

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
OCTOBER 16, 2012
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:03 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle and Sprague and Mayor Hovland. Member Swenson arrived at 7:25 p.m.

III. MEETING AGENDA APPROVED

Member Sprague made a motion, seconded by Member Brindle, approving the meeting agenda.

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Bennett made a motion, seconded by Member Brindle, approving the consent agenda as revised to remove Item IV.F., Request for Purchase, Braemar Arena Three Furnaces and Air Conditioning Units, as follows:

IV.A. Approve regular and work session meeting minutes of October 2, 2012

IV.B. Receive payment of the following claims as shown in detail on the Check Register dated October 4, 2012, and consisting of 28 pages; General Fund \$160,929.94; CDBG Fund \$36,191.97; Police Special Revenue \$1,799.47; Working Capital Fund \$274.29; Equipment Replacement Fund \$1,600.00; Art Center Fund \$2,681.22; Golf Dome Fund \$325.58; Aquatic Center Fund \$600.02; Golf Course Fund \$30,759.69; Ice Arena Fund \$24,822.47; Edinborough Park Fund \$25,168.02; Centennial Lakes Park Fund \$3,983.08; Liquor Fund \$156,382.33; Utility Fund \$42,542.04; Storm Sewer Fund \$8.69; PSTF Agency Fund \$4,622.33; Payroll Fund \$5,297.05; TOTAL \$497,988.19 and for approval of payment of claims dated October 11, 2012, and consisting of 26 pages; General Fund \$113,156.19; Police Special Revenue \$287.98; City Hall Debt Service \$900.00; PIR Debt Service Fund \$4,525.00; Working Capital Fund \$180,740.04; Equipment Replacement Fund \$110,678.00; Art Center Fund \$1,710.42; Aquatic Center Fund \$4,451.00; Golf Course Fund \$17,365.48; Ice Arena Fund \$7,821.08; Edinborough Park Fund \$5,407.06; Centennial Lakes Park Fund \$4,435.28; Liquor Fund \$283,236.20; Utility Fund \$402,481.72; Storm Sewer Fund \$17.28; PSTF Agency Fund \$16,399.79; Centennial TIF District \$57.05; Payroll Fund \$3,194.52; TOTAL \$1,156,864.09

IV.C. Request for Purchase, Aquatic Center Utility Repairs Contract No. PK 12-5, awarding the bid to the recommended low bidder, Red Pederson Utilities, Inc. at \$24,825.00

IV.D. Request for Purchase, Truck Body and Plow Replacement – Public Works, awarding the bid to the recommended low bidder, Towmaster Truck Equipment at \$105,439.67

IV.E. Request for Purchase, Tandem Axle Cab and Truck Chassis – Public Works, awarding the bid to the recommended low bidder, Astelford International Trucks at \$84,308.83

~~IV.F. Request for Purchase, Braemar Arena Three Furnaces and Air Conditioning Units~~

IV.G. Adopt Resolution No. 2012-143, Authorizing an Application to the Metropolitan Council for a Livable Community Act Tax Base Revitalization Account for the redevelopment of the Pentagon Park Property

Rollcall:

Ayes: Bennett, Brindle, Sprague, Hovland

Motion carried.

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ITEM REMOVED FROM THE CONSENT AGENDA

IV.F. REQUEST FOR PURCHASE, BRAEMAR ARENA THREE FURNACES AND AIR CONDITIONING UNITS – APPROVED

General Manager Miller stated the current furnaces were 80% efficient and the new furnaces were 96% efficient, so significant savings were expected. In addition, timers were added to the radiant heaters in the east and south arenas, which would result in a direct savings.

Public Works Director Olson explained the City was hiring a contractor to install the new furnaces because a project of this size would need all City HVAC personnel, and staff currently was fully employed in addressing the seasonal HVAC needs of all City facilities. In addition, the contractor would provide a ten-year warranty on parts and labor for the furnaces. **Member Sprague made a motion, seconded by Member Bennett, approving request for purchase, Braemar Arena Three Furnaces and Air Conditioning Units, awarding the bid to the recommended low bidder, Flare Heating and Air Conditioning at \$22,390.00.**

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

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. FIRE DEPARTMENT CERTIFICATES OF MERIT AWARDED

Fire Chief Scheerer presented Certificates of Merit to Park Manager Tom Shirley and Park Maintenance Supervisor Doug May for their life saving actions on October 2, 2012. He indicated this was the highest award given to non-Fire Department members. The Council and audience responded with a round of applause.

V.B. KIDS VOTING

Katie Quinn, 6020 Wooddale Avenue, described Kids Voting Edina, a program with Edina Public Schools and the City of Edina to educate students on the voting process and the importance of casting a vote. She invited Council Members to volunteer to be a Kids Voting Edina Election Judge.

Julie Rogers Bascom, Service Learning Coordinator with Edina Schools, commented on the benefits of this program and described examples of partnership it created. Two ballots were distributed to the Council to provide an example of how students examine the process of voting, and a public service announcement was played that described Kids Voting Edina.

Member Swenson arrived at 7:25 p.m.

VI. PUBLIC HEARINGS HELD – Affidavits of Notice presented and ordered placed on file.

VI.A. SPECIAL ASSESSMENTS – CARSON'S HILL NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-370 – RESOLUTION NO. 2012-124 ADOPTED

Engineer Houle explained the public hearing on this final assessment was continued due to an error in the final assessment roll. He displayed a map of the improvement area and presented the costs for the Carson's Hill neighborhood reconstruction project totaling \$1,143,811.37 with a total project cost (including utilities) of \$1,834,997.28. The City's contribution toward utility costs was \$691,185.91 which includes the \$7,743.20 for one miscalculated REU (38% of the total project). The assessment cost was \$1,246,655.20 or \$7,743.20 per REU. This assessment was 17% lower than the estimated assessment of \$9,316.77.

Mr. Houle noted a question had been raised at the last meeting related to the number of REUs because the pending assessment had 162 and the final assessment roll had 161. He explained the home at 6101 Idylwood Drive was constructed on two lots. Staff re-evaluated the REU assignment for this property and determined it was a non-conforming R1 lot and could not be sold as a separate lot. Therefore, the REUs had been revised to one.

Mayor Hovland indicated the public hearing had been continued and invited public comment at 7:27 p.m.

Public Testimony

No one appeared to comment.

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Member Swenson introduced and moved adoption of Resolution No. 2012-124, levying special assessments for public improvements. Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.B. SITE PLAN REVIEW CANCELLED – BRUCE CARLSON, 7501 FRANCE AVENUE

Community Development Director Teague recommended cancelling the public hearing since the applicant had revised the site plan so it would go back to the Planning Commission for consideration. **Member Swenson made a motion, seconded by Member Bennett, to cancel the public hearing.**

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.C. SOUTHDAL APARTMENTS – SITE PLAN REVIEW, CONDITIONAL USE PERMIT, FRONT YARD SETBACK VARIANCE, PARKING STALL VARIANCE, AND SUBDIVISION AT 10 SOUTHDAL CENTER FOR STUART DEVELOPMENT COMPANY – CONTINUED TO DECEMBER 4, 2012

It was noted the proponent had requested consideration of this proposal be continued to November 5, 2012, so additional information could be provided relating to how the proposed development would impact residents of the Westin. **Member Bennett made a motion, seconded by Member Swenson, to continue the public hearing to November 5, 2012.** Mr. Teague stated the process was approaching the 60-day mark so staff had sent an extension request. Member Sprague indicated he would not be in attendance on November 5, 2012, and requested it be delayed. Member Brindle indicated she would not be in attendance at the November 20, 2012, meeting. The Council indicated its preference that the proponent request an extension since it had asked for the continuance. **Member Bennett withdrew her motion and Member Swenson withdrew her second to that motion.**

Member Sprague made a motion, seconded by Member Brindle, to continue the Southdale Apartment public hearing to December 4, 2012.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VI.D. ORDINANCE NO. 2012-18 AMENDING SECTION 850 ADOPTED – PRODUCE STAND IN THE RMD, REGIONAL MEDICAL DISTRICT

Mr. Teague presented the application of Robb Gruman, on behalf of Fairview Southdale Hospital, for a Zoning Ordinance Amendment to allow produce stands in the Regional Medical District (RMD), similar to those allowed in the Planned Commercial District (PCD). If approved, the produce stand would be located at the northeast corner of 65th and Drew, consist of no more than five vendors, and be open Tuesdays from 2-5 p.m. from June through October. Mr. Teague advised that the Planning Commission, at its September 27, 2012, meeting had unanimously recommended approval of the requested ordinance amendment.

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The Council acknowledged comment by the President of Fairview Southdale that the intent was to encourage healthy lifestyles by offering its employees fresh produce. This produce stand would not be advertised to the public. Mr. Houle answered questions of the Council relating to the location of sidewalks and crosswalks. The Council agreed with the need for crosswalks to assure safe crossing.

Proponent Presentation

Rod Gruman, Fairview Hospital Administrator and member of the Farmers Market Committee, indicated this request was primarily driven by employees; however, the public would not be barred.

Mayor Hovland opened the public hearing at 7:37 p.m.

Public Testimony

No one appeared to comment.

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

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

The Council indicated it was a laudable goal for the hospital to provide on-site access to fresh produce for its employees. **Member Swenson made a motion to grant First and waive Second Reading adopting Ordinance No. 2012-18, amendment regarding produce stands in the RMD – Regional Medical District. Member Sprague seconded the motion.**

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

VII. COMMUNITY COMMENT

No one appeared to comment.

VIII. REPORTS / RECOMMENDATIONS

VIII.A. ASSESSMENT ROLL CONSIDERED – MINNEHAHA WOODS NEIGHBORHOOD RECONSTRUCTION – IMPROVEMENT NO. BA-334 – RESOLUTION NO. 2012-121 ADOPTED

Mr. Houle explained the Council at its October 2, 2012, meeting had closed the public hearing and delayed the vote on the assessment roll to allow time for staff to re-evaluate the Public Improvement and Special Assessment Agreements; address the difference between the estimate and final costs of sanitary sewer service upgrades; and, re-examine engineering fees. He explained that 95 Special Assessment Agreements had been processed, ten had not been signed and were not included in the final assessment roll, and eight properties had changed ownership since the Special Assessment agreements for those properties were signed.

Mr. Houle explained sanitary sewer service costs were based on a ratio of services/work performed and spread evenly to participating properties. The feasibility study estimated \$4,500, the bid cost was \$3,500 with 122 participants assumed, but the final cost was \$1,682 since there were only 12 participants and 11 were Type 1 (shallower service). Mr. Houle stated that going forward staff would consider setting a price, so there would be no second guessing. With regard to engineering fees at 20%, staff found it was similar to other complex construction projects such as the Country Club Project (18%) and Ridge Road Project (35%).

Mr. Houle presented the costs for the Minnehaha Woods neighborhood street reconstruction project totaling \$1,550,781.54 with a total project cost (including utilities and bridge) of \$4,581,773.19. The City's contribution towards utility costs was \$3,030,991.65 (66% of the total project). The assessment cost was

\$1,989,775.51 or \$10,363.41 per Resident Equivalent Unit (REU). It was noted this assessment was 12% lower than the estimated assessment of \$11,800.00.

Mr. Houle explained the City undertakes four to five projects per year and staff handles three to four, so at least one project goes to a consultant. Typically, it was a more complicated project with elements such as a full watermain replacement, sewer service repairs in the right-of-way, more attention needed to the neighborhood, and potential complications that arise with that type of work. In this case, the project also included a bridge. Mr. Houle indicated that in-house projects were charged engineering costs based on direct charges.

The Council asked staff to address warranty claims. Mr. Houle stated staff sent a communication to property owners indicating the project was being finalized and to call City Hall or contact the project inspector if there were issues. With the claim of a damaged tree, the project specifications included a penalty if a tree was damaged with those dollars going to the property owner. Mr. Houle explained the warranty period for this project would not go into the next growing season but if the tree dies, the City Forester would examine it and try to pinpoint what caused its decline and/or death. He stated the City's goal was to assure vegetation stayed intact.

Paul Pasko, SEH Project Manager, reviewed the claim of Jim Grotz, 5513 Park Place, relating to the driveway slope. Mr. Pasko indicated he agreed with the project inspector's determination that the driveway correctly sloped to the street. Mr. Pasko stated he would check with the inspector regarding the issue with the stairs.

Mr. Houle reviewed the property basement that had flooded and staff's determination that there was not enough change in road soils to change the geology for water to follow a different path. He stated he was unsure whether this property took advantage of an inspection service prior to the project. Mr. Pasko estimated 65% of properties in the project had availed themselves of an inspection at the start of the project, but he was unsure of the number of follow-up inspections. The Council indicated with a project of this magnitude and cost to property owners, the City needed to assure residents were in a better condition than pre-project.

In regard to the bridge project, Mr. Houle clarified those costs were not being assessed and would be paid from the Storm Water Fund. The Council and Mr. Houle discussed the City efforts to reduce Infill/Infiltration by encouraging property owners to upgrade lateral service lines. It was noted the Metropolitan Council had stayed imposing a \$113,000/year penalty on Edina in recognition of its efforts to reduce Infill/Infiltration by making infrastructure improvements. Another benefit of reducing Infill/Infiltration would be lower sanitary sewer utility rates. Mr. Houle reported about 27% of property owners improved the service line from the main line to the right-of-way line and 72% replaced the service line all the way to their house or had it done before the City's project.

The Council asked how project costs were paid if adjustments (reductions) were approved. Mr. Houle stated sources could be the Utility Fund, if warranted, the General Fund, or the Construction Fund. It was noted one correspondent had asked for a \$1,500/REU adjustment which, if given to all REUs, would total \$288,000 or approximately one per cent of the City's General Fund. Mr. Houle indicated if approved, the assessment would be certified in November and first payable the spring of 2013. The ten Assessment Agreements that were not signed had been removed from the assessment roll. Those ten property owners were sent an invoice to pay that amount or to sign the Assessment Agreement for the Council's consideration.

The Council and Mr. Houle discussed the method used by staff to estimate sanitary sewer service costs. Mr. Houle explained State Statute required the City to give an estimate and methodology at the project hearing. That was why the \$4,500 estimate had been provided to the residents. The second estimate was

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not provided to residents because the ratio was not known. Mr. Houle stated staff would provide a recommendation on how to move forward at the next project hearings. The option was raised to include the sewer enhancement project as part of the entire project, from the main to the right-of-way, and then encourage property owners to upgrade from the right-of-way to the house. It was noted the Council would first have to consider the resulting impact to the Utility Fund. The Council acknowledged it had not treated this neighborhood differently than the other neighborhoods.

Mr. Houle explained staff looked at trips generated from public property and buildable lots (if not public land) and assigned the higher REU. In this case, there were no buildable lots or trips generated by that public property so no REUs were assigned. The Council referenced the letter from John Crabtree, 5408 Oaklawn Avenue, and asked staff to address each of his questions and concerns. **Member Sprague introduced and moved adoption of Resolution No. 2012-121, levying special assessments for public improvements.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.B. RESOLUTION NOS. 2012-138, 2012-139 AND 2012-140 ADOPTED – AWARDING SALE OF G.O. BONDS SERIES 2012A, 2012B, AND 2012C

Mark Ruff, Ehlers & Associates, described the purposes of the 2012A, 2012B, and 2012C bond sales. He advised it was rare for a community to have such a high rating with both Standard & Poors and Moody's. He reviewed why Edina was solidly in the AAA rating category. Mr. Ruff stated this AAA rating resulted in a measurable impact, estimating a savings of up to one-quarter of a percent in borrowing costs. Mr. Ruff answered questions of the Council relating to impact as a result of the State's financial condition and possibility the federal government would be downgraded once again.

Mr. Ruff presented the GO Bond Series 2012A winning bid with a true interest rate at 1.63%. **Member Swenson introduced and moved adoption of Resolution No. 2012-138, authorizing issuance, awarding sale, prescribing the form and details and providing for the payment of \$10,765,000 General Obligation Bonds, Series 2012A.** Member Sprague seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Ruff presented the GO Bond Series 2012B winning bid with true interest at 1.27% and answered questions of the Council relating to details provided. **Member Swenson introduced and moved adoption of Resolution No. 2012-139, authorizing issuance, awarding sale, prescribing the form and details and providing for the payment of \$815,000 Taxable General Obligation Bonds, Series 2012B.** Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

Mr. Ruff presented the GO Bond Series 2012C winning bid, noting it was a premium bond with true interest at 2.59%. **Member Swenson introduced and moved adoption of Resolution No. 2012-140, authorizing issuance, awarding sale, prescribing the form and details and providing for the payment of \$2,100,000 General Obligation Bonds, Series 2012C.** Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VIII.C. ORDINANCE NO. 2012-15 – ADOPTED – FRANCHISE ORDINANCE – CENTERPOINT ENERGY

Manager Neal reviewed the Council's consideration of how to finance pedestrian and cyclist facilities and decision to implement a modest franchise fee, a general revenue, with dedication of those funds for

improvements of sidewalks, trails, and non-motorized transportation projects. He indicated if adopted tonight, the franchise fees would be imposed the first quarter of 2013.

Finance Director Wallin advised of an ordinance language change requested by Centerpoint to Subdivision 8, Surcharge, of Ordinance No. 2012-15 and by Xcel Energy to Subdivision 4, Surcharge, of Ordinance 2012-16.

Mr. Neal explained the utility company had the ability to impose a nominal surcharge above the City's franchise fee to cover administrative costs to impose the fee. Attorney Knutson advised the utilities had to obtain Minnesota Public Utilities Commission approval to impose such a surcharge and until that action was taken, the amount was not known. Should that occur, the City would be notified. It was noted the franchise fees would be collected monthly and disbursed quarterly.

Michelle Swanson, Xcel Energy, stated their legal department advised that the Department of Commerce asked that language be included in the standard fee ordinance. She assured the Council that nothing above the City's franchise fee would be collected by Xcel Energy and explained the tradeoff for administrative costs to administer franchise fees was "in lieu of permit fees."

Mr. Neal reviewed the Council's rationale to impose a franchise fee because the City was not able through existing resources to adequately fund sidewalks, trails, and bicycle paths that would increase safety and walkability. In addition, the fee would result in a general cost across the City instead of assessing to particular property owners. Mr. Neal noted the rate would be fixed at \$1.45/residential customer until a Council adopts another ordinance to change it. He reviewed the additional classifications of customers and indicated over 95% of customers were residential.

The Council acknowledged a franchise fee was not dependent on usage, income, or property value. There were not sidewalks on every street in the City so under the current system, some land owners paid special assessments for sidewalks that were used by others who might never share in the cost. A franchise fee would help make assessments more affordable and expand sidewalk/trail funding across the City to all, including tax exempt properties. Following discussion, the Council determined to not consider a sunset provision since it would be structured as a special enterprise fund with a proposed budget that would be under the Council's review. **Member Swenson made a motion to grant Second Reading adopting Ordinance No. 2012-15, implementing a gas energy franchise fee on Centerpoint Energy Minnesota Gas ("Centerpoint Energy") for providing gas energy service within the City of Edina, with revisions to Subdivision 8. Member Sprague seconded the motion.**

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

VIII.D. ORDINANCE NO. 2012-16 – ADOPTED – FRANCHISE ORDINANCE – XCEL

Member Bennett made a motion to grant Second Reading adopting Ordinance No. 2012-16, implementing an electric service franchise fee on Northern States Power Company, a Minnesota Corporation, D/B/A Xcel Energy, its successors and assigns, for providing electric service within the City of Edina, with revisions to Subdivision 4. Member Brindle seconded the motion.

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

VIII.E. SKETCH PLAN REVIEWED – RESTAURANT PROPOSAL AT 7700 FRANCE AVENUE

Community Development Director Presentation

Mr. Teague presented the sketch plan to develop the northeast corner of 7700 France Avenue with a single-story 7,500 sq. ft. fine-dining restaurant. The 17 acre site was zoned POD and contained a six-story 319,000 sq. ft. office building and 7,623 sq. ft. single-story office/bank building in the southeast corner of

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the site. He advised of the Planning Commission's deliberation at its September 12, 2012, meeting and consensus reached to support a rezoning to PUD to facilitate construction of a freestanding restaurant.

Proponent Presentation

David Anderson, Senior Vice President of Frauenshuh Commercial Real Estate, 7101 West 78th, Bloomington, thanked the Council for the opportunity to share this concept and PUD approach. He explained allowing flexibility for this development to work in harmony with the existing office building and tenants and to address this property's long-term development potential through future PUD amendments. In the meantime, the design concept would be pedestrian oriented and a presence on France Avenue. Mr. Anderson indicated the architectural theme would evolve depending on the user but definitely would be an upscale effort. He noted there was a sidewalk along France Avenue on the west side.

The Council discussed the site plan and indicated its support to consider a PUD. It was acknowledged that people were drawn to live and work in this area and visit places such as this restaurant. The Council commented on the desirability of creating pedestrian connections, intense landscaping, insulating outside diners from France Avenue, addressing accessibility, and not tying into the existing bulkhead sidewalk but creating a boulevard sidewalk design with a garden/oasis setting.

Mr. Anderson described types of upscale restaurants and indicated the building's architecture, service, and theme that would be attractive to the market and consistent with France Avenue. He thanked the Council for its comments to create quality opportunities and indicated it would be designed for a specific tenant.

VIII.F. RESOLUTION NO. 2012-137 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. 2012-137 accepting various donations.** Member Sprague seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IX. CORRESPONDENCE AND PETITIONS

IX.A. CORRESPONDENCE

Mayor Hovland acknowledged the Council's receipt of various correspondence.

IX.B. MINUTES

1. **EDINA TRANSPORTATION COMMISSION – AUGUST 16, 2012**
2. **HERITAGE PRESERVATION BOARD – SEPTEMBER 11, 2012 AND OCTOBER 1, 2012**
3. **PARK BOARD – SEPTEMBER 11, 2012**
4. **BUILDING CONSTRUCTION BOARD – JULY 23, 2012**
5. **ART CENTER BOARD – JUNE 28, 2012, JULY 26, 2012, AND AUGUST 23, 2012**

Informational; no action required.

X. MAYOR AND COUNCIL COMMENTS – Received

XI. MANAGER'S COMMENTS – Received

XII. ADJOURNMENT

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:20 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, November 5, 2012.

James B. Hovland, Mayor

Video Copy of the October 16, 2012, meeting available.