

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 1, 2010
7:06 P.M.**

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Brindle approving the council consent agenda with the exceptions of Item III.B., award of bid, *About Town* paper purchase, and Item IV.H., Resolution No. 2010-44 Revise Posted Speed Limit on West 66th Street from TH-100 to Valley View Road.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***MINUTES APPROVED – REGULAR MEETING OF MAY 18, 2010, AND WORK SESSION OF MAY 18, 2010** Motion made by Member Swenson and seconded by Member Brindle approving the minutes of the regular meeting of May 18, 2010, and work session of May 18, 2010.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD – ORDINANCE 2010-13 GRANTED FIRST READING – AMENDING EDINA CITY CODE CONCERNING INTOXICATING LIQUOR LICENSES Affidavits of Notice presented and ordered placed on file.

Attorney Knutson stated if the proposed ordinance were approved, Edina Code would allow any restaurant establishments that offered bocce and bowling to sell intoxicating beverages. The Council discussed the matters to be considered with Mr. Knutson. Mr. Knutson stated the proposed ordinance amendment was prompted by the request of Cypress Equities for Pinstripes, a prospective tenant. He explained that establishments with wine and beer licenses currently were allowed bowling centers. Mr. Knutson added Pinstripes would need to file the necessary application for an intoxicating liquor license if Council decided to amend the code and allow restaurants with bocce and bowling to obtain intoxicating on-sale licenses.

Mayor Hovland opened the public hearing at 7:05 p.m.

Public Testimony

Kirk Williams, representing Cypress Equities and Pinstripes, addressed the Council.

Wayne Carlson, 523 Coventry Lane, addressed the Council.

Dana Lappin, 205 Coventry Court, addressed the Council and submitted a petition.

Diane Anselmo-Lacey, 7400 Edinborough Way, addressed the Council and submitted a letter from Jan and George Getten of 7400 Edinborough Way, Unit 5105.

Frank Durocher, 7400 Edinborough Way, Unit 5206, addressed the Council and submitted a letter signed by 20 residents.

Daniel Wise, 7400 Edinborough Way, Unit 5307, addressed the Council. The Council asked Mr. Wise what he could hear from the park during daytime hours. Mr. Wise responded there was not much noise, all day he could hear people talking and laughing, sometimes he could hear music, and there was rarely noise from the park after 11 p.m.

John Bohan, 800 Coventry Place, addressed the Council.

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Gene Persha, 6917 Cornelia Drive, addressed the Council.

Dale Schwartz, Pinstripes CEO, Chicago, Illinois, addressed the Council.

The Council discussed the concern expressed regarding amplification of music and asked questions of Mr. Schwartz. Mr. Schwartz, described the types of sound generated by Pinstripes and assured the Council that based on decibel tests, there was no risk that music would be heard across the lake. He explained the outside corridors would be used as restaurant space to enjoy the stunning lake views, not for gaming, and agreed to enclose outdoor corridors with sliding glass windows to address residents' concerns, if the existing site plan condition prohibiting loudspeaker or amplified music was lifted. Mr. Schwartz stated Pinstripes had two Chicago locations and there had been no police incidents during three years of operations. He described their restaurant atmosphere and offering as being on par with Redstone or Dakota Restaurants, and indicated the speakers would be directed downward, creating a background music ambiance that would not interfere with conversations.

The Council addressed the noise generated from bowling. Mr. Schwartz noted the bowling lanes would be located on the far side of the building, adjacent to the bar area and opposite the outdoor corridors. He indicated he was not concerned that bowling noise would deter patrons from enjoying a conversation at the bar or restaurant areas. Mr. Schwartz advised one of the Chicago Pinstripes was located 400 to 500 feet and the other 600 to 700 feet from a residential area. The Council noted that the proponent had not provided a decibel measurement on bowling or bocce, the activities that make Pinstripes unique.

The Council noted that, if approved, Pinstripes would have a zero setback to the City's park where smoking was not allowed. Mr. Schwartz stated, categorically, there would be no smoking at Pinstripes. He also indicated that this project was fully financed and he was prepared to move forward with this project.

Natalia Sourova, 7400 Edinborough Way, Unit 5397, addressed the Council.

Arnold Bigbee, 7621 Edinborough Way, Unit 2110, addressed the Council.

Harry Engelbrecht, 1012 Coventry Place, addressed the Council.

Marlys Wiens, 7310 York Avenue S, Unit 105, addressed the Council.

Richard Speers, 703 Coventry Lane, addressed the Council.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council discussed the proposed ordinance amendment and asked questions of Fire Chief Scheerer regarding the similarly-designed outdoor fireplaces at Centennial Lakes that receive frequent use without complaint. The fireplace would have to be constructed to meet code requirements if it were approved.

The Council and staff addressed the questions raised during the public hearing. Council asked questions of staff relative to the ability to place additional restrictions on the liquor license, the existing conditions that were placed on the property at the time the Planning approval had been granted, and/or whether there was a need for an ordinance of general application. Planning Director Teague advised that all permitted uses of MDD-3 to MDD-6 zoning districts were permitted at this location. With regard to smoking, Mr. Knutson advised the City could be more restrictive than State law.

Member Brindle made a motion, seconded by Member Housh, to grant First Reading of Ordinance No. 2010-13, amending Edina city code concerning intoxicating liquor licenses.

The Council discussed the ordinance and petition elements and whether it too closely addressed the Pinstripe business. Attorney Knutson explained the ordinance would allow a liquor license to be issued to establishments having bowling and bocce, and the language assured any such establishment would be a restaurant. Mr. Teague advised that a bowling alley would be a permitted use, and the only issue with Pinstripes was the liquor license. It was noted the language restricted all types of outdoor game activities and the liquor license defined that the outdoor lawn bowling or bocce areas could not be part of the defined outdoor premises.

Council consensus was reached to revise the language to restrict games on covered decks, balconies or patios. The Council agreed with the need to balance the rights and responsibilities that flow between City businesses and residences. It was pointed out that final approval of Centennial Lakes had imposed 16 conditions, one which precluded outdoor amplification so the onus was on the proponent to persuade the Council that a certain level of modification to that condition was appropriate and that a separate application would be required.

Member Bennett offered an amendment to the motion to preclude all outdoor activity after 11 p.m. at restaurants with bowling centers or bocce gaming. The Council discussed the impact of restricting all outdoor activity after 11 p.m., noting patrons would have to be asked to vacate the balcony after 11 p.m. Attorney Knutson advised this would apply to all restaurants that had bowling or bocce as a general application. **Members Brindle and Housh declined the amendment to the motion on the floor. The amendment failed for lack of a second.**

Ayes: Brindle, Housh, Swenson, Hovland

Nays: Bennett

Motion carried.

***AWARD OF BID – 2010 PARKING LOT AND PATHWAY IMPROVEMENT – PK 10-2PK** Motion made by Member Swenson and seconded by Member Brindle awarding the bid for 2010 parking lot and pathway improvements, 10-2PK to the recommended low bidder, Bituminous Roadways at \$384,466.05.

Motion carried on rollcall vote – five ayes.

AWARD OF BID – ABOUT TOWN PAPER PURCHASE The Council requested staff provide cost estimates for conducting a community survey, possibly via utility billing, regarding readership and information residents were seeking to determine effectiveness of message delivery. **Member Bennett made a motion, seconded by Member Swenson, awarding the bid for cover- and text-weight paper for four issues of *About Town* to the recommended low bidder, XPEDX at \$30,952.77.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***AWARD OF BID – WOOD CHIPPER – EDINA PARK MAINTENANCE DEPARTMENT** Motion made by Member Swenson and seconded by Member Brindle awarding the bid for 2010 Vermeer Brush Chipper, Park Maintenance Department to the recommended low bidder, Vermeer Sales & Service at \$20,449.83.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – RENEWAL OF MICROSOFT LICENSE AGREEMENT** Motion made by Member Swenson and seconded by Member Brindle awarding the bid for 2010 Microsoft Enterprise agreement renewal to the recommended low bidder, Software House International at \$40,210.00.

Motion carried on rollcall vote – five ayes.

EDINA COUNTRY CLUB GOLF COURSE PROJECT UPDATE Scott Thiss, 4518 Drexel Avenue, Edina Country Club President, provided an update on golf course projects and membership. The City

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Council addressed parking for construction workers and delivery vehicles and thanked Mr. Thiss for his report.

ORDINANCE NO. 2010-12 ADOPTED – AN ORDINANCE AMENDING EDINA CITY CODE CONCERNING DOMESTIC PARTNERS

The Council requested that staff make two minor grammatical corrections. **Member Brindle made a motion, seconded by Member Bennett, to adopt Ordinance No. 2010-12, amending the Edina city code concerning domestic partners.** The Council discussed its support of the ordinance amendment and noted that Edina was the first Minneapolis/St. Paul suburb to consider such an ordinance that assured fundamental fairness for all of Edina's residents. The Council thanked the Human Rights and Relations Commission for its initiative.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2010-43 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. 2010-43 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

ART CENTER BOARD APPOINTMENT CONFIRMED Mayor Hovland made a motion, seconded by Member Brindle, confirming the appointment of Ruth Valgamae to a partial term on the Art Center Board expiring February 1, 2012.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

STUDENT BOARD AND COMMISSION APPOINTMENT PROCESS

The Council discussed the interview and appointment process for student board and commission members and agreed that the interview process was an important student experience and a one-year term limit would open the opportunity to more students. Council consensus was reached that Members Bennett and Brindle, in conjunction with School District staff, would interview student candidates and make a recommendation for the Council's consideration. In addition, Council Members may provide recommendations to the interview board.

NEW WINE LICENSE APPROVED – TJ'S OF EDINA, 7100 AMUNDSON AVENUE

The City Council discussed with staff the requirement for alcohol awareness training, noting the ordinance required 75% of employees to be trained within 60 days of opening in addition to annual training. **Member Bennett made a motion, seconded by Member Brindle, approving a new on-sale wine license to PARS Food Service, Inc., dba as TJ's of Edina Restaurant for the period beginning June 1, 2010, and ending March 31, 2011.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2010-36 ADOPTED – LOT DIVISION APPROVED, 5500 AND 5504 HALIFAX LANE**

Motion by Member Swenson and seconded by Member Brindle, to adopt Resolution No. 2010-36, approving a Lot Division of 5500 and 5504 Halifax Lane.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2010-44 ADOPTED – POSTED SPEED LIMIT ON WEST 66TH STREET FROM TH-100 TO VALLEY VIEW ROAD REDUCED

Mr. Houle answered questions of the Council and explained that the action, as requested by residents, would lower the speed limit to 30 mph. The Council requested that staff make a minor revision to the second WHEREAS in the resolution.

Member Bennett introduced and moved adoption of Resolution No. 2010-44, reducing the speed limit on West 66th Street between TH-100 and Valley View Road. Member Swenson seconded the motion.

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

***OPEN HOUSE DATES ANNOUNCED – NINE MILE CREEK TRAIL Motion made by Member Swenson and seconded by Member Brindle acknowledging Three Rivers Park District open house dates of June 22 and June 30, 2010.**

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

William Westerdahl, 5912 Walnut Drive, expressed concern with the Three Rivers Park District's proposed regional bike trail.

Laurie Chapman, 6420 Aspen Road, expressed concern with the Three Rivers Park District's proposed regional bike trail.

Robert Lubar, 6619 Londonderry Drive, expressed concern with the Three Rivers Park District's proposed regional bike trail.

***CONFIRMATION OF CLAIMS PAID Motion made by Member Swenson and seconded by Member Brindle approving payment of the following claims as shown in detail on the Check Register dated May 20, 2010, and consisting of 27 pages: General Fund \$319,528.20; Communications Fund \$3,348.84; Working Capital Fund \$7,998.02; Equipment Replacement Fund \$21,422.16; Art Center Fund \$1,440.82; Golf Dome Fund \$7,664.01; Aquatic Center Fund \$4,117.04; Golf Course Fund \$156,946.18; Ice Arena Fund \$15,027.07; Edinborough/Centennial Lakes Fund \$7,083.16; Liquor Fund \$217,054.28; Utility Fund \$56,383.78; Storm Sewer Fund \$925.92; Recycling Fund \$37,724.00; PSTF Agency Fund \$2,516.66; TOTAL \$859,180.14 and for approval of payment of claims dated May 27, 2010, and consisting of 30 pages: General Fund \$70,983.32; Communications Fund \$2,745.53; Working Capital Fund \$1,336,811.33; Equipment Replacement Fund \$9,758.41; Art Center Fund \$1,338.81; Golf Dome Fund \$754.71; Aquatic Center Fund \$24,773.71; Golf Course Fund \$18,214.88; Ice Arena Fund \$1,696.49; Edinborough/Centennial Lakes Fund \$9,951.63; Liquor Fund \$189,683.53; Utility Fund \$38,909.05; Storm Sewer Fund \$24,400.54; Recycling Fund \$32.50; PSTF Agency Fund \$7,329.26; TOTAL \$1,737,383.79.**

Motion carried on rollcall vote – five ayes.

SWIMMING POOL FLOW RIDER REQUEST FOR BIDS Following discussion, the Council requested a staff update at the next meeting on the swimming pool flow rider.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:15 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, June 15, 2010.

James B. Hovland, Mayor

Video Copy of the June 1, 2010, meeting available.