

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 16, 2014
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:10 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 Brindle, approving the meeting agenda as revised to remove Item V.B. Speak Up Edina Report: Residential Fire Sprinklers; and, add Item V.B. Recognition of Departing Council Members.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Brindle made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Items IV.J. Approve Easement Agreement at 4420 Grimes Avenue and IV.K. Request to Waive Building Permit Fees for the Braemar Clubhouse Renovation Project, as follows:

IV.A. Approve regular and work session meeting minutes of December 2, 2014 and town hall meeting minutes of December 6, 2014

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated December 4, 2014, and consisting of 28 pages; General Fund \$88,928.16; Police Special Revenue \$130.29; Arts and Culture Fund \$650.00; Working Capital Fund \$1,224,321.95; Equipment Replacement Fund \$365.00; Art Center Fund \$4,614.72; Golf Dome Fund \$12,300.84; Golf Course Fund \$8,865.15; Ice Arena Fund \$3,075.53; Sports Dome Fund \$3,875.11; Edinborough Park Fund \$16,803.88; Centennial Lakes Park Fund \$4,284.57; Liquor Fund \$222,228.95; Utility Fund \$93,191.19; Storm Sewer Fund \$27,084.79; Centennial TIF District \$2,647.50; TOTAL \$1,713,367.63 and for receipt of payment of claims dated December 11, 2014, and consisting of 31 pages; General Fund \$482,985.13; Police Special Revenue \$78.93; Pedestrian and Cyclist Safety Fund \$1,362.81; Working Capital Fund \$402,261.63; Equipment Replacement Fund \$79,112.58; Art Center Fund \$4,775.19; Golf Dome Fund \$3,917.87; Aquatic Center Fund \$1,464.45; Golf Course Fund \$5,968.15; Ice Arena Fund \$44,429.29; Sports Dome Fund \$46,917.58; Edinborough Park Fund \$8,979.63; Centennial Lakes Park Fund \$2,722.36; Liquor Fund \$217,213.11; Utility Fund \$459,453.69; Storm Sewer Fund \$13,311.31; PSTF Agency Fund \$4,895.70; Centennial TIF District \$250.00; Grandview TIF District \$878.00; TOTAL \$1,780,977.41

IV.C. Request for Purchase, One 2015 Ford Police Interceptor, awarding the bid to the recommended bidder, Nelson Auto Center at \$31,565.95

IV.D. Request for Purchase, Public Safety Class A Uniform, awarding the bid to the recommended low bidder, Uniforms Unlimited at \$43,000.00

IV.E. Authorize Agreement with Expert T Billing for Ambulance Billing Services

IV.F. Request for Purchase, Authorize Engineering Services for Arden Park D Neighborhood - Bid Documents and Construction Phase Services, awarding the bid to the recommended low bidder, Short Elliot Hendrickson, Inc. at \$821,866.00

IV.G. Receive Traffic Safety Committee Report of November 5, 2014

IV.H. Approve Cell Tower Lease Renewal at Creek Valley Park Communications Facility

IV.I. Request for Purchase, Construction Manager Contract Braemar Clubhouse Renovation, awarding the bid to the recommended bidder, Zeman Construction at 3% of total construction costs plus general conditions not to exceed \$10,540/month.

~~**IV.J. Approve Easement Agreement at 4420 Grimes Avenue**~~

~~**IV.K. Request to Waive Building Permit Fees for the Braemar Clubhouse Renovation Project**~~

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.J. EASEMENT AGREEMENT AT 4420 GRIMES AVENUE – APPROVED

The Council asked why the responsibility of the reconstruction was with the City. Attorney Knutson explained that a Court of Appeals decision involving the city of Minneapolis stated if a retaining wall was needed because of a sidewalk or grade of a street, it was the City's responsibility to maintain. **Member Bennett made a motion, seconded by Member Sprague, to approve the Easement Agreement for 4420 Grimes Avenue.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV.K. REQUEST TO WAIVE BUILDING PERMIT FEES FOR THE BRAEMAR CLUBHOUSE RENOVATION – APPROVED

The Council inquired regarding the funding source as Braemar was an enterprise facility. Manager Neal answered that the Council was asked to waive a building permit fee of approximately \$7,900 that would have been a general revenue of the City; however, it was felt to be better spent if left in the Golf Fund. **Member Swenson made a motion, seconded by Member Sprague, to approve the request to waive the building permit fees for the Braemar clubhouse renovation project.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

~~**V.A. SPEAK UP EDINA REPORT: RESIDENTIAL FIRE SPRINKLERS**~~

This item was removed upon adoption of the agenda.

V.A. EDINA HIGH SCHOOL STUDENT PARTNERSHIP WITH PRECISION GASKET COMPANY – RECOGNIZED

Three Edina High School seniors shared their experiences with Project Lead the Way that partnered students with Precision Gasket Company to study engineering in a hands-on environment. John Bower, Director of Sales and Marketing at Precision Gasket Company, thanked the Council for the opportunity to talk about the program.

V.B. RECOGNITION OF DEPARTING COUNCIL MEMBERS JONI BENNETT AND JOSH SPRAGUE – RECOGNIZED

Mayor Hovland shared that Member Bennett had been on the Council for eight years and actively involved in the community for many years before that. He found Member Bennett to be extraordinarily bright, a hard worker, and to maintain flawless notes. Mayor Hovland thanked Member Bennett for her service.

Mayor Hovland shared that Member Sprague had moved to Edina in 2006, been a 'whirlwind' immersing in all things Edina, and served on the Council for four years. He found Member Sprague had approached all things with a great deal of foresight. Mayor Hovland thanked Member Sprague for his service.

Member Bennett thanked the citizens for the opportunity to serve, the staff for its gracious professional service, and wished her colleagues the best of luck.

Member Sprague expressed his deepest gratitude for the honor of serving and shared how much the Council and staff had been able to accomplish.

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

VI.A. VACATION OF PUBLIC RIGHT-OF-WAY EASEMENT 5320 KELSEY TERRACE – RESOLUTION NO. 2014-160 ADOPTED

Engineer Millner presented the request of the property owner at 5320 Kelsey Terrace to vacate the 5-foot wide existing drainage and utility easement along the northeast property line to construct elements of a home addition. The City had storm sewer, sanitary sewer, and watermain facilities in the area but not within the utility easement.

Mr. Millner answered a question of the Council, indicating that the storm pipe would not be moved and was not within the easement

Mayor Hovland opened the public hearing at 7:33 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. 2014-160, Vacating a 5-Foot Drainage and Utility Easement. Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.B. VACATION OF PUBLIC RIGHT-OF-WAY EASEMENT COUNTRYSIDE ELEMENTARY SCHOOL, 5701 BENTON AVENUE – RESOLUTION NO. 2014-161 ADOPTED

Mr. Millner shared the request from Countryside Elementary and Edina Public Schools to vacate the 5-foot wide existing drainage and utility easement so that an addition could be completed on the school. The City had storm sewer, sanitary sewer, and watermain facilities in the area but not within the utility easement. The vacation would not impact public utilities.

Mayor Hovland opened the public hearing at 7:36 p.m.

Public Testimony

No one appeared to comment.

Member Bennett 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. 2014-161, Vacating a 5-foot Utility Easement. Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.C. ORDINANCE NO. 2014-25 AMENDING CHAPTERS 10 AND 32, REGARDING REGULATION AND PROTECTION OF TREES ON LOW DENSITY RESIDENTIAL PROPERTY – CONTINUED TO FEBRUARY 3, 2015

Community Development Director Teague stated the Planning Commission would like to continue shaping the Ordinance and had requested more time to do so. The Council was asked to continue the scheduled

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public hearing to February 3, 2015. **Member Sprague made a motion, seconded by Member Swenson, to continue the public hearing on Ordinance No. 2014-15 to February 3, 2015.**

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

VI.D. PROPOSED TRANSFER OF CABLE TELEVISION FRANCHISE FROM COMCAST TO MIDWEST CABLE – RESOLUTION NO. 2014-164 TABLED

Member Bennett made a motion, seconded by Member Sprague, to table consideration of Resolution No. 2014-164 until the Brian Grogan, presenting for the Southwest Suburban Cable Commission arrived.

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

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. SETTING 2015 TAX LEVY AND ADOPTING 2015 OPERATING BUDGET – RESOLUTION NO. 2014-162 ADOPTED

Manager Neal stated the Council was asked to set the final 2015 tax levy and adopt the 2015 operating budget. **Member Swenson introduced and moved adoption of Resolution No. 2014-162, Adopting the Budget for the City of Edina for the Year 2015, and Establishing Tax Levy for Year 2015, Payable in 2015.** Member Sprague seconded the motion.

The Council discussed why the levy increased 8.1% and acknowledged that that Braemar sports complex, which was approved on a split vote, was one of the reasons. It was noted, however, there was only a 1.89% increase in the actual cost to operate the City.

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

VI. PUBLIC HEARING HELD – continued

VI.D. PROPOSED TRANSFER OF CABLE TELEVISION FRANCHISE FROM COMCAST TO MIDWEST CABLE – RESOLUTION NO. 2014-164 ADOPTED

Member Bennett made a motion, seconded by Member Sprague, to remove Resolution No. 2014-164 from the table.

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

Brian Grogan, Moss and Barnett, explained the City of Edina was a member of the Southwest Suburban Cable Commission along with four other cities. In August 2012, each member city renewed a cable television franchise to Comcast to provide cable service within its city limits. During the summer of 2014, the franchisee Comcast proposed to transfer the franchise and cable system to Midwest Cable, Inc. and after close of the proposed transfer, the name of the operator would change to GreatLand Connections, Inc. Comcast would no longer operate cable systems in the state of Minnesota. The City of Edina and the entire Twin Cities market would be served by GreatLand Connection. Mr. Grogan explained that Edina subscribers would be able to maintain current telephone numbers and keep existing cable equipment in their homes however, the billing would transition to Midwest. Mr. Grogan stressed that the only portion of the transfer transaction which applied to the City of Edina would be the cable television and not broadband service or telephone service.

The Council discussed the proposal and asked questions of Mr. Grogan relating to the contractual relationship, e-mail account changes, cost changes, and customer call centers. Member Swenson and Communications Director Benerotte were asked their opinions and both offered support of the Resolution. **Member Swenson introduced and moved adoption of Resolution No. 2014-164,**

Approving the Transfer of the Cable Franchise and Change of Control of the Grantee.

Member Swenson withdrew her motion to accept public testimony.

Mayor Hovland opened the public hearing at 8:30 p.m.

Public Testimony

James Grotz, 5513 Park Place, addressed the Council.

David Vandongen, 5620 Kellogg Place, 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.

Mr. Grogan answered questions raised during public testimony concerning options for contractual safeguards, penalties for Charter's non-performance, maintaining an e-mail account, and timing.

Member Swenson introduced and moved adoption of Resolution No. 2014-164, Approving the Transfer of the Cable Franchise and Change of Control of the Grantee. Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII. REPORTS / RECOMMENDATIONS – continued

VIII.B. 2015-2019 CAPITAL IMPROVEMENT PLAN – ADOPTED

Finance Director Roggeman explained the process used to develop the 2015 Budget and Capital Improvement Plan and requested final approval.

The Council complimented staff on the new layout of the Capital Improvement Plan and expressed concern over some of the unfunded projects. **Member Brindle made a motion, seconded by Member Bennett, Adopting the 2015-2019 Capital Improvement Plan.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.C. RESOLUTION NO. 2014-163 ADOPTED – ACCEPTING VARIOUS GRANTS AND 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. 2014-163 accepting various grants and donations. Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.D. COMPREHENSIVE PLAN AMENDMENTS FOR BUILDING HEIGHT, DENSITY, AND FLOOR AREA RATIO; PRELIMINARY REZONING AND PRELIMINARY DEVELOPMENT PLAN, 7200 FRANCE AVENUE, 7200 LLC – RESOLUTION NO. 2014-150 AND RESOLUTION NO. 2014-151 TABLED

Mr. Teague explained that as requested by the Council, staff had drafted resolutions for approval of the Comprehensive Plan Amendment and Preliminary Rezoning. Staff met with Hennepin County Transportation staff regarding gaining access off France Avenue and no access off 72nd Street. Hennepin County staff reiterated that they would not support access to the site off France Avenue.

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The Council asked if an origin/destination study had been completed for 72nd Street. Mr. Millner responded that it had not. The Council discussed the application and repeated its requirement for a boulevard on 72nd Street and a right in/right out on France Avenue.

Dean Dovolis, DJR Architecture, commented on timeframe and reviewed other possible entrance/exits.

Member Sprague made a motion, seconded by Member Swenson, to table consideration of Resolution No. 2014-150, Approving a Comprehensive Plan Amendment Regarding the Office Residential District Regarding Housing Density, Building Height, and Floor Area Ratio and Resolution No. 2014-151, Approving a Preliminary Rezoning to Planned Unit Development and Preliminary Development Plan for 7200 LLC, at 7200 France Avenue until the January 20, 2015 City Council meeting.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.E. SKETCH PLAN FOR 4500 VALLEY VIEW ROAD – REVIEWED

Proponent Presentation

Peter Fitzgerald, 5217 Kellogg Avenue, representing owner Fred Allis, shared that he was a life-long resident of Edina and had been looking to revitalize this area for a long time. Paul Dzubnar, Green Mill Restaurants, and Chuck Nolan, Shea Architects, who were working on plans to convert the gas station at 4500 Valley View Road into a restaurant, presented design elements.

Mr. Nolan presented the proposed layout and design for the restaurant. Mr. Dzubnar shared that the concept would be American fare and a place you could come with your family or friends.

Following discussion of the 4500 Valley View Road sketch plan, the Council offered comments relating to: improved pedestrian connections, creating landscaping that was integral to the plan, parking, patio, lighting, noise, and windows on Wooddale to create additional views.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

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

IX.B. MINUTES:

1. **PLANNING COMMISSION, OCTOBER 22, 2014**
2. **PARK BOARD, NOVEMBER 10, 2014**
3. **ARTS AND CULTURE COMMISSION, SEPTEMBER 23, OCTOBER 23, AND NOVEMBER 20, 2014**
4. **HERITAGE PRESERVATION BOARD, NOVEMBER 10, 2014**

Informational; no action required.

X. AVIATION NOISE UPDATE – Received

XI. MAYOR AND COUNCIL COMMENTS – Received

Member Brindle made a motion, seconded by Member Swenson, to approve an increase of \$.02 per resident to \$.30 for dues for Interstate-494 to begin January 1, 2015. The Council discussed whether it could designate the funds from the 2015 budget that had already been approved. Mr. Neal responded that the funds could be so designated.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

XII. MANAGER'S COMMENTS – Received

XIII. ADJOURNMENT

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There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:31 p.m.

Respectfully submitted,

Minutes approved by Edina City Council, January 6, 2015.

Debra A. Mangen, City Clerk

Video Copy of the December 16, 2014, meeting available.

James B. Hovland, Mayor