

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
FEBRUARY 17, 2009
7:03 P.M.**

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.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***MINUTES - REGULAR MEETING OF FEBRUARY 3, 2009, AND STUDY SESSION OF FEBRUARY 3, 2009, APPROVED** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the Regular Meeting of February 3, 2009, and Study Session Meeting of February 3, 2009.

Motion carried on rollcall vote – five ayes.

PUBLIC HEARING HELD ON COMMUNITY DEVELOPMENT BLOCK GRANT 2009 – RESOLUTION NO. 2009-23 APPROVED Affidavits of Notice were presented and ordered placed on file.

Associate Planner Presentation

Associate Planner Repya presented staff's recommendation for disbursement of the \$158,956 2009 Urban Hennepin County Community Development Block Grant (CDBG) Program funds: \$5,505 to Jewish Vocational Services (JVS), \$12,803 to Housing and Outdoor Maintenance for the Elderly (HOME), \$3,505 to Community Action Partnership for Suburban Hennepin (CAPSH), \$2,030 to HomeLine, \$53,133 to Rehabilitation of Private Property Program, and \$82,000 to West Hennepin Affordable Housing Land Trust.

Member Swenson disclosed that she was a member of the Board of the Community Action Partnership of Suburban Hennepin County. Manager Hughes acknowledged Member Swenson had disclosed her membership and was able to vote on the matter.

Mayor Hovland opened the public hearing at 7:08 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Housh made a motion to adopt Resolution No. 2009-23, approving the proposed use of 2009 Urban Hennepin County Community Development Block Grant Funds and authorizing execution of sub recipient agreements with Hennepin County and any third party agreements. Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

PUBLIC HEARING HELD ON WEST 70TH STREET – TRAFFIC STUDY RECOMMENDATIONS RECEIVED AND ACCEPTED Affidavits of Notice were presented and ordered placed on file.

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Steve Brown, Study Advisory Committee (SAC) Chair, advised of the process used and input received from people at meetings and through surveys. He noted the Committee's recommendations were broken into three phases and presented the nine recommendations contained in Phase 1. Mr. Brown then presented Phase 2 and Phase 3 recommendations and suggested that once Phase 1 recommendations were in place, Phase 2 recommendations be considered.

Marie Cote, SRF Consulting, answered questions and gave details regarding specific recommendations.

Geoff Workinger, Edina Transportation Commission (ETC) Chair, noted that all of the Transportation Commissioners were members of the Study Advisory Committee and, on January 15, 2009, adopted the recommendations that were presented tonight.

The Council asked questions of Mr. Brown, Ms. Cote, Mr. Workinger and staff and discussed the Study.

Mayor Hovland opened the public hearing at 7:53 p.m.

Public Testimony

Surya Iyer, Energy & Environment Commission Chair, referenced their resolution that urged support of trails and pathway projects as a top priority.

Jonathan Vlaming, Three Rivers Park District, displayed a map of the Nine Mile Regional Trail and potential alignments, or routes, of the Trail east of Highway 100, including a potential side path in front of the homes on the south side of West 70th Street locations where crossings of Highway 100 could be created. He stated the Park District had no preference and considered all potential alignments to be viable.

Josh Sprague, 4720 West Shore Drive addressed the Council on behalf of Ron Rich, 7008 West Shore Drive.

Colby Wilkins, 4515 West 70th Street, addressed the Council.

Mark Chamberlain, 7004 Bristol Boulevard, addressed the Council.

Josh Sprague, 4720 70th Street West, addressed the Council.

Kristine NZorton, 7007 Cornelia Drive, addressed the Council.

Todd Brewer, 5901 St. Johns Avenue, Edina Bike Task Force Member, addressed the Council.

Kari Ciardelli, 4417 West 70th Street, addressed the Council.

Dr. Bob McKlveen, 5261 Lochloy Drive, addressed the Council.

Alice Hulbert, 7221 Tara Road, addressed the Council.

Jan Ferrell, 4704 West 70th Street, addressed the Council.

Janey Westin, 6136 Brookview Avenue, addressed the Council.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Swenson made a motion, seconded by Member Bennett, to keep the written comment period open until March 3, 2009 and to receive and accept the West 70th Street Traffic Study Recommendations with noted modifications.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The meeting was recessed at 9:18 p.m. and reconvened at 9:26 p.m.

RESOLUTION NO. 2009-28 ADOPTED UPHOLDING VARIANCE DENIAL OF ZONING BOARD OF APPEALS – 6120 BROOKVIEW AVENUE, JMS CUSTOM HOMES Affidavits of Notice presented and ordered placed on file.

Assistant Planner Presentation

Assistant Planner Aaker presented details of the appeal received from JMS Custom Homes following the January 28, 2009, Zoning Board of Appeals' denial of JMS's request for a variance from front-yard setback for the home under construction at 6120 Brookview Avenue. Ms. Aaker read the findings of fact and advised that on January 9, 2009, the applicant submitted a written appeal to the City Council.

Proponent Presentation

Jeff Schoenwetter, Proponent, presented his appeal of the Zoning Board of Appeal's denial for a variance of the house under construction at 6120 Brookview Avenue.

Peter Coyle, Proponent's Attorney from Larkin Hoffman, presented his client's appeals giving details of their position and reviewing the time line of the construction. He requested the Council to grant his client the requested front yard setback variance.

The City Council asked questions of staff and proponent.

Mayor Hovland opened the public hearing at 9:53 p.m.

Public Testimony

Richard Whitbeck, 6128 Brookview Avenue, addressed the Council.

Jacqueline Whitbeck, 6128 Brookview Avenue, addressed the Council.

Joseph Lawver, 6121 Brookview Avenue, addressed the Council.

James Blue, 9610 Sky Lane, Eden Prairie, addressed the Council.

Danielle Whitbeck, 6128 Brookview Avenue, addressed the Council.

Janey Westin, 6136 Brookview Avenue, addressed the Council.

Trudy Landgren, 6104 Brookview Avenue, addressed the Council.

Kitty O'Dea, 4610 Bruce Avenue, addressed the Council.

Carol McDonnell, 4609 West 62nd Street, addressed the Council.

Mickie Turk, 6141 Brookview Avenue, addressed the Council.

Joseph Clay, 6117 Brookview Avenue, addressed the Council.

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John Swanson, 6424 Nordic Circle, addressed the Council.

Dan Hurley, 6017 Killarney Lane, addressed the Council.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Member Housh introduced Resolution No. 2009-28, Denying a Front Yard Setback Variance at 6120 Brookview Avenue, as amended to add language in Section 2.01, 9) "...the Applicant was an experienced, professional custom-home builder which had constructed over forty new homes in Edina." Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***PUBLIC HEARING CONTINUED TO MARCH 3, 2009 – CONDITIONAL USE PERMIT – EDINA SCHOOL DISTRICT, 5701 NORMANDALE ROAD, CONSTRUCT NEW MAINTENANCE BUILDING** Motion made by Member Bennett and seconded by Member Swenson to continue the public hearing to March 3, 2009, for the Edina School District, 5701 Normandale Road, Construct New Maintenance Building.

Motion carried on rollcall vote – five ayes.

***PUBLIC HEARING CANCELLED – VACATION OF PORTION OF BELMORE LANE AND WATERMAIN EASEMENT** Motion made by Member Bennett and seconded by Member Swenson to cancel the public hearing on the vacation of a portion of Belmore Lane and Watermain Easement.

Motion carried on rollcall vote – five ayes.

PUBLIC COMMENT

Gary Vierkant, Vierkant Disposal, requested an exemption to the No Right Turn from Valley View Road into the Chapel Hills neighborhood to service his customers. Mayor Hovland referred this request to the Traffic Safety Review Board.

***AWARD OF BID – CUSHMAN TURF TRUCKSTER UTILITY VEHICLE – BRAEMAR GOLF COURSE** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for Cushman Turf Truckster Utility Vehicle, Braemar Golf Course to the recommended low bidder, Turfwerks at \$17,692.85.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – REPLACEMENT CARPET FOR WARREN C. HYDE CLUBHOUSE – BRAEMAR GOLF COURSE** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for replacement carpet for Warren C. Hyde Clubhouse, Braemar Golf Course to the recommended low bidder, LaVan Floor Covering at \$22,989.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – 2009 CHEVROLET SILVERADO PICK UP TRUCK – PARK MAINTENANCE DEPARTMENT** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for 2009 Chevrolet Silverado Pick Up Truck, Park Maintenance Department, to the recommended low bidder, Car/Truck City, State Bid Contract #440137, at \$22,044.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – WELL NO. 13 REHABILITATION – 6721 SECOND STREET, CONTRACT NO. PW 09-1, IMP. NO. WM 491** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for Well No. 13 Rehabilitation, 6721 Second Street, Contract No.

PW 09-1, Improvement No. WM-491 to the recommended low bidder, E.H. Renner and Sons, Inc. at \$81,241.00.

Motion carried on rollcall vote – five ayes.

***2009 ASSISTANT WEED INSPECTOR APPOINTED** Motion made by Member Bennett and seconded by Member Swenson to appoint Park Superintendent Vince Cockriel as the Assistant Weed Inspector for calendar year 2009.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-25 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 Swenson introduced Resolution No. 2009-25 accepting various donations.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2009-26 APPROVED SETTING MARCH 17, 2009 PUBLIC HEARING DATE FOR ROAD IMPROVEMENT PROJECTS – SOUTH GARDEN ESTATES & MIRROR LAKES NEIGHBORHOOD STREET RECONSTRUCTION** Motion made by Member Bennett and seconded by Member Swenson to adopt Resolution No. 2009-26 Setting March 17, 2009, Public Hearing Date for Road Improvement Projects, South Garden Estates and Mirror Lakes Neighborhood Street Reconstruction.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-27 APPROVED DECLARING “EDINA DAY OF SERVICE” Mr. Hughes stated this initiative would involve Edina children in a day of community service on October 24, 2009. **Member Brindle introduced Resolution No. 2009-27 Declaring “Edina Day of Service 2009.”** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

APPOINTMENTS MADE TO PARK BOARD, PLANNING COMMISSION AND TRANSPORTATION COMMISSION Mayor Hovland thanked the Council members for their assistance in conducting interviews of applicants to the Council advisory boards and commissions. **Mayor Hovland made a motion, seconded by Member Bennett, to appoint Jeff Carpenter to the Planning Commission; Jennifer Kenney, Kathryn Peterson and Bill Lough to the Park Board; and Usha Abramovitz to the Transportation Commission for three year terms ending February 1, 2012.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

MEMBERSHIP APPROVED IN U.S. HIGHWAY 169 CORRIDOR COALITION Mr. Hughes stated Edina received an invitation to join the Highway 169 Corridor Coalition. Mayor Hovland reported on the formative meetings he attended and presented his strong recommendation to accept membership and authorize payment of a \$3,000 seed contribution. **Member Housh made a motion, seconded by Member Bennett, to authorize membership in the U.S. Highway 169 Corridor Coalition and authorize execution of the Joint Powers Agreement following the City Attorney’s review and with evaluation in six months.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

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***TRAFFIC SAFETY MINUTES OF FEBRUARY 4, 2009 ACCEPTED** Motion made by Member Bennett and seconded by Member Swenson to accept the Traffic Safety Minutes of February 4, 2009.

Motion carried on rollcall vote – five ayes.

***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 February 5, 2009, and consisting of 29 pages; General Fund \$892,228.79; CDBG Fund \$7,525.00; Communications Fund \$3,950.63; Working Capital Fund \$9,084.20; Art Center Fund \$4,677.93; Golf Dome Fund \$2,213.46; Aquatic Center Fund \$4.79; Golf Course Fund \$5,139.87; Ice Arena Fund \$1,890.53; Edinborough/Centennial Lakes Fund \$56,569.83; Liquor Fund \$137,824.23; Utility Fund \$23,474.64; Recycling Fund \$75.00; PSTF Agency Fund \$5,246.60; TOTAL \$1,149,905.50 and for approval of payment of claims dated February 12, 2009, and consisting of 31 pages: General Fund \$290,081.59; Communications Fund \$3,615.34; Working Capital Fund \$16,706.99; Art Center Fund \$5,841.84; Golf Dome Fund \$1,666.05; Aquatic Center Fund \$254.88; Golf Course Fund \$56,908.22; Ice Arena Fund \$27,401.76; Edinborough/Centennial Lakes Fund \$8,523.97; Liquor Fund \$230,451.60; Utility Fund \$447,442.50; Storm Sewer Fund \$2,684.20; PSTF Agency Fund \$9,172.01; TOTAL \$1,100,750.95 and Credit Card Transactions dated December 27, 2008 to January 26, 2009; TOTAL \$2,618.41.

Motion carried on rollcall vote – five ayes.

MEMBER BENNETT APPOINTED – EDINA EDUCATION SERVICES BOARD Member Swanson stated because she was now serving on the CAPSH Board, she would be leaving the Edina Education Services Board and recommended the appointment of Member Bennett as her replacement. **Member Swenson made a motion, seconded by Member Housh to appoint Member Bennett to the Edina Education Services Board.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 11:15 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, March 3, 2009.

James C. Hovland, Mayor

Video Copy of the February 17, 2009, meeting is available.