

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 20, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Housh, Masica, Swenson and Chair Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Masica approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF MARCH 6, 2007, APPROVED** Motion made by Member Bennett and seconded by Member Masica approving the Minutes of the Edina City Council for March 6, 2007, as presented.

Motion carried on rollcall vote - five ayes.

BRAEMAR ICE ARENA EMPLOYEE NANCY KNUDSON REMEMBERED Mayor Hovland recognized Nancy Knudson, an employee of long standing at the Braemar Ice Arena who recently died unexpectedly with a moment of silence.

FIRE DEPARTMENT PRESENTATION MADE TO EDINA PUBLIC SCHOOLS Chief Scheerer and Fire Marshal Jenson, commended the Edina Public Schools Director of Business Services Jay Willemssen, and Building and Grounds Supervisor Bob Peterson for their relentless support during the construction of the new gymnasiums.

AMERICAN RED CROSS PROCLAIMS "GET READY 2007" Ted Canova, American Red Cross was taking a leadership role in emergency preparedness and he encouraged residents to *Get a Plan, Get a Kit* and *Get Involved* to help save lives in our community.

Member Swenson made a motion approving the Proclamation the Red Cross 2007 "Get Ready" campaign and encouraged resident involvement. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

CUB SCOUT PACK 123, DEN 4 WELCOMED Mayor Hovland welcomed Cub Scout Pack 123, Den 4 and leader Suzie Holderness. He noted the Scouts were working on their government and video production badge.

BOY SCOUTS FROM TROOP 89 AT CHRIST THE KING CHURCH IN MINNEAPOLIS WELCOMED Mayor Hovland introduced Scoutmaster Joseph Schmidt and informed the

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Council the Scouts were in attendance working on their Citizenship and Communication Merit Badges.

RESOLUTION NO. 2007-43 ADOPTED ACCEPTING FEASIBILITY REPORT AND ORDERING IMPROVEMENT NO. BA-340 - TODD PARK ROADWAY Affidavits of Notice were presented approved and ordered placed on file.

Engineer Houle disclosed that he was a resident of the Todd Park neighborhood living at 4532 Parkside Lane. He introduced Assistant Engineer Sullivan who would make the project presentation and answer questions.

Mr. Sullivan, using graphics and a power point presentation reviewed the proposed improvement project including the replacement of curb and gutter, storm sewer improvements, total reconstruction of the roadway and utility work where necessary. Mr. Sullivan said the proposed improvement would have a total estimated cost of \$2,625,000 with funding coming from a combination of special assessments, \$1,715,000 and the various utility funds, \$910,000.

Council discussion included the need for the improvement, traffic study in the area, proposed traffic calming, benefits of improved storm water system, necessary utility improvements, and timing of the improvement and construction management of the project within the neighborhood.

Public Comments

Questions and concerns were voiced by the following residents; Kathy Wasescha, 5348 Hollywood Road; Virgil Mylan, 5234 Hollywood Road; Joan Scott, 5309 Hollywood Road; Caroline Bisson, 5340 Hollywood Road; Donn Sjolander, 4540 Vandervork; Lynn Teschendorf, 5305 Hollywood Road; Nancy Hall, 4501 Parkside Lane; Gary Rooney, 5224 Hollywood Road; Kathleen Carter, 4500 Vandervork; Ian Biss, 4801 Rutledge Avenue; Brad Case, 4500 Rutledge Avenue; Tom Prohofskey, 4821 Rutledge Avenue; John Purdum, 4540 Rutledge Avenue; Katherine Perkins, 483 Rutledge Avenue; Richard Flumerfelt, 5225 Division Street; and Karl Henkelmann, 4840 Rutledge. The objections and concerns included: financial hardship on residents caused by special assessments, opposition to curb and gutter and sidewalk, objections to methodology of survey regarding sidewalk, what method would be employed to calculate assessments, concerns for pedestrian safety especially near proposed traffic calming bump outs, request for a STOP sign on Division Street, request to bury utility cables when project completed, residents will not be able to get riding lawn mower over curb, placement of sewer grates, roadway alignment, and need to improve drainage in area.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

Member Housh made a motion introducing Resolution No. 2007-43 accepting the feasibility report for Improvement No. BA-340 Todd Park Roadway Improvement, ordering the improvement and authorizing the City Engineer to prepare plans and

specifications and advertise for bids. The sidewalk on Hollywood Road will be reviewed at a later date. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-44 APPROVING FINAL DEVELOPMENT PLAN - 7380 FRANCE AVENUE SOUTH (TOM MILLER) Affidavits of Notice were presented approved and ordered placed on file.

Planner Teague reviewed the request before the Council for Final Development Plan for 7380 France Avenue South. He demonstrated the proposed redevelopment of a 25,000 square foot, two-level office building with a 44,400 square foot, three story office building. Mr. Teague noted the building would have an underground parking ramp accessed off France Avenue in the northeast corner of the lot. He noted the redevelopment met all requirements of Edina's Code.

Mr. Teague reported that the Planning Commission at their February 28, 2007, meeting recommended the Council approve the final development plan. He added staff also recommended approval of the final development plan with the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - a. Site plan date stamped February 7, 2007
 - b. Grading plan date stamped February 7, 2007
 - c. Landscaping plan date stamped February 7, 2007
 - d. Building elevations date stamped February 7, 2007
2. All minimum landscaping requirements of the zoning ordinance must be met;
3. Submittal of final grading and utility plans at the time of building permit application, subject to review and approval of the city engineer;
4. The property owner was responsible for replacing any required landscaping that dies.

Council discussed the proposed development and asked questions of staff regarding green space, location of the sidewalk on the site and traffic. Mr. Teague answered all questions and deferred to the developer regarding traffic.

Bruce Knutson, 3906 York Avenue South, displayed the proposed landscaping for the project and answered questions regarding the traffic study conducted for the proposed redevelopment.

Public Comment

John Bohan, 800 Coventry Place, questioned water run off if did not percolate from the tank through the sand.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

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Motion carried.

Following a brief discussion, **Member Swenson made a motion to adopt Resolution No. 2007-44 granting Final Development Plan as requested for 7380 France Avenue South, developer Tom Miller, with the conditions aforementioned by the City Planner and adding the following condition: moving the sidewalk from behind the bulkhead curb to a boulevard style sidewalk.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

PUBLIC COMMENT

Ryan Wilson, 5936 Beard Avenue South, said he would like all residents of Edina to be made more aware of issues surrounding wetlands and the function of the watershed districts.

FIRST READING GRANTED - ORDINANCE NO. 2007-05 - ESTABLISHING AN ENERGY/ENVIRONMENT COMMISSION

Manager Hughes stated that staff researched establishing an Energy and Environment Commission, at Council's direction, that would replace the existing Recycling Commission. He said staff prepared proposed Ordinance No. 2007-05 that included the following four elements:

1. Adding Section 146, establishing the Energy and Environment Commission;
2. Repealing Section 145 in its entirety (the previous Recycling Commission);
3. Amending Section 805 (Planning Commission) adding language with respect to membership, and eliminating that Commission's oversight in the area of environmental quality; and
4. Amending Section 1220 (Parks and Recreation Board), adding language with respect to membership, and natural resources oversight.

Mr. Hughes noted that duties of the new commission would include:

- Examining and recommending best practices for energy conservation
- Examining and recommending changes in City purchases and operations to conserve energy
- Evaluating/monitoring provisions of a residential recycling program
- Evaluating/monitoring provisions of a privately provided solid waste program and reduction in solid waste
- Evaluating/encouraging water and air quality
- Educating the public about energy issues, reduction, conservation, reuse, recycling and environmental protection

Following a Council discussion, **Member Housh made a motion granting First Reading to Ordinance No. 2007-05, establishing the Energy/Environment Commission with the exception of 146.02, Duties Item F, changing wording to refer to emissions produced by the City of Edina buildings, operations and equipment.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED FOR BRAEMAR PICNIC SHELTER CONTRACT/ACCEPTANCE OF DONATION** Motion made by Member Bennett and seconded by Member Masica for award of bid for the Braemar Picnic Shelter Contract and Acceptance of Donation of \$5,000 from the Edina Baseball Association toward the shelter to recommended low bidder, Sunram Construction at \$54,625.00.

Motion carried on rollcall vote - five ayes.

***RECLAIMING OF BLACKTOP AND CONCRETE - PUBLIC WORKS** Motion made by Member Bennett and seconded by Member Masica for award of bid for reclaiming blacktop and concrete to recommended low bidder, Intex Corporation at \$31,098.00.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR SOUTHDAL E FIRST ADDITION AND WOODHILL NEIGHBORHOOD STREET RECONSTRUCTION: CONTRACT NO. ENG 07-2, IMPROVEMENT NOS. BA-337 & BA-338, SS-431 & SS-432, STS-333 & STS-334, WM-462 & WM-463 APPROVED** Motion made by Member Bennett and seconded by Member Masica for award of bid for Southdale First Addition and Woodhill Neighborhoods Street Reconstruction: Contract No. ENG 07-2; Improvement Nos. BA-337, BA-338, SS-431, SS-432, STS-333, STS-334, WM-462, WM-463, to recommended low bidder, Palda & Sons, Inc., at \$3,588,243.61.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR (2) CHEVROLET TAHOE 4-WHEEL DRIVE SPORT UTILITY VEHICLES APPROVED - FIRE DEPARTMENT** Motion made by Member Bennett and seconded by Member Masica for award of bid for two (2) Chevrolet Tahoe 4-wheel Drive Sport Utility Vehicles (SUV) to recommended bidder, Thane Hawkins Polar Chevrolet under State Contract #436612 at \$65,609.26.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR SAW EQUIPMENT - FIRE DEPARTMENT** Motion made by Member Bennett and seconded by Member Masica for award of bid for one Stanley Concrete Cutting Hydraulic Saw and Accessories to sole supplier Steffen Company from State of Minnesota Grant funding at \$20,855.84.

Motion carried on rollcall vote - five ayes.

***BID AWARDED FOR ROPE RESCUE EQUIPMENT - FIRE DEPARTMENT** Motion made by Member Bennett and seconded by Member Masica for award of bid for miscellaneous Rope Rescue Equipment to recommended low bidder Ropes and Rescue Company at \$15,557.23 from State of Minnesota Grant funding.

Motion carried on rollcall vote - five ayes.

NEW WINE AND 3.2 BEER LICENSES APPROVED FOR DINO'S GYRO'S OF EDINA - 6539 YORK AVENUE SOUTH Mr. Hughes indicated that Dino's of Edina had a change of ownership. He said all necessary paperwork has been filed and fees paid for their new wine and 3.2 beer on-sale liquor licenses to operate their restaurant at 6539 York Avenue South.

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Mr. Hughes stated the Administration, Health, Planning and Police Departments have completed their investigations and recommend approval of the licenses.

Member Masica made a motion approving On-Sale Wine and 3.2 Beer Licenses to Dino's Gyros of Edina, Inc., dba/Dino's Gyros of Edina beginning April 1, 2007, and ending March 31, 2008. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

RENEWAL WINE AND 3.2 BEER LICENSES APPROVED FOR ASIAN GINGER BISTRO - 4924 FRANCE AVENUE SOUTH

Mr. Hughes reminded the Council at their last meeting, Asian Ginger Bistro had not filed proper paperwork for their license to be renewed. He noted the necessary documentation has been received and reviewed and staff recommended approval for the Asian Ginger Bistro at 4924 France Avenue.

Member Housh made a motion approving renewal of Wine and 3.2 Beer Licenses for Asian Ginger Bistro, 4924 France Avenue South. Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

PROMENADE PRESENTATION BY URS CORPORATION PRESENTED; CONCEPT APPROVED

Arijs Pakalns, URS Corporation, presented plans for the Edina Promenade. He explained it was an 80 foot right-of-way owned by the City and used as a pedestrian conveyance. The greater Southdale area has begun to be redeveloped and an emphasis has been placed on better pedestrian access. Since 2006, staff and consultants have worked to develop transit, path and pedestrian bridge concepts. Funding for the Promenade will primarily come from tax-increment financing revenue from the Edinborough/Centennial Lakes districts. The proposed project will most likely occur in three or more phases primarily because of the potential for redevelopment of the area.

Following presentation of the concept plan for the Edina Promenade and Council comments, **Member Swenson made a motion approving the concept plan for the Promenade and direct staff to 1) develop final plans suitable for bidding purposes; 2) pursue funding for a pedestrian bridge project over France Avenue, as well as additional pedestrian bridges providing important connections with the Southdale area.** Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2007-39 - 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. 2007-39, Accepting Various Donations, and moved approval. Member Housh seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

CITY CIVIL ATTORNEY APPOINTED Mr. Hughes reminded the Council an RFP for civil attorney services was issued last fall. Proposals were received from six firms. Following interviews and deliberations, staff recommended appointment of Campbell Knutson to serve as the City's civil attorneys for an initial engagement of three years. Mr. Hughes indicated that Dorsey Whitney would continue to serve as the City's Bond Counsel.

Member Masica made a motion approving the appointment of Campbell Knutson as the City's civil attorneys for an initial engagement of three years and that Dorsey Whitney remain as the City's Bond Counsel. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland
Motion carried.

***RESOLUTION NO. 2007-41 APPROVED - STATE OF MINNESOTA PARTNERSHIP CONTRACT FOR MISCELLANEOUS SERVICES - PUBLIC WORKS** Member Bennett introduced Resolution No. 2007-41, and seconded by Member Masica approving the State of Minnesota Partnership Contract for Miscellaneous Services for Public Works, and moved its adoption.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2007-40 APPROVED - DESIGNATING A PORTION OF CONCORD AVENUE AS "NO PARKING"** Member Bennett introduced Resolution No. 2007-40, seconded by Member Masica designating a portion of Concord Avenue as "NO PARKING" and moved its adoption.

Motion carried on rollcall vote - five ayes.

***TRAFFIC SAFETY STAFF REPORT OF MARCH 8, 2007, APPROVED** Motion made by Member Bennett and seconded by Member Masica approving the Traffic Safety Staff Review Report for March 8, 2007.

Motion carried on rollcall vote - five ayes.

***RESOLUTION NO. 2007-42 APPROVED ACCEPTING GRANT WITH BLUE CROSS/BLUE SHIELD** Member Bennett introduced Resolution No. 2007-42 and seconded by Member Masica approving the acceptance of the \$50,000 grant from Blue Cross/Blue Shield of Minnesota for a Planning Consultant for the Bike Edina Task Force.

Motion carried on rollcall vote - five ayes.

***CONFIRMATION OF CLAIMS PAID** Member Bennett made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated March 7, 2007, and consisting of 23 pages: General Fund \$199,847.45; Communications Fund \$2,211.00; General Debt Service Fund \$431.25; City Hall Debt Service \$1,000.00; PIR Debt Service Fund \$402.50; Working Capital Fund \$38,339.84; Art Center Fund \$2,046.54; Golf Dome Fund \$4,037.52; Aquatic Center Fund \$263.16; Golf Course Fund \$13,685.65; Ice Arena Fund \$27,469.50; Edinborough/Centennial Lakes Fund \$10,268.21; Liquor Fund \$180,062.13; Utility Fund \$23,062.03; PSTF Agency Fund \$5,583.92; **TOTAL \$508,710.70;** and for approval of payment of claims dated March 14, 2007, and consisting of 28 pages: General Fund \$154,706.38; Communications Fund \$8,191.33;

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Working Capital Fund \$60,986.83; Art Center Fund \$321.05; Golf Dome Fund \$3,083.59; Aquatic Center Fund \$2,691.26; Golf Course Fund \$60,505.84; Ice Arena Fund \$21,963.60; Edinborough/Centennial Lakes Fund \$1,302.06; Liquor Fund \$162,601.50; Utility Fund \$357,678.73; Storm Sewer Fund \$395.11; Recycling Fund \$33,958.00; PSTF Agency Fund \$4,014.72; TOTAL \$872,400.00.

Motion carried on rollcall vote – five ayes.

FUND BALANCE POLICY APPROVED Mr. Hughes presented the Fund Balance Policy with a minor change that reflects the concerns of Council with automatically transferring excess funds directly to the Construction (Revolving) Fund.

Member Masica made a motion approving the amendment to the Fund Balance Policy as presented. Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***PETITION RECEIVED REQUESTING SOUND ABATEMENT - NOISE WALL AT WEST 64TH STREET BETWEEN MILLER LANE AND RYAN AVENUE** Motion made by Member Bennett and seconded by Member Masica acknowledging receipt of a petition requesting sound abatement/noise wall at West 64th Street between Miller Lane and Ryan Avenue 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 11:35 P.M.

Respectfully submitted,

City Clerk