

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MAY 18, 2010
7:06 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 Brindle approving the Council Consent Agenda.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

PRESERVATION MONTH PROCLAIMED Mayor Hovland read a proclamation declaring May, 2010, to be "Old is the New Green" preservation month in the City of Edina. Member Brindle moved, seconded by Member Swenson, approving a proclamation declaring May 2010 as Preservation Month.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Associate Planner Repya displayed the Preservation Month poster featuring the Browndale Bridge.

2010 HERITAGE AWARD PRESENTED Ms. Repya announced the 2010 Heritage Award was being presented to Peter and Sandy Cochrane of 4611 Arden Avenue. She reviewed before-and-after renovation pictures of their historic American colonial home and advised that the plans had been approved by the Edina Heritage Preservation Board since this home was located in the historic Country Club district, listed on the national register of historic places, and part of the Edina Heritage Landmark District.

Peter Cochrane, award recipient, stated the award was an unexpected recognition. Mr. Cochrane stated he and his wife had been pleased to collaborate with Kuhl Design Build. He added they were very pleased with the outcome of their renovation. Mayor Hovland presented the 2010 Heritage Award to Peter and Sandy Cochrane and congratulated them on this accomplishment.

EMERGENCY MEDICAL SERVICES WEEK PROCLAIMED Mayor Hovland read a proclamation declaring May 16-22, 2010, to be "Emergency Medical Services Week" in the City of Edina. Member Bennett moved, seconded by Member Brindle, approving a proclamation declaring Emergency Medical Services Week in the City of Edina.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Fire Chief Scheerer accepted the proclamation, thanked the Council for its support, and introduced Medical Director Jeffrey Ho. Dr. Ho, thanked the Council for recognizing those who work with emergency medical services.

***MINUTES APPROVED – REGULAR MEETING OF MAY 4, 2010, AND WORK SESSION OF MAY 4, 2010** Motion made by Member Bennett and seconded by Member Brindle approving the minutes of the Regular Meeting of May 4, 2010, and Work Session of May 4, 2010.

Motion carried on rollcall vote – five ayes.

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PUBLIC HEARING HELD – ORDINANCE NO. 2010-12 GRANTED FIRST READING – AMENDING EDINA CITY CODE CONCERNING DOMESTIC PARTNERS Affidavits of Notice presented and ordered placed on file.

Jessica Kingston, 5801 Brookview Avenue, Vice Chair of the Human Rights & Relations Commissioner, introduced Commissioners in attendance and presented the domestic partnership ordinance that would allow domestic partners registration rights and the same rights in public venues as married couples, and to provide City employees with family leave domestic partner benefits. Ms. Kingston stated the Edina Human Rights & Relations Commission (HRRRC) unanimously recommended adoption of the ordinance.

The Council discussed the ordinance and asked questions of City Attorney Knutson regarding its wording related to the definition of a “domestic partnership” to assure it extended to both same and opposite sex partners. Arnold Bigbee, HRRRC Chair, stated their goal was to be fair and equitable to all and deferred to the recommendation of the City Attorney.

Mayor Hovland opened the public hearing at 7:34 p.m.

Public Testimony

No one appeared to testify.

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

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

Member Bennett made a motion to grant First Reading of Ordinance No. 2010-12, amending Edina City Code concerning domestic partners. Member Swenson seconded the motion.

The Council asked questions of staff and Mr. Bigbee about what the registration program accomplished. It was indicated that homestead designation, family memberships to City facilities, and sick/bereavement leaves were available regardless of registration as domestic partners. The Council discussed that registration would allow people who were not traditional families the ability to gain access to visit their partner, should they be hospitalized, access to school records, and could serve as evidence of partnership in other instances. Mr. Bigbee stated the ordinance and registration program would provide documentation to make it possible for people who were not traditional families to avail themselves of those benefits. Mr. Knutson stated the registration program would provide credibility but not confer legal rights. Manager Hughes indicated if first reading was granted, staff would provide a recommendation on the fees prior to second reading.

The Council discussed the 45-day cancellation clause and acknowledged that the City would assume the affidavit, if signed, met the eight definitions constituting a domestic partnership. Mr. Bigbee noted that legalized marriage of same sex partners was not allowed in the State of Minnesota and the registration program would validate the relationship as a declaration of their commitment to each other and presence in this community as a family. The Council agreed the ordinance would amplify, in printed form, the human rights expected for all residents of Edina who live in a State where marriage was not recognized between consenting adults of the same sex. The Council requested staff make typographical revisions, refine the language defining domestic partners to assure inclusiveness, and consistently reference that it pertained to two adult partners prior to second reading.

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

PUBLIC HEARING HELD – RESOLUTION NO. 2010-42 ADOPTED – EMPLOYEE HANDBOOK AMENDED Affidavits of Notice presented and ordered placed on file.

Mayor Hovland opened the public hearing at 7:55 p.m.

Public Testimony

No one appeared to testify.

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

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

Member Swenson introduced and moved adoption of Resolution No. 2010-42, adopting amendment to employee handbook. Member Bennett seconded the motion.

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

***AWARD OF BID – 2010 FIBER INSTALLATION PHASE ONE, IT-10-01 Motion made by Member Bennett and seconded by Member Brindle awarding the bid for 2010 fiber-optic installation, Phase I, to the recommended low bidder, Michels Corporation at \$35,042.50.**

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – FINAL LANDSCAPING FOR NEW EDINA PUBLIC WORKS BUILDING Motion made by Member Bennett and seconded by Member Brindle awarding the bid for final landscaping for new Edina Public Works building to the recommended low bidder, Applied Ecological Services, Inc. at \$32,991.55.**

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – 2010 MILL AND OVERLAY – WEST 69TH STREET Motion made by Member Bennett and seconded by Member Brindle awarding the bid for 2010 mill and overlay, W. 69th Street: France to York to the recommended low bidder, Bituminous Roadways, Inc. at \$85,395.00.**

Motion carried on rollcall vote – five ayes.

***CHANGE ORDER FIRE PROTECTION FOR NEW EDINA PUBLIC WORKS BUILDING Motion made by Member Bennett and seconded by Member Brindle approving change order fire protection for the Edina Public Works building at 7450 Metro Boulevard to Summit Fire Protection Company.**

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – FIRE DEPARTMENT TYPE III AMBULANCE Motion made by Member Bennett and seconded by Member Brindle awarding the bid for Fire Department Type III Ambulance to the recommended low bidder, Premier Specialty Vehicles at \$138,327.00.**

Motion carried on rollcall vote – five ayes.

ON-SALE WINE AND 3.2 BEER LICENSES APPROVED – RICE PAPER RESTAURANT Mr. Hughes presented the request of Rice Paper Asian Fusion Restaurant, LLC, dba, Rice Paper Restaurant, 3948 West 50th Street, for a new on-sale wine and 3.2 beer liquor license. It was noted that all submittals had been made and staff recommended issuance of the license. **Member Brindle made a motion, seconded by Member Bennett, approving new on-sale wine and on-sale 3.2 beer licenses to Rice Paper Asian Fusion Restaurant, LLC, dba as Rice Paper Restaurant, for the period beginning May 18, 2010, and ending March 31, 2011.**

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

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Steven Mark Andersen, Rice Paper Asian Fusion Restaurant, stated this was their fourth restaurant and described menu choices offering fresh organic vegetables and presentation of high-quality Asian entrées.

RESOLUTION NO. 2010-40 ADOPTED – REVENUE FUND CREATED AND DONATION ACCEPTED ON BEHALF OF THE CITY FOR BRAEMAR MEMORIAL FUND

Park and Recreation Director Keprios presented staff's recommendation to accept, with sincere appreciation, the donation from the estate of Ruth R. Dahl in the amount of \$312,561.64 to the Braemar Memorial Fund. It was noted this was the largest cash donation made to the City.

Finance Director Wallin answered the Council's questions about how memorial funds were accounted for in past audit reports as a liability. He advised the resolution would formally establish a special revenue fund for the specific purpose of enhancing the golf course, and contemplates input by the Braemar Golf Association, Braemar Men's Club, and Braemar Women's Club related to expenditures. The Council emphasized the need to assure transparency and accountability.

Mr. Knutson advised that the ordinance language regarding expenditures to require input from the Braemar Golf entities was included at the request of the Dahls. He clarified the intent of the fund was to enhance the golf course, and the Council would make the final decision after that input. Mr. Hughes noted the golf course may receive a donation specified to pay off bonds or to balance operational deficits. Following discussion, Council consensus was reached that all donations to the Braemar Golf Course would be deposited into the Memorial Fund with the exception of a donation directed towards paying down bond repayment or operational deficits.

Member Housh introduced and moved adoption of Resolution No. 2010-40, creating a revenue fund and accepting donation on behalf of the City of Edina. Member Bennett seconded the motion.

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

John Valliere, Braemar Golf Course Manager, described Ruth and Wally Dahl's enjoyment for the game of golf and long involvement with the Braemar Golf Course. He stated the Dahls had no children, but they would like to schedule a special recognition of the Dahl's nephew and niece. Mayor Hovland extended the City's deepest appreciation to the family of Ruth and Wally Dahl for this generous donation.

RESOLUTION NO. 2010-41 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. 2010-41 accepting various donations.** Member Bennett seconded the motion.

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

ART CENTER BOARD APPOINTMENT DISCUSSED

The Council noted it had already interviewed two applicants for the Art Center Board with other applicants for 2010 appointments and agreed that the third application would be held for future interview when there was a vacancy and the applicant would be invited to re-apply in 2011 if no other vacancies arose in 2010. The Council asked staff to circulate the names of the two applicants which Council would rank and consider at the June 1, 2010, Council meeting.

***RESOLUTION NO. 2010-36 CONTINUED – LOT DIVISION, 5500 AND 5504 HALIFAX LANE**
Motion made by Member Bennett and seconded by Member Brindle to continue

consideration of Resolution No. 2010-36, lot division, 5500 and 5504 Halifax Lane, to the June 1, 2010, Council meeting.

Motion carried on rollcall vote – five ayes.

TRAFFIC SAFETY REPORT OF MAY 5, 2010 CONFIRMED Engineer/Public Works Director Houle presented the resident request for a stop sign on West 58th Street at Chowen Avenue, making it an all-way stop intersection. He reviewed the standards of the traffic policy for stop signs and advised why this intersection would not meet standards warrants. Mr. Houle cautioned that installing a stop sign where it was not warranted could result in additional accidents. Due to lack of warrants at West 58th Street and Chowen Avenue, staff recommended denial of the request for stop signs.

The Council discussed the request and cautionary signage or stop sign configurations to better control traffic and create pedestrian safety. Mr. Houle noted this was an MSA street with design criteria to keep traffic moving. Traffic Safety Coordinator Tate stated the current signage in this area was installed prior to 1957, presumably when this neighborhood was built.

Henry Parkhurst, 5733 Chowen Avenue, addressed the Council in support of the request.

Dan Dauth, 5720 Chowen Avenue, addressed the Council in support of the request.

The Council advised residents they could petition the City to request sidewalks on 58th Avenue. Mr. Houle advised of the France Avenue restriping project and pedestrian sidewalk route as proposed in the comprehensive plan.

David Strandberg, 3708 West 57th Street, addressed the Council in support of the request.

Ben Dworsky, 5932 Chowen Avenue, addressed the Council in support of the request.

The Council asked questions of Mr. Houle regarding the difference in warrant standards between the City's traffic policy and the State's traffic policy. Mr. Houle explained the State had changed its policy and those changes had not been incorporated into the City's policy. Should the Council decide its policy needed to be updated, he recommended it be delayed for a period of one year since the Federal policy had just been updated and would be followed by another State policy update. Council consensus was reached that it needed to assure the traffic study contained accurate data consistent with the State's policy to factor traffic from all directions, neighborhood demographics, and park locations into the warrant standards. While the Council indicated it did not support ordering a full traffic study, support was expressed to direct staff to determine whether regulatory and cautionary signage of this neighborhood was adequate since it had been in place since at least 1957.

Mr. Houle presented the resident request for a stop sign at Brittney Road and Dunberry Lane for Brittney Road traffic and traffic policy considerations. Due to lack of warrants, staff recommended denial of the request for a stop sign at Brittney Road where it turns into Dunberry Lane.

Juan Avila, 4812 Dunberry Lane, addressed the Council in support of the request.

J.B. Overstreet, 4813 Dunberry Lane, addressed the Council in support of the request.

Dan Holland, 4817 Dunberry Lane, addressed the Council in support of the request.

Mr. Tate used a map to identify the location where warrants were taken and indicated he had conducted the study in 2008 and determined the 85th percentile speed was 24.7 mph. The Council discussed options for cautionary signage such as "Curve Ahead" with a lower posted speed limit. Mr. Houle explained that staff could determine the appropriate speed to safely

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maneuver the curve and post an advisory sign. It was noted that posting an advisory sign would not address the concern of distracted drivers and that the drivers in this area were likely residents of the neighborhood.

The Council discussed the timing when this corner was modified and that it had not been identified as problematic during the 2006 road reconstruction project. It was determined that reconfiguring this intersection was not feasible due to the lack of funding. The Council and staff reviewed advanced warning strategies, and consensus was reached to direct staff to install several reflectorized chevron sign posts at the end of the intersection. The residents indicated support for the installation of cautionary signage and sign posts, regardless of aesthetics.

Member Swenson made a motion, seconded by Member Bennett, confirming the Traffic Safety Report of May 5, 2010 moving Item B3 to C which contained items to be acted on a later date, and upholding the denial of Item B5 with the installation of additional warning signs.

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

COMMUNITY COMMENT

No one appeared to comment.

***CONFIRMATION OF CLAIMS PAID Motion made by Member Bennett and seconded by Member Brindle approving payment of the following claims as shown in detail on the Check Register dated May 6, 2010, and consisting of 31 pages: General Fund \$116,689.47; Communications Fund \$554.73; Police Special Revenue \$3,321.70; Working Capital Fund \$1,512,222.78; Art Center Fund \$26,213.16; Golf Dome Fund \$2,743.15; Aquatic Center Fund \$10,272.02; Golf Course Fund \$11,439.04; Ice Arena Fund \$532.72; Edinborough/Centennial Lakes Fund \$25,807.26; Liquor Fund \$109,216.09; Utility Fund \$25,691.47; Storm Sewer Fund \$488.75; PSTF Agency Fund \$5,861.74; TOTAL \$1,851,054.08 and for approval of payment of claims dated May 13, 2010, and consisting of 34 pages: General Fund \$104,437.96; CDBG Fund \$11,643.00; Communications Fund \$480.00; Police Special Revenue \$1,464.00; General Debt Service Fund \$425.00; Working Capital Fund \$282,983.94; Art Center Fund \$4,579.35; Aquatic Center Fund \$1,516.49; Golf Course Fund \$47,667.52; Ice Arena Fund \$15,965.91; Edinborough/Centennial Lakes Fund \$8,167.41; Liquor Fund \$298,715.37; Utility Fund \$395,859.76; Storm Sewer Fund \$969.95; PSTF Agency Fund \$7,700.08; TOTAL \$1,182,575.74; and, Credit Card Transactions dated March 26 – April 26, 2010; TOTAL \$8,515.33.**

Motion carried on rollcall vote – five ayes.

UPCOMING MEETING SCHEDULE DISCUSSED – The Council discussed upcoming meetings and consensus was reached to schedule the following: Edina Country Club presentation on June 1, 2010; budget forecast on June 15, 2010; and Green Step and EEC discussion on July 6, 2010. Council consensus was also reached to authorize staff to provide utility companies with the draft franchise fee ordinance and schedule public hearings.

GRANDVIEW DISTRICT – SMALL AREA STUDY DISCUSSED – Mr. Hughes explained that the comprehensive plan required that a development proposal including a rezoning or amendment to the comprehensive plan would require a small area plan prior to any planning application. The authority to initiate a small area plan rested with the Council. Mr. Hughes identified what would be included in such a plan. If the community-led Grandview District study was accepted by the Council as a small area plan, it would also be adopted into the comprehensive plan by reference and submitted to the Metropolitan Council for review. If the Grandview District study was not accepted as such, it would remain an advisory document.

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The Council discussed the community-led Grandview District Study and agreed it contained a great schematic and concepts, but they would like additional details including definitive land uses, height requirements, and process. Mr. Hughes stated the City's budget did not contain any funding to hire a consultant. He suggested that a final report be written on the Grandview District for the Council's review. The Council agreed that the Grandview District Study was an asset and the City would need to take the lead and be the advocate.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:07 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, June 1, 2010.

James B. Hovland, Mayor

Video Copy of the May 18, 2010, meeting available.