

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JANUARY 18, 2011
7:07 P.M.**

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

CONSENT AGENDA ITEMS APPROVED Motion made by Member Brindle and seconded by Member Swenson approving the Council consent agenda.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***MINUTES APPROVED – REGULAR MEETING OF JANUARY 4, 2011, WORK SESSIONS OF JANUARY 4, 2011, JANUARY 5, 2011, JANUARY 6, 2011, AND JANUARY 11, 2011** Motion made by Member Brindle and seconded by Member Swenson approving the minutes of the regular meeting of January 4, 2011, and work sessions of January 4, 2011, January 5, 2011, January 6, 2011, and January 11, 2011.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD ON MINNEHAHA WOODS STREET RECONSTRUCTION IMPROVEMENT NO. BA-334 – RESOLUTION NO. 2011-14 ADOPTED Affidavits of Notice presented and ordered placed on file.

Paul Pasko, SEH Project Manager, summarized the Minnehaha Woods street reconstruction improvement that had been initiated by the City. He identified the project area, described existing conditions, and the proposed improvement to streets and utilities. The preliminary project cost was estimated at \$6,611,000 with the City paying \$3,490,000, and benefitting properties proposed for assessment at \$3,121,000. There would be 191 Residential Equivalent Units (REU's) at a cost of \$16,300/REU including replacement of the sanitary sewer service pipe and \$11,800/REU if the resident had already replaced the sanitary sewer service pipe. Three properties in the southeast corner of the project would be assessed at one-third REU at \$3,933. Mr. Pasko presented the project schedule. He added staff recommended authorization to complete plans and specifications and take bids if the Council found this project to be necessary, cost-effective, and feasible.

City Engineer/Public Works Director Houle addressed the Council's questions about methods to mitigate stormwater impacts to Minnehaha Creek. Mr. Houle described the City's efforts to reduce pavement surface and stormwater runoff. The Council noted that some neighborhood residents had requested a stop sign or sidewalk to increase safety. Mr. Houle stated consideration of a sidewalk would have to be resident-initiated. He added this issue had not been raised during the resident survey or at informational meetings. Only 13 of the returned surveys favored a sidewalk; 119 did not.

Mr. Pasko said when the improvements in the Country Club were made many Country Club property owners had obtained quotes to reconstruct the portion of sanitary sewer pipe in the right-of-way, but found it was more economical to replace the pipe all the way to the house with less yard intrusion. In addition, several residents banded together to obtain a better quote. Mr. Houle stated the informational meeting would provide an educational component on the sanitary sewer pipe replacement. Mr. Pasko answered the Council's questions regarding the benefits of rain gardens and methods to work with residents to incorporate such gardens. He advised, however, that maintenance

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remained an issue. Mr. Houle explained how items like sprinkler systems, pet containment structures, mature trees, landscaping, and driveway aprons would be addressed, if impacted by the project. He then reviewed methods of payment available to residents. In response to the Council's questions, Mr. Houle presented a map that identified the locations of watermain breaks since 1989.

Mayor Hovland opened the public hearing at 7:49 p.m.

Public Testimony

James Grotz, 5513 Park Place, addressed the Council.

Eldon Nerheim, 5425 Brookview Avenue, addressed the Council.

James Schwier, 5600 Kellogg Place, addressed the Council.

John Crabtree, 5408 Oaklawn Avenue, addressed the Council.

Stan Davis, 5509 Woodcrest Drive, addressed the Council.

Darren Wennen, 5525 Oaklawn Avenue, addressed the Council.

Todd Emerson, 5628 Kellogg Place, addressed the Council.

Patrick Lee, 5425 Kellogg Avenue, addressed the Council.

Isaiah Small, 6357 Tingdale Avenue, addressed the Council.

Elizabeth Johnson-McGarry, 5513 Brookview Avenue, addressed the Council.

Thomas Raeuchle, 4634 Bruce Avenue, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Houle and Mr. Pasko addressed the issues raised during public testimony and answered questions of the Council related to project timing, added benefit of bulkhead curbs versus surmountable curbs, and estimated costs. Mr. Houle advised of the data available for resident review. The Council acknowledged the impact of assessments and importance of assuring the quality of the City's infrastructure. **Member Swenson introduced and moved adoption of Resolution No. 2011-14, ordering improvement for Minnehaha Woods Neighborhood Street Reconstruction Improvement No. BA-334.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ACTION CONTINUED TO FEBRUARY 15, 2011 GOLF TERRACE STREET RECONSTRUCTION IMPROVEMENT NO. BA-355 – RESOLUTION NO. 2011-13 Affidavits of Notice presented and ordered placed on file.

Assistant City Engineer Sullivan summarized the Golf Terrace street reconstruction improvement that had been initiated by the City. He identified the project area, described existing conditions, and the proposed improvement to streets, utilities, and location of new sidewalks. The preliminary project cost was estimated at \$3 million with the City paying \$1.8 million. There would be 92 REUs subject to assessment at a cost of \$12,500/REU and one unit would be assessed one-third REU. Mr. Sullivan presented the project schedule. Staff recommended authorization to complete plans and specifications and take bids if the Council found this project to be necessary, cost-effective, and feasible. Mr. Sullivan acknowledged additional paperwork had been obtained by staff since the last meeting.

At the request of the Council, staff presented documentation that was not included during the initial review stage relating to traffic and crash data and cost of landscaped islands. The Council discussed the need to create a safe route to school from the north side of this project area. Mr. Sullivan presented a map of the one-half mile school walking shed and speed zone areas. He noted residents were asked for preferred sidewalk locations, but reported the response level was low and varied. Mr. Sullivan and Mr. Houle answered questions of the Council regarding impact of intersection improvements, determination of the project area, and stormwater measures to improve Lake Harvey water quality. The Council discussed the potential for a pervious walking path around the lake so residents would not have to walk in the street. Mr. Sullivan advised that residents had indicated they would not support additional sidewalks or pathways.

Mayor Hovland opened the public hearing at 9:26 p.m.

Public Testimony

Susan Covnick, 4715 Golf Terrace, addressed the Council.

Doug Fulton, 4706 Golf Terrace, addressed the Council.

Jack Helms, 4906 Lakeview Drive, addressed the Council on behalf of 22 households.

Danielle Arlowe, 4818 Golf Terrace, addressed the Council.

Tim Kehoe, 5613 Sherwood Avenue, addressed the Council.

Gerald Weber, 4500 Golf Terrace, addressed the Council.

Ron Wenaas, 5617 Sherwood Avenue, addressed the Council.

Jacqui Zipp, 5610 Dalrymple, addressed the Council.

Ron Madaras, 5603 St. Andrews, addressed the Council.

Mark Kaiser, 4702 Golf Terrace, addressed the Council.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Sullivan and Mr. Houle addressed the issues raised during public testimony and answered the Council's questions relating to the benefits of bulkhead curb to reduce yard intrusion, direct

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stormwater and increase structural integrity and longevity of the roadway. The Council expressed interest in further study of stormwater best management practices to determine opportunities to improve the water quality of Lake Harvey, possibly with advice from the Minnehaha Creek Watershed District. The Council noted, however, that delaying a project could result in an increased project cost, as occurred with the Country Club project. The Council asked staff for comment on testimony expressing concern with the traffic. Mr. Houle suggested the traffic matter be addressed at the February 28, 2011, meeting with the School Board. The Council indicated it would raise the issue of establishing a sidewalk utility at the upcoming meeting with Edina's legislators.

The Council discussed whether to authorize the project and direct staff, during the interim, to contact the Watershed District to assure drainage north of Lakeview Drive was adequately addressed from an environmental standpoint. In addition, if the northern portion of the neighborhood was willing to be a prototype, it would allow the City to learn what worked best for lake locations. Mr. Houle suggested that consideration be continued so staff could contact the Watershed District to discuss potential funding for stormwater opportunities. The Council asked staff to schedule this meeting so it was open to the public. **Member Brindle made a motion, seconded by Member Bennett, continuing consideration of Resolution No. 2011-13, ordering improvement for Golf Terrace Neighborhood Street Reconstruction Improvement No. BA-355, to February 15, 2011.**

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

PUBLIC HEARING HELD ON CARSON'S HILL STREET RECONSTRUCTION IMPROVEMENT NO. BA-370 – RESOLUTION NO. 2011-15 ADOPTED Affidavits of Notice presented and ordered placed on file.

Mr. Sullivan presented the Carson's Hill reconstruction improvement that had been initiated by the City. He identified the project area, described existing conditions, and the proposed improvement to streets, and utilities. The preliminary project cost was estimated at \$1,835,900 with the City paying \$335,900 and benefitting properties to be assessed \$1,500,000. There would be 161 Residential Equivalent Units (REU) assessed at a cost of \$9,300/REU and three corner lots assessed at one-third REU of \$3,100. Mr. Sullivan presented the project schedule. It was noted that if the Council found this project to be necessary, cost-effective, and feasible, staff recommended authorization to complete plans and specifications and take bids.

Mayor Hovland opened the public hearing at 10:47 p.m.

Public Testimony

Bruce Coles, 5600 Highwood Drive, addressed the Council.

Rolf Pederson, 6017 Pine Grove Road, addressed the Council.

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

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

The Council and Mr. Sullivan addressed issues raised during public testimony and indicated staff's intention to continue working with residents to reduce impacts to this unique neighborhood setting. The Council noted the petition signed by 12 Kaymar Drive residents to postpone the project because the roadway was in good condition. Mr. Sullivan reported the pavement condition was rated and trended on the low side with a PCI averaging 14 on scale of zero to 100, indicating the need for reconstruction. **Member Brindle introduced and moved adoption of Resolution No. 2011-15,**

ordering improvement for Carson's Hill Neighborhood Street Reconstruction Improvement No. BA-370. Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***CHANGE ORDER – EDINBOROUGH BATHROOM ADDITION PROJECT** Motion made by Member Brindle and seconded by Member Swenson awarding the change order for Edinborough bathroom addition project to Jan Lasserud Construction Company at \$8,686.67.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – 2011 FUEL PURCHASE** Motion made by Member Brindle and seconded by Member Swenson awarding the bid for 2011 fuel purchase to the recommended low bidder, Yocum Oil Company, Inc. as follows: gasoline at \$2.0948 per gallon; bio-diesel fuel summer blend at \$2.2416 per gallon; and, bio-diesel winter blend at \$2.2916 per gallon.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – 2011 STAINLESS STEEL TRUCK BODY AND TAILGATE SANDER – PARK MAINTENANCE DEPARTMENT** Motion made by Member Brindle and seconded by Member Swenson awarding the bid for 2011 stainless steel truck body and tailgate sander, Park Maintenance Department, to Aspen Equipment Corporate Headquarters at \$24,544.91.

Motion carried on rollcall vote – five ayes.

LOCAL 49 BARGAINING UNIT CONTRACT 2010-2011 APPROVED Mr. Neal presented the Local 49 bargaining unit Contract 2010-2011, discussed resulting budget impacts, and recommended approval. **Member Swenson made a motion, seconded by Member Bennett, approving Local 49 Bargaining Unit Contract 2011-2011 and authorizing its execution.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ORDINANCE NO. 2011-01 GRANTED FIRST READING – ESTABLISHING A VETERANS MEMORIAL Mr. Keprios presented the recommendation of the Park Board to adopt an ordinance amendment to establish a memorial for veterans at Utley Park. He displayed pictures of the proposed location, noting it provided adequate space, and reviewed proposed amenities.

The Council noted \$30,000 had been budgeted in the Capital Improvement Plan. Mr. Keprios stated the amount in the Capital Improvement Plan was intended as seed money to hire an architect to prepare a design. The Committee would need to raise the funds before construction could take place. He advised that a resolution detailing those issues would be presented at the Council's next meeting. The Council discussed that public funding for this project would not exceed \$30,000; questioned what funds would be used to cover maintenance costs. It was noted that the Park Board had been cautious about recommending the use of public money for a veteran's memorial. In January 2010, the Board had voted to recommend only that a committee be formed and that \$30,000 in designated CIP funding be reconsidered after more information was available. In December 2010, the Board voted to recommend that total cost for the memorial not exceed \$400,000 and that cost to the City not exceed the \$30,000 already designated, with the balance raised through private donations.

The Council and Mr. Neal discussed the Eden Prairie veteran's memorial and how it was funded. Attorney Knutson advised the draft ordinance before the Council would not oblige the City to spend any funds. Mr. Keprios stated an open house would be hosted by the Park Board. Council consensus

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supported holding a public hearing soon, because considerations including long-term costs could influence the design of the memorial. **Member Swenson made a motion to grant First Reading of Ordinance No. 2011-01, amending the Edina City Code establishing a memorial for veterans. Member Bennett seconded the motion.**

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

GREEN STEP CITIES PROGRAM PRESENTATION EDINA ENERGY & ENVIRONMENT COMMISSION

Dianne Plunkett Latham, Chair of the Energy & Environment Commission (EEC), presented the Green Step Cities Program and recommendation that the Council support a resolution to join the Green Step Cities Program and implement a minimum of the 28 best practices. Ms. Latham advised that if a step or substep was not financially feasible, a different one could be selected. However, some steps/substeps were required. The City Council thanked Ms. Latham for her continued commitment and the work of this Commission. Following a brief discussion, **Member Bennett made a motion, seconded by Member Brindle, receiving the Green Step Cities report and recommendations and adopting Resolution No. 2010-37 joining the Green Step Cities Program.**

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

ENERGY & ENVIRONMENT COMMISSION – SOLAR PANEL GRANT APPROVED

Bill Sierks, Energy & Environment Commissioner (EEC), reviewed that last year the Council had authorized application for a renewable energy project grant to place solar photovoltaic panels on the City Hall roof. The consideration tonight was approval to complete the grant application to the Department of Commerce. Mr. Sierks estimated the bid would be \$150,000 and the City's contribution would be \$45,000 in addition to 60% of the engineering costs. Surya Iyer, EEC, summarized advantages of the proposed project, energy generation, cost estimates, estimated return on investment in 19 years, and educational opportunities that could be realized. He noted that maintenance and repair costs had not yet been addressed.

The Council discussed the project and asked questions of Mr. Iyer and Mr. Sierks. It was noted this was a fairly new company offering new technology, not yet tested in a "snowbelt" environment, or fully vetted by the EEC. Mr. Neal advised that staff would research whether the City could buy a proprietary system for a public building but, due to the magnitude of this project, an RFP and bid process might be required. The Council discussed whether it should consider an in-state vendor to obtain a shorter return on investment and concurred with the need for adequate warranty terms and cold climate testing in advance of purchase. **Member Sprague made a motion, seconded by Member Brindle, authorizing staff and the EEC to proceed with the final phase of its application to the State of Minnesota Department of Commerce for a renewable energy grant to install a solar photovoltaic system on the roof of the Edina City Hall building and to hire an engineering firm to perform preliminary design work to be included in the request for proposals for the solar PV project.**

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

***RESOLUTION NO. 2011-21 ADOPTED – REQUESTING AN AMENDMENT TO MINNESOTA STATUTES ALLOWING HEALTH COVERAGE TO BE EXTENDED TO DOMESTIC PARTNERS AT THE DISCRETION OF LOCAL JURISDICTIONS**

Motion made by Member Brindle and seconded by Member Swenson to adopt Resolution No. 2011-21, requesting an amendment to Minnesota statutes allowing health coverage to be extended to domestic partners at the discretion of local jurisdictions.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2011-17 ADOPTED – RECEIVING FEASIBILITY REPORTS FOR NEIGHBORHOOD STREET RECONSTRUCTION FOR: 1. BA-371 KILLARNEY SHORES STREET RECONSTRUCTION, 2. BA-372 MCCAULEY HEIGHTS STREET RECONSTRUCTION, 3. BA-373 OSCAR ROBERTS STREET RECONSTRUCTION; AND, 4. BA-383 WEST 44TH STREET RECONSTRUCTION** Motion made by Member Brindle and seconded by Member Swenson to adopt Resolution No. 2011-17, receiving feasibility reports for neighborhood street reconstruction: Killarney Shores, Improvement No. BA-371; McCauley Heights, Improvement No. BA-372; Oscar Roberts, Improvement No. BA-373; and, West 44th Street, Improvement No. BA-383.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2011-19 ADOPTED – AUTHORIZING METROPOLITAN LIVABLE COMMUNITIES ACT GRANT AGREEMENT – GRANDVIEW SMALL AREA PLAN** Motion made by Member Brindle and seconded by Member Swenson to adopt Resolution No. 2011-19, authorizing execution of Metropolitan Livable Community Act Grant agreement.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2011-20 ADOPTED – AMENDING PUBLIC HEALTH EMERGENCY RESPONSE (PHER) GRANT** Motion made by Member Brindle and seconded by Member Swenson to adopt Resolution No. 2011-20, authorizing the City of Edina to amend the Public Health Emergency Response Grant Agreement with the Minnesota Department of Health.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2011-16 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. 2011-16, accepting various donations.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

BOARD AND COMMISSION APPOINTMENTS APPROVED Mayor Hovland presented a slate of highly talented nominations for appointment. **Mayor Hovland made a motion, seconded by Member Swenson, confirming appointments as follows: Art Center Board-Tom Raeuchle (2/1/2014), Colin Nelson (2/1/2014), and Barbara LaValleur (2/1/2014); Board of Appeals & Equalization-Ron Anderson (2/1/2014); Edina Community Health Committee-Dr. Adnan Qureshi (2/1/2014), Jeff Bartelson (2/1/2014), and Matt Doscotch (2/1/2013 partial term); Construction Board of Appeals-Eric Strobel (2/1/2014); Environment & Environment Commission-Bill Sierks (2/1/2013 partial term), Julie Risser (2/1/2012 partial term), and Sarah Zarrin (2/1/2012 partial term); Human Rights & Relations Commission-Janet Seidman (2/1/2013 partial term); Planning Commission-Ken Potts (2/1/2014) and Michael Platteter (2/1/2013 partial term); and Edina Transportation Commission-Katherine Bass (2/1/2014), Michael Thompson (2/1/2013 partial term), and Elin Schold Davis (2/1/2012 partial term).**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2011-22 ADOPTED – TRAFFIC CONTROL SIGNAL AGREEMENT NO. 98010M FOR TH169 & LONDONDERRY ROAD** Motion made by Member Brindle and seconded by Member Swenson to adopt Resolution No. 2011-22, approving Traffic Control Signal Agreement No. 98010M with the State of Minnesota, Department of Transportation, and City of Minnetonka.

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Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Brindle and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated January 6, 2011, and consisting of 27 pages; General Fund \$370,532.86; Communications Fund \$7,024.32; Police Special Revenue \$15,000.00; Working Capital Fund \$417,472.21; Equipment Replacement Fund \$7,097.57; Art Center Fund \$2,432.70; Golf Dome Fund \$8,484.98; Aquatic Center Fund \$929.45; Golf Course Fund \$19,965.55; Ice Arena Fund \$15,302.05; Edinborough/Centennial Lakes Fund \$11,438.69; Liquor Fund \$208,469.72; Utility Fund \$62,064.90; Storm Sewer Fund \$39,636.18; PSTF Agency Fund \$4,414.31; Payroll Fund \$5,062.20; **TOTAL \$1,195,327.69** and for approval of payment of claims dated January 13, 2011, and consisting of 31 pages; General Fund \$216,319.15; Communications Fund \$983.98; Police Special Revenue \$4,574.96; General Debt Service Fund \$2,100.00; Working Capital Fund \$71,235.98; Equipment Replacement Fund \$41,201.91; Art Center Fund \$46.03; Golf Dome Fund \$66.03; Aquatic Center Fund \$100.00; Golf Course Fund \$7,418.71; Ice Arena Fund \$26,682.69; Edinborough/Centennial Lakes Fund \$28,032.91; Liquor Fund \$278,940.16; Utility Fund \$446,261.63; Storm Sewer Fund \$37,683.00; PSTF Agency Fund \$2,510.02; **TOTAL \$1,165,079.04**; and, Credit Card Transactions dated November 27 – December 27, 2010; **TOTAL \$5,264.12**.

Motion carried on rollcall vote – five ayes.

ORDINANCE AMENDMENT FOR NOTIFICATION OF RESIDENTIAL CONDITIONAL USE PERMIT (CUP) REQUESTED Member Bennett made a motion, seconded by Member Swenson, directing staff to draft an ordinance amendment to require notice to properties within 350 feet of applications for a residential CUP.

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

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 12:30 a.m. February 19, 2011.

Respectfully submitted,

Debra A. Mangan, City Clerk

Minutes approved by Edina City Council, February 1, 2011.

James B. Hovland, Mayor

Video Copy of the January 18, 2011, meeting available.