

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JULY 7, 2009
7:02 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 with the exception of Item IV.E., Set Hearing Date, Preliminary Plat Approval, 5920 Oaklawn Avenue, Two-lot Subdivision.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***MINUTES APPROVED – REGULAR MEETING OF JUNE 16, 2009, WORK SESSION OF JUNE 16, 2009, AND STUDY SESSION OF JUNE 23, 2009** Motion made by Member Bennett and seconded by Member Swenson approving the minutes of the Regular Meeting of June 16, 2009, Work Session of June 16, 2009, and Study Session of June 23, 2009.

Motion carried on rollcall vote – five ayes.

ORDINANCE NO. 2009-08 ADOPTED AMENDING SECTION 850.11 SUBD. 6 ACCESSORY BUILDINGS IN R-1 DISTRICT – PUBLIC HEARING HELD Affidavits of Notice presented and ordered placed on file.

Planning Director Presentation

Planning Director Teague summarized the current Code's inconsistencies and presented the Planning Commission's unanimous recommendation to revise the Zoning Ordinance to require a conditional use permit (CUP) for all accessory buildings over 1,000 square feet in the R-1 zoning district. He explained if the Planning Commission's recommendation was followed, the Interlachen Country Club would need to make reapplication. Or, the Council could determine to amend the ordinance to restrict R-1 properties with single-family homes to 1,000 square foot accessory structures. Conditionally permitted uses such as schools and golf courses would not be limited to the size of accessory buildings. Under that option, Council could proceed tonight to approve the CUP sought by Interlachen for the parking lot associated with its proposed maintenance building, which would permit Interlachen to proceed with its project. Director Teague stated when the overall amendment of the zoning code has been made, the Planning Commission's recommended requirement of a CUP for any accessory building over 1,000 square feet can be added.

The Council asked questions of Mr. Teague regarding the restriction on accessory buildings and the public input process, which was determined to be adequate with appropriate mailed notice, public hearings, and informational meetings.

Mayor Hovland opened the public hearing at 7:12 p.m.

Public Testimony

Ted Volk, 6301 Belmore Lane, addressed the Council.

Roy O'Connor, 408 John Street, addressed the Council.

Wendy Donovan, 317 John Street, addressed the Council.

Margaret McDonald, 6216 Belmore Lane, addressed the Council.

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

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

The Council discussed the Conditional Use Permit process, the proposed Code revision and asked questions of Mr. Teague. Member Bennett stated her concern with the protection of all R-1 neighborhoods from the adverse impact of nonresidential uses and large accessory buildings while the Planning Commission takes the ordinance revision under advisement. The Council noted the Interlachen application had been discussed numerous times, a number of similar maintenance structures had been permitted, and it was not anticipated that additional applications for maintenance structures would be received.

Member Swenson made a motion, seconded by Member Brindle, to grant First Reading and waive Second Reading adopting Ordinance No. 2009-08, amending the City Code concerning regulation of accessory buildings in the R-1, Single-Dwelling Unit District.

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

Member Swenson made a motion, seconded by Member Bennett, directing the Planning Commission to prepare an ordinance amendment relative to CUPs for accessory buildings in the R-1 district to be returned for Council's consideration within ninety days.

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

RESOLUTION NO. 2009-59 ADOPTED APPROVING CONDITIONAL USE PERMIT – INTERLACHEN COUNTRY CLUB, 6200 INTERLACHEN BOULEVARD – PUBLIC HEARING HELD Affidavits of Notice presented and ordered placed on file. Member Housh recused himself from consideration of this item due to his membership in the Interlachen Country Club.

Planning Director Presentation

Mr. Teague presented the Planning Commission's recommendation to approve the request of Interlachen Golf Course for a CUP for a new maintenance building and parking lot subject to findings and conditions outlined in the draft resolution. He advised the Council of the changes made to the building materials, building location shift to the east, increased landscape plan, and addition of a fence.

Proponent Presentation

Lyle Ward, 6613 Biscayne Boulevard, Interlachen Country Club Board of Governors, reviewed the history of Interlachen Country Club, its benefit to the City, and its need for a new maintenance facility to abide by current building codes, environmental laws, and employee safety codes.

Craig Christensen, 5812 Hidden Lane, Interlachen Country Club Board of Governors, presented the project site and noted that all other golf courses in Edina had constructed new maintenance facilities. Mr. Christensen described the number of meetings held with the neighborhood and Planning Commission and commented on the importance of having facilities that fit this prestigious golf course.

Truman Howell, architect of the project, described the outdoor lighting plan.

The Council asked questions of Mr. Teague and the proponents about the specifics of the project. It was agreed the buffered landscape would address many concerns that had been expressed and the proponent was advised of noise disturbances caused by equipment start up, back-up beepers, and radios. The proponent stated their equipment was not equipped with back-up beepers, radios

would not be allowed, and equipment would be started inside the maintenance facility, once it had been constructed.

Mayor Hovland opened the public hearing at 8:37 p.m.

Public Testimony

Jane Clifford, 421 Kresse Circle, addressed the Council.

Stephen Tinkham, 417 Kresse Circle, addressed the Council.

John King, 413 Kresse Circle, addressed the Council.

Judy Scattergood, 420 Kresse Circle, addressed the Council.

Joan Wierzba, 6217 Belmore Avenue, addressed the Council.

Mary McNamara, 6221 Maloney Avenue, addressed the Council.

Margaret McDonald, 6216 Belmore Lane, addressed the Council.

Harlan Clark, 409 Kresse Circle, addressed the Council.

Melanie Tinkham, 417 Kresse Circle, addressed the Council.

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

Ayes: Bennett, Brindle, Swenson, Hovland

Abstain: Housh

Motion carried.

The Council asked questions of Mr. Teague and Mr. Howell, and discussed the proposed building and its location. The proponent indicated there were only two building sites, as proposed between the two ponds or the Belmore Avenue location, and advised of the need for truck access to the location for soils storage. The proponent stated they had always proceeded in good faith and would move the building farther east, if feasible.

Member Swenson introduced and moved adoption of Resolution No. 2009-59, approving a conditional use permit for a parking lot with maintenance buildings at 6200 Interlachen Boulevard for the Interlachen Country Club based on the following findings:

- 1. The proposal meets the Conditional Use Permit conditions per Section 850.04 Subd. 4.E., of the Edina Zoning Ordinance.**
- 2. The proposal meets all applicable Zoning Ordinance requirements.**
- 3. The maintenance facility is a permitted accessory use. Associated uses proposed for these facilities are typical of a state-of-the-art golf course country club.**
- 4. The parking area and maintenance buildings would be well screened from adjacent properties, by existing and proposed trees and landscaping.**
- 5. There would be an improvement to the quality of the existing wetlands, by removing the existing maintenance building that is located 15 feet from a wetland and by the construction of stormwater retention ponds that would filter out sediment before draining into the wetlands.**
- 6. The buildings would be constructed to match the existing clubhouse.**

And subject to the following conditions:

- 1. The site must be developed and maintained in substantial compliance with the following plans, unless modified by the conditions below:**
 - Site plan date stamped June 29, 2009.**
 - Building elevations date stamped July 1, 2009.**

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- **Building materials board presented to the City Council on July 7, 2009. The roof must be brown as presented in the building elevations.**
 - **Grading & drainage plans date stamped June 29, 2009.**
 - **Utility plan date stamped June 29, 2009.**
 - **Landscape plan date stamped July 7, 2009.**
 - **Lighting plan date stamped June 29, 2009.**
2. **Submit a copy of the Minnehaha Creek Watershed District Permit. The City will require revisions to the approved plans to meet the District's requirements.**
 3. **These lots must be combined with the golf course lot prior to issuance of a building permit.**
 4. **Access to the buildings shall be from the internal access points from Waterman Avenue and Interlachen Boulevard, and not Maloney Avenue or Belmore Lane.**
 5. **Maloney Avenue and Belmore Lane may not be used by construction vehicles accessing the site, or for parking.**
 6. **The buildings must meet all applicable building permit requirements.**
 7. **All conditions required by the city engineer in his memo dated May 22, 2009.**
 8. **Replace all diseased or dead trees on the site within five years of the date of this resolution.**
 9. **The arborvitae trees are to be planted adjacent to the new building must be planted at 8 feet tall.**
 10. **The building shall be located as far to the east as is acceptable to the City Engineer and Fire Marshal, but must be at a minimum of 95 feet from the northwest corner of the building to the west lot line and 120 feet from the southwest corner of the building to the west lot line.**
 11. **The lounge door proposed on the west side of the building must be moved to the south wall. The other door on the west side of the building must have an emergency bar on it.**
 12. **The security lighting on the west side of the building must be shut off by 10:00 pm daily.**
 13. **There shall be no noise from the building between the hours of 10:00 pm and 7:00 am, such as but not limited to radios, with the exception of noise allowed by Section 1040.03 of the City Code.**
 14. **The south pond must have a fountain, and north pond must have a bubbler, both to be maintained and operated by Interlachen.**
 15. **Interlachen is encouraged to remove the Buckthorn and new vegetation planted.**
 16. **The site must be kept free of trash, debris and yard waste and must be maintained in a similar manner to other periphery areas on the golf course.**

Member Bennett seconded the motion.

The Council discussed the difficulty in making this decision. The proponents and residents were thanked for their professionalism and cooperative work during this process. Member Bennett stated she was unable to support this application without additional discussion to determine the building location and option of earth berming.

Rollcall:

Ayes: Brindle, Swenson, Hovland

Nays: Bennett

Abstain: Housh

Motion carried.

ORDINANCE NO. 2009-09 ADOPTED AMENDING SECTION 850.13, SUBD. 7, PERMITTING EFFICIENCY DWELLING UNITS IN PSD-4 – PUBLIC HEARING HELD Affidavits of Notice presented and ordered placed on file.

Planning Director Presentation

Mr. Teague presented the Planning Commission's recommendation to add efficiency dwelling units in the planned senior district (PSD-4) and past considerations of senior housing.

Mayor Hovland opened the public hearing at 8:48 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council discussed the size of memory care structures that could be considered under this amendment, noting staff would further evaluate regulations for senior housing including size of dwelling units. Member Bennett commented on past Code amendments to address the need for affordability and livability and that assisted living units, while needed, for continuum of care, were not intended to, and do not properly fit into this Zoning Code category. She stated the Ebenezer proposal perhaps would have been best permitted by variance under the hardship of no applicable code, and urged that zoning code for assisted living facilities be developed distinct from code for Planned Senior Residential housing. The Council asked questions of Mr. Hughes and concurred the City should address the needs of its evolving citizenry.

Member Housh made a motion, seconded by Member Swenson, to grant First and waive Second Reading adopting Ordinance No. 2009-09, amending the City Code concerning regulation of Efficiency Dwelling Units in the Planned Senior Residential District.

Rollcall:

Ayes: Brindle, Housh, Swenson, Hovland

Nays: Bennett

Motion carried.

***AWARD OF BID – EDINBOROUGH PARK BATHROOM ADDITION – CONTRACT NO. 09-3PK**
Motion made by Member Bennett and seconded by Member Swenson to reject all bids for the Edinborough Park bathroom addition.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT NO. 1, IMP. NO. PW-1, ASBESTOS & HAZARDOUS BUILDING REMOVAL** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for asbestos and hazardous building material removal, 7450 Metro Boulevard Contract No. 1, Improvement No. PW-1 to the recommended low bidder, Dennis Environmental Operations at \$73,792.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT NO. 2, IMP. NO. PW-1, SELECTIVE DEMOLITION & PARTIAL STRUCTURAL STEEL** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for selective demolition and partial structural steel, Edina Public Works Building, 7450 Metro Boulevard, Contract No. 2, Improvement No. PW-1 to the recommended low bidder, Blue Earth Environmental Co., Inc. at \$362,000.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – CONTRACT NO. ENG 09-3, IMP. NO. BA-363, 2009 MILL & OVERLAY** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for Blake Road mill and overlay, Contract No. ENG 09-03; Improvement No. BA-363 to the recommended low bidder, Bituminous Roadways, Inc. at \$262,409.00.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – XERXES AVENUE WATERMAIN LINING IMPROVEMENT NO. WM-496**
Motion made by Member Bennett and seconded by Member Swenson awarding the bid for

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watermain cleaning and lining along Xerxes Avenue, Improvement No. WM-496 to the recommended low bidder, City of Minneapolis at \$68,377.00.

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

RESOLUTION NO. 2009-60 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. 2009-60 accepting various donations.** Member Housh seconded the motion.

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

***ANTENNA LEASE APPROVED – 5900 PARK PLACE, T-MOBILE/CITY OF EDINA** Motion made by Member Bennett and seconded by Member Swenson to authorize execution of the antenna lease with T-Mobile, 5900 Park Place.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2009-61 ADOPTED SUPPORTING PREPARATION OF ENVIRONMENTAL ASSESSMENT WORKSHEET OF POTENTIAL REGIONAL TRAIL SEGMENTS Kelly Grissman, Three Rivers Park District Planner, described the Environmental Assessment Worksheet (EAW) process to identify impacts, if any, and the final trail alignment, and its construction. Jonathan Vlaming, Three Rivers Park District, commented on the importance of forming a partnership with Edina stating the proposed resolution would reaffirm the City's support for this trail project.

Mr. Hughes noted receipt of a letter signed by many residents and submitted by Bill Westerdahl and Robert Lubar requesting elimination of Route 2 from further consideration. The Council discussed the process and indicated it was premature to declare support of such a petition prior to completion of the EAW and engineering feasibility.

Member Brindle introduced and moved adoption of Resolution No. 2009-61, supporting the efforts of Three Rivers Park District to direct the completion of an Environmental Assessments Worksheet and to use the results thereof to determine with City participation, a preferred route for Nine Mile Creek Regional Trail through the City.

Member Housh seconded the motion.

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

***STUDENT APPOINTMENT TO PLANNING COMMISSION – CONTINUED TO JULY 21, 2009** Motion made by Member Bennett and seconded by Member Swenson to continue student appointment to the Planning Commission to July 21, 2009.

Motion carried on rollcall vote – five ayes.

HEARING DATE SET (AUGUST 3, 2009) – PRELIMINARY PLAT APPROVAL – 5920 OAKLAWN AVENUE, TWO LOT SUBDIVISION Member Swenson made a motion, seconded by Member Housh, to set a public hearing date of July 21, 2009, and continue the hearing to August 3, 2009, for preliminary plat to subdivide the lot at 5920 Oaklawn into two lots.

Motion carried on rollcall vote – five ayes.

COMMUNITY COMMENT

No one appeared to comment.

DECEMBER 31, 2008, COMPREHENSIVE FINANCIAL REPORT RECEIVED James Eichten, Malloy, Montague, Karnowski, Radosevich & Co., P.A., presented an overview of the 2008 Comprehensive Annual Financial Report (CAFR) and components of the management report. He

advised of the positive auditor's finding for a clean audit opinion with no findings. The Council thanked Mr. Eichten and City staff for their work and excellent management. **Member Housh made a motion, seconded by Member Bennett, to receive the December 31, 2008, comprehensive annual financial report.**

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 June 18, 2009, and consisting of 36 pages: General Fund \$337,937.45; Communications Fund \$4,512.46; Working Capital Fund \$258,462.99; Art Center Fund \$474.19; Golf Dome Fund \$3,137.36; Aquatic Center Fund \$30,899.28; Golf Course Fund \$30,898.13; Ice Arena Fund \$14,816.39; Edinborough/Centennial Lakes Fund \$17,335.95; Liquor Fund \$198,964.01; Utility Fund \$154,372.58; Storm Sewer Fund \$14,987.34; Recycling Fund \$38,118.84; PSTF Agency Fund \$603.05; TOTAL \$1,115,520.02; and for approval of payment of claims dated June 25, 2009, and consisting of 30 pages: General Fund \$52,461.77; Communications Fund \$7,207.37; Police Special Revenue \$1,830.00; Working Capital Fund \$215,157.10; Construction Fund \$6,996.65; Art Center Fund \$5,890.94; Golf Dome Fund \$179.25; Aquatic Center Fund \$17,301.77; Golf Course Fund \$26,854.28; Ice Arena Fund \$9,922.11; Edinborough/Centennial Lakes Fund \$20,400.89; Liquor Fund \$177,647.42; Utility Fund \$793,395.95; Storm Sewer Fund \$97,562.80; PSTF Agency Fund \$1,454.74; TOTAL \$1,434,263.04 ; and for approval of payment of claims dated July 2, 2009, and consisting of 33 pages: General Fund \$99,824.17; Communications Fund \$1,119.65; Working Capital Fund \$144,677.06; Construction Fund \$1,492.43; Art Center Fund \$18,705.71; Golf Dome Fund \$602.00; Aquatic Center Fund \$9,571.44; Golf Course Fund \$46,794.66; Ice Arena Fund \$6,467.13; Edinborough/Centennial Lakes Fund \$13,877.95; Liquor Fund \$142,667.84; Utility Fund \$78,549.27; Storm Sewer Fund \$6,254.91; PSTF Agency Fund \$23.80; TOTAL \$570,628.02; and, Credit Card Transactions dated May 26, 2009, to June 25, 2009: TOTAL \$6,840.40.**

Motion carried on rollcall vote – five ayes.

***PETITION RECEIVED REQUESTING DRAIN TILE FROM SIX RESIDENTS ON JEFF PLACE Motion made by Member Bennett and seconded by Member Swenson to receive the petition by six residents on Jeff Place and refer it to the Engineering Department for processing as to feasibility.**

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:53 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, July 21, 2009.

James C. Hovland, Mayor

Video Copy of the July 7, 2009, meeting was available.