPROVED

Member Swenson made a motion, seconded by Member Sprague to approve Request for Purchase, Contract for Construction Management Services for the Sports Dome, Outdoor Refrigerated Ice Rink and Braemar Arena Improvements, awarding the bid to the recommended low bidder, RJM Construction at \$242,000.

Ayes: Brindle, Sprague, Swenson, Hovland

Nays: Bennett

Motion carried.

IV.F. TRAFFIC SAFETY REPORT, NOVEMBER 6, 2013 – ACCEPTED, SECTION A1 REFERRED

The Council discussed the request for traffic control or a painted crosswalk at the intersection of Creek Valley Road and Nordic Circle, adjacent to Creek Valley School soccer fields. Interim Engineer Millner described the parking and operational issues with practice activities that could be addressed on an area-wide basis. **Member Brindle made a motion, seconded by Mayor Hovland, to accept the November 6, 2013 Traffic Safety Report with the exception of Section A1, which will be referred to the Edina Transportation Commission, Parks and Recreation Commission, and Engineering for further study of appropriate traffic control measures for the intersection of Creek Valley Road and Nordic Circle.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. NATE BEHLEN – 2013 OPERATOR OF THE YEAR – SEWER & WATER OPERATION ASSOCIATION

Engineer Olson and Mayor Hovland presented Nate Behlen with the Sewer & Water Operation Association's 2013 Operator of the Year Award. The Council and audience responded with a round of applause. Public Service Worker Behlen thanked the City for this special recognition.

V.B. MEMORIAL BLOOD CENTERS AWARD – EDINA POLICE DEPARTMENT BATTLE OF THE BADGES

Jennifer Lyons, Memorial Blood Center, announced that the Edina Police Department had received its Battle of the Badges Award, noting this was the second year in a row the Department had received this recognition.

Mike Blood, a retired police officer, presented the Battle of the Badges Award to Police Sergeant Rofidal and extended his deepest thanks to the Police Department, Fire Department, and Memorial Blood Center. Police Sergeant Rofidal described the work of Terri Wilson that ensured the success of this program.

V.C. FOUNDERS DAY LETTERS AND RESOLUTION READ

Member Bennett read in full the joint resolution of the Legislature honoring the City of Edina for its Quasiquicentennial Celebration.

Mayor Hovland read in full the letters received from U.S. Senators Franken and Klobuchar congratulating Edina on the December 12th event. He noted Senator Franken had given the City a Flag flown over the nation's capital in honor of the 125th year since the vote to form the Village of Edina. Mayor Hovland thanked Member Bennett for her work to organize Founders Day.

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

VI.A. 2014 BUILDING FEES, ORDINANCE NO. 2013-11 AMENDING SCHEDULE 185A SETTING FEES FOR 2014 – ADOPTED

Manager Neal indicated the proposed 2014 building inspection fee schedule had been presented at the previous Council meeting and was available for consideration of Second Reading.

Finance Director Wallin explained the basis for the modest fee increases, noting the rate of fee related to the service provided.

Mayor Hovland opened the public hearing at 7:57 p.m.

Public Testimony

No one appeared to comment.

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

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

Member Swenson made a motion to grant Second Reading adopting Ordinance No. 2013-11, Amending Schedule 185A Setting Fees for 2014. Member Sprague seconded the motion.

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

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. RESOLUTION NO 2013-135 SETTING 2014 TAX LEVY AND ADOPTING 2014 OPERATING BUDGET – ADOPTED

Mr. Neal reviewed the budget process and indicated the 2014 budget reflected an increase of 2.7%. Staff recommended approval.

Minutes/Edina City Council/December 17, 2013

Finance Director Wallin recommended eliminating part of the Park and Recreation bonds, which was a referendum (market value based) issued with a 105% levy, as statute no longer required that excess percentage.

The Council recognized and thanked staff for its work on the budget and new format to increase transparency and provide additional information. **Member Swenson introduced and moved adoption of Resolution No. 2013-135, adopting the budget for the City of Edina for the year 2014, and establishing tax levy for the year 2014, payable in 2014.** Member Bennett seconded the motion.

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

VIII.B. RESOLUTION NO. 2013-136 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 Brindle introduced and moved adoption of Resolution No. 2013-136 accepting various donations.** Member Sprague seconded the motion.

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

VIII.C. ORDINANCE NO. 2013-13 TEMPORARILY PROHIBITING SMOKING LOUNGES AND VAPOR LOUNGES – ADOPTED

The Council acknowledged a submittal by an audience member.

Manager Neal presented the draft land use ordinance to prohibit smoking and vapor lounges temporarily (one year) to allow time to study the issue and consider the need for local regulations. He indicated this issue was impacting municipalities across the country and it was the expectation that the State Legislature might address unregulated e-cigarette issues.

Attorney Knutson advised that interim moratoriums were authorized under Chapter 462 of the Statutes to allow a period to study land use issues (location of smoking lounges/vapor lounges) and what regulations should be considered. The Council discussed the prohibition and agreed the moratorium should last until December 18, 2014, to allow time for further study and input from the health community. **Member Sprague made a motion to grant First and waive Second Reading adopting Ordinance No. 2013-13 an Interim Ordinance Temporarily Prohibiting Smoking and Vapor Lounges.** Member Swenson seconded the motion.

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

VIII.D. ORDINANCE NO. 2013-14 ENACTING NEW CODE FOR CITY OF EDINA – ADOPTED

Clerk Mangen described the process for codification of the City's ordinances into a new Code and indicated that an enacting ordinance was necessary to put the new Code into use. She stated if acted upon favorably, it would become effective and posted to the City's website on December 26, 2013. Clerk Mangen explained how the Code would be updated and format under which the Code was written. **Member Swenson made a motion to grant First and waive Second Reading adopting Ordinance No. 2013-14 Adopting and Enacting a New Code for City of Edina, Minnesota; Providing for the Repeal of Certain Ordinances not included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending such Code; and, Providing when such Code and this Ordinance shall become effective.** Member Sprague seconded the motion.

Rollcall:
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.E. ORDINANCE NO. 2013-15 AMENDING THE EDINA CITY CODE CONCERNING THE COMMUNITY HEALTH COMMITTEE – ADOPTED

Community Health Committee Chair Matt Doscotch described the proposed changes to broaden the mission of the Community Health Committee (CHC) to include community-wide health/wellness issues as well as a name change to Community Health Commission. He noted the proposed changes complied with Statute and resulted in the CHC being proactive rather than reactive.

The Council and Mr. Doscotch discussed the ordinance language in comparison to Statute and appropriate name for this group. The Council thanked the Chair Doscotch and the CHC for its work in this regard. **Member Brindle made a motion to grant First and waive Second Reading adopting Ordinance No. 2013-15 Amending the Edina City Code Concerning the Community Health Committee. Member Bennett seconded the motion.**

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.F. REPORT ACCEPTED AND PROFESSIONAL SERVICES AUTHORIZED – TRUCK SANITARY SEWER LINING

Marcus Thomas, Senior Project Manager with Bolton & Menk, presented findings from the Trunk Sanitary Sewer Infiltration Study Report that detailed risk factors to clear water infiltration and inflow (I/I) and recommendation for trunk lining and manhole rehabilitation projects that addressed the oldest and most degraded and leaking pipes in the system as well as further investigation where risk factors point to high I/I potential, and continued periodic review for lines in good condition.

Interim Engineer Millner displayed a map depicting the first project area and recognized the assistance of Environmental Engineer Bintner in compiling this data. **Member Swenson made a motion, seconded by Member Bennett, to accept the Trunk Sanitary Sewer Infiltration Study Report and authorize professional services, truck sanitary sewer lining.**

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. HERITAGE PRESERVATION BOARD, DECEMBER 9, 2013**
- 2. PLANNING COMMISSION, NOVEMBER 13, 2013**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

XI.A. HOOTEN'S CLEANER EMINENT DOMAIN PROCEEDINGS – EXTENDED

Economic Development Manager Neuendorf provided an update on negotiations with the owners of Hooten's Cleaners to find a resolution other than condemnation. He advised the owners continue to pursue an alternative of their preference and staff recommended extending the negotiating period to allow the additional time requested by the owners. **Member Swenson made a motion, seconded by Member Sprague, directing staff to draft language to extend the negotiating period as requested by the**

Minutes/Edina City Council/December 17, 2013

owners of Hooten’s Cleaners property and a resolution to end the City’s use of eminent domain to acquire Hooten’s Cleaner property, for consideration at the January 7, 2014, Council meeting.

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

XII. MANAGER’S COMMENTS – Received

XII.A. SOUTHDAL TIF DISTRICT – REQUEST TO EXPAND APPROVED

At the suggestion of Mr. Neal and following discussion, Council consensus was reached for staff to pursue special legislation to expand the Southdale TIF District.

XII.B. GOLF ENTERPRISE PLANNING – APPROVED

Mr. Neal advised there would be a \$1.2 million operating deficit in the Golf Enterprise Fund and recommended a public engagement process relating to issues such as whether the City should contract operations, move operations of Fred Richards Golf Course to Braemar Golf Course, how to operate ancillary services, how to charge for and/or discount golf course prices, and how to increase the number of rounds sold.

Council consensus was reached to authorize staff to begin a golf community and greater community engagement process about the “big picture” that needed to be addressed, what it would take to make a transition from Fred Richards Golf Course to Braemar Golf Course, and should that be approved in the future, the potential future public use of that 42 acres.

XIII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:22 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, January 7, 2014.

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Video Copy of the December 17, 2013, meeting available.