

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 7, 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 as presented.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

EDINA POLICE RECOGNIZED Mayor Hovland read in full a proclamation recognizing the Edina Police Department. **Member Brindle made a motion, seconded by Member Housh, approving a proclamation recognizing the Edina police department for writing 900 traffic tickets in July 2010.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Police Chief Long thanked the Council for this recognition and stated that the point was not the number of tickets issued but keeping residents safe. Bob O'Brien, liaison to Law Enforcement Department of Public Safety, commented on the importance of law enforcement and resulting increase in safety and stated his appreciation to the Police Department for its dedicated efforts. The Council concurred and thanked the officers in attendance.

CONSTITUTION WEEK DECLARED Mayor Hovland read in full a proclamation declaring Constitution Week in the City of Edina. **Member Bennett made a motion, seconded by Member Brindle, approving a proclamation declaring September 17 to 23, 2010, as Constitution Week in the City of Edina.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Dianna Lynch, 5936 Grove Street, thanked the Council for this recognition and its support of democracy.

***MINUTES APPROVED – REGULAR MEETING OF AUGUST 17, 2010, AND WORK SESSIONS OF AUGUST 17, 2010, AUGUST 30, 2010, AND AUGUST 31, 2010** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the regular meeting of August 17, 2010, and work sessions of August 17, 2010, August 30, 2010, and August 31, 2010.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD ON PRELIMINARY 2011 TAX LEVY AND OPERATING BUDGET – RESOLUTION NO. 2010-72 ADOPTED Affidavits of Notice presented and ordered placed on file.

Finance Director Wallin presented the draft resolution that established a 2011 preliminary levy of \$26,088,328. He advised the levy would be certified to the County and the County would send property specific tax notices to property owners. A public hearing was scheduled for December 7, 2010.

Mayor Hovland opened the public hearing at 7:12 p.m.

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Public Testimony

Bob Kojetin, 5016 William Avenue, representing the Edina Historical Society, addressed the Council and requested additional support.

Dan Kelley, 88 Woodland Circle, representing the Edina Historical Society, addressed the Council and advised of their budgetary needs.

Arnie Bigbee, 7621 Edinborough Way, Human Rights & Relations Commission Chair, addressed the Council and presented their request for the same level of funding in 2011.

Bill McCabe, 6124 Hanson Road, representing the Edina Public Art Committee, addressed the Council and reviewed their activities.

The Council discussed the services rendered by the Edina Historical Society and Human Rights & Relations Commission for the City's residents. The Council requested the Edina Public Art Committee submit a formal budgetary request and supporting analysis.

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

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

Member Bennett introduced and moved adoption of Resolution No. 2010-72, adopting the proposed budget for the City of Edina for year 2011, and establishing the proposed tax levy payable in 2011. Member Swenson seconded the motion.

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

***AWARD OF BID – AERIAL BUCKET TRUCK – PARK MAINTENANCE DEPARTMENT** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for aerial bucket truck, Edina Park Maintenance department to the recommended low bidder, I-State Trucker Center at \$63,019.17.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – TWO ONE-TON TRUCKS FOR PUBLIC WORKS** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for two one-ton trucks for public works to the recommended low bidder, Midway Ford Commercial Fleet and Government Sales at \$70,162.76.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – TRUCK BODY FOR ONE-TON TRUCK FOR STREET DEPARTMENT IN PUBLIC WORKS** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for truck body for one-ton truck for street department in public works to the recommended low bidder, Aspen Equipment at \$32,289.08.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – TRUCK BODY FOR ONE-TON TRUCK FOR ELECTRICAL DEPARTMENT IN PUBLIC WORKS** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for truck body for one-ton truck for electrical department in public works to the recommended low bidder, ABM Equipment & Supply at \$28,005.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – AERIAL BUCKET ASSEMBLY FOR ONE-TON TRUCK FOR ELECTRICAL DEPARTMENT IN PUBLIC WORKS** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for aerial bucket assembly for one-ton truck for

electrical department in public works to the recommended low bidder, ABM Equipment & Supply at \$39,262.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – WEST 50TH STREET PLANTER LANDSCAPE AND IRRIGATION – PROJECT NO. ENG 10-14** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for West 50th Street Planter Landscape and Irrigation, Project No. ENG 10-14, to the recommended low bidder, Hoffman & McNamara Company at \$25,783.00.

Motion carried on rollcall vote – five ayes.

***2011 BUDGET AND LEVY PUBLIC HEARING AND BUDGET AND LEVY ADOPTION MEETING SET** Motion made by Member Bennett and seconded by Member Swenson, to set Tuesday, December 7, 2010, at 7:00 p.m. for the budget and levy meeting public hearing and Tuesday, December 21, 2010, at 7:00 p.m. for the budget and levy adoption meeting.

Motion carried on rollcall vote – five ayes.

DRAFT LIQUOR CODE ORDINANCE AMENDMENT REVIEWED AND PUBLIC HEARING DATE SET – SEPTEMBER 21, 2010 Interim Manager Worthington presented the draft liquor ordinance amendment to allow more charitable organizations to apply for a temporary intoxicating on-sale liquor license. Clerk Mangen and Attorney Knutson answered questions of the Council regarding the amendment language, need for reasonable controls to assure best practices, and providing adequate security. Assistant to the City Manager Smith advised of training provided to City staff to assure liquor sale compliance. The Council discussed additional requirements such as identifying the event manager, issuing wrist bands to non-minors, liquor compliance training, offering food for consumption, servers not being allowed to drink while serving alcoholic beverages at the event, no price discounting, identification of service hours, not serving to intoxicated patrons, and security by licensed off-duty police officers at a level dependent upon attendance. It was indicated that staff would create a user-friendly educational document for applicants. Ms. Worthington stated staff would make the discussed revisions prior to consideration of first reading. **Member Bennett made a motion, seconded by Member Housh, directing staff to schedule a public hearing on September 21, 2010, to consider Ordinance No. 2010-13, amending the Edina city code concerning liquor, as revised.**

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

SPECIAL ASSESSMENT POLICY FOR LOCAL ROADWAYS REVISED AND ADOPTED Public Works Director/City Engineer Houle presented rationale for each of the proposed revisions to the special assessment policy for local roadways as directed by the Council at its August 17, 2010, workshop. The Council discussed the revisions and asked questions of Mr. Houle and Mr. Wallin. The Council suggested additional clarification regarding how the interest rate for the assessment was computed and to draft more recent rationale for item 5 pages 2-3. The following corrections were requested: page 2, item 4, remove the word “then” in four instances; and, page 3, item 7b, insert the word “be” after the word “shall.” **Member Housh made a motion, seconded by Member Brindle, to adopt the special assessment policy for local roadways, as revised.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

BRAEMAR ROOM RENAMED TO JOHN VALLIERE ROOM Mayor Hovland advised of the support to rename the “Braemar Room” at Braemar Golf Course the “John Valliere Room” in honor of retired Braemar Golf Course Manager Valliere who had retired after 41 years. **Mayor Hovland made a motion, seconded by Member Housh, approving renaming the “Braemar Room” at Braemar Golf Course the “John Valliere Room” in honor of retired Braemar Golf Course Manager John Valliere.**

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

***DATE FOR CANVASS OF GENERAL ELECTION SET – NOVEMBER 8, 2010** Motion made by Member Bennett and seconded by Member Swenson setting the date of Monday, November 8, 2010, at 5:00 p.m. to canvass the results of the November 2, 2010, General Election.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-74 ADOPTED – AUTHORIZING PUBLIC HEALTH PREPAREDNESS AND CITY'S READINESS GRANT EXTENSION** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-74, authorizing the City of Edina to amend the public health preparedness and City's readiness initiative grant agreement with the Minnesota Department of Health.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2010-75 ADOPTED – PUBLIC HEARINGS FOR SPECIAL ASSESSMENTS AND UTILITY CERTIFICATION SET – OCTOBER 5, 2010 AND OCTOBER 19, 2010** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-75, calling public hearings for consideration of certain special assessments and delinquent utilities for October 5, 2010, and October 19, 2010.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2010-73 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. 2010-73 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

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

ON-SALE WINE AND 3.2 LIQUOR LICENSE ISSUED – PEOPLE'S ORGANIC FRANCHISING COMPANY LLC Ms. Mangen presented the application for an on-sale wine and 3.2 liquor license for People's Organic Franchising Company LLC, dba People's Organic Coffee & Wine Café, 3545 Galleria, for the period beginning September 7, 2010, and ending March 31, 2011. She noted all necessary paperwork had been filed, applicable fees paid, and background checks completed.

Caridad Versalles, 8624 Oakland Avenue, Bloomington, described their concept to offer coffee in the morning, natural organic foods during the day, and limited wine and tap beer in the evening along with small food plates. This café would also accommodate "grab and go" clientele.

Member Bennett made a motion, seconded by Member Brindle, approving an on-sale wine and 3.2 liquor license for People's Organic Franchising Company LLC, dba People's Organic Coffee & Wine Café, 3545 Galleria, for the period beginning September 7, 2010, and ending March 31, 2011.

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

***RESOLUTION NO. 2010-76 ADOPTED – LOT DIVISION, 6116 EWING AVENUE AND 6124 EWING AVENUE** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2010-76, approving a lot division of 6116 and 6124 Ewing Avenue, based on the following findings:

1. The lot area and width of 6116 Ewing is currently non-conforming; it does not meet the median requirements. The resulting lot division would result in both lots meeting the median lot area requirement.

2. The resulting lots comply with all minimum lot size standards of Section 850 of the zoning ordinance.

and subject to the following conditions:

1. All building activity on either lot must comply with all minimum zoning ordinance standards.
2. The new fence may be installed after the approving resolution is filed at Hennepin County.

Motion carried on rollcall vote – five ayes.

***ENGINEERING SERVICES WEST 44TH STREET APPROVED** Motion made by Member Bennett and seconded by Member Swenson authorizing Interim City Manager to approve a proposal for a feasibility study to reconstruct West 44th Street from just east of Brookside Avenue to France Avenue.

Motion carried on rollcall vote – five ayes.

911 DISPATCH CONTRACT WITH THE CITY OF GOLDEN VALLEY APPROVED Ms. Worthington presented the contract to provide 911 emergency dispatching services to the City of Golden Valley for the next three years beginning January, 2011. The Council asked questions of staff and Police Chief Long regarding call volumes, costs incurred, and acknowledged that having an additional dispatcher would result in a benefit to Edina residents. Mr. Long and Ms. Worthington addressed consolidation of dispatch services within Hennepin County and assured the Council that the costs incurred to service Golden Valley would be covered by the proposed contract. Ms. Worthington advised that dispatching options would continue to be explored and discussed by staff. **Member Housh made a motion, seconded by Member Swenson, approving an agreement between Edina and Golden Valley for provision of dispatch services and operation and maintenance of the emergency communications center.**

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 August 19, 2010, and consisting of 31 pages: General Fund \$171,779.66; Communications Fund \$4,282.88; Police Special Revenue \$766.70; Working Capital Fund \$380,404.46; Equipment Replacement Fund \$46,215.59; Art Center Fund \$2,727.41; Aquatic Center Fund \$6,282.42; Golf Course Fund \$31,857.75; Ice Arena Fund \$138,958.57; Edinborough/Centennial Lakes Fund \$15,831.32; Liquor Fund \$159,416.50; Utility Fund \$143,950.34; Storm Sewer Fund \$44,896.91; Recycling Fund \$37,683.00; PSTF Agency Fund \$13,141.34; **TOTAL \$1,198,194.85** and for approval of payment of claims dated August 26, 2010, and consisting of 54 pages: General Fund \$619,095.48; CDBG Fund \$3,157.00; Communications Fund \$1,278.64; Police Special Revenue \$268.00; Working Capital Fund \$981,137.31; Equipment Replacement Fund \$20,857.63; Art Center Fund \$23,793.79; Golf Dome Fund \$1,670.15; Aquatic Center Fund \$16,368.31; Golf Course Fund \$16,997.46; Ice Arena Fund \$6,133.01; Edinborough/Centennial Lakes Fund \$8,740.98; Liquor Fund \$209,970.42; Utility Fund \$146,174.77; Storm Sewer Fund \$174,589.34; Recycling Fund \$32.57; PSTF Agency Fund \$1,326.03; **TOTAL \$2,228,250.62**; and for approval of payment of claims dated September 2, 2010, and consisting of 30 pages: General Fund \$96,777.78; Communications Fund \$378.65; Police Special Revenue \$3,585.61; Working Capital Fund \$118,277.06; Equipment Replacement Fund \$35,541.95; Art Center Fund \$2,574.33; Aquatic Center Fund \$3,318.93; Golf Course Fund \$36,195.79; Ice Arena Fund \$3,366.43; Edinborough/Centennial Lakes Fund \$18,966.43; Liquor Fund \$126,504.52; Utility Fund \$43,626.39; Storm Sewer Fund \$23,075.65; Recycling Fund \$2.00; PSTF Agency Fund \$4,742.66; **TOTAL \$516,934.18**.

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Motion carried on rollcall vote – five ayes.

CITY MANAGER CONTRACT WITH SCOTT NEAL APPROVED Mayor Hovland presented the essential terms and conditions of the draft City Manager contract, which Scott Neal had agreed with in principle. Mayor Hovland indicated if the contract was approved by the Council tonight, he would so advise Mr. Neal who would then resign his position with the City of Eden Prairie and begin employment with Edina on November 8, 2010.

The Council discussed the contract terms and payment of dues for civic club memberships. Attorney Knutson advised that legal opinions had been rendered indicating that the City could only pay civic club membership fees that qualified as serving a public purpose. He indicated that employer approval was required for membership, and copies of those legal opinions would be provided for the Council's review. The Council acknowledged that, with sick leave and vacation days credited to Mr. Neal in the contract, he would be entitled to a payout of \$10,000 should he leave employment immediately after assuming his new position.

The Council indicated it understood the rationale and recommendation for a compensation package at the statutory cap even though Edina was smaller in size than Eden Prairie. The Council concurred that Mr. Neal was very talented, knowledgeable, and diligent, and Edina was fortunate it could attract this level of talent. Mayor Hovland and Member Swenson were thanked for their effort to negotiate this exceptional outcome and favorable contract. **Member Swenson made a motion, seconded by Member Housh, approving the city manager contract with Scott Neal.**

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

SEPTEMBER 13, 2010, WORK SESSION SCHEDULED Following discussion, Council consensus was reached to direct staff to schedule a work session on Monday, September 13, 2010, from 5:00 p.m. to 7:00 p.m. at the request of Shelter Corp. to discuss matters relating to The Water Senior Living Project.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:32 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, September 21, 2010.

James B. Hovland, Mayor

Video Copy of the September 7, 2010, meeting available.