

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 21, 2010
7:04 P.M.**

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Brindle and seconded by Member Bennett approving the Council consent agenda with the exceptions of Item III.B., 70th Street improvements, Contract No. ENG 10-3; Improvement Nos. BA-367, SS-457, STS-369, WM-503, TS-43 and 44, and L-57.

Rollcall:

Ayes: Bennett, Brindle, Hovland

Motion carried.

***MINUTES APPROVED – REGULAR MEETING OF SEPTEMBER 7, 2010, AND WORK SESSIONS OF SEPTEMBER 7, 2010, AND SEPTEMBER 13, 2010** Motion made by Member Brindle and seconded by Member Bennett approving the minutes of the regular meeting of September 7, 2010, and work sessions of September 7, 2010 and September 13, 2010.

Motion carried on rollcall vote – three ayes.

PUBLIC HEARING HELD – ORDINANCE NO. 2010-15 GRANTED FIRST READING – AMENDING SECTION 900 EDINA LIQUOR CODE Affidavits of Notice presented and ordered placed on file.

Assistant Manager Worthington presented the ordinance as revised based on the Council's direction. The Council discussed the suggested ordinance restrictions and supported requiring an on-site manager and police protection. It was noted that State statute specifically sets the fee at \$200 and allows workers to serve if they are eighteen or older. The Council agreed to revise Section 900.13, Subd. 3, to indicate: "~~The Council may require that~~ The licensed premises shall be under the direct supervision..." and Subd. 4, to indicate: "~~If required by the Council,~~ The applicant shall provide..." City Attorney Knutson recommended Subd. 5, Age of Servers, also be revised to align with State law. The Council considered whether the temporary license should include behavioral points to assure the event was well run, successful, limited liability, and focused on the event rather than the alcohol being served.

Mayor Hovland opened the public hearing at 7:11 p.m.

Public Testimony

Jon Demars Victorsen, 7213 Cornelia Drive, addressed the Council and opposed the amendment to the ordinance.

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

Ayes: Bennett, Brindle, Hovland

Motion carried.

Member Brindle made a motion, seconded by Member Bennett, to grant First Reading adopting Ordinance No. 2010-15, amending the Edina City Code concerning liquor, as revised.

The Council acknowledged that the community had decided to permit this type of temporary liquor license to certain charitable organizations, so the question before the Council was one of fairness and equal access for community organizations. It was noted that the revisions and added

Minutes/Edina City Council/September 21, 2010

language addressed expressed concerns. In addition, input had been received from Edina Chemical Health Partners which supported additional language mandating police security, at events for which a temporary intoxicating liquor license had been issued.

Ayes: Bennett, Brindle, Hovland
Motion carried.

***PUBLIC HEARING CONTINUED (OCTOBER 5, 2010) PINSTripES INTOXICATING LIQUOR LICENSE** Motion made by Member Brindle and seconded by Member Bennett continuing the public hearing to October 5, 2010, for the potential issuance of the Pinstripes intoxicating liquor license.

Motion carried on rollcall vote – three ayes.

***AWARD OF BID – INSTALLATION OF HOCKEY RINK LIGHTS AND POLES – PAMELA PARK AND WALNUT RIDGE PARK** Motion made by Member Brindle and seconded by Member Bennett awarding the bid for installation of hockey rink lights and poles, Pamela Park and Walnut Ridge Park, to the recommended low bidder, Gunnar Electric, Inc. at \$29,450.00.

Motion carried on rollcall vote – three ayes.

AWARD OF BID – 70TH STREET IMPROVEMENTS, CONTRACT NO. ENG 10-3; IMPROVEMENT NOS. BA-367, SS-457, STS-369, WM-503, TS 43 AND 44, AND L57 Public Works Director/City Engineer Houle advised of work included in this project and that while minor improvements may be completed this fall, the majority of the project work would start next spring. It was noted the roundabout would be included in this project, and the landscaping plan would be available on the City's website to receive public input. **Member Brindle made a motion, seconded by Member Bennett, awarding the bid for 70th Street improvements, Contract No. ENG 10-3; Improvement Nos. BA-367, SS-457, STS-369, WM-503, TS-43 and 44, and L-57 to the recommended low bidder, Northwest Asphalt, Inc. at \$2,819,703.75.**

Ayes: Bennett, Brindle, Hovland
Motion carried.

RESOLUTION NO. 2010-78 ADOPTED – PROVIDING FOR SALE OF \$9,225,000 G.O. CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2010A AND RESOLUTION NO. 2010-79 PROVIDING FOR SALE OF \$2,595,000 G.O. BONDS, SERIES 2010B

Jonathan North, Ehlers & Associates, referenced the presale report and advised they were seeing the lowest interest rates since 1967, so it was a beneficial time to sell bonds. He noted the Series 2010A bonds would be used to refinance the 2002 bonds that were at 5.25%. It was expected bids would be received under 2.5%, resulting in a savings of approximately \$800,000, or 9.8%, over the life of the bonds. The Series 2010B bonds would be used for two purposes: \$2.3 million for street reconstruction paid 100% by special assessments; and, \$240,000 to finance equipment purchases levied in the 2010 budget under equipment certificates. Mr. North advised the City would be issuing bonds with two AAA ratings from Moody's and Standard and Poors. The sale would occur on October 19, 2010, and the closing on November 23, 2010. Mr. North stated a true interest cost of 2.5% was anticipated, and in conjunction with expected favorable construction bids, this was a good time for Edina to sell bonds.

The Council discussed Series 2010B and asked questions of Finance Director Wallin and Mr. Houle about financing for equipment purchases, noting that in the past such purchases had been made from the general levy. Mr. Houle reviewed the City's equipment maintenance plan and explained that since 2008, large equipment purchases had been financed through equipment certificates.

Member Brindle introduced and moved adoption of Resolution No. 2010-78 providing for the sale of \$9,225,000 general obligation capital improvement plan bonds, series 2010A. Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Hovland
Motion carried.

Member Bennett introduced and moved adoption of Resolution No. 2010-79 providing for the sale of \$2,595,000 general obligation bonds, series 2010B. Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Hovland
Motion carried.

RESOLUTION NO. 2010-77 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. 2010-77 accepting various donations.** Member Brindle seconded the motion.

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

***RESOLUTION NO. 2010-80 ADOPTED – DESIGNATING CITY MANAGER ON INTERIM BASIS** Motion made by Member Brindle and seconded by Member Bennett to adopt Resolution No. 2010-80 appointing Ceil Smith, Interim City Manager, effective 4:30 p.m. October 6, 2010.

Motion carried on rollcall vote – three ayes.

TRAFFIC SAFETY REPORT OF SEPTEMBER 1, 2010 APPROVED Assistant City Engineer Sullivan explained each revision the State had made to its Minnesota Manual of Uniform Traffic Control Devices and recommended Sections 4.C.1 and 4.D of the City's Multiway Stop Signs Traffic Policy be revised to be in conformance with the State's Manual.

Mr. Sullivan presented the resident request for a multiway stop sign at 58th Street and Chowen Avenue received in April 2010. This request was reviewed by traffic safety staff on May 5, 2010, and recommended for denial. On May 18, 2010, the Council directed staff to review regulatory and cautionary signage for the 58th Street corridor from France to Xerxes Avenues. Mr. Sullivan presented staff's analysis of the corridor data collected and determination that neither intersection analyzed at Chowen & 58th and Beard & 58th, met the threshold. Mr. Sullivan presented other traffic management options noting 58th Street and Chowen Avenue intersection does not meet the criteria for a pedestrian crossing but was well above the threshold for sidewalks. In addition, 58th Street was a primary bike route in the City's Comprehensive Plan and bike lanes could be installed if on-street parking was removed.

Mr. Sullivan indicated staff also recommended that all other regulatory and cautionary signage remain "as-is" along 58th Street from France to Xerxes Avenues and consideration of short-term measures to stripe bike lanes along 58th Street, remove parking along 58th Street, narrow the traffic lanes and reduce the crossing distance for pedestrians, and to not install painted or signed crosswalks since the Pedestrian Crosswalks Traffic Policy criteria was not met. If the Council approved the short-term solutions, staff would return with resolutions for "no parking" along 58th Street and signage for the 25 mph speed limit. Mr. Sullivan presented long-term solutions as part of a future reconstruction project to add curb and gutter, and sidewalk to one side of the 58th Street corridor, while retaining the bike lanes, no parking, and 25 mph speed limit.

The Council thanked staff for its thorough recommendation and discussed the importance of enhancing walkability to assure safety of the City's children and attract new residents. It was noted that a parking study had not been conducted and input had not been received from the Bike Edina Task Force or Edina Transportation Commission (ETC). Mr. Houle stated 3.5 feet was narrow but sufficient for a bike lane since there was no curb and gutter. With regard to the ETC, Mr. Houle indicated it had been Council's practice for these matters to be considered by the traffic

Minutes/Edina City Council/September 21, 2010

safety staff and if the Council would like the ETC involved, perhaps a different process would be recommended.

The Council noted the ETC was created to review traffic issues and discussed whether the multiway stop sign request should be referred to the ETC for a recommendation. Mr. Houle stated prior to setting policy for the ETC to consider traffic safety issues, he would recommend staff research past review systems that worked well to assure the traffic criteria was addressed in a non-emotional manner.

The Council discussed current policy for staff to determine which requests were reviewed by traffic safety staff and that the ETC had been used for specific project recommendations. It was noted that in this case staff had provided a comprehensive report and viable short-term solutions. Member Bennett stated there may be other short-term solutions, such as neighborhood education, and spoke in support of using the ETC for the purpose it was created.

Member Bennett made a motion, seconded by Member Brindle, to refer the request for a multiway stop sign at 58th Street and Chowen Avenue and request from the City of Richfield for regulation of a shared street to the ETC for review and recommendation and to approve the remainder of the September 1, 2010, traffic safety report.

Henry Parkhurst, 5733 Chowen Avenue S., addressed the Council and stated support for staff's short-term solutions and requested additional calming measures, including the installation of a pedestrian crosswalk signage since three of the required warrants were met.

Dan Dauth, 5720 Chowen Avenue S., addressed the Council and stated support for installation of a pedestrian crosswalk at 58th Street and Chowen Avenue.

The Council and staff discussed potential locations for a pedestrian crosswalk and staff's determination that 58th Street and Chowen Avenue had not met warrants for a pedestrian crosswalk so installation would create a false sense of safety. However, once 58th Street was reconstructed in 2014, sidewalks and a crosswalk may be appropriate as a long-term solution. Mr. Houle advised that referring the matter to the ETC at this point would delay installation of short-term solutions to November if weather permits. If approved, the Council would act on "no parking" resolutions at its next meeting, and short-term solutions would be instituted the first week of October.

Member Bennett made an amendment to the motion, seconded by Member Brindle, to approve staff's recommendation for short-term solutions for 58th Street and Chowen Avenue and refer it to the ETC for additional review and recommendation, to refer the request from the City of Richfield for regulation of a shared street to the ETC for review and recommendation, and to approve the remainder of the September 1, 2010, traffic safety report.

Mayor Hovland stated his opposition to both the motion and amendment because he supported more immediate action on short-term solutions and a full Council review to determine issues that should be referred to the ETC.

Ayes: Bennett

Nays: Brindle, Hovland

Amendment failed.

Ayes: Bennett

Nays: Brindle, Hovland

Original motion failed.

Member Brindle made a motion, seconded by Mayor Hovland, accepting the traffic safety report of September 1, 2010.

Ayes: Brindle, Hovland
Nays: Bennett
Motion carried.

Member Bennett requested a copy of the correspondence from the City of Richfield.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Brindle and seconded by Member Bennett approving payment of the following claims as shown in detail on the Check Register dated September 9, 2010, and consisting of 28 pages: General Fund \$179,634.07; Communications Fund \$246.96; General Debt Service Fund \$5,848.49; City Hall Debt Service \$1,000.00; Working Capital Fund \$85,877.01; Equipment Replacement Fund \$1,269.68; Art Center Fund \$4,181.42; Golf Dome Fund \$1,273.42; Aquatic Center Fund \$7,514.78; Golf Course Fund \$9,233.48; Ice Arena Fund \$257,416.08; Edinborough/Centennial Lakes Fund \$18,366.49; Liquor Fund \$270,315.66; Utility Fund \$417,286.14; Storm Sewer Fund \$3,311.24; PSTF Agency Fund \$7,896.18; Payroll Fund \$8,341.48; TOTAL \$1,279,012.58 and for approval of payment of claims dated September 16, 2010, and consisting of 25 pages: General Fund \$88,280.13; Communications Fund \$1,671.32; Working Capital Fund \$13,049.90; Equipment Replacement Fund \$56,026.71; Art Center Fund \$995.04; Aquatic Center Fund \$34.77; Golf Course Fund \$24,957.13; Ice Arena Fund \$2,874.92; Edinborough/Centennial Lakes Fund \$7,773.71; Liquor Fund \$135,345.53; Utility Fund \$46,157.04; Storm Sewer Fund \$3,151.78; Recycling Fund \$37,683.00; PSTF Agency Fund \$1,490.74; TOTAL \$419,491.72; and, Credit Card Transactions dated July 27, 2010 – August 25, 2010; TOTAL \$8,781.44.

Motion carried on rollcall vote – three ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Debra A. Mangan, City Clerk

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

James B. Hovland, Mayor

Video Copy of the September 21, 2010, meeting available.