

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 16, 2010
7:07 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, 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 exception of Item 4.E., Resolution 2010-31 acknowledging the phase improvements of the I-494/TH169 interchange.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

EMPLOYER SUPPORT FOR GUARD RESERVE (ESGR) Retired Air Force Reserve Brigadier General Dennis Schulstad and Jim Sullivan, Executive Director of the Employer Support for Guard Reserve, presented a Patriot Award to Police Chief Long for the Police Department's support of the Guard Reserve. Police Chief Long accepted the award, noting it spoke to the quality of the City's employees, and Police Officers Brandon Kuske and Kevin Rofidal were two of the City's best. It was noted the ESGR annual meeting was scheduled for June 7, 2010, at a location to be announced, and all were invited to attend.

2010 CENSUS DAY PROCLAIMED Mayor Hovland read a proclamation declaring April 1, 2010, to be Census 2010 Day and encouraged all to participate. **Member Brindle made a motion, seconded by Member Swenson, adopting a proclamation declaring April 1, 2010 to be Census 2010 Day in the City of Edina.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***MINUTES APPROVED – REGULAR MEETING OF MARCH 2, 2010, WORK SESSION OF MARCH 2, 2010, AND CLOSED SESSION OF MARCH 2, 2010** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the regular meeting of March 2, 2010, work session of March 2, 2010, and closed session of March 2, 2010.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD – ORDINANCE 2010-05 GRANTED FIRST READING – AMENDING THE CITY CODE CONCERNING THE REGULATION FOR FRONT-STREET SETBACKS IN THE R-1, SINGLE-DWELLING UNIT DISTRICT Affidavits of Notice presented and ordered placed on file.

Planning Director Teague presented the recommendation of staff and the Planning Commission to amend Edina Code Section 850 concerning the front-street setback requirement in the R-1, Single-Dwelling Unit District. He explained that as part of the lawsuit with JMS regarding a front-street setback variance at 6120 Brookview Avenue, the judge found the City's front-street setback regulations were unworkable. The current front-street setback allowed three options to determine a front setback: 1. the average of all front setbacks on the block; 2. to draw a line parallel with the front lot line between the homes on either side to establish the front setback for the lot; or, 3. if there was a vacant lot on one side and a home on the other, the existing home established the setback. City Attorney Knutson advised the court found with the subject property that a parallel line could not be drawn between the houses on either side. Mr. Teague explained that in preparing this draft, the goal was to not significantly vary from the current standard but to clarify the language. The Planning Commission intended to continue to examine the ordinance language

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so there may be additional amendments after further review. Mr. Teague stated the amendment would determine front-yard setbacks other than the standard 30 feet according to one of the following three scenarios: 1. if there was an existing home on one side and the other side was vacant or a street, the required setback would be that of the existing house; 2. if there were homes on either side of the lot, the average of the two homes would establish the setback for the middle lot; or, 3. the average setback of the entire block would determine the required front-street setback.

The Council asked whether a lot could fall under more than one scenario. City Attorney Knutson explained why a lot could not fall under more than one scenario.

Mayor Hovland opened the public hearing at 7:16 p.m.

Public Testimony

Jacqueline Whitbeck, 6128 Brookview Avenue, addressed the Council.

Janey Westin, 6136 Brookview Avenue, addressed the Council.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Mr. Teague answered questions raised during public testimony and suggested a definition of "intersection" to provide clarity. The City Attorney stated staff would refine the definition prior to second reading. Mr. Teague presented examples of when scenario three would be used.

Member Brindle made a motion, seconded by Member Housh, to grant First Reading of Ordinance No. 2010-05, amending the City code concerning the regulation for front-street setbacks in the R-1, Single-Dwelling Unit District.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***CHANGE ORDER – EDINA PUBLIC WORKS – UNIT MASONRY Motion made by Member Bennett and seconded by Member Swenson approving a change order for Edina Public Works, Improvement PW-1, contract 5C: unit masonry for the new Edina Public Works building.**

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – EDINA PUBLIC WORKS – MISCELLANEOUS METAL MATERIALS Motion made by Member Bennett and seconded by Member Swenson approving a change order for Edina Public Works, Improvement PW-1, contract 5D: miscellaneous metals material.**

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – EDINA PUBLIC WORKS – MISCELLANEOUS METALS INSTALLATION Motion made by Member Bennett and seconded by Member Swenson approving a change order for Edina Public Works, Improvement PW-1, contract 5E, miscellaneous metal installation.**

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER – EDINA PUBLIC WORKS – ACCORDION FOLDING PARTITIONS Motion made by Member Bennett and seconded by Member Swenson approving a change order for Edina Public Works, Improvement PW-1, contract 5M, accordion folding partitions.**

Motion carried on rollcall vote – five ayes.

EDINA PURCHASING POLICY DISCUSSED Assistant Finance Director Roggeman presented recommended revisions to the City's purchasing policy to address inflation, changes in business practices, and changes in State law. The Council discussed the proposed revisions, noting it was still more restrictive than allowed by State statutes. The Council indicated support for Changes 1 and 3, but concern was expressed about Change 2 that increased the competitive bidding threshold from \$25-35,000, depending on the project type, to \$100,000. Mr. Roggeman answered questions of the Council, noting the policy revisions would create a document that was easier to understand and reduce paperwork. The City Attorney offered to provide copies of relevant State statutes. The Council discussed the cumbersomeness of the competitive bidding process and restriction to award to the lowest responsible bidder, removing the Council's discretionary ability. Support was indicated to require quotes rather than leaving it discretionary. Assistant City Manager Worthington suggested the policy require obtaining a certain number of quotes. It was noted that State law required that all purchases over \$20,000 must come before the Council, at which time it could be determined whether bids should be obtained. Engineer/Public Works Director Houle provided examples of Public Works Department projects that had gone out for bids and the costs involved with creating plans and specifications, and to advertise. It was noted the recommended revisions would save money and in the end, the Council would make the decision whether or not to purchase.

Council consensus was reached to table consideration of the Edina purchasing policy to April 6, 2010, and direct staff to provide more facts regarding liability for purchases, statutory provision that served as a basis, and rationale for dollar thresholds.

RESOLUTION NO. 2010-29 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. 2010-29, accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2010-06 ADOPTED – PERSONNEL ORDINANCE REGARDING TEMPORARY SEASONAL EMPLOYEES Assistant City Manager Worthington presented a recommendation to adopt an ordinance to amend Section 150 by removing temporary part-time seasonal employees from being eligible for paid rest periods and holidays. The Council discussed the draft ordinance and requested amendments to the proposed verbiage. **Member Swenson made a motion, seconded by Member Bennett to grant First and waiver of Second Reading adopting Ordinance No. 2010-06, amending Section 150.15 of the City code concerning rest periods and holidays, to indicate: "all regular full time employees are entitled to time off..." and strike the duplicate phrase including typographical error indicating: "if they would normally be scheduled to work on the day."**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2010-30 ADOPTED ELECTION ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES (EAID) GRANT FUND APPLICATION APPROVED** Motion made by **Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-30, authorizing application for EAID accessibility grant on behalf of the City of Edina.**

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2010-31 ADOPTED – PHASE IMPROVEMENTS ACKNOWLEDGED OF THE I-494/TH169 INTERCHANGE Mr. Houle advised of several revisions that would be made to the verbiage and presented details of the Valley View Road interchange layout. He noted the

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cooperative agreement would be presented in about one month and contained language to commit to look at the interchange five years after this project to determine whether future improvements would be needed. Mr. Houle reviewed the cost shares for Edina and other cities involved, noting it was in line with the revised project. The Council expressed concern regarding the safety of pedestrians and bicyclists on the bridge overpass and acknowledged the importance of this project for Edina and other communities.

Member Swenson introduced and moved adoption of Resolution No. 2010-31, acknowledging the phased improvements of the I-494/TH-169 interchange, S.P. 2776-03.

Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***TRAFFIC SAFETY REPORT RECEIVED Motion made by Member Bennett and seconded by Member Swenson receiving and approving traffic safety staff review of Wednesday, March 3, 2010.**

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

Dianne Plunkett Latham, 7013 Comanche Court representing the League of Women Voters, addressed the Council regarding the League's study on access to public facilities.

Josh Sprague, 4720 West 70th Street, addressed the Council regarding the search process for a City Manager.

Jacqueline Whitbeck, 6128 Brookview Avenue, addressed the Council regarding residential building setback and subdivision requirements and requested a tree ordinance be established.

Janey Westin, 6136 Brookview Avenue, addressed the Council regarding the search process for a City Manager. She stated support for a tree preservation ordinance that would also address regulations to eradicate invasive buckthorn.

Laura Davis, 6032 Oaklawn Avenue, addressed the Council regarding the search process for a City Manager.

Kitty O'Dea, 4610 Bruce Avenue, addressed the Council regarding the search process for a City Manager. She opined there were no grounds to change the Certificate of Appropriateness consideration process under review by the Heritage Preservation Board. Ms. O'Dea supported appointment of Bob Kojetin as an ex officio member of the Board.

Scott Edstrom, 305 Coventry Lane, addressed the Council and provided an update on the favorable outcome with Metro Transit to provide timely access for bus routes 6e and 6f. Mayor Hovland thanked Mr. Edstrom and Edina's Metropolitan Council Representative Polly Bowles for their work on this matter.

Andy Otness, 5433 Kellogg Avenue, addressed the Council, regarding the search process for a City Manager.

John Bohan, 800 Coventry Place, addressed the Council regarding the search process for a City Manager.

***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 March 4, 2010, and consisting of 30 pages; General Fund \$178,546.58; Communications Fund \$1,777.41; Police Special Revenue \$10,538.13; Working**

Capital Fund \$94,463.69; Equipment Replacement Fund \$13,359.38; Art Center Fund \$15,896.43; Golf Dome Fund \$2,368.80; Golf Course Fund \$7,507.16; Ice Arena Fund \$4,107.05; Edinborough/Centennial Lakes Fund \$28,625.81; Liquor Fund \$127,748.40; Utility Fund \$52,410.92; PSTF Agency Fund \$9,873.59; TOTAL \$547,223.35 and for approval of payment of claims dated March 11, 2010, and consisting of 28 pages; General Fund \$151,504.84; Communications Fund \$912.96; Police Special Revenue \$1,004.13; General Debt Service Fund \$833.75; City Hall Debt Service \$1,000.00; PIR Debt Service Fund \$1,202.50; Working Capital Fund \$1,509.295.71; Art Center Fund \$1,852.96; Golf Dome Fund \$2,270.49; Aquatic Center Fund \$87.74; Golf Course Fund \$12,869.13; Ice Arena Fund \$56,829.54; Edinborough/Centennial Lakes Fund \$3,259.15; Liquor Fund \$198,082.31; Utility Fund \$385,911.29; Storm Sewer Fund \$266.44; PSTF Agency Fund \$100.00; TOTAL \$2,327,282.94; and, Credit Card Transactions dated January 26 – February 25, 2010; TOTAL \$2,956.40.

Motion carried on rollcall vote – five ayes.

CITY MANAGER HUGHES COMMENDED It was noted that City Manager Hughes had submitted his resignation effective on August 1, 2010. The Council extended its appreciation to Gordon Hughes for 36 years of competent, faithful, and dedicated service to the City of Edina.

HERITAGE PRESERVATION BOARD BYLAWS The Council requested a future discussion of the Heritage Preservation Board (HPB) bylaws related to ex-officio non-voting membership. The Council questioned whether Historical Society Member Bob Kojetin could participate as an ex-officio non-voting HPB member while the HPB bylaws were under discussion. Ms. Worthington stated staff would research what had been discussed at the meeting and provide a recommendation to the Council.

There being no further business on the Council Agenda, Mayor Hovland adjourned the meeting to an open work session at 8:43 p.m.

Respectfully submitted,

Jennifer Bennerotte
Communications & Marketing Director

Minutes approved by Edina City Council, April 6, 2010.

James B. Hovland, Mayor

Video Copy of the March 16, 2010, meeting available.