

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
APRIL 21, 2009  
7:06 P.M.**

**ROLLCALL** Answering rollcall were Members Bennett, Brindle, Swenson and Mayor Hovland. Absent at rollcall was Member Housh.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Swenson and seconded by Member Bennett approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2009-45 ADOPTED – MICHAEL BOSSARD AND ROBERT SOLHEIM COMMENDED** Mayor Hovland read a resolution commending Edina citizens Michael Bossard and Robert Solheim for rescuing a neighbor from a structure fire. **Member Bennett introduced and moved adoption of Resolution No. 2009-45, commending Michael Bossard and Robert Solheim.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

Fire Chief Scheerer presented Michael Bossard and Robert Solheim with a Fire Department Certificate of Merit. Michael Bossard thanked the City for the award and expressed his appreciation for the work of the Police and Fire Departments. Robert Solheim thanked the City for the honor and stated he and Mr. Bossard encountered a moment in time where they were needed to help someone. He said it made more meaningful the choice of police officers and fire fighters who have made a career of rescuing persons in danger.

**POLICE OFFICER MARC LIMBECK COMMENDED** Police Deputy Chief Long presented a Police Department Commendation to Police Officer Limbeck for his heroic actions in rescuing a resident from a structure fire. Fire Chief Scheerer presented Police Officer Limbeck with a Fire Department Certificate of Merit and advised this was the first time such a Fire Department commendation had been awarded to a Police Officer.

**\*MINUTES APPROVED – REGULAR MEETING OF APRIL 7, 2009, AND WORK SESSION OF APRIL 7, 2009** Motion made by Member Swenson and seconded by Member Bennett approving the minutes of the Regular Meeting of April 7, 2009, and Work Session of April 7, 2009.

Motion carried on rollcall vote – four ayes.

**PUBLIC HEARING HELD – TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE APPROVED – EDINA CHAMBER OF COMMERCE TASTE OF EDINA, MAY 14, 2009** Affidavits of Notice presented and ordered placed on file.

**Police Deputy Chief Long Presentation**

Mr. Long presented the Edina Chamber of Commerce request for a Temporary Intoxicating Liquor License and Permit to Use City Property allowing the Taste of Edina event to be held at the Centennial Lakes Park Centrum building on May 14, 2009, from 4:30 p.m. to 7:30 p.m. He advised the Chamber's past events had been well managed and recommended approval conditioned on the sale and consumption of liquor being limited to beer and wine.

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Proponent Presentation

Arrie Larsen Manti, Edina Chamber of Commerce President, requested approval of their application and thanked the Council for its past support of this event.

Mayor Hovland opened the public hearing at 7:18 p.m.

Public Testimony

No one appeared to comment.

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

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

**Member Swenson made a motion, seconded by Member Brindle, to Approve Temporary On-Sale Intoxicating Liquor License and Special Permit to use City property in conjunction with the Liquor License for the Taste of Edina event sponsored by the Edina Chamber of Commerce, conditioned that the sale and consumption be limited to beer and wine.**

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

**PUBLIC COMMENT**

Dan Wick, representing Congressman Erik Paulsen, offered Congressman Paulsen's assistance to both the City of Edina and its citizens. Mr. Wick advised how the Congressman could be contacted.

Kitty O'Dea, 4610 Bruce Avenue, thanked staff for its assistance with the utility construction in the Country Club area and urged use of the adopted Heritage Preservation guidelines.

John Bohan, 800 Coventry Place, questioned the process for the Planning Commission's Work Plan amending the zoning code and whether public testimony would be entertained.

**\*AWARD OF BID – 2009-2011 POLICE UNIFORM CONTRACT Motion made by Member Swenson and seconded by Member Bennett awarding the bid for the 2009-2011 Police Uniform Contract to the recommended low bidder, Uniforms Unlimited at \$15,325.00.**

Motion carried on rollcall vote – four ayes.

**PLANNING COMMISSION CHAIR PRESENTATION RECEIVED REGARDING ZONING ORDINANCE AMENDMENTS**

Planning Commission Chair Fischer and Assistant Chair Staunton presented the proposed work plan to bring Edina's zoning code into agreement with the updated Comprehensive Plan. Planning Director Teague reviewed the recommended amendments to comply with the Comprehensive Plan. The Council, Commissioners and staff discussed necessary amendments, lighting requirement, signage requirements, Planned Unit Development districts, the work plan, the proposed public process to be followed with an additional monthly study session held by a Committee-of-the-Whole, Commission attendance requirements and the impact on the Commission with the extra work session.

**RESOLUTION NO. 2009-43 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 Swenson introduced and moved adoption of Resolution No. 2009-43 accepting various donations.** Member Bennett seconded the motion.

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

**ORDINANCE NO. 2009-6 ADOPTED – SIGN ORDINANCE AMENDMENT** Mr. Teague outlined changes made to Ordinance No. 2009-6 amending sign regulations made since Council granted First Reading. The amendment would allow additional free standing or wall signs in the Office and Regional Medical District and regulate the size of an address sign based on the size of the building. The Council asked questions of Mr. Teague while it discussed the proposed amendment.

**Member Swenson made a motion, seconded by Member Bennett, to grant Second Reading adopting Ordinance No. 2009-6, amending the Edina Code Section 460 concerning signs.**

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**ORDINANCE NO. 2009-5 ADOPTED – PARK DEDICATION** Assistant City Manager Worthington reviewed the proposed amendment to bring Edina's Code into compliance with state statutes relative to parkland dedication. She stated the City could prescribe reasonable fees sufficient to defray costs incurred to review, investigate, and administer an application for a subdivision; however, the funds could not be used for ongoing operation and maintenance. Ms. Worthington explained staff identified capital needs, park and open space facilities, ratio of recreational users per capita, and created a fee formula. It was noted that if the property was not being subdivided, this ordinance would not apply.

The Council asked questions of Ms. Worthington and Attorney Knutson while it discussed the ordinance amendment.

**Member Swenson made a motion to grant First Reading and waive Second Reading adopting Ordinance No. 2009-5, amending the Edina City Code concerning subdivision dedication requirements. Member Bennett seconded the motion.**

Rollcall:

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**BOARDS AND COMMISSION APPOINTMENTS HUMAN RIGHTS AND RELATIONS COMMISSION AND ART CENTER BOARD**

Mayor Hovland presented the collective recommendation of the interview committee for appointments and advised the terms had been determined by a blind draw. **Member Hovland made a motion, seconded by Member Brindle, to endorse the following appointments to the Human Rights and Relations Commission: Arnold Bigbee to a term ending February 1, 2012; John Cashmore to a term ending February 1, 2010; Lisa Finsness to a term ending February 1, 2011; Jessica Kingston to a term ending February 1, 2011; Bob Mayer to a term ending February 1, 2012; Meg Newell to a term ending February 1, 2012; and Ralph Overholt to a term ending February 1, 2010.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**Member Hovland made a motion, seconded by Member Bennett, to endorse the following appointments to the Art Center Board: Hafed Boussadi to a term ending February 1, 2012; Bev Fischer Soshea to a term ending February 1, 2012; Megan Norman to a term ending February 1, 2012; Michael Whitt reappointed to a term ending February 1, 2011; and Renee Usem to a term ending February 1, 2012.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**\*JUSTICE ASSISTANCE GRANT APPROVED** Motion made by Member Swenson and seconded by Member Bennett to approve the Agreement between Hennepin County and the

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**City of Edina to apply for and distribute grant funding under the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant Program.**

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2009-44 ADOPTED – GRANTING LOT DIVISION, 7340 CORNELIA DRIVE**

**Motion made by Member Swenson and seconded by Member Bennett to introduce and adopt Resolution No. 2009-44, Approving a Lot Division of 7338 and 7340 Cornelia Drive, conditioned on: the two units must be separated by a fire-wall as approved by the building official, and the approving resolution dividing the two lots will not be filed at Hennepin County prior to the building official's review and approval of a wall separating the two units.**

Motion carried on rollcall vote – four ayes.

**\*HEARING DATE SET (MAY 5, 2009) – CONDITIONAL USE PERMIT EDINA PUBLIC SCHOOLS, COUNTRYSIDE ELEMENTARY SCHOOL, 5701 BENTON AVENUE**

**Motion made by Member Swenson and seconded by Member Bennett setting public hearing date of May 5, 2009, for Conditional Use Permit Edina Public Schools, Countryside Elementary School, 5701 Benton Avenue.**

Motion carried on rollcall vote – four ayes.

**\*RESOLUTION NO. 2009-46 ADOPTED – ACCEPTING FEASIBILITY REPORT IMPROVEMENT BA-357 ST. JOHN'S PARK NEIGHBORHOOD STREET RECONSTRUCTION**

**Motion made by Member Swenson and seconded by Member Bennett to introduce and adopt Resolution No. 2009-46, Receiving Feasibility Report for St. Johns Park Neighborhood Street Reconstruction Improvement No. BA-357.**

Motion carried on rollcall vote – four ayes.

**TRAFFIC SAFETY REPORT RECEIVED – ALL-WAY STOP REQUEST DENIED**

Traffic Safety Coordinator Tate presented a resident's request to change the intersection of West 40<sup>th</sup> Street and Lynn Avenue from a two-way north/south stop into an all-way stop. He noted that West 40<sup>th</sup> Street was a 30-foot wide City street with curb and gutter, no sidewalks, and parking was allowed on both sides. Mr. Tate presented criteria considered in staff's recommendation for denial of the request for an all-way stop. It was noted that the requestor, Rick Jacobson of Monterey Avenue, was not present. The Council discussed the request and agreed that unnecessary stop signs were not desirable.

**Member Bennett made a motion, seconded by Member Brindle, to accept the Traffic Safety Report of April 1, 2009 as presented.**

Ayes: Bennett, Brindle, Swenson, Hovland

Motion carried.

**\*CONFIRMATION OF CLAIMS PAID**

**Motion made by Member Swenson and seconded by Member Bennett approving payment of the following claims as shown in detail on the Check Register dated April 9, 2009, and consisting of 28 pages: General Fund \$195,445.85; CDBG Fund \$1,100.00; Communications Fund \$9,057.00; Police Special Revenue \$268.65; City Hall Debt Service \$900.00; Working Capital Fund \$44,369.54; Construction Fund \$393.44; Art Center Fund \$6,217.41; Golf Dome Fund \$2,227.58; Aquatic Center Fund \$4,446.97; Golf Course Fund \$25,618.28; Ice Arena Fund \$11,749.71; Edinborough/Centennial Lakes Fund \$108,181.01; Liquor Fund \$170,609.78; Utility Fund \$373,218.10; Storm Sewer Fund \$6,521.41; PSTF Agency Fund \$9,356.25; TOTAL \$969,680.98 and for approval of payment of claims dated April 16, 2009, and consisting of 31 pages: General Fund \$198,909.30; CDBG Fund \$11,260.00; Communications Fund \$13,144.34; Police Special Revenue \$3,652.69; Working Capital Fund \$4,277.55; Art Center Fund \$1,397.75; Golf Dome Fund \$14,959.09; Golf Course Fund \$30,519.44; Ice Arena Fund \$16,722.99; Edinborough/Centennial Lakes**

**Fund \$45,127.53; Liquor Fund \$247,389.00; Utility Fund \$61,919.69; Storm Sewer Fund \$432.94; Recycling Fund \$37,077.90; PSTF Agency Fund \$2,261.10; TOTAL \$689,051.31.**

Motion carried on rollcall vote – four ayes.

**\*CITY OF MINNEAPOLIS – MORNINGSIDE WATER RATES Motion made by Member Swenson and seconded by Member Bennett to authorize staff to work with City of Minneapolis staff to draft a contract for domestic and fire protection water to the Morningside Neighborhood of Edina for future Council consideration.**

Motion carried on rollcall vote – four ayes.

**ATTENDANCE POLICY DISCUSSED** Following a brief discussion, staff was directed to prepare an amendment to the attendance ordinance for further consideration.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:26 p.m.

Respectfully submitted,

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Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, May 5, 2009.

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James C. Hovland, Mayor

Video Copy of the April 21, 2009, meeting is available.