

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 16, 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 Bennett and seconded by Member Swenson approving the Council Consent Agenda with the exceptions of Agenda Item IV.B. Resolution No. 2008-90 Public Health Preparedness and Cities Readiness Initiative Grant, and Item IV.E. Resolution No. 2008-92, Setting Public Hearing Date (October 21, 2008) Vacation of Public Right-of-Way for a portion of Belmore Lane.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2008-94 APPROVED NATIONAL CIVICS AWARENESS MONTH DECLARED Mayor Hovland read in full a resolution declaring September as National Civics Awareness Month in Edina. The Council stated their support of this program. **Member Masica introduced and moved the adoption of Resolution No. 2008-94 Recognizing National Civics Awareness Month.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***MINUTES - REGULAR MEETING OF SEPTEMBER 2, 2008 APPROVED** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the Regular Meeting of September 2, 2008.

Motion carried on rollcall vote – five ayes.

SPECIAL ASSESSMENT PUBLIC HEARING – REFUSE REMOVAL RESOLUTION NO. 2008-89 APPROVED 7631 EDINBOROUGH WAY UNIT #5218, AND 6308 WILRYAN AVENUE Affidavits of Notice were presented and placed on file.

Assistant City Manager Worthington stated the public hearing was to consider special assessments for refuse removal at 7631 Edinborough Way Unit #5218 and 6308 Wilryan Avenue. She advised that both residents had been linked to public health care services via paramedics. The units were both owner-occupied so the costs for refuse removal would become assessments against the property. In response to Council's questions, staff indicated there were no commonalities with the number of refuse removal properties.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

Member Masica introduced Resolution No. 2008-89 Levying Special Assessments for Garbage and Debris Removal at 7631 Edinborough Way, Unit #5218 and 6308 Wilryan Avenue. Member Swenson seconded the motion.

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Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***PUBLIC HEARING – APPEAL OF DANGEROUS DOG DECLARATION, 6621 GALWAY DRIVE – CONTINUED TO OCTOBER 7, 2008** Motion made by Member Bennett and seconded by Member Swenson continuing appeal of dangerous dog declaration, 6621 Galway Drive, to October 7, 2008.

Motion carried on rollcall vote – five ayes.

PUBLIC COMMENT

No one appeared to comment.

RESOLUTION NO. 2008-88 APPROVED ACCEPTING VARIOUS 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 Resolution No. 2008-88 accepting various donations.** Member Masica seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2008-90 APPROVED PUBLIC HEALTH PREPAREDNESS AND CITIES READINESS INITIATIVE GRANT In response to Council's questions regarding a potential wording inconsistency, Assistant City Manager Worthington advised that the grant money for pandemic epidemic planning ran out last year. The report was from August to August, 2007 to 2008, and the Pandemic Epidemic Plan was completed, incorporated, and was awaiting the Mayor's signature. Also, the Police Department was working with the Emergency Preparedness Coordinator to conduct a mass dispensing exercise this year. **Member Masica introduced Resolution No. 2008-90 Authorizing the City of Edina to enter into a Public Health Preparedness and Cities Readiness Initiative Grant Agreement with the Minnesota Department of Health.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

TOWN HALL MEETING SCHEDULED City Manager Hughes reported his informal survey of the MLC member cities holding Town Hall meetings and noted the format used by Eden Prairie was most similar to the venue being considered by Edina. Mr. Hughes outlined the town hall meeting format used by Eden Prairie and requested Council direction.

The Council discussed: its desire to create an informal and non-intimidating setting, a desire for a format that allowed residents to speak to any topic they wished, whether meetings should be televised to provide access to the community, difficulty involved with providing a quality broadcast if the meeting was held off site, Congressman Ramstad's meeting format used at the Southdale Library, and the best time and day to schedule such a meeting. The Council also discussed whether the meeting should be topic driven. Council agreed the meeting would be formatted to listen to comments made and not engage the speakers. The Council indicated its desire to receive input from the public on the format used. **Member Masica made a motion, seconded by Member Housh, directing staff to schedule January 27, 2009, at 11:30 a.m. for a Town Hall meeting to be held in the Edina City Council Chambers in lieu of the January study session. The format of the meeting follows: Council to be seated informally on the floor level; speakers to fill out participation cards with name, address, and topic to be addressed; a three-minute time limit for speakers; evaluation postcard provided to be filled out by participants; and meeting patterned after the Eden Prairie town hall meeting format.**

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

ORDINANCE NO. 2008-8 FIRST READING GRANTED AMENDING EDINA CITY CODE CONCERNING GAMBLING City Manager Hughes presented the draft ordinance, prepared at the Council's direction, that would repeal two subsections of the existing City Code. The first subsection dealt with locations where lawful gambling was permitted and the second subsection with the types of lawful gambling that were exempt from the requirements of the City Code. He advised that the Code already required organizations to comply with State law so those requirements would not need to be restated in the ordinance. Mr. Hughes stated staff recommended approval of first reading.

City Attorney Poehler explained the current ordinance cited the statutory requirements but was outdated. She advised Edina was already more restrictive than State law, and to increase restrictiveness the City would have to totally ban charitable gambling.

The Council acknowledged staff would advise them if State law was changed related to gaming and noted charitable organizations may request a three-day permit. City Clerk Mangen advised that the State Charitable Gambling Board also reviewed the applications and would deny the permit should the organization exceed statutory limits. **Member Housh made a motion, seconded by Member Masica, to grant first reading to Ordinance No. 2008-8 Amending Edina City Code Concerning Gambling.** Member Bennett questioned whether "charitable organization" needed to be defined if Edina intended to limit the premises permits to charities. Mayor Hovland stated it was defined by State Statute.

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

Member Masica asked for a clarification on when a Council Member can abstain from voting on a motion. Mr. Hughes stated he would have to consult Robert's Rules of Order but, typically, abstentions were used when there was a conflict. Member Masica requested a clarification.

RESOLUTION NO. 2008-92 APPROVED SETTING PUBLIC HEARING DATE (OCTOBER 21, 2008) VACATION OF PUBLIC RIGHT-OF-WAY FOR A PORTION OF BELMORE LANE City Manager Hughes stated this action was to schedule a public hearing on October 21, 2008, to consider the vacation of a portion of Belmore Lane, which has a longer notice requirement under State law. The vacation consideration was scheduled to coincide with a Conditional Use Permit (CUP) application made by the Interlachen Country Club. He stated that the CUP was scheduled for the October 1, 2008 Planning Commission meeting and if it received a positive recommendation at that meeting, the CUP would be considered by the Council on October 21, 2008. However, if the CUP does not clear the Planning Commission on October 1, 2008, the vacation hearing would also be laid over for one month, so they were heard at the same time.

Dennis Hogan, 6204 Belmore Lane, stated his father was a 52-year resident at that address. He stated the CUP application process clearly stated it must be filed with the Planning Office 31 days prior to the Planning Commission meeting; however, the application was filed on September 2, which was 29 days before the Commission's October 1 meeting. Mr. Hogan stated the neighborhood tried to work out several concerns, but today the Interlachen Country Club indicated those proposals were not acceptable. Mr. Hogan explained they must now start the discussion again, but there were only two weeks before the Planning Commission meeting date. He stated it appeared the CUP plans would be changed significantly and requested the Council continue the CUP application to the November Planning Commission meeting and reset the vacation hearing to the November 18 Council meeting.

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The Council questioned whether the CUP application had been received within the time limit and whether laying the matter over for a month would cause any problem in taking action within the statutory time limits. Mr. Hughes noted he would report to Council at the October 7, 2008, meeting whether or not the vacation needed to be delayed to the November Council meeting. City Attorney Poehler advised the Council could continue the vacation public hearing without prejudice. **Member Swenson introduced Resolution No. 2008-92, Calling for Public Hearing (October 21, 2008) on Vacation of Public Right-of-Way for (a portion of) Belmore Lane. Member Masica seconded the motion.**

Rollcall:

Ayes: Bennett, Housh, Masica, Swenson, Hovland

Motion carried.

***SET HEARING DATE FOR CERTIFICATION OF DELINQUENT UTILITY BILLS – OCTOBER 21, 2008** Motion made by Member Bennett and seconded by Member Swenson to set hearing date for certification of delinquent utility bills on October 21, 2008.

Motion carried on rollcall vote – five ayes.

***RECEIVED TRAFFIC SAFETY COMMITTEE REPORT** Motion made by Member Bennett and seconded by Member Swenson to receive the Traffic Safety Committee Report.

Motion carried on rollcall vote – five ayes.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated September 4, 2008, and consisting of 27 pages; General Fund \$119,818.20; Communications Fund \$2,833.59; General Debt Service Fund \$1,700.00; City Hall Debt Service \$1,000.00; Working Capital Fund \$98,263.03; Art Center Fund \$4,605.56; Golf Dome Fund \$2,364.23; Aquatic Center Fund \$8,894.13; Golf Course Fund \$6,966.23; Ice Arena Fund \$585.81; Edinborough/Centennial Lakes Fund \$22,769.31; Liquor Fund \$148,542.72; Utility Fund \$43,045.69; Storm Sewer Fund \$7,831.29; PSTF Agency Fund \$17,272.73; **TOTAL \$486,492.52** and for approval of payment of claims dated September 10, 2008, and consisting of 26 pages: General Fund \$242,337.54; CDBG Fund \$46.00; Communications Fund \$1,111.26; Working Capital Fund \$233,856.32; Construction Fund \$4,611.66; Art Center Fund \$168.46; Aquatic Center Fund \$202.04; Golf Course Fund \$9,723.70; Ice Arena Fund \$26,051.25; Edinborough/Centennial Lakes Fund \$7,268.37; Liquor Fund \$237,712.08; Utility Fund \$469,553.98; Storm Sewer Fund \$25,458.41; **TOTAL \$1,257,696.99.**

Motion carried on rollcall vote – five ayes.

***RECEIVED PETITION AGAINST SOUND WALL HIGHWAY 62 FROM RYAN AVENUE TO MILLERS LANE** Motion made by Member Bennett and seconded by Member Swenson to receive the petition against sound wall Highway 62 from Ryan Avenue to Millers Lane.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk