

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
APRIL 20, 2010  
7:04 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 exceptions of Item IV.H, Review of CSAH 17, France Avenue Restriping Plan, and Item I. April 6, 2010 Work Session minutes.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*MINUTES APPROVED – REGULAR MEETING OF APRIL 6, 2010 AND CORRECTED MINUTES OF WORK SESSION 2, MARCH 16, 2010 – MINUTES Tabled – WORK SESSION OF APRIL 6, 2010** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the Regular Meeting of April 6, 2010, and corrected minutes of Work Session 2 of March 16, 2010, and tabling the Work Session minutes of April 6, 2010.

Motion carried on rollcall vote – five ayes.

**PUBLIC HEARING HELD – TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE APPROVED** Affidavits of Notice presented and ordered placed on file.

Manager Hughes presented the request of the Edina Chamber of Commerce for a temporary on-sale intoxicating liquor license and special permit for the “Taste of Edina” event on May 13, 2010, from 4:30 to 7:30 p.m. at the Centennial Lakes Park Centrum building. He recommended approval and advised this was an annual event that had no past public safety issues.

Mayor Hovland opened the public hearing at 7:06 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Swenson made a motion, seconded by Member Brindle, approving a temporary on-sale intoxicating liquor license and special permit for the Edina Chamber of Commerce for the “Taste of Edina” event to be held on May 13, 2010.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**PUBLIC HEARING HELD – ORDINANCE NO. 2010-08 Tabled – AMENDING SECTION 850 ADDING HEIGHT OVERLAY DISTRICT** Affidavits of Notice presented and ordered placed on file.

Planning Director Teague presented the Planning Commission’s unanimous recommendation to grant first reading of an ordinance amendment to establish a building height overlay district to regulate building heights in the City’s commercial, industrial, and high density residential zoning districts. It was noted this amendment would bring the City’s Zoning Ordinance into compliance with its Comprehensive Plan. He displayed a map depicting the location of overlay districts and described areas where the building height would be increased or reduced.

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Mr. Teague noted the overlay district was proposed because cities cannot set different height standards for properties zoned the same but the Comprehensive Plan sets different heights for similarly- zoned properties in different areas of the City. Mr. Teague stated that the Comprehensive Plan referred to the idea of podium height. The Concept was suggested by the Planning Commission. The idea was to have a standard height which would be a permitted standard height; and a maximum height, which would be a conditionally permitted height, through a conditional use permit. The language on how to obtain the standard and maximum height was removed from the Comprehensive Plan. Therefore, podium height would be addressed by existing language within the Zoning Ordinance that requires setbacks based on building height. Additionally, podium height would be further addressed through the Planned Unit Development (PUD) Ordinance that the Planning Commission was currently working on to revise the Zoning Ordinance.

The Council asked questions of Mr. Teague and reviewed the ordinance language addressing podium height and maximum building height. Mr. Teague clarified that the current ordinance allowed maximums that were greater than the maximums permitted by the Comprehensive Plan, thereby requiring an amendment to the Zoning Ordinance. It was noted the desire to create a pedestrian-friendly streetscape could be achieved through established setback requirements and the PUD allowed innovative design concepts, promoted flexibility, and buildings located closer to the sidewalk. Concern was expressed whether the language was complete, whether it addressed the concept of height, and that the process may have mischaracterized the intention of the approved Comprehensive Plan.

Staff noted the Planning Commission had spent a lot of time working on the proposed amendment. Discussion ensued whether first reading should be considered and staff directed to determine if the language was adequate related to podium height prior to second reading. Member Bennett stated that the proposed height overlay district did not accurately depict building heights set in the Comprehensive Plan for the area between France and Xerxes avenues north of West 66th Street and the area west of France Avenue and south of West 76th Street. Mr. Teague explained it was staff's understanding and the Planning Commission's intent to not raise building height in any locations. The Council suggested that Council members refer to their notes from Council's Comprehensive Plan review and discussion regarding building height. Member Housh spoke in support of allowing the Planning Commission time to complete its review of ordinance amendments rather than attempting to critique each recommendation.

Mayor Hovland opened the public hearing at 7:57 p.m.

### Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Brindle made a motion, seconded by Member Bennett, to hold over consideration of Ordinance No. 2010-08, amending Section 850 to add building height overlay district to the May 4, 2010, meeting to allow time for additional study.**

Ayes: Bennett, Brindle, Swenson, Hovland

Nays: Housh

Motion carried.

**\*AWARD OF BID – WATER METER TEST BENCH FOR PUBLIC UTILITIES Motion made by Member Bennett and seconded by Member Swenson awarding the bid for water meter test bench for public utilities to the recommended low bidder, Northern Water Works Supply at \$30,729.61.**

Motion carried on rollcall vote – five ayes.

**\*AWARD OF BID – WATER MAIN REPAIR FRED RICHARDS GOLF COURSE, IMP. NO. WM-506 Motion made by Member Bennett and seconded by Member Swenson awarding the bid for**

water meter repair Fred Richards Golf Course, Imp. No. WM-506, to the recommended low bidder, Ellingson Companies at \$34,500.

Motion carried on rollcall vote – five ayes.

**\*AWARD OF BID – LIFT STATION PUMP FOR LIFT STATION NO. 6** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for lift station pump for Lift Station No. 6 to the recommended low bidder, Electric Pump at \$42,463.58.

Motion carried on rollcall vote – five ayes.

**ORDINANCE NO. 2010-09 ADOPTED – AMENDING CHAPTER 7 OF THE EDINA CITY CODE**

City Sanitarian Engelman explained the current Housing Code was antiquated and needed to be updated to meet the City's goals. She provided a presentation that included a description of the purpose and requirements of the Edina Property Maintenance Code. The Council discussed the Code language with Ms. Engelman and thanked staff for providing this update. **Member Swenson made a motion, seconded by Member Brindle, to grant First and waive Second Reading adopting Ordinance No. 2010-09, amending Chapter 7 of the Edina City Code concerning property maintenance.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*PROFESSIONAL SERVICES LIFT STATION DESIGN** Motion made by Member Bennett and seconded by Member Swenson authorizing City Manager to approve proposal for design services for Lift Station No. 2.

Motion carried on rollcall vote – five ayes.

**\*TRAFFIC SAFETY RECORD OF APRIL 7, 2010** Motion made by Member Bennett and seconded by Member Swenson approving the Traffic Safety staff review of Wednesday, April 7, 2010.

Motion carried on rollcall vote – five ayes.

**RESOLUTION NO. 2010-34 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. 2010-34 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**ENERGY AND ENVIRONMENT COMMISSION VACANCIES** Mr. Hughes advised of the applications that had been received. It was noted that five applicants had been interviewed and the Council had indicated the intention to not re-interview applicants. The City Council referenced correspondence from Energy and Environment Commission Chair Plunkett Latham addressing areas of expertise preferred in the new appointees. The City Council reached consensus to schedule applicant interviews on April 27, 2010, 6:00 to 7:00 p.m.

**STUDENT MEMBERSHIPS ON BOARDS AND COMMISSIONS REVISED** The City Council referenced correspondence from Edina High School Principal Locklear and discussed appointing non-voting student members to boards and commissions. **Member Brindle made a motion, seconded by Member Swenson, amending the Code to increase student membership to two non-voting positions for each board and commission that has student members.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*PROFESSIONAL SERVICES CONSTRUCTION ADMINISTRATION PAMELA PARK ROADWAY PROJECT** Motion made by Member Bennett and seconded by Member Swenson authorizing

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**City Manager to approve a proposal for the construction administration services for the Pamela Park neighborhood roadway improvement project.**

Motion carried on rollcall vote – five ayes.

**CSAH 17, FRANCE AVENUE RESTRIPIING PLAN TABLED** This item was removed from the agenda upon the agenda's adoption and tabled to May 4, 2010.

**AGREEMENT FOR PROFESSIONAL SERVICES APPROVED – PERSONNEL DECISIONS INTERNATIONAL** The Council indicated an appreciation for the high level of experience and confidence expressed by Personnel Decisions International. **Member Bennett made a motion, seconded by Member Brindle, authorizing City Manager to approve an agreement for professional services with Personnel Decisions International.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**COMMUNITY COMMENT**

No one appeared to comment.

**\*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 April 8, 2010, and consisting of 24 pages: General Fund \$123,727.06; Communications Fund \$521.32; City Hall Debt Service \$900.00; Working Capital Fund \$6,165.23; Art Center Fund \$1,875.68; Golf Dome Fund \$1,782.00; Aquatic Center Fund \$3,514.77; Golf Course Fund \$28,089.30; Ice Arena Fund \$113,019.56; Edinborough/Centennial Lakes Fund \$10,981.57; Liquor Fund \$234,240.77; Utility Fund \$4,577.28; Storm Sewer Fund \$889.10; PSTF Agency Fund \$48.09; **TOTAL \$530,331.73** and for approval of payment of claims dated April 15, 2010, and consisting of 28 pages: General Fund \$123,545.43; Police Special Revenue \$8,529.97; Working Capital Fund \$87,147.49; Art Center Fund \$2,171.94; Aquatic Center Fund \$167.33; Golf Course Fund \$26,469.45; Ice Arena Fund \$89,789.21; Edinborough/Centennial Lakes Fund \$15,325.05; Liquor Fund \$170,786.21; Utility Fund \$395,605.02; Storm Sewer Fund \$1,585.32; PSTF Agency Fund \$21,272.99; **TOTAL \$942,395.41.**

Motion carried on rollcall vote – five ayes.

**\*PETITION RECEIVED FOR GALLAGHER DRIVE BETWEEN FRANCE AND PARKLAWN AVENUE STREET IMPROVEMENT** Motion made by Member Bennett and seconded by Member Swenson to receive and refer the petition for Gallagher Drive between France and Parklawn Avenue street improvement to the Engineering Department for processing.

Motion carried on rollcall vote – five ayes.

**COMMUNITY INPUT MEETING SCHEDULED – CITY MANAGER** It was announced that a public meeting had been scheduled for May 13, 2010, from 7:00 to 9:00 p.m. to accept public testimony related to filling the City Manager position.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 8:45 p.m.

Respectfully submitted,

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Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, May 4, 2010.

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James B. Hovland, Mayor

Video Copy of the April 20, 2010, meeting available.