

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JANUARY 6, 2009
7:15 P.M.**

OATH OF OFFICE Hennepin County Chief Judge Swenson administered the oath of office to Ann Swenson for the office of Council Member and HRA Commissioner. City Clerk Mangen administered the oaths of office to Mary Brindle for the office of Council Member and HRA Commissioner, and James B. Hovland for the office of Mayor and HRA Commissioner.

PRESENTATION Jim VanValkenburg, former Edina Mayor, displayed two gavels he used and had donated to the Historical Society and presented Mayor Hovland with a copy of the January, 1974, Edina Governmental Commission Report.

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 with the exception of Item IV.P Reports/Recommendations, Set Hearing Date (January 20, 2009) Planning Items, as presented.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

CMA SAVVY & SILVER CIRCLE AWARDS PRESENTATION TO EDINA COMMUNICATIONS & MARKETING DEPARTMENT Mayor Hovland described the three CMA Savvy and Silver Circle Awards that were received by the Edina Communications and Marketing Department and congratulated all involved.

***MINUTES - REGULAR MEETING OF DECEMBER 16, 2008, WORK SESSION OF DECEMBER 16, 2008, MEETING WITH LEGISLATIVE DELEGATION OF DECEMBER 16, 2008, AND WORK SESSION MEETING OF NOVEMBER 25, 2008 APPROVED** Motion made by Member Bennett and seconded by Member Swenson approving the Regular Meeting of December 16, 2008, Work Session of December 16, 2008, Meeting with Legislative Delegation of December 16, 2008, and Work Session Meeting of November 25, 2008.

Motion carried on rollcall vote – five ayes.

***PUBLIC HEARING CONTINUED TO FEBRUARY 3, 2009, ON PUBLIC IMPROVEMENT NO. S-101** Motion made by Member Bennett and seconded by Member Swenson to continue public hearing on Public Improvement No. S101 to February 3, 2009. Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD ON PERMIT TO ALLOW OVER THREE PETS – RESOLUTION NO. 2009-08 APPROVED, WAYNE CARLSON, 523 COVENTRY LANE Affidavits of Notice presented and ordered placed on file.

Deputy Chief Presentation

Deputy Chief Long presented the request of Wayne Carlson and Rosie Horner, 523 Coventry Lane, to allow more than three dogs and one cat in one home. He advised the City became aware of the animals on November 17, 2008, when a call of complaint was received about the number of pets in the household and constant barking. The investigation found they had three dogs and one cat. Mr. Carlson had since applied for a pet permit to exceed the Ordinance limit. Mr. Long advised Staff's concerns were the original complaint of constant barking by three dogs, impact to

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neighboring quality of life, units sharing common walls, limited green space, and amount of animal waste. In December, notification of the application for this permit was sent to surrounding residents. Mr. Long stated to date, nine e-mails in opposition and two stating no-objection had been received. He read the objections that were received and stated staff recommended the requested permit be denied based on the complaint received and objections of this multi-family neighborhood.

Proponent Presentation

Wayne Carlson, 523 Coventry Lane, stated they would like to have five pets, which they have owned for nine years. He showed the Council pictures of his three dogs and cat and described the age and temperament of each. He advised of the certification, competition levels, and rally titles for each dog. All dogs train several times a week, compete monthly, and last year they spent \$5,000 on trials, training, seminars, and massages following trials. Mr. Carlson stated his neighbors generally vacation five to six months a year, and the neighbor to the north spent two weekends each month at their cabin. Mr. Carlson noted a complaint indicated his dogs had jumped on people, but his dogs have had no contact with people in the garage for the last year. He stated his dogs were under control, leashed, licensed by Edina, of a toy variety, live indoors, weigh less than 50 pounds, a great asset to his health, and a credit to Edina because they perform well. He explained that the residents who complained have no issues with his two cats, which were living at another premises, concluding he would like them back home.

Mayor Hovland opened the public hearing at 7:39 p.m.

Public Testimony

Vicki Handler, 500 Indian Hill Road, Chanhassen, stated she was the daughter of Patricia & Seymour Handler, neighbors to the north who entered the complaint but were unable to attend the meeting. Ms. Handler stated she had provided a statement to the Council advising of her mother's position. She said her parents were in their 70's and acknowledged that under certain situations pets could have a calming effect on their owners; however, her parents had endured this disturbance for nine years and received no response or satisfaction from Mr. Carlson. Ms. Handler noted her parents have been wakened at 6:00 a.m. on Sundays because the dogs were trained inside the shared garage located below their stairs. They have been personally accosted by the dogs, and have asked Mr. Carlson to call off the dogs. However, Mr. Carlson suggested her parents talk to the dogs and pet them. Mr. Carlson had also put up a volleyball net to protect the Handlers when entering the garage, but the net became entangled in the Handler's car door. Ms. Handler explained that contrary to what was said, the dogs were not on a leash, and the condo association had specifically reprimanded Mr. Carlson for not having the dogs leashed. There had also been feces in the garage. Ms. Handler stated her parents felt it was not appropriate to reward Mr. Carlson with two additional pets when he had been irresponsible with the three pets he already had, especially in a multifamily situation with common walls. She stated Mr. Carlson's dogs had caused considerable distress to her parents for a number of years.

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

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

The Council agreed this was an important but difficult decision because it was known that Mr. Carlson loved his pets. While the Council was sensitive to pet owners, it had to consider the larger issues of the City and believed that the ordinance established a reasonable number of pets. In addition, it was noted there were not extenuating circumstances since none of the dogs was needed as a service animal. With regard to a time limit, Deputy Chief Long advised that the Animal Control Officer had suggested 30 days. The Council indicated this time limit would be reasonable.

Member Bennett introduced Resolution No. 2009-08, Denying Permit to Allow over Three Pets, Wayne Carlson, 523 Coventry Lane. Member Swenson seconded the motion

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

BOY SCOUT TROOP 123 RECOGNIZED Mayor Hovland recognized the attendance scouts from Boy Scout Troop 123, who were working on their Community Merit Badge.

PUBLIC COMMENT

Gene Persha, 6917 Cornelia, stated he had been asked to comment on the upcoming Town Hall meeting, which he believed had not been publicized. He expressed concern that the meeting was scheduled to be held at 11:30 a.m. instead of later in the day when more residents could attend. He was also concerned the meeting was to be held in the Council Chambers because he felt it was not an informal "give-and-take" setting. Mr. Persha stated he hoped the Town Hall meeting would involve a casual setting and discourse, a time for questions, and opportunity for all to talk.

The Council explained they intended to hold two Town Hall meetings in 2009. January 27th was the first Town Hall meeting to be scheduled. Following discussion, the Council had agreed to use the Council Chambers so the meeting could be televised for those who could not attend. As part of that conversation, it was agreed that a casual setting would be created with the Council seated at the same level as the residents. The meeting had been scheduled to start at 11:30 a.m. in response to requests from seniors who wanted it scheduled during daylight hours.

Manager Hughes advised that the Tuesday, January 27, 2009, Town Hall meeting had been advertised in the January issue of *About Town*, on the City's website, in the *City Extra*, and a press release would be issued this week to be included in the *Sun Current* on January 15. In addition, the meeting would be advertised on the City's electronic bulletin board the week before the meeting.

MAYOR PRO TEM APPOINTED Mayor Hovland explained there was a tradition to have seniority play a major roll in the Mayor Pro Tem selection and Member Housh, who had seniority, had been appointed Mayor Pro Tem for the last four years and had done an effective job. **Mayor Hovland made a motion, seconded by Member Swenson, to appoint Scot Housh as Mayor Pro Tem.**

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

RESOLUTION NO. 2009-01 APPROVED, 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 Brindle introduced Resolution No. 2009-01 accepting various donations. Member Bennett seconded the motion.

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

***RESOLUTION NO. 2009-02 APPROVED, DESIGNATION OF OFFICIAL NEWSPAPER** Motion made by Member Bennett and seconded by Member Swenson to approve Resolution No. 2009-02, Designation of Official Newspaper.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-03 APPROVED, SIGNATORY RESOLUTION** Motion made by Member Bennett and seconded by Member Swenson to approve Resolution No. 2009-03, Signatory Resolution.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-04 APPROVED, DESIGNATION OF DIRECTOR/ALTERNATE DIRECTOR OF SUBURBAN RATE AUTHORITY** Motion made by Member Bennett and

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seconded by Member Swenson to approve Resolution No. 2009-04, Designation of Director/Alternate Director of Suburban Rate Authority.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-05 APPROVED, DESIGNATION OF DIRECTOR/ALTERNATE DIRECTOR OF LOGIS** Motion made by Member Bennett and seconded by Member Swenson to approve Resolution No. 2009-05, Designation of Director/Alternate Director of Logis.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-06 APPROVED, FACSIMILE SIGNATURE RESOLUTION** Motion made by Member Bennett and seconded by Member Swenson to approve Resolution No. 2009-06, Facsimile Signature Resolution.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-07 APPROVED, DESIGNATING OFFICIAL DEPOSITORIES** Motion made by Member Bennett and seconded by Member Swenson to approve Resolution No. 2009-07, Designating Official Depositories.

Motion carried on rollcall vote – five ayes.

***RESOLUTION NO. 2009-10 APPROVED, APPOINTMENT TO EDINA FIRE RELIEF BOARD** Motion made by Member Bennett and seconded by Member Swenson to approve Resolution No. 2009-10, Appointment to Edina Fire Relief Board.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-09 APPROVED, PETITION FOR WATER QUALITY IMPROVEMENT PROJECTS, NINE MILE CREEK WATERSHED DISTRICT City Engineer/Public Works Director Houle stated this petition was considered by the Council in October of 2008. He noted that Kevin Bigalke, Nine Mile Watershed District Administrator, and Jonathan Vlaming, Senior Manager of Planning with Three Rivers Park District, were in attendance to present potential projects, review the petitioning process and to answer questions of the Council.

Kevin Bigalke, Nine Mile Creek Watershed District Administrator, explained that under consideration was a petition from Edina to undertake a feasibility study for one or several water quality improvement projects pertaining to Nine Mile Creek and water resources within Edina. He provided a formal presentation on the petitioning process to undertake capital projects, linked to Statute 103D.905, Subd. 3, that allowed the use of District-Wide Ad Valorem levy assessment. If initiated by a municipality, this levy allowed the project cost to be spread throughout the entire Watershed District. Mr. Bigalke explained that to be considered, the projects must be identified in the District's Water Resource Management Plan. The District preferred to be petitioned by a city to ensure cooperation and success of the project. He described the District's policy for funding projects and land acquisition costs and presented the timeline a petitioned project would follow through acceptance of the petition, development of a feasibility report, holding of a public informational meeting, finalizing the engineer's report, DNR and BWSR 30-day review, and public hearing on the project. Once ordered, the District would make necessary permit applications, acquire needed easements, finalize construction documents, bid and let the project, and construction would then begin. Mr. Bigalke presented pictures of projects completed within the Nine Mile Creek Watershed District and described engineering techniques used for each.

In response to the Council's inquiries, Mr. Bigalke advised there were one and one-half to two miles of stream in Edina, depending on the scope of the project since some segments may not need much restoration work. The Hopkins project cost \$4 million, was petitioned for in May of 2006, and it could take a year to a year and one-half depending on public concerns, permitting issues, projects already underway, and funding ability since the District may need to accumulate several years of levy to accommodate a project. It was estimated that work on the Hopkins' project may begin as soon as this Spring, the portions requiring frozen ground would likely start the Fall of

2009, and with completion by January of 2010. In addition, there would be agreements to ensure proper vegetation growth. Mr. Bigalke advised the Hopkins project was to start this winter but due to permitting and wetland issues, it was pushed back, which allowed time for additional public input.

Mr. Bigalke explained that once a petition was received, it became a Watershed District project so the Watershed's engineer would design the project and feasibility report, working closely with city staff to assure the project met the city's objectives for the project. He noted the Hopkin's Council had petitioned for its project before the 2007 Plan was adopted. They approved a resolution in support of the project so the Nine Mile Watershed Board of Managers had been assured of the Hopkin's Council's support before moving forward. It was noted that the District would cover 100 percent of water-related expenses, 50% of ancillary portions of the project that may include: trails, benches, bridges and 25 percent of land acquisition costs. In Hopkins, an effort was made to locate the trail as close as possible to the Creek for aesthetic and educational purposes. Mr. Bigalke explained that in Edina, the District does not have a position on the trail's proximity to the Creek and while a boardwalk could be considered in the wetland area, such a project may be cost prohibitive due to soils. Mr. Bigalke said the Board envisioned that the next project segment would be Edina's stream, balancing it with the water quality projects Bloomington had petitioned for prior to adoption of the 2007 Plan. He added the District balances projects on a first-come first-served basis when the petitions were received and the District's Plan priorities. Mr. Bigalke concluded stating this was the first time the Watershed District had worked with the Three Rivers Park District.

The Council discussed whether portions of the trail could be constructed prior to stream bank restoration, the difficulty should alignment of the Creek necessitate relocation of the trail, and the cost benefit to use streambank equipment to lay the trail's foundation, which could be incorporated into the streambank project construction costs. This would also result in less disruption for residents and the wetland. The engineering feasibility would include aspects from the Three Rivers Park District.

The Council reviewed the language contained in the Council's draft resolution and the Bike Edina Task Force resolution, noting the language contained in the Council's draft resolution was more vague and the Task Force's resolution indicated: "Nine Mile Creek Watershed District had budgeted funds for streambank stabilization, corridor management, and the construction of an off road multipurpose trail accompanying the Creek in their 2007-2016 Capital Plan." Discussion ensued regarding the merits of both resolutions. Mr. Bigalke clarified that the Watershed District had identified funds for projects in its ten-year Watershed Plan, which allowed them to levy for project costs. However, the funds were not in hand. He pointed out that the Council's draft resolution was worded to allow consideration of a number of projects including lake restoration, storm water treatment and quality, not just Creek restoration projects. If the Watershed Board decided to accept Edina's petition, it would break the general resolution into two or three separate projects, which could be prioritized.

Mr. Vlaming suggested that while the Bike Edina Task Force resolution was well intended, it was premature because the Park District was still in the process of determining the preferred alignment of the trail through Edina. He advised that Edina's trail project would be complex and significant portions would not be located adjacent to the Creek. Mr. Vlaming stated the eastern portion would be completed first and described a trail alignment from the Promenade, moving west. He stated the trail, no matter the alignment, would cross Highway 62 on a pedestrian bridge to connect to the High School campus, which would be an expensive proposition. Because of this, they were trying to get funding from the Federal stimulus package and a grant. If awarded a grant, they could not build the bridge until 2012. He advised that timing of Edina's trail would be consistent with what the Three Rivers Park District wanted to accomplish.

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Based on Council inquiry, Mr. Vlaming described the project that was constructed as a package that Richfield brokered with the Met Council Environmental Services when they reconstructed the streets to include a regional trail, bike lanes, sidewalk, and beautification. He said the regional trail segment was constructed as a side path alongside but separated from the roadway. In response to the Council, Mr. Vlaming stated he does not know the number of driveways the trail would cross but would provide that information to staff. He said the trail ended at 75th and Xerxes but, later this month the Board would consider a trail segment from the York Avenue tunnel to Xerxes. Mr. Vlaming noted Three Rivers Park District would not want to construct the entire trail until the YMCA plans were known. He advised Three Rivers could work concurrently on more than 50 projects in a given year. Regarding timing of the Edina project, Mr. Vlaming explained if the preferred alignment was considered by the Edina Council in April of 2009, it could be budgeted into Three Rivers' 2010 Capital Improvement Program and would compete with other projects the Board was considering. He advised that if the City was insistent regarding a trail alignment, without rational justification, the Park District may elect not to construct the trail because it was not a preferred alignment for the Park District. It was noted that while Three Rivers Park District operated no facilities within Edina yet, Edina taxpayers paid about \$3 million in taxes each year to support the Park District.

The Council discussed whether the project timeframe in Edina could be accelerated noting, however, that it would be limited by the Watershed's limited staff and budget. Mr. Bigalke explained that due to other projects under consideration, they do not have the budget capacity to begin construction in Edina prior to 2011. He stated they have not requested funding from the Federal stimulus package but it was a valid option to consider.

The Council again discussed the language contained in the two resolutions with concern expressed that changing the language of the Council's draft resolution to be more trail specific could result in a lost opportunity to receive 100 percent funding for water quality projects. It was noted the priority should remain with the bike trail since residents had indicated recreational facilities, bike trails and pedestrian paths were important. The Council agreed with the priority of connecting to the Hopkins trail.

Mr. Bigalke stated the Watershed District budget does not specifically spell out funding for off-road multiuse trails. However, since they could cost-share on park benches and kiosks, if petitioned they have the ability to include trails in the scope of their work. If not petitioned for, then the Three Rivers Park District could consider it. He suggested the resolution retain the initial, generic language indicating: "Petitioning for water quality projects within the City of Edina with preference being given to the following projects: streambank projects and trails; lake water quality projects; and, storm water utility projects. Then, if additional funds become available to address phosphorus levels in the lake, they could proceed in addition to developing plans for the bike trail. With the Task Force resolution language, an additional petition would need to be submitted to the Watershed District to get a water quality improvement project.

The Council discussed amended resolution wording and agreed to: "water quality improvement projects in the City of Edina including but not limited to: streambed stabilization, off-road multipurpose trail accompanying the Creek to the extent possible, corridor management, lake water quality improvement." **Member Swenson introduced Resolution No. 2009-09 accepting petition for water quality improvement projects, Nine Mile Creek Watershed District, as amended.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***SET DATE FOR BOARD OF APPEALS AND EQUALIZATION Motion made by Member Bennett and seconded by Member Swenson to set the date for the Board of Appeals and Equalization on April 13, 2009, starting at 5:30 p.m.**

Motion carried on rollcall vote – five ayes.

EDINA COMMUNITY CHANNEL 16 POLICES APPROVED Communications Director Bennerotte advised of the current programs being aired on Channel 16 and explained that at this point, staff believed it was appropriate to adopt formal policies and standards for editing and playback on its channel. She read the policies and standards being recommended for video production services.

The Council discussed whether the term “broad community appeal” should be defined. Communications Director Bennerotte recommended it be left to the discretion of department staff. It was suggested that the term “nonprofit organizations” reference the State and Federal definition to assure the organization had obtained that status. Communications Director Bennerotte stated this language links the website policy that does not formally define “nonprofit.” The Council discussed definitions for “commercial intent” and how that related to segments when a restaurant or other business was featured, which may be considered promotion by its nature but it was not an outright advertisement. It was noted, however, that Edina had to compete for business and wanted to promote new business in town. Communications Director Bennerotte explained that staff was sensitive that as many people live in Edina as work here and due to the limited budget, they attempt to use a “broad brush” and allow flexibility in this area. She advised that a bigger concern was that the channel was becoming increasingly popular and received more requests from residents and organizations to tape things free of charge. The Department does not have the resources to do that and wanted documentation to show priority of services and then offer services for a price when appropriate. Attorney Knutson advised this was not an ordinance consideration but general guidance, so “broad brush” language should work and discretion could be given to staff to make that decision.

The Council discussed that this was a good starting point and if it needed refinement based on activity, the Council could consider it. The Council requested that in six months staff provide a list of organizations requesting services, those accepted and those declined to determine how the policy was working. **Member Housh made a motion, seconded by Member Swenson, approving Edina Community Channel 16 Policies.**

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

REAPPOINTMENT OF MEMBERS TO BOARDS, COMMISSIONS AND COMMITTEES Mr. Hughes presented a list of people of who had responded with interest in being reappointed and qualified with respect to term limits and attendance requirements. He requested that the appointment to the Human Rights and Relations Commission be removed from consideration since it was a school appointment. He also noted the list of other vacancies that existed and suggested those appointments be considered later in the meeting. **Member Housh made a motion, seconded by Member Bennett, approving reappointment of members to Boards, Commissions and Committees as detailed in the January 6, 2009, Staff Report/Recommendation.**

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

RENEW COMMUNITY HEALTH SERVICE AGREEMENT WITH BLOOMINGTON PUBLIC HEALTH City Sanitarian Engelman advised that Edina received grant money and partnered with the City of Bloomington for public health services and emergency preparedness.

Karen Zeleznak, City of Bloomington Public Health Administrator, introduced staff members in attendance and stated she had also provided an overview of the 2007 Annual Report, 2008 response to Council’s concerns, 2008 quarterly reports to include timely information, and Good Neighbor Tools that were distributed to the community to raise awareness of senior services and free services. She had also provided materials related to the community health assessment, summary of the on-line survey, Edina Youth Health Update, Maternal and Child Health Update,

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emergency preparedness newsletter, and update on influenza cases worldwide. Ms. Zeleznak outlined the duties of the Community Health Board required by Statute, planning requirements to be completed within a five-year cycle, and responsibilities for use of State dollars to support six areas of public health responsibility. She read a list of services and programs provided by Bloomington Public Health to fulfill State requirements and described the community partnership they had developed to address issues that affect the health of Edina residents. Ms. Zeleznak advised of the planning and reporting requirements, 2008 highlights and planned activities for 2009. She then presented 2007-2008 highlights of the Public Health Emergency Preparedness Plan and activities planned for 2009. She stated their total grant allocation was just over \$51,000, and Edina would receive a little over \$9,000 of that allocation.

In response to the Council's inquiry, Ms. Zeleznak explained that while funding was removed for Pan Epidemic planning, it was expected to be done so Edina was being asked to cover some of that cost. She advised that they had not yet heard of State budget cuts in their funding, but changes could be made by the Legislature or Governor. The Council expressed concern should this program not receive grant funds to finance the program. It was agreed that there may be impacts to the second half funding from the State and if that were to occur, Edina would enter into a discussion with Bloomington Public Health. When asked about the option of grants, Ms. Zeleznak explained that while they have had notable success with grant writing, some of the major Federal grants were targeted and unique to fund core activities. She stated they actively look for grant dollars and would keep the Council informed should Legislative action occur resulting in unfunded mandates. The Council expressed appreciation for communities working together to benefit from each other's services.

Mark Johnson, Community Health Committee Chair, stated he fully endorsed Bloomington Public Health, as does the entire Committee. He stated they bring professionalism to the process, were efficient and a pleasure to work with. Mr. Johnson pointed out that Richfield, Bloomington and Edina were each unique and face different issues, so it was a testament to Ms. Zeleznak's work that she could pull all of the issues together into one package. **Member Swenson made a motion, seconded by Member Housh, approving renewal of the Community Health Services Agreement with Bloomington Public Health Division for \$183,706 for calendar year 2009.**

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

RENEW PUBLIC HEALTH EMERGENCY PREPAREDNESS AGREEMENT WITH BLOOMINGTON PUBLIC HEALTH Member Bennett made a motion, seconded by Member Brindle, approving renewal of the 2009 Public Health Emergency Preparedness Agreement with Bloomington Public Health for \$41,665.

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

HEARING DATES OF JANUARY 20, 2009, AND FEBRUARY 3, 2009, SET FOR PLANNING ITEMS Mr. Hughes stated he does not want one agenda to contain too many items and recommended moving the Aloft Hotel site plan to the February 3, 2009, meeting, which was agreeable to the applicant. **Member Housh made a motion, seconded by Member Brindle, to set January 20, 2009, as the hearing date for: 1) Appeal of Variance Denial, 5349 Kellogg Avenue; 2) Preliminary Development Plan, Preliminary Rezoning and Amendment of Comprehensive Plan, YMCA, 7355 York Avenue; and, 3) Amend Final Development Plan, Twin Cities Orthopedics, 4010 65th Street West; and to set February 3, 2009, as hearing date for Final Site Plan Aloft Hotel/Wayzata Properties, 5701 Normandale Road.**

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

***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 December 18, 2008, and consisting of 30 pages; General Fund \$139,301.26; Communications Fund \$7,513.92; Working Capital Fund \$60,172.74; Art Center Fund \$2,431.69; Golf Dome Fund \$246.34; Golf Course Fund \$16,014.87; Ice Arena Fund \$9,662.86; Edinborough/Centennial Lakes Fund \$20,484.30; Liquor Fund \$174,112.89; Utility Fund \$67,436.18; Storm Sewer Fund \$176.14; PSTF Agency Fund \$4,007.99; TOTAL \$501,561.18 and for approval of payment of claims dated December 25, 2008, and consisting of 32 pages: General Fund \$192,214.49; CDBG Fund \$16,929.74; Communications Fund \$6,388.85; Working Capital Fund \$355,474.99; Construction Fund \$208,699.05; Art Center Fund \$13,565.25; Golf Dome Fund \$416.17; Aquatic Center Fund \$37.28; Golf Course Fund \$2,651.06; Ice Arena Fund \$25,128.03; Edinborough/Centennial Lakes Fund \$30,012.44; Liquor Fund \$215,013.19; Utility Fund \$192,784.46; Storm Sewer Fund \$18,573.26; PSTF Agency Fund \$18,417.76; TOTAL \$1,296,306.02 and for approval of payment of claims dated January 1, 2009, and consisting of 24 pages: General Fund \$302,390.07; Communications Fund \$12,045.40; Working Capital Fund \$134,260.24; Art Center Fund \$8,737.35; Golf Dome Fund \$2,510.31; Aquatic Center Fund \$77.38; Golf Course Fund \$8,663.74; Ice Arena Fund \$2,654.27; Edinborough/Centennial Lakes Fund \$12,725.52; Liquor Fund \$149,746.86; Utility Fund \$18,216.82; Storm Sewer Fund \$10,970.48; PSTF Agency Fund \$34.84; TOTAL \$663,033.28.

Motion carried on rollcall vote – five ayes.

MAYOR AND COUNCIL COMMENTS

The Council discussed the process to fill Board and Commission vacancies. Concern was expressed that the mass public interview and scoring process used last year was uncomfortable for some of the candidates, did not protect their privacy, resulted in a “competition” for a volunteer appointment, did not provide a candid discussion of qualifications and did not take into account input from the Board or Commission Chairs on specific boards and commission needs to assure the appointments provided a balance of professions and skill sets. It was noted that in an effort to provide more “transparency,” the interview process had evolved from when the Mayor and Board or Commission Chair interviewed candidates and made recommendations for the Council’s endorsement. That process had provided an interaction and communication between the Board/Commission and the Council, which some believed was currently lacking.

Member Bennett objected to reverting to the prior appointment process and stated it was important to remember that it was started in consideration of the League of Women Voter’s study that included term limits. She felt it worked well and was helpful to interview candidates side-by-side, which provided transparency, synergy and made it clear how well a person worked with others. She suggested having that group interview would not preclude inclusion of the Board or Commission Chair who could attend the interview.

It was agreed that term limits were designed to allow more participation by the community. The Council discussed methods that could be instituted whereby the Board or Commission Chair could take part in the interview, open deliberations, and scoring of applicants. Mayor Hovland noted the number of vacancies and overwhelming number of applicants. He stated he did not think the current method was effective in allowing adequate input from the Chair and clarified that the key issue of the League of Women Voters had been with term limits, not the interview process.

Member Housh made a motion, seconded by Member Swenson, to adopt the interview approach used prior to last year whereby the Council would be notified of the applicants so they could share comments with the Mayor or Chair, the Mayor would collaborate with the Board or Commission Chair on vacancies to coordinate interviews with the applicants, and the Mayor would make a recommendation for appointment that was voted on by the Council. Member Bennett stated again her objection to moving away from the process used last year for the first time, advising that some residents who had applied many times in the past did not make application tonight and she was sorry the City was losing their talent.

Ayes: Brindle, Housh, Swenson, Hovland

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Nays; Bennett
Motion carried.

Mayor Hovland extended the City's condolences to the families of Louella Maetzold, Tom Mahler, Mark Holms, Otto Bang, Bill Greer, and Carl Pohlada, stating each had been an asset to Edina and would be greatly missed.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:40 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk