

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
May 20, 2008  
7:00 P.M.**

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

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Housh and seconded by Member Swenson approving the Council Consent Agenda as presented with the exception of Item V.C. Traffic Safety Report of May 7, 2008.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**\*MINUTES OF THE REGULAR MEETING OF MAY 6, 2008, AND WORK SESSION OF MAY 6, 2008, APPROVED** Motion made by Member Housh seconded by Member Swenson approving the Minutes of the Regular Meeting of May 6, 2008, and Work Session of May 6, 2008.

Motion carried on rollcall vote – five ayes.

**MAY 24, 2008, PROCLAIMED ABIGAIL TAYLOR REMEMBRANCE DAY** Mayor Hovland proclaimed May 24, 2008, as Abigail Taylor Remembrance Day. **Member Masica made a motion proclaiming May 24, 2008, as Abigail Taylor Remembrance Day.** Member Bennett seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**EMERGENCY MEDICAL SERVICES WEEK – MAY 18-24, 2008** Mayor Hovland declared the week of May 20-26, 2008, as Emergency Medical Services (EMS) week in Edina to honor the Edina Fire and Police Departments' valuable contributions to the health and well-being of our citizens. **Member Housh made a motion proclaiming May 18-24, 2008, as Emergency Medical Services week in Edina.** Member Swenson seconded the motion.

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**2008 HERITAGE AWARD** Associate Planner Repya along with the Mayor and City Council presented the 2008 Edina Heritage Award to Edina Morningside Community Church located at 4201 Morningside Road. After a short presentation and history from Chris Rofidal, Heritage Preservation Board member, Reverend Rosemary Rocha accepted the award with gratitude on behalf of the entire congregation.

**RESOLUTION NO. 2008-48 ADOPTED ORDERING IMPROVEMENT PROJECT S-048 – WEST FRONTAGE ROAD SIDEWALK CONSTRUCTION, BENTON AVENUE TO EDEN AVENUE**

Affidavits of Notice presented and ordered placed on file.

Engineer Presentation

Assistant Engineer Sullivan reviewed the proposed project using PowerPoint. He noted the project was initiated by the staff and would involve constructing a boulevard style bituminous sidewalk along the west side of the West Frontage Road from Benton Avenue to Eden Avenue. The West Frontage Road sidewalk project would be part of the City's Capital Improvement Program to create a pedestrian connection along the west side of Highway 100. The improvements would consist of a six-foot wide boulevard-style concrete walk with five-foot wide grassy boulevard. He explained that the project would be funded by the City and no special

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assessments would be needed. Mr. Sullivan stated staff was recommending this project as necessary, cost effective, and feasible. He said it would create a safe pedestrian link along the West Frontage Road and would connect a land-locked neighborhood to two pedestrian overpasses, the Community Center/Schools and a church.

The Council questioned: the Chia Wall's materials, asked for clarification of whether the sidewalk would be bituminous or concrete, and the proposed assessment method. Mr. Sullivan explained the Chia Wall would be made of plastic interlocking grids, the sidewalk would be bituminous and there would be no special assessments for the project.

### Public Comment

Brenda Liddle, 4808 Valley View Road, indicated she was in support of the project.

Karen Lydon, 5005 West 56<sup>th</sup> Street, said she was a regular walker and agreed with the plan, but wanted to know how the sidewalk would affect the berms and sound barriers. Mayor Hovland explained her questions would be addressed after public comment.

David Dickey, 5021 Yvonne Terrace, thanked the Council for the opportunity to have the sidewalk.

Tom Wurst, 5025 West 56<sup>th</sup> Street, spoke in support of the sidewalk.

Chris Rofidal, 5037 West 56<sup>th</sup> Street, spoke in support of the sidewalk and said it would give safe passage to residents. He thanked Mr. Sullivan and staff for the great communication regarding the project.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Mr. Sullivan answered the questions of resident, Karen Lydon, noting staff was aware of the noise and visual berms. He said that if a berm existed in a yard now there will continue to be a berm. The berm may be in a slightly different place. Staff would work with the Park Department to add low maintenance grasses and sod as needed.

### **Member Masica made a motion to adopt Resolution No. 2008-048 receiving the Feasibility Report, ordering Improvement S-048, authorizing plans and specification to be completed and bids taken. Member Swenson seconded the motion.**

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

### **RESOLUTION NO. 2008-50 ADOPTED ORDERING IMPROVEMENT PROJECT S-100A HALIFAX AVENUE SIDEWALK WEST SIDE, 54<sup>TH</sup> STREET TO 51<sup>ST</sup> STREET** Affidavits of

Notice presented and ordered placed on file.

### Engineer Presentation

Mr. Sullivan explained that in November of 2007, residents petitioned the City to install sidewalk on the west side of Halifax Avenue between West 51<sup>st</sup> Street and West 54<sup>th</sup> Street. He reminded the Council they had ordered a sidewalk be installed on the east side of Halifax Avenue in September of 2007. Mr. Sullivan reported that on May 13, 2008, following the informational meeting, a petition had been received, signed by sixteen affected residents requesting the west side sidewalk not be constructed. He added that on Tuesday just prior to the Council's meeting, another petition had been received with 25 resident signatures, some of whom had also signed the May 13<sup>th</sup> petition. For this reason, Mr. Sullivan said the Engineering Department recommended that the project not be ordered.

The Council questioned the City's policy for private sidewalks, and the two different estimated costs. Mr. Sullivan stated the city did not have a formal private sidewalk policy, but to avoid patchwork sidewalks would consider projects only when proposed in sufficient length to connect two portions of a street. He explained there had two different estimates because before the informational meeting he had fewer details, than when the public hearing notice and feasibility report had been developed.

Public Comment

John Crist, 5324 Halifax Avenue, spoke in favor of the sidewalk and expressed concern with preserving trees, safety and deterring speeding vehicles.

Wayne Wenger, 5212 Halifax Avenue, spoke in opposition of the sidewalk because it could harm the Spruce trees in his yard. He supported speed bumps to slow down traffic.

Marie Pechman, 5316 Halifax Avenue, spoke in favor of the sidewalk and believed trees could survive. She noted the success on Maple Road. She asked that both sides be done at the same time.

Michael Dumond, 5032 Halifax Avenue, opposed sidewalks on both sides but especially the west side because the setback from home to street was minimal. He also did not want to cover more earth with cement. He asked the Council to address the issue of speed on the street.

Cary Schilling, 5036 Halifax Avenue, talked about using the crosswalk on Halifax and 51<sup>st</sup> Street. He also talked about Dave Maetzold's beautifully decorated tree and the fear it would be harmed with the installation of a sidewalk.

David Maetzold, 5114 Halifax Avenue, spoke in opposition of the sidewalk. He spoke specifically about the 5100 block of Halifax. He addressed the short setback on the west side of Halifax and was worried about the health of his trees.

John Meenan, 5300 Halifax Avenue, did not want his large tree disturbed. He asked that the east sidewalk be completed and to follow the Planning Commission recommendation to revisit the west sidewalk after three to five years.

Jill Mithun, 5308 Halifax Avenue, spoke in opposition of the sidewalk. Her concern was the harm to the trees. She also noted sidewalks add a heat factor and do not guarantee safety.

Catherine Crist, 5324 Halifax Avenue, supported the sidewalk. She thought sidewalks were safer and children would benefit from them. She spoke about the speed of cars on the street.

Don Curtis, Jr, 5209 Halifax Avenue, did not understand why both sides were not considered in the first place. If the issue was safety, sidewalks would be needed on both sides of the street. He concluded that there was a serious issue with speed on the street.

Teresa Forliti, 5336 Halifax Avenue, opposed a sidewalk on the west side of Halifax and thought it would change the landscape drastically. She has lived on the street since 1959 and has never seen an accident on the street.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

The Council discussed with staff the impact of trees placed near the right-of-way, whether the west side was more problematic for sidewalk installation, what had been the impact of tree loss on Maple Road, and why was there such a significant difference in age of the trees on Maple Road. Mr. Sullivan said he could not guarantee preventing tree loss on Halifax Avenue but Engineering

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would work to save all trees. Sidewalk installation on the west side was more problematic, but was still feasible. He said he was not familiar with the Maple Road project but was aware there had been some trees replanted.

Mr. Sullivan informed the Council that Halifax Avenue neighbors had submitted Neighborhood Transportation Management Plan Petition that would be brought to the Transportation Commission during the summer and if deemed feasible would be implemented sometime during the fall of 2008. He said Halifax Avenue was not slated for reconstruction until 2012 or 2013.

Mr. Sullivan requested that when the east side Halifax Avenue sidewalk construction started the link from 52<sup>nd</sup> Street and Halifax Avenue to 52<sup>nd</sup> Street and Gorgas Avenue be completed. Council asked whether the necessary public notice had been given to which staff replied, the notice had been mailed as part of the current hearing.

**Member Housh made a motion, seconded by Member Swenson, to adopt Resolution No. 2008-50 ordering Improvement No. S-100A, Sidewalk Construction on the west side of Halifax avenue from 51<sup>st</sup> Street to 54<sup>th</sup> Street and along the south side of 52<sup>nd</sup> Street from Halifax Avenue to Gorgas Avenue excluding construction of sidewalk along the west side of Halifax Avenue from 54<sup>th</sup> Street to 51<sup>st</sup> Street.**

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2008-51 IMPROVEMENT PROJECT B-103 WOODLAND ROAD STREET RECONSTRUCTION WOODDALE AVENUE TO WOODCREST DRIVE** Affidavits of Notice presented and ordered placed on file.

Engineering Presentation

Mr. Sullivan explained in November of 2006, residents petitioned requesting curb and gutter construction on Woodland Road between Wooddale Avenue to Woodcrest Drive. After analysis, staff determined that it would be more feasible to do a neighborhood reconstruction. The proposed project would have involved reconstruction of the existing roadway, included concrete curb and gutters, improvement to the water main, and sanitary and storm sewer systems. On May 12, 2008, a petition was received requesting the project not be completed. He said for that reason staff recommended the project not be approved, but rather be placed in the city's overall pavement management program.

Public Comment

Bob Rydell, 19 Woodland Road, opposed the project. He wanted to see improved maintenance along the street.

Tom Halverson, 21 Woodland Road, attended the open house. He understood that in order to have the road fixed one must make a request and then pay for any repairs. He wanted the City to review the policy.

Lynn Truesdell, 9 Woodland Road, opposed the project as proposed.

Kim Glenna, 26 Woodland Road, presented pictures. She stated something needed to be done with the road. She complained about the water in her yard and hoped it would be addressed before 15 years.

Robert Christianson, 23 Woodland Road, said he has significant damage to the street in front of his house, and the road needed to be repaired now.

William Cavanagh, 24 Woodland Road, spoke about the water issues in front of his house and Mr. Christianson's house which in his opinion has caused deterioration of the roadway.

Mark Murray, 8 Woodland Road, spoke about the initial petition and the severe water problem. He stated he did not understand why he would be assessed for the project, but noted the terrible condition of the road.

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

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

The Council questioned the water issues in the neighborhood, the condition of the street, and the life expectancy of the street. Mr. Sullivan stated the life expectancy of the street was estimated to be two to five years. He said staff would initiate the project in the future, as part of the pavement management plan.

**Member Swenson made a motion, seconded by Member Housh, to accept the Engineering Department's recommendation to not order the Woodland Road Neighborhood Improvement B-103.**

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

**CONSIDERATION OF A VIOLATION TO THE CONDITIONAL USE PERMIT (CUP) CALVIN CHRISTIAN SCHOOL AT 4015 INGLEWOOD AVENUE** Affidavits of Notice presented and ordered placed on file.

Planner Presentation

Planner Teague explained the construction of the School was based upon building plans that were slightly different from the schematics and renderings used when the City Council approved the CUP in August of 2007. He displayed graphic renderings the Council approved and explained the differences to the construction plans on which staff signed off in December of 2007. Mr. Teague noted specifically, the addition under construction was being built to a height of 16 feet rather than the 12 foot height approved by the City Council. The mechanical room on top of the addition was being built to a height of 25 feet nine inches rather than the 20 feet approved by the Council, and clerestory windows between the top of the mechanical room and the roof of the new lobby were eliminated. The mechanical room would now match the height of the new lobby. Mr. Teague stated the Council had been made aware of a complaint at their May 6, 2008 meeting.

Public Comment

Terry Lubben, 11163 Pheasant Lane North, Maple Grove, Minnesota, Calvin Christian School Board President, read a statement along outlining Calvin Christian School expansion project from its inception to present date. He noted the seven factors the City considered in granting the CUP and stated in his opinion the school was in compliance with them. Mr. Lubben said he believed there was no reasonable basis for the City to reject the CUP. Mr. Lubben asked the City to allow the school to continue building with the final construction plans as approved.

Mark Douma, 4728 Beard Avenue, resident and engineer, stated nothing was changed that was not required by Building Code. He said he felt allegations had been made which came close to questioning the technical competence and ethical practices of the professional staff involved in the project. He added the school had no plan to be deceitful.

Steve Groen, 5736 Drew Avenue South, Superintendent of Calvin Christian School, described the background of the school within the community, the needed expansion to the school, and the fundraising that had been done. He stated a negative Council decision would put families in a dilemma about where their children would be educated in the fall. He asked the City Council to allow building to continue according to the documents that were approved and signed by the City, December 17, 2008.

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Ed Kodet, 15 Groveland Terrace, Minneapolis, with Kodet Architectural Group, used graphic to explain the changes to the expansion between the CUP approval and the actual construction. Mr. Kodet said the School, had endeavored to stay within the conditions of the CUP. He said the City asked for landscaping changes, and the School complied with the request. Mr. Kodet asked the City Council be fair, noted the value the landscaping brought to the project, and again said, in his opinion, the school had met the CUP conditions.

Guy Charles, 4224 West 42<sup>nd</sup> Street, stated he felt the Planning staff had repeatedly noted the changes to the School's plans were slight and typical of changes seen between the renderings use for approval and final construction drawings. Mr. Charles said he saw no reason to stop the project.

Christine Weiss, 5517 Highwood Drive, a parent of two children at the school, talked about the aesthetics of the school. She said she believed Kodet Architects had done an exceptional job updating the school and property.

Paula Sweet, 4903 Bruce Avenue, stated she believed the school had followed all the rules and she was alarmed a couple of people could create this turmoil. She also stated students would be in jeopardy of starting school in the fall if the project were stopped.

Collette Prohovsky, 4821 Rutledge Avenue, stated that Calvin Christian was a great neighbor.

Brad Beard, 6516 Waterman Avenue, stated planning staff had told him typically when a project was completed the original renderings differed from the final plans. Mr. Beard praised the City of Edina staff on their thoroughness. Mr. Beard encouraged the City Council to allow the project to move forward.

Kitty O'Dea, 4610 Bruce Avenue, talked about the process being broken and noted that what might be viewed as a small change by one person could be considered huge by another person.

Eric Greene, 4505 Claremore Court, was concerned about how one City Council member and one neighbor could team up against the school.

Karen Christensson, 4208 Alden Drive, a neighbor and Calvin Christian's Library Media Specialist, asked the City Council to support the project as approved.

Eddy Christensson, 4208 Alden Drive, noted that Calvin Christian had been an exemplary neighbor. He stressed that all persons involved needed to come together as a community.

Paul Norrell, a Wayzata resident and parent of students at Calvin Christian School spoke about the great school.

Jennifer Janovy, 4016 Inglewood Avenue, opposed the mass of the structure. She explained that she supported the project until she noticed all the changes. As far as she was concerned the contract between the City and Calvin Christian School had been broken.

Lisa Egger, 4006 Grimes Avenue, supported the project. She was very happy with the plan and wanted her child to be in the school in September.

Brad Kattersmith, 3400 Garfield Avenue South, Minneapolis, parent of student attending the school, requested approval of the completion of the project.

Ike Vansomeren, 5141 Tifton Drive, past president of Calvin Christian School, expressed his desire for the continuation of excellent work done by the School, Council, School Board and staff.

Dinah Miederloh, Crystal Minnesota, a Calvin Christian School Teacher, explained the benefits the completed project would have on the students.

Videhi Larson, 6616 Ridgeview Drive, parent of a student at the school, expressed her love of the school and reiterated the plan had been approved by the City.

Bea Lemmer, 5916 Sun Road, a parent of a student at the school, explained that the school leadership would not deceive neighbors or City Council.

**Mayor Hovland made a motion, seconded by Member Housh, to close the public hearing.**

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

The City Council discussed the process, the appropriateness of the design in a residential neighborhood, whether any compromises could be made to the plan, the fact that the plan had been approved by the City, and if reduction of the mass was possible.

**Member Bennett made a motion that Calvin Christian School be found in violation of the Conditional Use Permit, but no STOP work order be issued and that the architect and school's governing body work with the City to mediate the impact of the mass on the residential neighborhood and recommended the elimination of the separate construction over the library which could be replaced with unobtrusive skylights.**

Motion failed for lack of a second.

No formal action taken.

**PUBLIC COMMENT**

No one appeared to offer comment.

**\*AWARD OF BID POLICE DEPARTMENT – ONE OUTDOOR WARNING SIREN REPLACEMENT, PAMELA PARK** Motion made by Member Housh and seconded by Member Swenson awarding the bid for one outdoor warning siren to the recommended low bidder, Ready Watt Electric, at \$18,223.09.

Motion carried on roll call vote – five ayes

**\*AWARD OF BID ODOR CONTROL MEDIA REPLACEMENT SANITARY SEWER LIFT STATION #6, CONTRACT PW 08-2, IMP. NO. LS-39** Motion made by Member Housh and seconded by Member Swenson awarding the bid for Odor Control Media Replacement Sanitary Sewer Lift Station #6, Contract PW 08-2, Imp. No. LS 39 to the recommended low bidder, Calgon Carbon Corporation, at \$31,800.00.

Motion carried on roll call vote – five ayes

**\*AWARD OF BID SOFTBALL FIELD FENCING – PAMELA PARK** Motion made by Member Housh and seconded by Member Swenson awarding the bid for softball field fencing at Pamela Park to the recommended low bidder, Town and Country Fence, at \$31,100.00.

Motion carried on roll call vote – five ayes

**\*AWARD OF BID PATHWAY RENOVATION – LEWIS PARK** Motion made by Member Housh and seconded by Member Swenson awarding the bid for pathway renovation at Lewis Park to the recommended low bidder, Bituminous Roadways, at \$24,745.00.

Motion carried on roll call vote – five ayes

**RESOLUTION NO. 2008-38 APPROVED ACCEPTING VARIOUS DONATIONS** Mayor Hovland explained that in order to comply with State Statute all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

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**Member Swenson introduced Resolution No. 2008-47 accepting various donations.** Member Masica seconded the motion.

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

**\*CORRECTION OF DECEMBER 4, 2007, CITY COUNCIL REGULAR MEETING MINUTES**

**Member Housh made a motion and seconded by Member Swenson to approve the correction of December 4, 2007, City Council Regular Meeting Minutes.**

Motion carried on roll call vote – five ayes

**TRAFFIC SAFETY STAFF REPORT OF MAY 7, 2008, APPROVED** Motion made by Member Swenson and seconded by Member Masica approving the Traffic Safety Staff Review Report for May 7, 2008.

Motion carried on rollcall vote – five ayes.

**\*CONFIRMATION OF CLAIMS PAID** Motion made by Member Housh and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated May 8, 2008, and consisting of 26 pages; General Fund \$101,747.85; Communications Fund \$10,944.42; Working Capital Fund \$19,867.18; Art Center Fund \$2,249.07; Golf Dome Fund \$2,717.91; Aquatic Center Fund \$4,432.99; Golf Course Fund \$13,479.09; Ice Arena Fund \$18,419.82; Edinborough/Centennial Lakes Fund \$6,309.25; Liquor Fund \$132,467.48; Utility Fund \$20,679.86; Storm Sewer Fund \$2,383.00; PSTF Agency Fund \$6,380.68; **TOTAL \$342,078.60** and for approval of payment of claims dated May 15, 2008, and consisting of 31 pages: General Fund \$106,500.55; Communications Fund \$4,044.30; Working Capital Fund \$28,935.45; Art Center Fund \$1,669.00; Golf Dome Fund \$47.96; Aquatic Center Fund; \$3,061.74; Golf Course Fund \$72,677.48; Ice Arena Fund \$31,431.29; Edinborough/Centennial Lakes Fund \$91,990.03; Liquor Fund \$310,281.05; Utility Fund \$406,138.51; Storm Sewer \$7,226.51; Recycling Fund \$35,380.00; PSTF Agency Fund \$4,993.42; **TOTAL \$1,104,377.29**

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:40 p.m.

Respectfully submitted,

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Jane M Timm, Deputy City Clerk