

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 15, 2009
7:04 P.M.**

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Brindle and seconded by Member Housh approving the Council Consent Agenda.

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

STUDENTS RECOGNIZED Mayor Hovland recognized students who were in attendance as part of their Government Current Events class.

3CMA SILVER CIRCLE AWARD PRESENTED Communication Director Bennerotte described *FD Pulse*, an electronic publication, and announced it had received the 3CMA Silver Circle Award from the City-County Communications and Marketing Association. Fire Chief Scheerer thanked and gave credit to Fire Fighters Brian Hanrahan and Todd Porthan, Fire Marshall Tom Jenson, and Communications Coordinator Marty Doll for their work that was integral in receiving this award. Fire Marshall Jenson explained how the newsletter started and information it contained. Communications Coordinator Doll advised how residents could receive the publication and stated they were honored to have received this award.

***MINUTES APPROVED – REGULAR MEETING OF DECEMBER 1, 2009, AND WORK SESSION OF DECEMBER 1, 2009** Motion made by Member Brindle and seconded by Member Housh approving the minutes of the Regular Meeting of December 1, 2009, and Work Session of December 1, 2009.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD – RESOLUTION NO. 2009-113 ADOPTED – IMPROVEMENT FOR WEST 70TH STREET ROADWAY IMPROVEMENTS ORDERED – IMPROVEMENT NO. BA-367
Affidavits of Notice presented and ordered placed on file.

Charles Rickart, WSB, presented the West 70th Street project by reviewing the project area, initiation history, roadway conditions, and items considered in the corridor analysis. He described the analysis of four alternatives and gave his recommendation to use Alternative A, which included the removal, replacement and reconstruction of the neighborhood roadways for this project. Mr. Rickart reviewed roadway geometrics to accommodate bike lanes and trees, parking, the Christ Presbyterian Church (CPC) entrance, and Valley View Road intersection via a roundabout. WSB also identified references in the Comprehensive Plan for this project. Mr. Rickart presented the project scope and schedule, advising Mn/DOT was currently reviewing the project plans. He listed the project costs for each project component in this \$3 million project. Mr. Rickart explained that per Edina's Assessment policy for State Aid streets; twenty percent of the improvement would be assessed to benefiting properties using the Residential Equivalent Unit (REU) method (at a preliminary estimated assessment of \$3,795.70 per REU). He added the twenty percent would not include costs for the roundabout and CPC driveway relocation, noting the remaining 80% would be funded by Municipal State Aid (MSA). It was recommended to combine Phase 1 and Phase 2 of roadway design and traffic calming recommendations approved by the City Council on March 17, 2009.

Mike Reif, WSB Materials Engineer, advised that the lifecycle of concrete was 40 years and bituminous was 30 years but with normal maintenance, including overlay, bituminous also would

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reach 34-40 years. WSB would look at both pavement design and lifecycle in the roadway specifications. With regard to road surface noise reduction, WSB would provide recommendations and decibel reduction data for the Council's consideration.

Public Works Director/City Engineer Houle displayed the roadway section and described the recommended widths of the travel lanes, bicycle lanes, and parking spaces. It was noted the stormwater grate ran perpendicular to the curb so it would not cause a bicycle hazard and that some final design issues were yet to be determined, such as the location of signal light mechanicals. The Council discussed the project design and asked questions of Mr. Rickart, Mr. Reif, and staff, who provided additional details on the CPC entrance reconstruction, accommodation of turning movements, and bicycle lanes. The Council indicated it was looking forward to working on landscaping designed to alert drivers they were entering a residential area.

Mayor Hovland opened the public hearing at 8:11 p.m.

Public Testimony

Ben Cavender, 4412 West 70th Street, addressed the Council.

Leo Poole, 7000 Sandell Avenue, addressed the Council.

Jonathan Fernands, 6905 West Shore Drive, addressed the Council.

Janey Westin, 6136 Brookview Avenue, addressed the Council.

Jan Ferrell, 4704 West 70th Street, addressed the Council.

Kris Norton, 7007 Cornelia Drive, addressed the Council.

Gene Persha, 6917 Cornelia Drive, addressed the Council.

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

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

Mr. Houle addressed the questions raised during public testimony and answered questions of the Council. The Council requested that residents be notified of landscaping plans as they are refined.

Member Housh introduced and moved adoption of Resolution No. 2009-113, ordering improvement for West 70th Street roadway improvements, Improvement No. BA-367.

Member Swenson seconded the motion.

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

The Council thanked staff, residents, Transportation Commissioners, and SAC Members for their work towards the development of this project.

PUBLIC HEARING HELD – RESOLUTION NO. 2009-114 ADOPTED – PAMELA PARK NEIGHBORHOOD STREET RECONSTRUCTION ORDERED – IMPROVEMENT NO. BA-360

Affidavits of Notice presented and ordered placed on file.

Chad Milner, SEH, thanked the City for the opportunity to prepare this feasibility study and residents for their input provided during the hearings. He presented the proposed Pamela Park neighborhood roadway and utility improvements and described the issues that would be

addressed as part of the project. He advised of the project costs for sanitary sewer, water main, storm sewer, and street improvements, noting the street improvements of \$1,944,000 would be assessed to residents. The assessment was based on residential equivalent units (REU) with a single-family house equaling one REU. The preliminary estimated assessment was \$9,000 per REU and the final amount would be adjusted based on construction costs. Pamela Park would be assessed 29 REUs. Mr. Milner presented the project schedule and advised that staff and SEH had determined the project was necessary, cost-effective, and feasible from an engineering standpoint.

The Council discussed the project components.

Mayor Hovland opened the public hearing at 9:00 p.m.

Public Testimony

Ross Phernetton, 5829 Kellogg Street, addressed the Council.

Jessica Kingston, 5801 Brookview Avenue, addressed the Council.

Janey Westin, 6136 Brookview Avenue, addressed the Council.

Leslee Sullivan, 5845 Brookview Avenue, addressed the Council.

Eugene Aksamit, 5817 Kellogg, addressed the Council.

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

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

Mr. Houle addressed the questions raised during public testimony and answered questions of the Council. Paul Pasko, SEH, explained the criteria and warrants used when recommending removal and replacement of curb and gutter, noting its lifecycle was 40-50 years. With regard to tree preservation, Mr. Houle stated that because of the importance placed on the City's trees, roadway reconstruction was accompanied by inspections by the City Forester and contractor fines for tree damage. He indicated that the amount assessed to residents had decreased over the years and was based on the City's Assessment Policy. It was noted that curb and gutter was funded from the Stormwater Fund and not assessed.

Member Swenson introduced and moved adoption of Resolution No. 2009-114, ordering improvement for Pamela Park neighborhood street reconstruction Improvement No. BA-360. Member Bennett seconded the motion.

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

RESOLUTION NO. 2009-109 ADOPTED 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 Bennett introduced and moved adoption of Resolution No. 2009-109 accepting various donations.** Member Swenson seconded the motion.

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

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ORDINANCE NO. 2009-15 GRANTED FIRST READING – AMENDING CODE SECTIONS 1100 AND 1120 AMENDING UTILITY FEE CALCULATION METHODOLOGY

Assistant Finance Director Roggeman presented an ordinance amendment to Sections 1100 and 1120 that would: implement a discount of \$1 per quarter for checking account Automated Clearing House (ACH) customers; change penalties rate to charge customers penalties on their entire outstanding balance with every quarterly billing at a rate of five to ten percent per quarter; change the wording for water shut-offs to say staff may send a termination notice to customers who were delinquent, which more closely aligned the Code with current practices; and, to streamline Code language to eliminate confusion regarding the Storm Residential Equivalency Factor (REF), which would have only minimal effect on the customer's bills.

The Council discussed staff's recommendation, the appropriate penalty percentage on the outstanding balance, and use of discretionary Code language with regard to termination notices. Mr. Hughes stated staff would refine the language prior to second reading. The Council discussed whether the penalty percentage should be dependent on the class of water customer (commercial versus residential). Council consensus was reached to support a five percent per quarter penalty on outstanding balances.

Member Housh made a motion to grant First Reading of Ordinance No. 2009-15, amending code sections 1100 and 1120 amending utility fee calculation methodology, as revised to charge a quarterly billing rate of five percent per quarter on the outstanding balance. Member Brindle seconded the motion.

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

***RESOLUTION NO. 2009-110 ADOPTED – FEASIBILITY REPORTS RECEIVED** Motion made by Member Brindle and seconded by Member Housh to adopt Resolution No. 2009-110, receiving utility reports for BA-359 Braemar Hills neighborhood roadway improvements, BA-361 Interlachen Circle neighborhood roadway improvements, BA-362 Parkwood Knolls neighborhood roadway improvements, BA-374 Interlachen Bluff neighborhood roadway improvements, BA-375 Bror Road neighborhood roadway improvements, BA-376 Moccasin Valley Road neighborhood roadway improvements.

Motion carried on rollcall vote – five ayes.

***PUBLIC HEARING CONTINUED TO JANUARY 19, 2010: BA-361 INTERLACHEN CIRCLE NEIGHBORHOOD ROADWAY IMPROVEMENTS AND BA-374 INTERLACHEN BLUFF NEIGHBORHOOD ROADWAY IMPROVEMENTS** Motion made by Member Brindle and seconded by Member Housh continuing public hearing date of January 19, 2010, for BA-361 Interlachen Circle neighborhood roadway improvements and BA-374 Interlachen Bluff neighborhood roadway improvements.

Motion carried on rollcall vote – five ayes.

METRO CITIES MEMBERSHIP CONTINUED Mr. Hughes presented staff's recommendation to discontinue membership in the Metro Cities for 2010, noting the cost was \$11,000. He stated this recommendation was not based on the competency of the organization but, rather, due to limited resources and in consideration of other organizations to which Edina was a member. It was noted that discontinuing membership in Metro Cities might result in the loss of Edina's seat on the Transportation Advisory Board. The Council discussed activities undertaken by Metro Cities and its membership with the League of Minnesota Cities, a much larger organization that represented a wider base of municipalities, and its activities. The importance of Edina's input on the Highway 169/I-494 transportation issue was acknowledged and the option raised to reduce the contingency fund by \$11,000 to fund Metro Cities membership. **Member Housh made a motion, seconded by Member Brindle to continue membership in Metro Cities for 2010, subject to reducing the contingency fund by \$11,000.**

Ayes: Bennett, Brindle, Housh, Hovland

Nays: Swenson

Motion carried.

***RESOLUTION NO. 2009-112 ADOPTED – FINANCIAL CRIMES CONTRACT APPROVED**

Motion made by Member Brindle and seconded by Member Housh to adopt Resolution No. 2009-112, authorizing execution of agreement, Minnesota Department of Public Safety.

Motion carried on rollcall vote – five ayes.

2010 VOLUNTEER RECOGNITION RECEPTION DATE SET Following discussion, Council consensus was to set the 2010 volunteer recognition reception on Thursday, April 29, 2010.

2010 ANNUAL MEETING DATE SET Following discussion, Council consensus was reached to set the 2010 annual meeting for Wednesday, March 10, 2010, at Braemar Clubhouse at 5:00 p.m., and approve a reduced menu.

***RESOLUTION NO. 2009-111 ADOPTED – HENNEPIN COUNTY ELECTRONIC PROPRIETARY DATA BASE (EPDB) CONDITIONAL USE LICENSE AGREEMENT APPROVED**

Motion made by Member Brindle and seconded by Member Housh to adopt Resolution No. 2009-111, approving Hennepin County Electronic Proprietary Data Base (EPDB) conditional use license agreement.

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Brindle and seconded by

Member Housh approving payment of the following claims as shown in detail on the Check Register dated December 3, 2009, and consisting of 25 pages: General Fund \$113,129.73; Communications Fund \$1,430.31; Police Special Revenue \$1,385.85; Working Capital Fund \$28,418.92; Construction Fund \$21,085.90; Art Center Fund \$24,054.70; Golf Dome Fund \$1,793.94; Aquatic Center Fund \$76.09; Golf Course Fund \$3,644.70; Ice Arena Fund \$2,274.94; Edinborough/Centennial Lakes Fund \$9,670.75; Liquor Fund \$132,536.80; Utility Fund \$36,127.31; Storm Sewer Fund \$2,794.79; Recycling Fund \$32.33; PSTF Agency Fund \$146.71; TOTAL \$378,613.77 and for approval of payment of claims dated December 10, 2009, and consisting of 36 pages: General Fund \$235,037.80; Communications Fund \$560.75; Working Capital Fund \$222,719.72; Construction Fund \$631.84; Art Center Fund \$4,844.03; Golf Dome Fund \$607.90; Aquatic Center Fund \$230.92; Golf Course Fund \$15,787.05; Ice Arena Fund \$39,265.90; Edinborough/Centennial Lakes Fund \$13,777.33; Liquor Fund \$258,131.42; Utility Fund \$121,547.17; Storm Sewer Fund \$73,336.10; Recycling Fund \$37,077.90; PSTF Agency Fund \$8,698.89; TOTAL \$1,032,254.72; and, Credit Card Transactions dated October 27, 2009 – November 25, 2009: TOTAL \$2,421.98.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-115 ADOPTED – 2010 OPERATING BUDGET ADOPTED AND TAX LEVY ESTABLISHED

Mr. Hughes recommended adoption of the 2010 operating budget with expenditures at \$33,440,898 and establishment of the tax capacity levy at \$24,890,723, total market value based debt budget and referendum levy at \$602,250, a transfer of \$15,000 surplus gymnasium construction funds to the Series 2005A debt service fund, use \$200,000 in 2009's debt levy for public works debt over the bond costs, and \$1,075,283 for use of the equipment replacement reserve to purchase equipment within the construction fund. The Council thanked staff for its work on the 2010 budget. **Member Swenson introduced and moved adoption of Resolution No. 2009-115, adopting the budget for the City of Edina for the year 2010 and establishing tax levy for year 2010, payable in 2010.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

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Motion carried.

ORDINANCE NO. 2009-13 ADOPTED – CODE SECTION 185 SCHEDULE A AMENDED – INCREASING CERTAIN FEES Mr. Hughes stated first reading was granted at the last meeting and recommended second reading and adoption. Because a public hearing was required on the planning and building department fees, they would be part of a new ordinance presented to the Council at the January 5, 2010, meeting when a public hearing was held. **Member Housh made a motion, seconded by Member Swenson, to grant Second Reading adopting Ordinance No. 2009-13, amending code section 185 schedule A, increasing certain fees.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

2010-2014 CAPITAL IMPROVEMENT PROGRAM APPROVED Mr. Hughes advised of changes needed to the Capital Improvement Program (CIP) and indicated the Council could consider it tonight or delay action to the next meeting once the changes were made. Finance Director Wallin presented the 2010-2014 CIP, noting the following changes: Centrum Fountain remodel project was retrofitted in 2009 so the project should be removed from the 2011 CIP; Walnut Ridge Park hockey relocation should be changed to indicate the replacement of hockey rink and lights that were in need of replacement in 2010; and, funding in the amount of \$30,000 previously reserved for community gardens has been redirected to provide funding to develop a veterans' memorial garden at Utlely Park.

It was noted the Park Board had received a staff recommendation with regard to the veterans' memorial garden but not yet discussed or formulated a recommendation to the Council. Council consensus was reached to include it as a placeholder in the 2011 budget to allow time for the Park Board's recommendation and to seek private funding. **Member Swenson made a motion, seconded by Member Housh, approving the 2010-2014 Capital Improvement Program with noted changes.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

POLICE CHIEF SIITARI'S RETIREMENT ANNOUNCED Mr. Hughes advised that Police Chief Siitari would be retiring and invited the Council to a reception in his honor on December 23, 2009.

DATE SET FOR HUMAN RIGHTS & RELATIONS COMMISSION / CITY COUNCIL WORK SESSION Following discussion, Council consensus was reached to tentatively schedule a work session with the Human Rights & Relations Commission on March 2, 2010, starting at 5:00 p.m.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:33 p.m.

Respectfully submitted,

Debra A. Mangan, City Clerk

Minutes approved by Edina City Council, January 5, 2010.

James B. Hovland, Mayor

Video Copy of the December 15, 2009, meeting available.