

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
NOVEMBER 4, 2013
7:00 P.M.**

I. CALL TO ORDER

Mayor Hovland called the meeting to order at 7:06 p.m.

II. ROLL CALL

Answering rollcall were Members Bennett, Brindle, Sprague, Swenson and Mayor Hovland.

III. MEETING AGENDA APPROVED

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

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

IV. CONSENT AGENDA ADOPTED

Member Bennett made a motion, seconded by Member Sprague, approving the consent agenda as revised to remove Items IV.B, Payment of Claims; and, IV.N., Amendment No. 2 to 2009 Minneapolis Water Agreement, as follows:

IV.A. Approve regular and work session meeting minutes of October 14, 2013

~~**IV.B. Receive payment of claims**~~

IV.C. Accept 2014 Calendar of Meeting Dates

IV.D. Request for Purchase – Electronic Records Management Software, awarding the purchase to Crabtree Companies, Inc. at \$49,754

IV.E. Request for Purchase – Computer Aided Dispatch (CAD) License Management System, awarding the bid to the recommended low bidder, Sungard Public Sector OSSI at \$29,380.00

IV.F. Adopt Resolution No. 2013-106 appointing Jeffrey Brown Edina's New Community Health Services Administrator and Jeffrey Brown and Scott Neal, Agents of the Community Health Board

IV.G. Adopt Resolution No. 2013-107 authorizing Filing a Grant Application and Execution of Agreements to develop the Edina Sports Dome under provisions of Hennepin County Youth Sports Program

IV.H. Adopt Resolution No. 2013-108 approving a Final Plat at 5820 Brookview Avenue for AKARE Companies LLC on behalf of John Peterson

IV.I. Approve Contract for Architectural & Engineering Services for the sports dome, outdoor refrigerated ice rink and Braemar Arena Improvements, Cunningham Group

IV.J. Adopt Resolution No. 2013-110 setting Public Improvement Hearings to be held December 10, 2013

IV.K. Accept Traffic Safety Report dated October 8, 2013

IV.L. Request for Purchase – 2014 Western Star Tandem Truck Cab and Chassis – Public Works, awarding the bid to the recommended low bidder, Boyer Ford Trucks at \$90,677.23

IV.M. Request for Purchase – Plow, box and hydraulics for tandem truck – Public Works, awarding the bid to the recommended low bidder, Towmaster at \$110,054.00

~~**IV.N. Amendment No. 2 To 2009 Minneapolis Water Agreement**~~

IV.O. Request for Purchase – Laser speed measuring devices (aka Lidar/radar), awarding the bid to the recommended low bidder, Dragon Eye Technology at \$43,669.13

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

ITEMS REMOVED FROM THE CONSENT AGENDA

IV.B. PAYMENT OF CLAIMS AS SHOWN IN DETAIL ON THE CHECK REGISTER – RECEIVED

Public Works Director Olson explained the tennis court resurfaced was at Garden Park. **Member Sprague made a motion, seconded by Member Swenson, to Receive payment of the following claims as shown in detail on the Check Register dated October 17, 2013, and consisting of 27 pages; General Fund \$223,761.00; Police Special Revenue \$1,337.93; Working Capital Fund \$327,927.18; Equipment Replacement Fund \$6,450.48; Art Center Fund \$43.92; Golf Dome Fund \$1,702.52; Aquatic Center Fund \$3,471.81; Golf Course Fund \$37,204.42; Ice Arena Fund \$20,644.89; Edinborough Park Fund \$11,705.34; Centennial Lakes Park Fund \$3,782.71; Liquor Fund \$222,017.18; Utility Fund \$27,099.80; Storm Sewer Fund \$2,369.50; Recycling Fund \$34,192.80; PSTF Agency Fund \$201.04; TOTAL \$923,912.52; for receipt of payment of claims dated October 24, 2013, and consisting of 33 pages; General Fund \$199,090.16; Pedestrian and Cyclist Safety \$7,902.81; City Hall Debt Service \$900.00; PIR Debt Service Fund \$119.72; Working Capital Fund \$1,002,775.17; Equipment Replacement Fund \$7,626.18; Art Center Fund \$3,603.88; Golf Dome Fund \$11,641.51; Aquatic Center Fund \$426.66; Golf Course Fund \$5,316.44; Ice Arena Fund \$8,036.52; Edinborough Park Fund \$993.28; Centennial Lakes Park Fund \$5,607.03; Liquor Fund \$192,665.14; Utility Fund \$320,690.48; Storm Sewer Fund \$174,915.30; PSTF Agency Fund \$19,369.63; Centennial TIF District \$16,801.59; Payroll Fund \$8,033.62; TOTAL \$1,986,515.12; and for receipt of payment of claims dated October 31, 2013, and consisting of 32 pages; General Fund \$195,987.49; Police Special Revenue \$92.23; Pedestrian and Cyclist Safety \$7,199.60; PIR Debt Service Fund \$2,190.00; Working Capital Fund \$58,667.86; Art Center Fund \$3,322.00; Golf Dome Fund \$1,161.89; Aquatic Center Fund \$(131.96); Golf Course Fund \$7,617.32; Ice Arena Fund \$9,415.64; Edinborough Park Fund \$20,022.55; Centennial Lakes Park Fund \$310.80; Liquor Fund \$168,431.36; Utility Fund \$47,812.13; Storm Sewer Fund \$11,379.00; PSTF Agency Fund \$1,281.02; Centennial TIF District \$22,520.16; TOTAL \$557,279.09.**

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

IV.N. AMENDMENT NO. 2 TO 2009 MINNEAPOLIS WATER AGREEMENT – APPROVED AS AMENDED

Member Bennett made a motion, seconded by Member Swenson, to approve Amendment No. 2 to 2009 Minneapolis Water Agreement, as revised to indicate “Director of Public Works Houle.”

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

V. SPECIAL RECOGNITIONS AND PRESENTATIONS

V.A. SPAULDING SCULPTURE AND PUBLIC ART GIFTS – ACCEPTED

Barbara LaVallleur, Public Art Committee Member, and Dick Crockett, Executive Director of the Edina Community Foundation, presented Spaulding, a bronze dog statue by Heidi Hoy, thanked the Council for its support of public art, and acknowledged supporters and contributors of this effort. Member Swenson and the Council recognized and thanked all who were involved in obtaining this piece of public art sculpture.

VI. COMMUNITY COMMENT

Mayor Hovland welcomed Cub Scout Troop 168.

VII. REPORTS / RECOMMENDATIONS

VII.A. RESOLUTION NO. 2013-109 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. 2013-109 accepting various donations.** Member Bennett seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Sprague, Swenson, Hovland

Motion carried.

VII.B. SKETCH PLAN – 3655 HAZELTON ROAD FOR THINK BANK

Community Development Director Presentation

Community Development Director Teague presented the sketch plan to redevelop the property at 3655 Hazelton Road by tearing down the existing vacant restaurant and constructing a two-story Think Mutual Bank on the site. The proponent was seeking a site plan review and potentially a variance. Mr. Teague explained that Option B would not require any variances. Options A and C would require building setback variances. Mr. Teague indicated the Planning Commission considered the sketch plan proposal at its September 25, 2013, meeting and following discussion of Options A-C, supported Option D that would move the building closer to the Promenade and Hazelton Road; create parking on the west side of the building; remove some parking spaces; add landscaping; and, add connections to the Promenade.

Mr. Teague indicated Option D would have a 20-foot setback from the Promenade and the cut-in element on the west (parking) side was not a requirement. He stated the Planning Commission recommended proof of parking rather than over parking the site. Mr. Teague stated Code required an exit lane width of 14 feet. He noted the variances required with Option D were 30 feet to 20 feet along the Promenade, a seven to eight-foot encroachment into the setback, and proof of parking.

Proponent Presentation

Jeff Pflipsen, architect with HTG Architects representing Think Mutual Bank, stated they had supported Option B; however, developed Option D based on comments of the Planning Commission. He noted an area that could be used for additional parking should the City require a 24-foot drive aisle. Mr. Pflipsen stated Think Bank had been in Edina for 18 years and this was a prototype building design.

The Council discussed the site plan and asked questions of Mr. Teague and Mr. Pflipsen. Mr. Pflipsen stated Code allowed a 20-foot pylon sign that would be on the east side, as far as possible from the round about and Promenade. He described how the first and second stories would be used and exterior architectural elements. Mr. Pflipsen stated the plans were conceptual in nature so more windows and/or glazing could be added, if desired. He used a site plan to point out the location of existing and proposed sidewalks, noting the parapet was 16 feet tall on the single story and 28-30 feet tall on the second story facing the Promenade. The Council raised the option of trading out the plaza along the service road for a green roof if the plaza would not receive high use.

The Council supported Option D and made the following suggestions: interior trash collection away from the Promenade; reconfiguration with parking away from the Promenade; proof of parking; general increase in landscaping; exit drive from the auto banking to be as narrow as possible; signage complementary to the roundabout and Promenade; safe crossing signage in the area of the roundabout; inclusion of a second-story green roof; enhanced building architecture on all four sides including second-floor windows facing the Promenade; relocation of the electric box away from the Promenade; connecting sidewalks to building's activity centers, Promenade, apartments, Byerly's project, and pedestrian crossings; the green space along the access road would be better combined to the east with the Promenade; design the drive-thru so it would not create a barrier; clearly delineate crosswalk beyond painted striping; downcast parking lot lighting; inclusion of public art; and, to consider sculptural bicycle racks.

VII.C. AMENDMENT TO REDEVELOPMENT AGREEMENT WITH SIMON PROPERTIES – SOUTHDALE CENTER – APPROVED

Economic Development Manager Neuendorf stated that Southdale Limited Partnership (the mall owner Simon Properties) completed and exceeded the minimum obligations of the Redevelopment Agreement.

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He explained the mall ownership was split to accommodate the development of One Southdale Place apartments located at the southeast corner of the property. Since the shopping mall and apartments were owned and financed separately, the mall owner was requesting that the apartments be removed from the scope of the Southdale Redevelopment Agreement and related Assessment Agreement. Mr. Neuendorf stated after review, staff and legal counsel concur that the amendment maintained the spirit of the original agreement and resulted in no negative impact to the City or HRA as all obligations, including minimum assessment levels, become the exclusive burden of the remaining Southdale Center property.

The Council noted the locations of Tract A (east side) and Tract B (north side where apartments were being constructed) and that there was no park dedication fee. Mr. Neuendorf explained a new parcel was not created, as there was no subdivision or requirement for park dedication.

Paul Moen, legal counsel for Simon Properties, stated several tracts comprised Southdale Mall and the approved plat identified tracts that were combined into Tract A and Tract B with carve-outs for large anchor tenants.

The Council considered the tax implications and forgivable loan and asked how the assured minimum market value would continue at anticipated levels without the housing tract. Mr. Moen stated this was assured because provisions within the 2012 assessment agreement were not being changed. He explained the City was protected because the minimum market value remained the same and the value would increase due to the residential property in the corner instead of the vacant parking field.

Mr. Neuendorf stated the original agreement established a valuation on the mall property of \$116 million with a 2% escalator over two years. That same dollar amount would be the value of the mall and rather than a lower-valued parking lot, there would be 230 apartments. The amendment extracted the apartment tract from any agreement with the mall so the apartments would be taxed and assessed as any other property. The Council questioned how the City would capture the increase in value given the agreements in place. Mr. Moen stated the original assessment agreement contemplated a new residential building but at that time, there were no specifics so language addressed a future modification once the residential parcel was carved off. **Member Swenson made a motion, seconded by Member Sprague, approving and authorizing an amendment to the Redevelopment Agreement with Simon Properties, Southdale Center.**

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

VIII. CORRESPONDENCE AND PETITIONS

VIII.A. CORRESPONDENCE

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

VIII.B. PETITION REQUESTING ALLEY PAVING XERXES AVENUE – RECEIVED

Member Bennett made a motion, seconded by Member Brindle, to receive and refer the petition requesting alley paving of Xerxes Avenue to staff for further consideration.

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

VIII.C. MINUTES:

1. **ENERGY & ENVIRONMENT COMMISSION, SEPTEMBER 12, 2013**
2. **HUMAN RIGHTS & RELATIONS COMMISSION, SEPTEMBER 24, 2013**
3. **PLANNING COMMISSION, SEPTEMBER 25, 2013 AND OCTOBER 9, 2013**
4. **TRANSPORTATION COMMISSION, SEPTEMBER 19, 2013**

Informational; no action required.

IX. AVIATION NOISE UPDATE – Received

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 8:47 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, November 19, 2013.

James B. Hovland, Mayor

Video Copy of the November 4, 2013, meeting available.