

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
OCTOBER 17, 2006
7:00 P.M.**

ROLLCALL Answering rollcall were Members Hulbert, Swenson and Mayor Pro-tem Housh. Mayor Hovland entered the meeting at 8:05 P.M. Member Masica was absent.

CONSENT AGENDA ITEMS APPROVED Motion made by Mayor Pro-tem Housh and seconded by Member Hulbert approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Hulbert, Swenson, Housh

Motion carried.

***MINUTES OF THE REGULAR MEETING OF OCTOBER 3, 2006, AND WORK SESSION OF OCTOBER 3, 2006, APPROVED** Motion made by Mayor Pro-tem Housh and seconded by Member Hulbert approving the Minutes of the Regular Meeting of October 3, 2006, and Work Session of October 3, 2006.

Motion carried on rollcall vote - three ayes.

RESOLUTION NO. 2006-96 APPROVING THE SPECIAL ASSESSMENT FOR SOUTH HARRIET PARK WEST ROADWAY IMPROVEMENT A-204 Affidavits of Notice were presented, approved and ordered placed on file. Due notice having been given, public hearings were conducted and action taken as recorded on the following proposed special assessment.

ROADWAY IMPROVEMENT NO. A-204

Location: South Harriet Park West Improvements

Analysis for Assessment for Roadway Improvement No. A-204 for South Harriet Park West. Total amount of the assessment was \$580,230.04 against 93,333 assessable lots at \$6,216.75 per lot in a ten year assessment.

Engineer Houle indicated that Roadway Improvement No. A-204 was continued from the Public Hearing of October 3, 2006, for further information regarding the assessable lot allocated to the City for their parkland.

Following the Engineer's presentation, **Member Swenson made a motion closing the public hearing, seconded by Member Hulbert.**

Rollcall:

Ayes: Hulbert, Swenson, Housh

Motion carried.

Member Hulbert made a motion introducing Resolution No. 2006-96 approving the Special Assessment for South Harriet West Roadway Improvement. Member Swenson seconded the motion.

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Rollcall:

Ayes: Hulbert, Swenson, Housh

Motion carried.

RESOLUTION NO. 2006-95 APPROVING FINAL PLAT FOR MUIR WOODS 5TH ADDITION - 7108 VALLEY VIEW ROAD

Director Teague explained the location of the proposed plat, and noted that the Council had approved the Preliminary Plat on March 21, 2006. He said the proposed plat would divide the property into three lots creating one new lot. Mr. Teague reported the Planning Commission recommended the Council consider granting the requested plat subject to proof of the shared driveway easement and a subdivision dedication of \$24,000.00. Council briefly discussed the proposed plat with Mr. Teague.

David Gageby, 7108 Valley View Road, clarified why the plat was being proposed.

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

Rollcall:

Ayes: Hulbert, Swenson, Housh

Motion carried.

Member Swenson introduced Resolution No. 2006-95 approving the Final Plat for Muir Woods 5th Addition at 7108 Valley View Road, conditioned upon collection of subdivision dedication of \$24,000.00 and shared driveway easement. Member Hulbert seconded the motion.

Rollcall:

Ayes: Hulbert, Swenson, Housh

Motion carried.

CONCERN OF RESIDENTS - No residents appeared to speak.

FIRST READING GRANTED - ORDINANCE NO. 2006-8 - AN ORDINANCE AMENDING SECTIONS 705, 715, AND 1300 OF THE CITY CODE TO PROVIDE NEW REQUIREMENTS FOR STORAGE AND PLACEMENT OF REFUSE CONTAINERS

Manager Hughes explained at the October 3, 2006, meeting the Council directed staff to prepare an ordinance allowing, but not requiring curbside placement of refuse containers and yard waste containers on collection day. Three sections of the City Code would be amended, 705, 715 and 1300 to affect the change. Mr. Hughes reported a survey was completed and the Edina Recycling and Solid Waste Commission recommended amending Ordinance No. 2006-8. He concluded by saying this would be a permissive ordinance not a mandatory ordinance

The Council discussed the proposed ordinance. Concerns were expressed over garbage haulers increasing rates to those persons who could not bring their refuse containers to the curb.

Bill Horn, 4511 Browndale Avenue, voiced concern with the aesthetics of receptacles being placed at the curb..

Bill Bryan, 5908 Drew Avenue, Chair of the Recycling and Solid Waste Committee, indicated support behind the recommendation, and said the survey spoke for itself.

Spud Carpenter, 4356 Oakdale Avenue, said he was concerned that the two larger haulers, BFI and Waste Management be allowed to put the squeeze on local, private haulers.

Jim Grotz, 5513 Park Place, stated he and his neighbors favored refuse pick up curbside. He voiced concern that residents with smaller lots/homes would be subsidizing larger lots/homes in Edina.

Elsa Maren, 5320 Brookview Avenue, stated her 96 year old neighbor and a 50 year resident should not have to be charged more to have her refuse picked up at the garage.

Correspondence was received via e-mail from Carolyn Peterson stating her concerns with amending the Ordinance.

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

Ayes: Hulbert, Swenson, Housh

Motion carried.

Following a Council discussion, **Member Hulbert made a motion granting First Reading to Ordinance No. 2006-8, Amending Sections 705, 715, and 1300 of the City Code Providing New Requirements for Storage and Placement of Refuse Containers.** Member Swenson seconded the motion.

Rollcall:

Ayes: Hulbert, Swenson, Housh

Motion carried.

FIRST READING GRANTED FOR ORDINANCE NO. 2006-9 - AN ORDINANCE ESTABLISHING A SPECIAL BOARD OF APPEAL AND EQUALIZATION

At the October 17, 2006, Council meeting, the Council passed a motion granting First Reading to Ordinance No. 2006-9, approving establishment of a Special Board of Appeal and Equalization to hear appeals concerning property valuation. The Board would consist of five members who were residents of the City and experienced in property valuation matters. One of the five members would be required to be an appraiser, realtor or a person familiar with property values and to take a statutorily required training course. Appointment to the Board would be similar to other board, commission, or committee appointments and be for a one year term.

Motion made by Member Swenson granting First Reading for Ordinance No., 2006-9 - An Ordinance Establishing a Special Board of Appeal and Equalization. Member Hulbert seconded the motion.

Ayes: Hulbert, Swenson, Housh

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Motion carried.

***BID AWARDED FOR MISCELLANEOUS SUMP DRAIN IMPROVEMENT PROJECT - CONTRACT ENG 06-8** Motion made by Mayor Pro-tem Housh and seconded by Member Hulbert approving the award of bid for Contract No. ENG 06-8, 2006 Sump Drain and Storm Sewer Improvements, Improvement Nos. STS-309, 311, 320, 327, 328, 329, 330, 331, to recommended low bidder Ellingson Companies at \$186,708.14.

Motion carried on rollcall vote - three ayes.

***BID AWARDED FOR SURVEY AND MAPPING EQUIPMENT - ENGINEERING DEPARTMENT** Motion made by Mayor Pro-tem Housh and seconded by Member Hulbert approving the award of bid for Survey and Mapping Equipment for the Engineering Department to sole bidder Leica Geosystems, at \$25,840.10.

Motion carried on rollcall vote - three ayes.

NEW INTOXICATING AND SUNDAY SALE LIQUOR LICENSES APPROVED FOR CRAVE HOSPITALITY INC., DBA/CRAVE RESTAURANT Mr. Hughes informed the Council an application was received from Crave Hospitality, Inc., for new intoxicating and Sunday On-Sale liquor licenses to operate Crave Restaurant at 3520 Galleria, the site formerly occupied by Sidney's. The Administration, Health, Planning and Police Departments have completed their investigation with no negative findings. Mr. Hughes said staff recommended issuance of the licenses.

Kevyan Talebi, 1920 South 1st Street, #2202, Minneapolis, MN, explained the upscale restaurant will have an eclectic array of foods including sushi and will be opening in January, 2007.

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

Rollcall:

Ayes: Hulbert, Swenson, Housh

Motion carried.

Member Hulbert made a motion approving issuance of an Intoxicating and Sunday Sale Liquor License for Crave Hospitality, Inc., DBA/Crave Restaurant. Member Swenson seconded the motion.

Rollcall:

Ayes: Hulbert, Swenson, Housh

Motion carried.

RESOLUTION NO. 2006-93 APPROVING ACCEPTANCE OF VARIOUS DONATIONS

Mayor Pro-tem Housh explained 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 Resolution No. 2006-93 accepting various donations and moved its adoption. Member Hulbert seconded the motion.

Ayes: Hulbert, Swenson, Housh
Motion carried.

RESOLUTION NO. 2006-94 APPROVED AUTHORIZING SPECIAL ASSESSMENT DEFERRAL - 5217 KELLOGG AVENUE SOUTH Assessor Wilson explained State Statute and City policy allow deferment of special assessments for property owners who meet the required eligibility standards and complete an application.

Member Hulbert introduced Resolution 2006-94, Authorizing Special Assessment Deferral for 5217 Kellogg Avenue South and moved its adoption. Member Swenson seconded the motion.

Ayes: Hulbert, Swenson, Housh
Motion carried.

UPDATE GIVEN ON INTERLACHEN TRAIL/BLAKE ROAD Mr. Hughes reminded the Council at the October 3, 2006, Council meeting, Mayor Hovland suggested a meeting with Carl Orn of the Metropolitan Council to learn more about the technical advisory committee and the transportation advisory board's decision to turn down the proposed revisions to the trail.

Mayor Hovland entered the meeting at 8:05 P.M.

Following a Council discussion, **Member Swenson made a motion to withdraw the application revision from the TAB agenda alleviating receipt of a denial of the application allowing the Bikeway Task Force time to examine the plan in greater detail.** Member Hulbert seconded the motion.

Ayes: Hulbert, Housh, Swenson, Hovland
Motion carried.

***TRAFFIC SAFETY STAFF REVIEW FOR OCTOBER 2, 2006, APPROVED** Motion made by Mayor Pro-tem Housh and Member Hulbert approving the Traffic Safety Staff Review for Monday October 2, 2006, Section A:

1. Parking be restricted to "2-Hour Parking" on both sides of Grandview Square to the south of Sherwood Road in the parking bay areas.

Section B, and C.

Motion carried on rollcall vote - three ayes.

***CONFIRMATION OF CLAIMS PAID** Member Housh made a motion and Member Hulbert seconded the motion approving payment of the following claims as shown in detail on the Check Register dated October 4, 2006, and consisting of 32 pages: General Fund \$690,681.75; Communications Fund \$15,395.90; Working Capital Fund \$35,721.24; Art Center Fund \$18,295.84; Golf Dome Fund \$1,309.62; Aquatic Center Fund \$4,228.43; Golf Course Fund \$33,044.74; Ice Arena Fund \$2,409.98; Edinborough/Centennial Lakes Fund \$19,523.08; Liquor Fund \$131,257.97; Utility Fund \$103,142.18; Storm Sewer Fund \$5,225.11; PSTF Fund \$4,779.11; **TOTAL \$1,065,014.95;** and for approval of payment of claims dated October 11, 2006, and consisting of 31 pages: General Fund \$95,085.73; Communications Fund \$6,146.16; City Hall Debt Service \$900.00; Working Capital Fund \$416,587.12;

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Construction Fund \$620.43; Art Center Fund \$2,936.54; Golf Dome Fund \$120.24; Aquatic Center Fund \$755.89; Golf Course Fund \$14,546.05; Ice Arena Fund \$4,319.05; Edinborough/Centennial Lakes Fund \$3,036.62; Liquor Fund \$161,640.83; Utility Fund \$383,089.25; Storm Sewer Fund \$2,288.71; PSTF Fund \$1,643.44; TOTAL \$1,093,716.06.

Motion carried on rollcall vote – three ayes.

PETITION RECEIVED – PUBLIC HEARING SET ON NOVEMBER 21, 2006 FOR RENAMING 56TH STREET TO SURREY LANE Mr. Hughes indicated a petition had been received requesting the re-naming of 56th Street to Surrey Lane.

Chris Rofidal, 5037 West 56th Street, and John Lohmann, 5220 West 56th Street, asked that the Council call for a public hearing to consider renaming 56th Street back to the original historic name of Surrey Lane.

Following a discussion, **Member Swenson made a motion accepting the petition to rename 56th Street to Surrey Lane from Highway 100 to Hansen Boulevard and to call a public hearing for November 21, 2006.** Mayor Pro-tem Housh seconded the motion.

Ayes: Housh, Hulbert, Swenson, Hovland

Motion carried.

Mayor Hovland shared information about his recent experience at the Intercity Leadership Visit held in San Diego, California.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:05 P.M.

Respectfully submitted,

City Clerk