

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MARCH 15, 2011
7:00 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 with the exceptions of Items IV.E., Traffic Safety Committee Report of March 2, 2011, and IV.F., Approval of Contract for 2010-2012, IAFF 1275 (Fire Fighters).

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***MINUTES APPROVED – REGULAR MEETING OF MARCH 5, 2011, AND WORK SESSION OF MARCH 1, 2011**

Motion made by Member Brindle and seconded by Member Swenson approving the minutes of the regular meeting of March 5, 2011, and work session of March 1, 2011.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD AND ORDINANCE NO. 2011-3 ADOPTED – AMENDING SECTION 850.04 REGARDING NOTICE OF HEARING FOR CONDITIONAL USE PERMIT Affidavits of Notice presented and ordered placed on file.

Planning Director Teague presented the amendment to reduce the notification distance requirement for Conditional Use Permits requested for additions to existing homes or new homes in which the new first floor elevation exceeded the first floor elevation of the existing structure by more than one foot in the R-1 and R-2 Zoning Districts. Under such an application the notification distance would be reduced from 1,000 feet to 350 feet since it was similar to a variance review. The Planning Commission recommended approval at its regular meeting in February. Mr. Teague advised staff recommended the Council waive second reading. Upon questions of the Council, Mr. Teague described the type of applications under which this notification would be used.

Mayor Hovland opened the public hearing at 7:04 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Bennett made a motion, seconded by Member Sprague, to grant First Reading and waive Second Reading adopting Ordinance No. 2011-03, amending the zoning ordinance concerning notification requirements for Conditional Use Permits.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

PUBLIC HEARING HELD – FINDINGS ORDERED DENYING REQUEST TO KEEP MORE THAN THREE (3) CATS AND DOGS IN AGGREGATE PER CITY CODE SECTION 300.15 Affidavits of Notice presented and ordered placed on file.

Police Chief Long Presentation

Police Chief Long reviewed that on January 6, 2009, the Council had denied a similar variance request at this property based on a number of reasons including strong opposition by neighboring residents.

Animal Control Officer Presentation

Animal Control Officer Hunter presented the basis for his recommendation to deny the requested pet application for five dogs at 523 Coventry Lane, centered on health and public safety concerns, potential for disease, and thirteen resident responses, all in opposition. He noted the applicant's property would not afford enough room to develop an on-site facility for agility training. Mr. Hunter advised that since 2009, staff had received a call for service indicating cats were at the residence. In 2009, the applicant indicated he had turned ownership of the cats to a friend. Mr. Hunter stated when called, the applicant indicated the cats were only at the premises for a visit. The Council requested copies of resident comments regarding this variance request.

Proponent Presentation

Wayne Carlson, 523 Coventry Lane, proponent, presented his rationale for requesting a variance based on improvement to his mental and physical health and the prestige that championship dogs bring to Edina. He advised that two of his dogs were of a retirement age. Since it takes three to four years to complete training, he requested the variance to start training two new dogs so they were ready for competition when the other two retire. He stated he believed the small amount of feces was not a consideration and he had trained the dogs to stop barking on command. Mr. Carlson stated he had a support petition signed by 22 of 29 closest neighbors; however, one close neighbor was afraid of dogs and reported him for having vicious dogs. Mr. Carlson indicated that following that complaint, the townhouse association president had expressed a realization that his dogs were well trained and not a danger. Mr. Carlson requested the Council's favorable consideration, noting he had provided a copy of his Veteran's Administration prescription, names of residents in support, and positive resolution as an alternative to staff's recommendation for denial. Mr. Carlson advised of the training centers he used rather than the shared garage space.

Mayor Hovland opened the public hearing at 7:19 p.m.

Public Testimony

Tammy Newstrom, 1025 Central Avenue, St. Paul, addressed the Council and read a letter of support from fellow animal trainer Nancy Haley.

Vicki Handler, 500 Indian Hill Road, Chanhassen, addressed the Council on behalf of her parents, Seymour and Patricia Handler.

Scott Edstrom, 305 Coventry Place, addressed the Council.

Janet Bohan, 800 Coventry Place, addressed the Council.

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

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

Member Sprague introduced and moved adoption of Resolution No. 2011-40 denying permit for more than three cats or dogs in a home. Member Brindle seconded the motion.

The Council discussed that ownership of three dogs would provide opportunity to maintain an active lifestyle and ordinance provision existed for commercial kennels in the case of champion breeding. It was noted that allowing five animals in a multi-housing neighborhood raised concern with adequate green space and impact to neighbors. The Council acknowledged the applicant's love of animals and Council's responsibility to assure balance of rights for all residents, which was accomplished by allowing up to three animals. **Member Sprague made a motion to amend, seconded by Member Swenson, directing the City Attorney to prepare findings consistent with denial.**

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Main carried as amended.

***AWARD OF BID – CONTRACT NO. ENG 11-2, IMPROVEMENT NO. BA-384, SS-461, STS-374; WM-510 RIDGE ROAD STREET AND UTILITY RECONSTRUCTION** Motion made by Member Brindle and seconded by Member Swenson awarding the bid for Contract No. ENG 11-2, Imp. No. BA-384, SS-461, STS-374, and WM-510; Ridge Road Street and Utility Reconstruction to the recommended low bidder, Midwest Asphalt Corporation at \$509,688.75.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2011-13 ADOPTED – GOLF TERRACE STREET RECONSTRUCTION IMPROVEMENT NO. BA-355 Assistant City Engineer Sullivan presented the revised feasibility study that reflected information gathered since the January 18, 2011, public hearing and six options within the public rights-of-way to improve the water quality of Lake Harvey. Staff met with residents to propose the two viable options: 1) installation of curb and gutter; and, 2) narrowing Lakeview Drive to 18 feet, revise the intersections to deter vehicles and increase pedestrian safety. Residents would also be encouraged to undertake shoreline restoration and installation of a buffer strip, with a recommended width of 20 feet, along the shoreline. The work would be private, funded by homeowners, who could be assisted by 50% cost-share grants from the Watershed District. Mr. Sullivan stated the preliminary project cost was estimated at \$2,828,000 with \$290,000 for sanitary sewer, \$900,000 for water main, \$508,000 for storm sewer, and \$1,130,000 for street improvements. While some of the project costs had changed, the proposed estimated assessments to benefitting properties of \$12,500 per Residential Equivalent Unit had not changed since the January 18, 2011, public hearing. Mr. Sullivan stated staff believed either the January 18, 2011, recommendation or the March 15, 2011, recommendation with inclusion of filtration swales and narrowing of Lakeview Drive were necessary, cost effective, and feasible to improve the public infrastructure of the Golf Terrace neighborhood.

Mr. Sullivan answered questions of the Council and advised staff recommended no parking on the lake side of Golf Terrace. Staff believed the bid environment remained favorable for this project. The Council discussed the road width needed to accommodate a parking lane on Municipal State Aid routes, noting this was a not an area of high parking need. Mr. Sullivan advised it was anticipated that 300 cars per day use this section of Lakeview Drive and about one-half would divert to Golf Terrace to the north. He expounded on the limited opportunities to improve water quality of Lake Harvey within the City's small rights-of-way. The Council acknowledged the opportunities for residents, who border two-thirds of Harvey Lake shoreline, to improve the water quality through best management practices. Mr. Sullivan advised of the most effective methods to reduce phosphorus loading and treat storm drainage prior to discharge to Lake Harvey.

The Council discussed aspects of the project including durability of surmountable versus bulkhead curbing and inclusion of resident requested landscaped islands to create traffic calming. It was noted these landscaped islands would have a lesser impact on traffic speeds since it was a one-block area. The installation cost for the islands would be shared by the City and residents, and increase maintenance costs. Mr. Sullivan advised that the intersection could be tightened and the road width narrowed without inclusion of the landscaped islands.

The Council acknowledged the neighborhood's interest in this project and its support of surmountable curbs. Mr. Sullivan stated from an environmental standpoint, surmountable curb experienced degradation over time and since 2005 staff and the Council had supported bulkhead style curb. Pedestrian safety was addressed and it was noted that traffic would slow and be lower in volume on a narrowed street. Mr. Sullivan stated staff preferred the January 18, 2011, proposal based on the low benefit realized and increased maintenance of infiltration swales. The Council noted that two properties would not be assessed due to improper public hearing notification. Mr. Sullivan stated that was an oversight on staff's part. **Member Swenson introduced and moved adoption of Resolution No. 2011-13 ordering improvement for Golf Terrace Neighborhood Street Reconstruction Improvement No. BA-355 based on March 15, 2011, design parameters.** Mayor Hovland seconded the motion.

The Council discussed project features including the effectiveness of entry landscaped islands to slow the speed of traffic and level of resident support, parking need on Lakeview Drive, impact of diverted traffic, and cost benefit of swales compared to property owner initiatives. The Council acknowledged its charge was to seek cost effective, efficient, and long-lasting infrastructure; however as a safety measure, the Lakeview Drive landscaped island would remind drivers they were entering a neighborhood. It was noted that narrowing road width at the Lakeview Drive entrance would reduce pavement/costs, lower speeds, and create a narrower pedestrian and bicycle crossing. The Council supported the inclusion of sidewalks. Public Works Director/City Engineer Houle reviewed road widths required to safely accommodate vehicular traffic, sidewalks, and bike paths.

Member Swenson and Mayor Hovland withdrew the motion on the floor.

Member Swenson introduced and moved adoption of Resolution No. 2011-13 ordering improvement for Golf Terrace Neighborhood Street Reconstruction Improvement No. BA-355 based on March 15, 2011, design parameters including: no entrance landscaped islands at Wind Road and western part of Lakeview Drive, creating a pinch down at Wind Road and western part of Lakeview Drive route to slow turning-in movement, maintaining sidewalk stubs along western part of Lakeview Drive and Wind Road to Sherwood, streets as designed with bulkhead curbs, inclusion of swales, and 18-foot wide road with no parking on Lakeview Drive north of Lake Harvey. Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

NICE RIDE MINNESOTA Mr. Houle explained the bicycle rental program offered by Nice Ride Minnesota and recommendation of the Bike Edina Task Force to support the locations of 44th and France Avenue and 50th and France Avenue. The City Council noted this program had been a success in Minneapolis and may partially address parking at 50th and France Avenue. **Member Swenson made a motion, seconded by Member Brindle, supporting an expansion of Nice Ride Minnesota into Edina.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

DECISION RESOURCES PROPOSAL Manager Neal described the survey work of Decision Resources and recommended the Council set a "not to exceed" cost of \$24,000 to conduct a citizen satisfaction survey. **Member Swenson made a motion, seconded by Member Bennett, approving a "not to exceed" cost of**

\$24,000 for Decision Resources to conduct a citizen satisfaction survey to be funded from the Community Fund. Manager Neal answered the Council's questions and advised that Decision Resources would provide comparability with peer cities. The Council discussed how to customize the survey questions to Edina.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2011-38 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. 2011-38 accepting various donations.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

TRAFFIC SAFETY COMMITTEE REPORT OF MARCH 2, 2011 APPROVED The Council asked staff to restore Section D in future traffic safety reports to inform of the location of traffic concerns. Mr. Houle explained that Section D provided a summary of activity would be included in future reports, and staff would provide a map identifying location of traffic safety calls. **Member Bennett made a motion, seconded by Member Sprague, approving Traffic Safety Staff Review of March 2, 2011.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

CONTRACT FOR 2010-2012, IAFF 1275 (FIRE FIGHTERS) APPROVED Manager Neal presented Fire Department data relating to call ratio, revenues, and contract terms. **Member Sprague made a motion, seconded by Member Swenson, approving IAFF 1275 (Fire Fighters) contracts for 2010, 2011 and 2012.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

***ON-SALE AND SUNDAY SALE LIQUOR LICENSES RENEWED** Motion made by Member Brindle and seconded by Member Swenson approving Club On-Sale and Sunday Liquor License renewals for: Cocina del Barrio, Tavern on France, and McCormick & Schmick's Seafood Restaurant.

Motion carried on rollcall vote – five ayes.

EDINA TRANSPORTATION COMMISSION APPOINTMENT MADE Mayor Hovland nominated Robert McKlveen to the Edina Transportation Commission. The Council acknowledged the long-standing service of retiring commissioner Jean White. **Mayor Hovland made a motion, seconded by Member Bennett, confirming the appointment of Robert McKlveen to the Edina Transportation Commission with a term ending February 1, 2012.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ART CENTER BOARD AND HERITAGE PRESERVATION BOARD VACANCIES DISCUSSED The Council confirmed its desire to follow an equitable process to fill board vacancies with applicants who had been interviewed. The Council directed the City Clerk to contact eligible applicants to assure they remained interested and schedule appointment for the April 5, 2011, meeting.

***RESOLUTION NO. 2011-39 ADOPTED – ACCEPTING GRANT FOR INSTALLATION OF SOLAR PANELS ON CITY HALL** Motion made by Member Brindle and seconded by Member Swenson to adopt Resolution No. **2011-39, authorizing execution Renewable Energy Grant Agreement No. B53982.**

Motion carried on rollcall vote – five ayes.

***ENGINEERING PROPOSAL APPROVED FOR CONSTRUCTION PHASE SERVICES FOR RIDGE ROAD RECONSTRUCTION PROJECT** Motion made by Member Brindle and seconded by Member Swenson authorizing City Manager to execute the engineering proposal for construction phase services for Ridge Road reconstruction project.

Motion carried on rollcall vote – five ayes.

SPRING FLOODING UPDATE PROVIDED Mr. Neal commented on the importance of the City’s involvement with protecting private property. Mr. Houle updated the Council regarding the potential for spring flooding, Public Works Department’s action plan, sandbag procedures, and contact information. Utility Engineer Struve asked the Council to direct resident calls to him for prompt response.

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 March 3, 2011, and consisting of 28 pages: General Fund \$82,046.57; Communications Fund \$9,369.00; Working Capital Fund \$387,203.67; Equipment Replacement Fund \$102,935.25; Art Center Fund \$18,439.36; Aquatic Center Fund \$1,943.17; Golf Course Fund \$7,538.73; Ice Arena Fund \$13,217.61; Edinborough/Centennial Lakes Fund \$20,455.86; Liquor Fund \$156,699.52; Utility Fund \$83,616.10; Storm Sewer Fund \$916.00; Recycling Fund \$32.73; PSTF Agency Fund \$5,116.34; **TOTAL \$889,529.91** and for approval of payment of claims dated March 10, 2011, and consisting of 28 pages: General Fund \$397,387.58; Communications Fund \$29.66; Police Special Revenue \$78.00; Working Capital Fund \$61,585.62; Art Center Fund \$2,610.43; Golf Dome Fund \$2,825.01; Aquatic Center Fund \$551.03; Golf Course Fund \$13,813.44; Ice Arena Fund \$35,579.38; Edinborough/Centennial Lakes Fund \$3,940.34; Liquor Fund \$217,804.28; Utility Fund \$37,486.88; Storm Sewer Fund \$10,500.00; Recycling Fund \$24.48; PSTF Agency Fund \$4,434.54; **TOTAL \$788,650.67.**

Motion carried on rollcall vote – five ayes.

“PILOT WITHIN A PILOT” POSTPONED AND REFERRED TO ENVIRONMENT AND ENERGY COMMISSION

Mayor Hovland presented and requested the Council’s consideration of the Green Steps Cities Program “Pilot within a Pilot” at a cost of \$5,000 to measure the City’s carbon footprint. The Council indicated its preference to receive a timely recommendation from the Environment and Energy Commission prior to consideration. Manager Neal advised staff had recently completed a fair amount of this information. Council consensus was reached to postpone consideration to the April 5, 2011, meeting to receive staff’s report and allow time for EEC review and recommendation on this program.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:25 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, April 5, 2011.

James B. Hovland, Mayor

Video Copy of the March 15, 2011, meeting available.