

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
NOVEMBER 21, 2006
7:00 P.M.**

ROLLCALL Answering rollcall were Members Housh, Hulbert, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Masica approving the Council Consent Agenda as presented with the exception of Agenda Item I. Approval of Special Meeting Minutes of November 8, 2006.

Rollcall:

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

MINUTES OF THE SPECIAL COUNCIL MEETING OF NOVEMBER 8, 2006, LAYED OVER Member Hulbert removed the Minutes of the Special Council Meeting of November 8, 2006, for further information. She believed at the conclusion of the November 8, 2006, meeting a re-count of election results could be done at City expense as judged by interpretation of the City Ordinance.

Member Swenson made a motion laying over the Minutes of the Special Council Meeting until the next regular meeting of December 5, 2006. Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

CONCERN OF RESIDENTS

Gene Persha, 6917 Cornelia Drive, voiced his concern with curbs and gutters in the Southdale area reconstruction project. He presented pictures of the areas original curbs and gutters and said replacement should be part of the project. Engineer Houle said when the local roadway special assessment policy was completed, it was recommended that curb and gutter costs would come out of the storm sewer fund. Mr. Houle said costs to replace curb and gutter in the whole area would be cost prohibitive and were not recommended in the proposed roadway reconstruction. Residents will be invited to an open house to see the project plans prior to the bid process.

John Bohan, 800 Coventry Place, inquired how residents will be included in the process of the Comprehensive Plan update. In a recent news release the Planning Commission has designated five members to its task force. He challenged the selection of the members and noted no one was appointed from the broader community and stated he believed there was a possibility of a conflict of interest with some of the members.

FIRST READING GRANTED FOR ORDINANCE NO. 2006-6 - AN ORDINANCE AMENDING THE CITY CODE TO PERMIT CERTAIN ABOVE GROUND SWIMMING

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POOLS Manager Hughes reminded the Council that staff was directed to draft changes to the City Code Section 450 - Swimming Pools to accommodate temporary above ground swimming pools at the July 18, 2006, Council meeting. The current City Code prohibits all above ground swimming pools.

Mr. Hughes stated pools used by Edina residents would be allowed from April 15 to October 15, beginning in 2007, and would be restricted to rear yards and ten feet from property lines. A permit would not be required to install a temporary above ground pool but would be limited to a depth of four feet with a water surface area of no more than 255 square feet. Mr. Hughes indicated such pools will be expected to comply with requirements for water quality, safety equipment and electrical conformance, drainage, fencing and set back locations.

Following a Council discussion, **Member Hulbert made a motion granting First Reading to Ordinance No. 2006-6, an Ordinance Amending the City Code to Permit Certain Above Ground Swimming Pools.** Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

FIRST READING GRANTED FOR ORDINANCE NO. 2006-10 - AN ORDINANCE AMENDING SECTION 900 OF THE CITY CODE EXPANDING HOURS OF SUNDAY INTOXICATING LIQUOR SALES

Mr. Hughes reminded that staff was directed to draft an ordinance amendment to Section 900 of the City Code expanding hours of Sunday sales of intoxicating liquor as requested by a license holder holding both a intoxicating liquor license and a Sunday On-Sale license. Currently, City Code prohibits Sunday sales prior to noon. He added establishments holding a club on-sale license and a Sunday license (Interlachen and Edina Country Club) have always been permitted to serve at 10:00 AM on Sundays until midnight. An amendment to the Ordinance would bring the Edina Code into compliance with State law.

Following a Council discussion, **Member Masica made a motion granting First Reading to Ordinance No. 2006-1, Amending Section 900 of the City Code Expanding Hours of Sunday Intoxicating Liquor Sales.** Member Swenson seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

FIRST READING OF ORDINANCE NO. 2006-11 GRANTED - AN ORDINANCE AMENDING SECTION 1341 OF THE CITY CODE LIFTING THE NUMBER OF THERAPEUTIC MASSAGE LICENSES ISSUED

Mr. Hughes indicated on November 6, 2006, staff was directed by Council to prepare an ordinance amendment lifting the restriction on the number of business licenses that could be issued for physical culture and health services and clubs. He noted current City Code allows four licenses to be issued in order to regulate types of establishments. Mr. Hughes said the amendment deletes the subdivision of the City Code limiting business licenses to four.

Following a Council discussion, **Member Swenson made a motion granting First Reading to Ordinance No. 2006-11 - Amending Section 1341 of the City Code Lifting the Number of Therapeutic Massage Licenses Issued.** Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

PUBLIC HEARING HELD ON ORDINANCE NO. 2006-12 REJECTED - AN ORDINANCE RENAMING WEST 56TH STREET TO SURREY LANE

Affidavits of Notice were presented, approved and ordered placed on file. Assistant Manager Worthington reminded the Council a petition was received from residents on 56th Street to rename the street to Surrey Lane.

Residents opposed to the proposed name change were as follows:

1. Doreene Just, 5029 West 56th Street
2. William Just, 5029 West 56th Street
3. Scott Thorp, 5108 West 56th Street
4. Herb Montgomery, 5309 West 56th Street
5. Arthur P. Bein, 5216 West 56th Street, from a letter read by Herb Montgomery
6. Herb Royce, 5048 West 56th Street
7. Mark Kaiser, 4702 Golf Terrace

Residents in support of the proposed name change were as follows:

1. John Lohmann, 5220 West 56th Street
2. Chris Rofidal, 5037 West 56th Street
3. Tom Wurst, 5025 West 56th Street
4. Peter & Tiffany Bils, 5036 West 56th Street
5. Unidentified Resident, West 56th Street
6. Chris Moquist, 5032 West 56th Street
7. Richard Grove, 5041 West 56th Street
8. Grant Young, 5217 West 56th Street
9. Judy Forker, 5109 West 56th Street
10. Margie Dahl, 5009 West 56th Street
11. Dawn Rofidal, 5037 West 56th Street
12. Sue Pray, 5017 West 56th Street

The Council heard arguments from both sides and determined the small majority in favor of the name change was not enough to justify a name change. Residents who had worked hard to request the change were applauded by the Council and told not to let go of their vision of their neighborhood.

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

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Swenson made a motion rejecting the petition to rename 56th Street to Surrey Lane. Member Masica seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED FOR ONE 2007 FORD EXPEDITION SPECIAL SERVICE VEHICLE - POLICE DEPARTMENT** Motion made by Member Swenson and seconded by Member

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Masica for award of bid for one 2007 Ford Expedition Special Service Vehicle for the Police Department to sole bidder Superior Ford at \$24,216.00 under State of Minnesota Contract #436611.

Motion carried on rollcall vote – five ayes.

***BID AWARDED FOR TWO DODGE CHARGER POLICE SQUAD CARS Motion made by Member Swenson and seconded by Member Masica for award of bid for two Dodge Charger Police Squad Cars to sole bidder, Elk River Dodge at \$41,519.00 under State of Minnesota Contract #436816 Group II.**

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2006-102 APPROVED DENYING APPEAL OF HAZARDOUS BUILDING DESIGNATION – 6809 CRESTON ROAD Affidavits of Notice were presented, approved and ordered placed on file.

Building Coordinator Kirchman, explained staff became aware of a home at 6809 Creston Road that was being prepared to be moved. He gave background on the process the City has followed to rectify the hazardous building to either be moved or demolished. The Council suggested City staff ensure the contractor chosen to move the house have proper bonds to guarantee if damage occurs to the newly constructed roadway, they would be held accountable.

Jeff Layton, Layton Homes Construction, 920 Main Street, St. Paul Park, MN, said he was the house mover of the property at 6809 Creston Road, gave history on conditions for removal of the home.

Public Comment

The following persons spoke asking that the house be moved and property cleaned up:

1. Scott Dahlager, 6816 Creston Road
2. Mark Kaiser, 6805 Creston Road
3. Martin Laventure, 6717 West Shore Drive
4. Bob Mayo, 6836 Creston Drive
5. Mark Kaiser, 4702 Golf Terrace
6. Neal Johnson, 6713 West Shore Drive
7. Cathy Coleman, 6704 West Shore Drive
8. Scott Thorp, 5108 West 56th Street

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

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Swenson introduced Resolution No. 2006-102 denying the appeal of designation of the home at 6809 Creston Road as a hazardous building and order completion of the order to move or demolish the home by December 12, 2006. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

NEW WINE AND BEER LICENSES APPROVED FOR GINGER ASIAN BISTRO - 4924 FRANCE AVENUE SOUTH Mr. Hughes said application had been received for a new wine and 3.2 beer on-sale liquor licenses to operate Ginger Asian Bistro located at 4924 France Avenue. Following review of the application by the Police, Planning, Administration and Health Departments, issuing of the licenses was recommended.

Member Hulbert made a motion approving issuance of new wine and beer licenses for Ginger Asian Bistro, 4924 France Avenue South. Member Housh seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2006-101 - ACCEPTING VARIOUS DONATIONS Mayor Hovland 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. 2006-101, accepting various donations and moved its adoption. Member Hulbert seconded the motion.

Ayes: Housh, Hulbert, Masica, Swenson, Hovland

Motion carried.

COMPREHENSIVE PLAN PROCESS UPDATE PRESENTED Assistant Manager Worthington presented the Council with a Comprehensive Plan Process Update. The Plan was a citywide effort to document the goals for the City for the next ten years and will be driven by residents of Edina. Ms. Worthington said a kick-off will be held at 6:30 P.M. December 4, 2006, at Braemar Club House. At that time, an explanation of the plan will be shared as well as promote community involvement in developing the plan. The Plan will be developed in 2007 with community meetings planned at different times to discuss new ideas and progression of the Plan.

No formal Council action was taken.

***2007 COUNCIL MEETING DATES AND HOLIDAYS APPROVED** Motion made by Member Swenson and seconded by Member Masica approving the 2007 Council Meeting Dates and Holidays as presented.

Motion carried on rollcall vote - five ayes.

***TRAFFIC SAFETY STAFF REVIEW OF NOVEMBER 1, 2006, APPROVED** Motion made by Member Swenson and seconded by Member Masica approving the Traffic Safety Staff Review, Section A:

1. Installation of STOP signs for both east and west bound traffic on 56th Street at Zenith Avenue; and
2. Installation of YIELD sign on Balfanz Road as it merges into Creston Road from the eastbound approach; and
3. Recommend Council send a letter to Hennepin County asking a painted crosswalk crossing be painted at York Avenue at the intersection of Hazelton Road (the exact leg of the intersection to be determined by the County, and the pedestrian crosswalk to be signed and painted per County policy); and

4. Recommend Council send letter to Hennepin County to place a painted crosswalk crossing at Vernon Avenue at the intersection of Gleason Road (north leg). The pedestrian crosswalk to be signed and painted per County policy; and

Section B and Section C.

Motion carried on rollcall vote – five ayes.

***CONFIRMATION OF CLAIMS PAID** Member Swenson made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated November 8, 2006, and consisting of 27 pages: General Fund \$81,529.34; CDBG Fund \$7,225.00; Communications Fund \$3,271.15; Working Capital Fund \$87,500.01; Construction Fund \$17,760.89; Art Center Fund \$270.00; Golf Dome Fund \$1,785.12; Aquatic Center Fund \$1,221.11; Golf Course Fund \$31,321.23; Ice Arena Fund \$23,138.70; Edinborough/Centennial Lakes Fund \$5,560.40; Liquor Fund \$223,976.06; Utility Fund \$89,867.59; Storm Sewer Fund \$4,423.76; PSTF Agency Fund \$6,168.46; TOTAL \$585,018.82; and for approval of payment of claims dated November 15, 2006, and consisting of 27 pages: General Fund \$141,192.69; Communications Fund \$474.40; Working Capital Fund \$113,025.04; Construction Fund \$2,662.75; Art Center Fund \$4,106.48; Golf Dome Fund \$1,887.88; Aquatic Center Fund \$445.00; Golf Course Fund \$14,139.42; Ice Arena Fund \$39,097.39; Edinborough/Centennial Lakes Fund \$24,284.69; Liquor Fund \$121,339.91; Utility Fund \$322,863.67; Storm Sewer Fund \$101.66; Recycling Fund \$33,958.00; PSTF Agency Fund \$3,304.99; TOTAL \$822,883.97.

Motion carried on rollcall vote – five ayes.

***HEARING DATE SET OF DECEMBER 19, 2006 - CAPITAL IMPROVEMENT BONDS**

Motion made by Member Swenson and seconded by Member Masica setting December 19, 2006, as hearing date for Capital Improvement Bonds.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2006-103 - AMENDING BOND SERIES 2005B AND SERIES 2005D**

Member Swenson introduced Resolution No. 2006-103, Amending Bond Series 2005B and Series 2005D, Resolution No. 2005-51 and Resolution No. 2005-53 seconded by Member Masica, and moved adoption.

Motion carried on rollcall vote – five ayes.

***PETITION RECEIVED REQUESTING SIDEWALK - SOUTH SIDE OF WEST 66TH STREET BETWEEN 6609 CORNELIA AND 6201 WEST 66TH STREET**

Motion made by Member Swenson and seconded by Member Masica acknowledging receipt of a petition requesting sidewalk at south side of West 66th Street between 6609 Cornelia and 6201 66th Street and to refer the petition to the Engineering Department for processing as to feasibility.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:17 P.M.

Respectfully submitted,

City Clerk