

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 21, 2011
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:04 p.m.

II. ROLL CALL

Answering roll call were Members Bennett, Sprague, Swenson and Mayor Hovland. Absent was Member Brindle.

III. MEETING AGENDA APPROVED

Member Bennett made a motion, seconded by Member Sprague, approving the meeting agenda as amended to remove Consent Agenda Item IV.G., Public Improvement and Special Assessment Agreement, Minnehaha Woods Area, and to add Item VI.F., Ordinance 2011-12, Amending Chapter 4 of Edina City Code concerning electric regulations.

Ayes: Bennett, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Swenson made a motion, seconded by Member Bennett, approving the consent agenda with the exception of Item G., Public Improvement and Special Assessment Agreement, Minnehaha Woods Area, as follows:

IV.A. Approve regular and work session meeting minutes of June 7, 2011

IV.B. Review payment of the following claims as shown in detail on the Check Register dated June 9, 2011, and consisting of 36 pages; General Fund \$168,696.44; CDBG Fund \$9,582.17; Communications Fund \$237.55; Police Special Revenue \$352.41; Braemar Memorial Fund \$119.06; General Debt Service Fund \$2,195.00; Working Capital Fund \$155,973.59; Equipment Replacement Fund \$33,694.21; Construction Fund \$12,046.15; Art Center Fund \$2,107.32; Golf Dome Fund \$1,728.90; Aquatic Center Fund \$15,471.97; Golf Course Fund \$41,226.39; Ice Arena Fund \$25,032.02; Edinborough/Centennial Lakes Fund \$16,033.13; Liquor Fund \$212,264.94; Utility Fund \$577,066.00; Storm Sewer Fund \$15,276.62; Recycling Fund \$29.18; PSTF Agency Fund \$156,182.29; **TOTAL \$1,445,315.34** and for approval of payment of claims dated June 16, 2011, and consisting of 31 pages; General Fund \$212,189.89; Communications Fund \$2,225.42; Police Special Revenue \$104.80; Working Capital Fund \$22,733.70; Equipment Replacement Fund \$768.03; Art Center Fund \$5,718.65; Aquatic Center Fund \$3,729.76; Golf Course Fund \$46,361.36; Ice Arena Fund \$30,667.44; Edinborough/Centennial Lakes Fund \$7,846.54; Liquor Fund \$179,617.57; Utility Fund \$38,988.15; Storm Sewer Fund \$1,068.24; Recycling Fund \$38,820.60; PSTF Agency Fund \$10,446.75; Payroll Fund \$3,093.42; **TOTAL \$604,380.32**; and, Credit Card Transactions dated April 26 – May 25, 2011; **TOTAL \$ 5,941.35.**

IV.C. Award of Bid – 2012 Insurance Renewals: 1) Property; 2) General Liability; and, 3) Workers Compensation, awarding the bid to the recommended low bidder, Traveler's at \$842,969.

IV.D. Approve Letters of Support for Federal Transportation Funding for Nine Mile Creek Regional Trail: West Segment and East Segment

IV.E. Award of Bid – Edina Aquatic Center FlowRider Addition, awarding the bid to the recommended low bidder, Aqua Logic for Base Bid "A" at \$412,700.00 and Aquatic Development for Base Bid "B" at \$608,430.00.

IV.F. Award of Bid – Fire Hydrants, awarding the bid to the recommended low bidder, Ferguson Waterworks at \$51,941.25.

~~IV.G. Public Improvement and Special Assessment Agreement – Minnehaha Woods Area~~

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IV.H. Set Public Hearing (July 5, 2011) – Valley View Sidewalk from McCauley Trail to Hilary Lane, Improvement No. S-095.

Rollcall:

Ayes: Bennett, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.G. PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT AGREEMENTS APPROVED – MINNEHAHA WOODS AREA

Public Works Director/City Engineer Houle explained staff requested this item be removed from the Consent Agenda to consider temporary deletion of the assessment for David Turk, 5500 Park Place, because the correct amount was less than indicated in the staff report. **Member Swenson made a motion, seconded by Member Sprague, approving Public Improvement and Special Assessment Agreements, Minnehaha Woods Area with the exception of 5500 Park Place.**

Ayes: Bennett, Sprague, Swenson, Hovland

Motion carried.

V. COMMUNITY COMMENT

Wayne Carlson, 523 Coventry Lane, stated his disagreement with Resolution No. 2011-40 findings of fact that denied his request for more than three dogs.

VI. REPORTS / RECOMMENDATIONS

VI.A. REQUEST FOR MINOR CHANGES TO BUILDING REFERRED TO PLANNING COMMISSION – WATERS SENIOR HOUSING PROJECT

Planning Director Teague noted the Council had considered the request of Waters Senior Housing to reduce the size of its proposed building by 28 feet and to eliminate 39 parking spaces at its June 7, 2011, meeting and continued consideration to solicit feedback from property owners within 1,000 feet. He reported a series of comments were received and requested direction whether the Council found this revision to be minor in nature.

The Council reviewed its consideration from the June 7 2011, meeting and subsequent advice from Attorney Knutson that the matter be referred to the Planning Commission for a recommendation on whether or not the site plan should be amended to include the proposed modifications. The Council discussed the threshold of a minor revision. Mr. Teague stated if this was referred to the Planning Commission, a public hearing on the site plan amendment and preliminary plat would be held at Planning Commission's July 13, 2011 meeting. If the Planning Commission made a recommendation at the July 13th meeting, the City Council would consider the project at its first meeting in August. **Member Swenson made a motion, seconded by Member Sprague, referring the request of Waters Senior Housing for changes to its site plan and preliminary plat to the Planning Commission for public hearing and recommendation and to ask that particular attention be paid to the formula for parking spaces to assure sufficiency for the Waters Senior project as well as the church.**

Ayes: Bennett, Sprague, Swenson, Hovland

Motion carried.

VI.B. SKETCH PLAN REVIEW – JMS HOMES – 3020 AND 5024 INDIANOLA AVENUE

Mr. Teague explained the sketch plan review process and presented the proposal of JMS Homes to tear down the existing single-family homes at 5020 and 5024 Indianola Avenue, combine two lots currently used as parking for the adjacent church and build seven detached homes over the 26,730 square foot area resulting in a density of 11 units per acre. This density would require a Comprehensive Plan amendment from Low Density Residential to Medium Density Residential and rezoning from Single Dwelling Unit District to Planned Residential District.

Mr. Teague described the zoning of surrounding properties and summarized the Planning Commission's comments indicating that while the Planning Commission liked the concept, it had concerns relating to: the location, grading and drainage, unit storage space, orientation of the proposed homes, lack of site depth, that the increase in density may result in rezoning to Medium Density for the properties up to 50th Street, adequacy of church parking and point of access from Indianola Avenue. The Planning Commission recommended the applicant hold a neighborhood meeting prior to proceeding. Mr. Teague indicated staff shared the same concerns and noted the project would require a number of variances.

Jeff Schoenwetter, JMS Homes, presented his company's development history in Edina and his sketch plan for Bishop's Walk, a set of seven single-family detached residences. He updated the Council on the neighborhood meeting that informed residents of JMS's and his assurances that the homes would be small, owner-occupied, and result in no net loss of parking spaces for the church. Mr. Schoenwetter described the proposed homes features and pre-sale interest from buyers who want transitional housing near 50th and France. Mr. Schoenwetter displayed a site plan, claiming that the below-grade garages with a single entrance would remove significant hard surface coverage and that none of the proposed homes would exceed 2,200 square feet in size. Mr. Schoenwetter promised the use of traditional architectural forms, modern green building standards, and a pedestrian-friendly design. Mr. Schoenwetter proposed using the City's existing right-of-way to create a sidewalk from 50th Street to the property as part of this project. A home owners association would address issues such as maintenance and snow removal. Aerial views of the subject site were presented and locations identified of commercial, duplex, and multi-family zones.

The Council reviewed the sketch plan and asked questions of Mr. Schoenwetter who indicated the minimum rear yard space was code compliant at 25 feet. He suggested the need for a transitional zoning buffer on the south side of 50th Street and opined that Bishop's Walk would provide that "soft step" between the church parking lot and the single-family neighborhood. The Council noted a transition line already existed at Halifax and just west of Halifax.

The Council discussed the proposed project and indicated that while it liked the concept of cottage-style single-family residences with underground parking; this was not the appropriate location due to the proposed density. It was acknowledged that a church use was allowed in a residential neighborhood with a conditional use permit because it was thought to not be incompatible with single family housing or to require a buffer. The Council indicated a Comprehensive Plan amendment would require a four-fifths vote and it found no public purpose to contemplate the requested amendment at this time.

Mr. Schoenwetter raised the option of razing the two homes south of the church to create parking and constructing single family homes on Jay Place rather than on Indianola Avenue. The Council indicated that may be appropriate if the project matched the housing style and average lot sizes of the neighborhood. Mr. Schoenwetter thanked the Council for its candor.

VI.C. POLICY APPROVED FOR RECORDING AND BROADCASTING CITY COMMISSION MEETINGS

Manager Neal reviewed the proposed policy for recording and rebroadcasting City advisory commission meetings, which previously had been discussed at a work session with the City's advisory boards' and commissions' chairs.

The Council reviewed its past discussion and debated available options. The Council noted the Zoning Board of Appeals had not met on a regular basis due to a 2010 Minnesota Supreme Court ruling that had precluded cities from granting variances. Based on the support of the City Council, Mr. Neal indicated staff would organize a process that made City Board and Commission meeting agendas and packets available on the City's website. The Council suggested that Edina Community Health Committee, the body that reviewed services received from the City of Bloomington under the Health Contract; consider the Public Health Contract as the subject for a televised meeting.

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Member Sprague made a motion, seconded by Member Swenson, approving a policy for recording and broadcasting City Board and Commission meetings, effective July 1, 2011, as follows:

1. All regular meetings of the City Council shall be recorded and broadcast.
2. All regular meetings of the Planning Commission shall be recorded and broadcast.
3. Meetings of the Park Board and the Transportation Commission shall be recorded and broadcast once each quarter based on an annual calendar established by the City Council.
4. All other advisory boards and commissions will record and broadcast an annual meeting program once each year.
5. An advisory board or commission meeting that includes an officially advertised or legally required public hearing on its agenda shall be recorded for broadcast.
6. The City Council may, under special circumstances, direct that any advisory board or commission meeting be recorded and broadcast.
7. All advisory board and commission meetings that are recorded for broadcast shall occur in the City Council Chambers.
8. All advisory board and commission meetings that are conducted in the City Council Chambers shall be conducted using the standard City Council dais.

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

VI.D. REPORT TO STATE OF MINNESOTA ENDORSED – AUTHORIZING THE CITY’S PARTICIPATION IN THE LOCAL GOVERNMENT PERFORMANCE MEASUREMENT PROGRAM

Mr. Neal advised that in 2010, the Legislature created the Council on Local Results and Innovation (CLRI). The CLRI released a standard set of ten performance measures for counties and ten performance measures for cities that would aid residents, taxpayers, and state and local elected officials in determining the efficacy of providing services and also measure residents’ opinions of those services. Mr. Neal noted the City already collected this data and participation in the standard measures program was voluntary but cities and counties that participate might be eligible for a reimbursement in LGA and exemption from levy limits. **Member Swenson made a motion, seconded by Member Sprague, endorsing report to the State of Minnesota authorizing the City’s participation in the Local Government Performance Measurement Program.**

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

VI.E. RESOLUTION NO. 2011-68 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. 2011-68 accepting various donations.** Member Sprague seconded the motion.

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

VI.F. ORDINANCE 2011-12 ADOPTED – AMENDING CHAPTER 4 OF THE EDINA CITY CODE CONCERNING ELECTRIC REGULATIONS

Mr. Neal explained the proposed ordinance would allow the City to conduct electrical inspections should the State of Minnesota offices be closed. **Member Swenson made a motion, seconded by Member Sprague, to grant First Reading and waive Second Reading adopting Ordinance 2011-12, Amending Chapter 4 of the Edina City Code concerning electric regulations.**

Rollcall
Ayes: Bennett, Sprague, Swenson, Hovland

Motion carried.

VII. CORRESPONDENCE AND PETITIONS – Mayor Hovland acknowledged the Council’s receipt of various correspondence.

VIII. MAYOR AND COUNCIL COMMENTS – Received

At the request of the Council, Mr. Teague provided an overview of a construction management plan that established expectations for larger-scaled commercial development. Council consensus was reached to direct staff to draft a building management process summary that could be provided to builders and posted on the City’s website and to consider a construction management plan at an upcoming Work Session. The Council also requested input from staff and the Community Health Board relating to its meeting schedule.

IX. MANAGER’S COMMENTS – Received

Mr. Houle updated the Council regarding Sunnyside Road traffic issues and proposed the use of a temporary speed table just east of Townes Road. If authorized, staff would draft a policy for use of this temporary device for consideration by the Transportation Commission and City Council. The Council supported staff’s recommendation as well as increased enforcement to reduce speed in this location.

IX.A. GRACE PERIOD APPROVED FOR PLANNING COMMISSION ATTENDANCE POLICY

Floyd Grabel, Planning Commission Chair, presented the Commission’s request for a grace period from now to the first of September in consideration of the Commission’s assumption of duties as the Zoning of Appeals the resultant doubling of meetings from one to two each month, and the Commissioners’ previously established summer vacation schedules. The Commission also suggested changing the sequential meeting absence requirement threshold from three to four.

The Council indicated support to consider a grace period; however, concern was expressed with establishing a different attendance policy for one of the City’s commissions. The Council stated its support for revision of the sequential meeting absence standard for Planning Commissioners from three meetings to four because it would keep parity among board and commission members. It was noted that board and commissions should avoid canceling meetings because unanticipated cancellations can make it difficult for members to meet the requirement that they attend 75% of each year's meetings Mr. Neal indicated staff would draft an ordinance amendment for the Council’s consideration. **Member Swenson made a motion, seconded by Member Sprague, authorizing the suspension of the attendance policy for the Planning Commission between June 21 and September 1, 2011 and directing staff to prepare the necessary ordinance.**

Ayes: Bennett, Sprague, Swenson, Hovland

Motion carried.

X. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:25 p.m.

Respectfully submitted,

Jane Timm, Deputy City Clerk

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

James B. Hovland, Mayor

Video Copy of the June 21, 2011, meeting available.